



## **Cabinet**

**Date**        **Wednesday 16 May 2018**  
**Time**        **10.00 am**  
**Venue**       **Committee Room 2 - County Hall, Durham**

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### **Business**

#### **Part A**

**Items during which the press and public are welcome to attend -  
members of the public can ask questions with the Chairman's  
agreement**

1. Public Questions
2. Minutes of the meeting held on 11 April 2018 (Pages 3 - 6)
3. Declarations of interest

#### **Key Decisions:**

4. Proposal to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018 - Report of Corporate Director of Children and Young People's Services [Key Decision: CYPs/06/17] (Pages 7 - 22)

#### **Ordinary Decisions:**

5. Children and Young People's Services Update: Education Attainment and Standards 2017 - Secondary School Outcomes - Report of Corporate Director of Children and Young People's Services (Pages 23 - 32)
6. Review of Special Guardianship Policy and Procedure - Assessment Provision and Review of Support Services - Report of Corporate Director of Children and Young People's Services (Pages 33 - 92)
7. Public Health and Children and Young People's Services Update: Best Start in Life - Joint Report of Corporate Director of Children and Young People's Services and Director of Public Health (Pages 93 - 110)
8. First World War Centenary Signature Commemorative Programme - Report of Corporate Director of Regeneration and Local Services (Pages 111 - 120)
9. Update on North East Combined Authority Delegated Transport Activity - Report of Corporate Director of Regeneration and Local Services (Pages 121 - 132)
10. Overview and Scrutiny Review, Cybercrime - Report of Director of Transformation and Partnerships (Pages 133 - 154)

11. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.
12. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

### **Part B**

#### **Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

13. Commercial Development Opportunity in the County - Joint Report of Corporate Director of Regeneration and Local Services and Corporate Director of Resources (Pages 155 - 168)
14. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
8 May 2018

To: **The Members of the Cabinet**

Councillors S Henig and A Napier (Leader and Deputy Leader of the Council) together with Councillors J Allen, J Brown, O Gunn, L Hovvels, O Johnson, C Marshall, K Shaw and B Stephens

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**Contact: Ros Layfield**

**Tel: 03000 269708**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Cabinet** held in **The Council Chamber, Civic Centre, Spennymoor** on **Wednesday 11 April 2018** at **10.00 am**

**Present:**

**Councillor S Henig (Leader of the Council)** in the Chair

**Cabinet Members:**

Councillors J Allen, J Brown, O Gunn, O Johnson, C Marshall, A Napier, K Shaw and B Stephens

**Apologies:**

An apology for absence was received from Councillor L Hovvels

**Also Present:**

Councillors J Clare, P Howell and A Patterson

**1 Public Questions**

There were no public questions.

**2 Minutes**

The minutes of the meetings held on 14 March 2018 were confirmed as correct records and signed by the Chairman.

**3 Declarations of interest**

Declarations of interest were made in relation to the item on Chapter Homes by Councillor A Napier in his capacity as a Director, and Councillor K Shaw in his capacity as Chairman. Both left the room prior to the discussion of the item and did not take part in consideration of it.

**4 Annual Enforcement Programme Children and Young Persons (Protection from Tobacco) Act 1991 and Anti-Social Behaviour Act 2003**

The Cabinet considered a report of the Corporate Director of Adult and Health Services which reviewed activities under the Children and Young Persons (Protection from Tobacco) Act 1991, the Anti-Social Behaviour Act 2003 and the Licensing Act 2003 for the period April 2017 to March 2018 and sought approval of a new enforcement programme for 2018/19 (for copy see file of minutes).

**Resolved:**

That the recommendations in the report be approved.

## **5 Pharmaceutical Needs Assessment 2018-21**

The Cabinet considered a joint report of the Corporate Director of Adult and Health Services and the Director of Public Health County Durham which presented the Pharmaceutical Needs Assessment 2018-21 which was approved by the Health and Wellbeing Board on 20th March, and, the accompanying action plan for pharmaceutical services 2018-21 (for copy see file of minutes).

### **Resolved:**

That the report be noted.

## **6 Developing a Health and Social Care Plan for County Durham**

The Cabinet considered a report of the Corporate Director of Adult and Health Services which provided an overview of the current position on the integration of health and social care services in County Durham. The report also outlined the proposed direction of travel to develop a Health and Social Care Plan for County Durham including the integration of commissioning functions and governance for the management of the integrated provider model of health and social care in local communities (for copy see file of minutes).

Cabinet members welcomed the report and commented on the excellent work that was being undertaken in partnership in taking this forward. Nicola Bailey representing the Clinical Commissioning Groups advised of their commitment to developing the plan.

### **Resolved:**

That the recommendations in the report be approved.

## **7 Annual Review of the Constitution**

The Cabinet considered a report of the Head of Legal and Democratic Services which presented proposals for the revision of the Council's Constitution (for copy of report see file of minutes).

The Head of Legal and Democratic Services advised that the report will go on to full council for approval, and that it would include some additional amendments that would reflect the changes that have been made following the Environment, Health and Consumer Protection service moving to the Regeneration and Local Services Directorate, and provisions in relation to Permissions in Principle in connection with planning applications.

### **Resolved:**

That the recommendations in the report be approved.

## **8 Guaranteed Interview Scheme for Veterans**

The Cabinet considered a joint report of the Corporate Director of Resources and the Director of Transformation and Partnerships which sought approval for the introduction of a guaranteed interview scheme for veterans together with a review of the current advertising arrangements for external vacancies to promote better access for veterans (for copy see file of minutes).

Councillor Alan Bell had submitted a question, however as he was not present at the meeting a written response would be provided.

### **Resolved:**

That the recommendations in the report be approved.

## **9 Exclusion of the Public**

### **Resolved:**

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

## **10 Chapter Homes Progress and Business Plan**

The Cabinet considered a report of the Director of Regeneration and Local Services and the Corporate Director of Resources which provided information on the progress of Chapter Homes, the Council's company dedicated to the development and management of housing for sale and market rent (for copy see file of minutes).

### **Resolved:**

That the recommendations in the report be approved.

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**Cabinet****16 May 2018****Proposal to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018****Key Decision CYPS/06/17**

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**Report of Corporate Management Team****Margaret Whellans, Corporate Director, Children and Young People's Services, and Councillor Olwyn Gunn, Cabinet Portfolio Holder for Children and Young People's Services**

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**Purpose of the Report**

- 1 To seek Cabinet approval to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018, taking account of the Local Authority's duties as prescribed in the Education and Inspections Act 2006 to secure sufficient places, and to ensure good outcomes for all children and young people in this local area.

**Background**

- 2 In December 2016, Cabinet approved its overarching strategy for school organisation and the pattern and provision of schools across County Durham. One of the principles underlying the strategy is to ensure that all schools are in a position to deliver high quality education that meets the needs of all children and their families.
- 3 In November 2017, Cabinet also approved a strategic review of school provision in County Durham to ensure the financial sustainability of schools. This review builds on the strategy approved in December 2016 and aims to ensure that County Durham has an appropriate mix and the right number of high performing, financially sustainable schools.
- 4 Sherburn Primary School was formed on 1 September 2015 following the amalgamation of Sherburn Village and Sherburn Hill Primary Schools. The primary school is operated across the sites of the two former schools.
- 5 At the time of the amalgamation the Council and the Governors of Sherburn Primary School had always hoped to maintain the two sites so that there could be education provision in both communities. However, because pupil numbers are significantly lower than expected – 166 instead of 225 – this model is not likely to be sustainable in the long term and it is not in the best interests of pupils and staff at the school to be split across two sites.

- 6 The proposal to close the Sherburn Hill site of Sherburn Primary School will make the school sustainable and viable for the long term and educationally it is in the best interests of children and their families. The Governing Body and Headteacher are agreed that the proposed model will enhance the education the school can offer the children.
- 7 Several classes on the Sherburn Hill site are made up of pupils from the two or three year age groups which is often a necessary arrangement in small schools or schools with inconsistent pupil intake. This issue will be addressed if the Sherburn Hill site is closed and teaching is provided from one site.
- 8 Mixed age group classes can adversely affect the educational outcomes of pupils over the long term for a number of reasons:
- Different age groups have different learning objectives and it is more difficult for teachers to manage these consistently than in single age group classes because of the different number of tasks and varying expectations relating to outcomes.
  - Inefficient use of time for particular groups of children while activities or tasks are explained to other year group(s).
  - Widely used national learning approaches are often designed for single age classes and are not easy to adapt as successfully for mixed age groups.
  - Small mixed age classes make collaborative working between pupils difficult and create challenges in developing independence.
  - Rapid support used to intervene when gaps in learning are identified is more difficult to achieve in mixed age groups.
  - Evidence of insufficient progress for pupils because of reduced direct teaching with each age group. Being taught in classes with pupils of their own age will improve the quality of learning and enable improved accuracy of assessments for pupils.
- 9 Having the children on one site will also enhance their learning and educational opportunities as all resources and staff will be able to work effectively from the same building. Furthermore, resources previously used to fund the running costs of two buildings will be available for children's education.

## **Consultation**

- 10 The sites of Sherburn Village and Sherburn Hill are approximately 1.4 miles apart. Department for Education (DfE) guidance (April 2016), "Making prescribed alterations to maintained schools" states that where the Local Authority (LA) is proposing the closure of one or more sites of a community school and the distance between the sites is more than one mile, a statutory process must be followed.

- 11 The statutory process involves an initial consultation period with relevant stakeholders including parents, Governors, staff and the wider community.
- 12 On 6 September 2017, using delegated powers, the Corporate Director, Children and Young People's Services approved the start of consultation on the proposal to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018.
- 13 A public consultation was undertaken from 15 January 2018 to 23 February 2018. This consultation included meetings with staff on 22 January 2018 and information sharing meetings for parents, pupils and the local communities on 23 January 2018 at Sherburn Hill and 24 January 2018 at Sherburn Village. Approximately 80 people attended the meeting at Sherburn Hill and approximately 40 attended the meeting at Sherburn Village. The proposal had also previously been discussed with Governors at a separate meeting on 20 November 2017 when the format and timescales for the consultation were agreed.
- 14 This proposal has generated a lot of interest within the local community of Sherburn Hill and neighbouring communities. There were significantly more responses received than there are numbers of pupils on roll at the school. It is important however to scrutinise the responses and ensure that the council considers the views of those whose children's education is most likely to be affected by the proposal, as the proposal aims to enhance education provision for children in this part of the county.
- 15 A campaign initiated by the Sherburn Hill Community Action Group and meetings held with the MP for the City of Durham initiated a lot of response. The council was keen to hear specifically about any negative impact the community felt the proposal would have on the education of current and future children in this area. Part of the group's action campaign, which was also advertised on Facebook, included the Action Group printing additional copies of the response form attached to the consultation document, circulating them across the community and arranging for their collection. A large number who responded indicated that they were residents, some of whom live in villages other than Sherburn Hill. It is difficult to gauge therefore how many responses were received as a direct result of this campaign and how many would have been received if such a campaign had not existed. In excess of 150 responses were presented to the MP for the City of Durham who arranged for them to be handed over to the council for consideration. Of the 212 responses received, 33 were from parents or relatives, Governors and members of staff.
- 16 When considering responses to the consultation, the council has referred to the Department for Education guidance – "Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals". This guidance states that the decision-maker (in this case the Local Authority) must consider all the views submitted, including all support for, objections to and comments on the proposal.
- 17 The responses to the consultation and a petition entitled 'Save Sherburn Hill School' comprising 35 signatures were received and considered by officers in the County Council. Of the 212 responses received, 8 were in support of the proposal, 203 (including a response from the MP for the City of Durham) were

not in support of it and 1 was undecided. Many of the responses received provided similar comments to those expressed at the consultation meetings. Some of the responses received that were not in support of the proposal felt that Sherburn Hill will become isolated and 'have nothing left' if the Sherburn Hill site closes and that there will be difficulties in getting children from Sherburn Hill to Sherburn Village. Others not in support of the proposal felt that a school building was required in Sherburn Hill to accommodate pupils from housing developments in the area. Some respondents were of the view that Sherburn Primary School should become two separate schools as it is due to the amalgamation in 2015 that children's education is being affected.

- 18 The respondents in support of the proposal felt that a school of such low numbers cannot be sustained across two sites. Having the children on one site only will enhance their learning and education due to more resources and staff being at one setting.
- 19 Although there has been a large response to the consultation, none of the responses received have presented a model of education that the council believes would be viable and sustainable for the communities of Sherburn Hill and Sherburn Village for the long term. The concerns regarding transport and new housing developments were answered during the consultation period. The Sherburn Village site is large enough to accommodate pupils from known housing developments. The council would provide free transport to pupils currently attending the Sherburn Hill site to enable them to attend the Sherburn Village site from 1 September 2018.
- 20 It is recognised that the community has other related concerns about the council's proposal. The view that Sherburn Hill could become an isolated community with the closure of a school site will be subject to separate consideration by the Council, elected members and the public, and is referred to later in this report. However, the consultation provided no alternative proposals that would offer sustainable primary education in the long term, and the continued use of Sherburn Hill as a school cannot be justified for reasons set out earlier in the report.

### **Decision to Issue a Statutory Notice**

- 21 After full consideration of all of the responses to the consultation the Corporate Director, Children and Young People's Services on 3 March 2018 used delegated powers to agree to publish proposals to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018. A statutory notice was therefore published on 8 March 2018 (attached as Appendix 2).
- 22 Once the proposal is published there follows a statutory 4 week representation period during which comments on the proposal can be made. These must be sent to the Local Authority. Any person can submit representations, which can be objections as well as expression of support for the proposal. Once the representation period has closed, a decision must be made by the decision-maker (in this case the Council's Cabinet) within 2 months i.e. by June 2018.

## **Responses to the Proposal Published on 8 March 2018 – The Statutory Notice Period**

- 23 6 Responses were received by the end of the 4 week statutory notice period. The responses, including one from the City of Durham MP, are not in support of the proposal to close the Sherburn Hill site of Sherburn Primary School. The respondents remain concerned that the closure of the Sherburn Hill site will remove the last community facility from the village which will have a negative impact. Concerns were also expressed about how children from Sherburn Hill would be able to get to and from the Sherburn Village site.
- 24 The response to the Public Notice from the City of Durham MP states that the council has not acknowledged that the majority of responses to the initial consultation did not support the proposal and that the concerns raised by residents have not been considered.
- 25 The council has fully considered the concerns raised by residents, but without action being taken to ensure sustainable primary education is delivered for the long term for the communities of Sherburn Hill and Sherburn Village, the life chances for children in these communities could be detrimentally affected.

### **Potential Alternative Use of the School Site**

- 26 The Council recognises the important role vibrant community facilities can play in helping to maintain strong communities and is conscious that the closure of the former Sherburn Hill Community Centre has been a loss to the village.
- 27 Through the implementation of the Council's Community Buildings Strategy, work has been carried out over a number of years to try and develop a new community centre for Sherburn Hill. To support that aspiration, Cabinet has previously agreed a contribution of £400,000 from the development dividend generated by Durham Villages Regeneration Limited for that purpose.
- 28 If the site is no longer required as a school site, the option of using it as a community centre will be actively explored with local residents. If a viable option can be developed, then this would be the subject of a further report to Cabinet.

## **DECISION-MAKING PROCESS**

### **Factors to be considered by Cabinet relevant to this Proposal**

#### **(a) Consideration of Consultation and Representation Period**

- 29 Cabinet needs to be satisfied that the appropriate fair and open local consultation and representation period have been carried out and that the proposer (in this case the Local Authority) has given full consideration to all the responses received. If the proposer has failed to meet the statutory requirements, this proposal may be deemed invalid and therefore should be rejected.

- 30 Cabinet must consider all of the views submitted, including all support for, objections to and comments on the proposal. Details of the consultation are included in paragraphs 7 - 17. The statutory notice published on 8 March 2018 (the representation period) is attached as Appendix 2. Officers prepared the notice as set out in the regulations and complied with statutory requirements.
- 31 The delegated decision report dated 3 March 2018 provides full details of the responses received during the consultation period from 15 January – 23 February 2018.

## **Summary of Responses**

- 32 The following information provides a summary of the 212 responses received to the consultation:
- Stakeholders expressed concerns that the loss of village schools leads to the area becoming isolated and a 'closed society'.
  - Stakeholders felt that the Sherburn Hill site should remain open as larger schools do not meet the needs of children as well as smaller schools.
  - Stakeholders felt that the Sherburn Hill site should remain open to accommodate pupils from housing developments.
  - Stakeholders expressed concerns that the children attending the Sherburn Hill site of Sherburn Primary School live in a deprived area of the county and they need a school in the community.
  - Stakeholders felt that the amalgamation of Sherburn Hill and Sherburn Village Schools in September 2015 has been unsuccessful and the two schools therefore should revert to being separate schools.
  - Stakeholders queried whether the Sherburn Hill site could be used for alternative provision or as a community hub.
  - Stakeholders felt that a school of such low numbers cannot be sustained across two sites. Having the children on one site only will enhance their learning and education due to more resources and staff at the one setting.

### **(b) Education Standards and Diversity of Provision**

- 33 Officers believe that educationally the proposal to close the Sherburn Hill site of Sherburn Primary School is in the best interests of pupils and their families. Running the school across two separate sites is becoming unviable from both an educational and financial perspective. The reduction in pupil numbers from the predicted 225 to 166 and changes to school funding has put significant pressure on the school budget. This has already resulted in the school having to reduce staff from March 2017. Having all pupils on one site presents wider opportunities to organise classes making maximum use of the staff resources available for the benefit of all pupils. The proposal to close the Sherburn Hill site of Sherburn Primary School will help to enhance educational improvement.

**(c) Proposed Admission Arrangements**

34 The proposed admission arrangements will be the same as those for all community and voluntary controlled schools in County Durham and these are compliant with the DfE's School Admission code. The proposed number of pupils to be admitted to Sherburn Primary School in September 2019 if the proposal to close the Sherburn Hill site is agreed will be 33.

**(d) National Curriculum**

35 All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community. Sherburn Primary School follows the National Curriculum and the proposal to close the Sherburn Hill site will not impact on this.

**(e) Equal Opportunity Issues and Community Cohesion**

36 Cabinet must have regard to the Public Sector Equality Duty (PSED) of LAs/Governing Bodies, which requires them to have 'due regard' to the need to:

- Eliminate discrimination;
- Advance equality of opportunity; and
- Foster good relations.

37 An equality impact assessment has been carried out and is attached as Appendix 3. There are no potential impacts in relation to age, gender, disability, sexual orientation or ethnicity for pupils and parents/carers. The current school provides education for boys and girls between 4-11 years and the proposal to close the Sherburn Hill site of Sherburn Primary School will not impact on this.

**(f) Travel and Accessibility**

38 The proposal to close the Sherburn Hill site of Sherburn Primary School will result in all pupils being educated on the remaining site in Sherburn Village. The two sites are 1.4 miles apart and to resolve the concerns raised during the consultation about pupils from Sherburn Hill being able to attend the Sherburn Village site, those pupils currently attending the Sherburn Hill site will be provided with free home to school transport to the Sherburn Village site if the proposal is agreed.

**(g) Financial Implications**

39 Additional ongoing revenue costs in relation to home to school transport will be met from the council's home to school transport budget. Capital costs will be incurred in relation to improvements to IT infrastructure, school signage, window replacement and other maintenance improvements. It is forecast that the total capital investment will be £1.1 million and will be funded from council capital contingencies.

## **(h) School Premises and Playing Fields**

- 40 Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely. The Sherburn Village site of Sherburn Primary School has suitable outdoor space.

## **Recommendations and Reasons**

- 41 Officers believe that proceeding with the proposal will enhance education provision for the communities of Sherburn Hill and Sherburn Village. The proposal will prevent the school from becoming unviable from both an educational and financial perspective. The significant reduction in pupil numbers since 2015 has put significant pressure on the school budget.
- 42 The council understands the concerns raised during the consultation about Sherburn Hill becoming isolated and will assist Local Community Groups in considering how the school site at Sherburn Hill could be used if it was closed as a school. The responses received, have not presented any alternative model of education delivery that the council believes would be viable and sustainable for the communities of Sherburn Hill and Sherburn Village for the long term.
- 43 Cabinet is recommended to:
- (a) agree that the Sherburn Hill site of Sherburn Primary School is closed on 31 August 2018.
  - (b) approve the capital investment of £1.1 million from capital contingencies.

## **Background Papers**

Appendix 2 – Statutory Notice

Appendix 3 – Equality Impact Assessment

Delegated Decision Report dated 6 September 2017

Delegated Decision Report dated 3 March 2018

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**Contact: Graeme Plews**

**Tel: 03000 265 777**

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## **Appendix 1: Implications**

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### **Finance**

The cost of providing free home to school transport for pupils currently attending the Sherburn Hill site of Sherburn Primary School will be approximately £30,000 per annum for 5 years with the cost being met from council home to school transport budgets. The cost of improving the Sherburn Village building will be approximately £1.1 million and will be met from capital contingencies.

### **Staffing**

It is likely that there may be some staff 'at risk' of redundancy if the proposal is agreed. However, because of the pressure on the school budget, some staff may be at 'risk' of redundancy if the school continues to run across two sites.

### **Risk**

If the proposal is not agreed there is a risk that the school becomes financially and educationally unviable.

### **Equality and Diversity**

The proposal to amalgamate the Sherburn Hill site of Sherburn Primary School will enhance provision in the area and will lead to a more sustainable establishment for the long term that will bring about educational improvement and will continue to provide equal access for all. The focus on improved educational outcomes for children leads to smoother and more effective transition in their education. This is seen as a positive experience in a child's education and development and ensures that children who are protected under the Equality and Diversity/Public Sector Duty can maximise their potential. The main groups affected by this proposal are pupils attending Sherburn Primary School, their families (in particular those pupils who currently attend the Sherburn Hill site) and staff. It is not expected that pupils and their families will be adversely affected as the proposal will enhance provision in the area and will lead to a larger, more viable establishment for the long term that will bring about educational improvement and continue to provide equal access for all. An Equality Impact Assessment is attached as Appendix 3.

### **Accommodation**

Sherburn Primary School would be located on the site of Sherburn Village only.

### **Crime and Disorder**

N/A.

### **Human Rights**

Human Rights will not be affected by this proposal.

### **Consultation**

Consultation has been carried out in accordance with DfE statutory guidance.

**Procurement**

N/A.

**Disability Issues**

N/A.

**Legal Implications**

Covered in the body of the report.



## PUBLIC NOTICE

### Proposal to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018

Notice is given in accordance with Section 19(1) of the Education and Inspections Act 2006 that Durham County Council intends to make a prescribed alteration to Sherburn Primary School (Community) Cookshold Lane, Sherburn Village, Co Durham, DH6 1DU and Sherburn Hill, Co Durham, DH6 1PA.

It is proposed to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018. This proposal reflects the work being done across County Durham to make schools sustainable in the long term to meet the challenges in a rapidly changing educational environment.

The current capacity of Sherburn Primary School across the two sites is for 315 pupils. The capacity of the school should the Sherburn Hill site close will be for 236 pupils. The proposed admission number will be 33.

When Sherburn Village and Sherburn Hill Primary Schools amalgamated in September 2015, in the region of 225 pupils were expected to be on roll in September 2017. Since then pupil numbers have reduced more than expected and the total number of pupils currently on roll is 166. This reduction in pupil numbers has put significant pressure on the school budget. Some classes on the Sherburn Hill site have pupils from more than two year groups which in the long term could impact on education outcomes for some pupils. The current model of providing education across two sites is not likely to be sustainable in the long term and it is not in the best interests of the pupils and staff at the school. The council therefore believes that this proposal will not have any negative impact on the standard of education provided to children from Sherburn Primary School.

This Notice is an extract from the full proposal. Copies of the complete proposal can be obtained from: Mr Graeme Plews, School Places and Admissions Team, Children and Young People's Services, Durham County Council, County Hall, Durham, DH1 5UJ. It is also available on the County Council's website at: [www.durham.gov.uk/consultations](http://www.durham.gov.uk/consultations)

Within four weeks from the date of this publication any person may object or make comments on the proposal by sending them to Mr. Adam Williams, School Places and Admissions team, Children and Young People's Services, Business Reply Service, Licence No. DU63 (FREEPOST), Durham County Council, County Hall, Durham, DH1 5BR. Objections and comments can also be emailed to:

- [schoolorganisation@durham.gov.uk](mailto:schoolorganisation@durham.gov.uk)

Signed:

*Margaret W. Whellans*

Margaret Whellans  
Corporate Director  
Children and Adults Services

**Publication Date: 8 March 2018**

## Durham County Council Equality Impact Assessment

**NB:** The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

### Section One: Description and Screening

<b>Service/Team or Section</b>	Education , School Places and Admissions
<b>Lead Officer</b>	Graeme Plews
<b>Title</b>	Strategic School Places and Admissions Manager
<b>MTFP Reference (if relevant)</b>	N/A
<b>Cabinet Date (if relevant)</b>	16 May 2018
<b>Start Date</b>	September 2017
<b>Review Date</b>	May 2018

### Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):
Proposal to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):
General Public, Governors, Staff, pupils attending Sherburn Primary School, providers of Early Years Education, Elected Members, MPs, Neighbouring Schools, Trade Unions, Diocese, Department for Education, Community Groups, Parish Councils, Residents' Associations, AAP Board, CYPS/DCC Staff

## Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?		
Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	?	Children of Primary School age in Sherburn will have wider educational opportunities if they are educated on a single site.
Disability	?	The school on the Sherburn Village site is accessible for pupils with a disability.
Marriage and civil partnership (workplace only)	N	Staff needs will be met on the single site.
Pregnancy and maternity	N	Staff needs will be met on the single site.
Race (ethnicity)	N	The primary school on the single site at Sherburn Village will meet the needs of all children.
Religion or Belief	N	The primary school on the single site at Sherburn Village will meet the needs of all children.
Sex (gender)	N	The primary school on the single site at Sherburn Village will meet the needs of all children.
Sexual orientation	N	The primary school on the single site at Sherburn Village will meet the needs of all children.
Transgender	N	The primary school on the single site at Sherburn Village will meet the needs of all children.

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

The main groups affected by this proposal are pupils attending Sherburn Primary School, their families and staff. It is not expected that pupils and their families will be adversely affected. Pupils currently attending the Sherburn Hill site will be provided with free home to school transport to the Sherburn Village site if the proposal is agreed. A new staffing structure will be established for the single site school. This should enable efficiencies to be made, particularly in the business support and caretaking posts. Change management processes will be followed to ensure fair treatment of any affected staff. There are currently 28 members of staff employed at Sherburn Primary School. 26 are female and 2 are male. Two of the staff are aged between 16-24; 2 between 25-34; 3 between 35-44; 14 between 45-54; 7 between 55-64.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

Closing the Sherburn Hill site of Sherburn Primary School will enhance education provision in the area and will lead to a more sustainable establishment for the long term that will bring about educational improvement and will continue to provide equal access for all. Furthermore closing the Sherburn Hill site will enable more efficient use of resources.

A 6 week consultation was held in January and February 2018. Consultation documents were distributed widely and meetings were held with Governors and Staff of Sherburn Primary School, parents, and members of the local communities of Sherburn Hill and Sherburn Village at Information Sharing Evenings. Stakeholders were invited to respond in a variety of ways: written responses using the response form attached to the consultation document, letter, email or completing the response form online via the County Council's website. Alternative formats were available on request. 212 responses were received to the consultation of which 8 were in support of the proposal. The key reasons put forward by those not in support of the proposal were the difficulty in getting pupils from Sherburn Hill to Sherburn Village and the loss of another community facility if the Sherburn Hill site closed. The difficulty of pupils accessing the Sherburn Village site will be mitigated by the provision of free home to school transport for those pupils who would be displaced from the Sherburn Hill site if the proposal is agreed. With regard to the loss of a community facility, local community groups are being encouraged to consider how the site at Sherburn Hill could be used for alternative provision. The council would support the community with this exercise.

## Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

A reduction in pupil numbers from 225 in 2015 to 179 in 2018 has put significant pressure on the school budget. Maintaining the primary school across the two sites of Sherburn Village and Sherburn Hill is no longer a sustainable model. It is also not in the best interests of pupils and staff at the school to be split across two sites.

Closing the Sherburn Hill site of Sherburn Primary School will lead to a more sustainable establishment for the long term that will bring about educational improvement and will continue to provide equal access for all. Furthermore, the closure of the Sherburn Hill site will lead to a more efficient use of resources.

## Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	N
No evidence of actual or potential impact on some/all of the protected characteristics?	Y

## Sign Off

Lead officer sign off: 	Date: 14/05/18
Service equality representative sign off:	Date:

If carrying out a full assessment please proceed to section two.

If not proceeding to full assessment please return completed screenings to your service equality representative and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

If you are unsure of potential impact please contact the corporate research and equalities team for further advice at [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

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## Cabinet

16 May 2018



**Children and Young People's Services**  
**Update: Education Attainment and Standards 2017 –**  
**Secondary School Outcomes**

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**Report of Corporate Management Team**  
**Margaret Whellans, Corporate Director of Children and Young People's Services**  
**Councillor Olwyn Gunn, Cabinet Portfolio Holder for Children and Young People's Services**

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### Purpose of the Report

- 1 The purpose of this report is to provide Cabinet with a summary of educational outcomes in County Durham, 2017, with a particular focus on KS4 as a priority area for intervention and improvement.

### Summary of outcomes – Early Years to Key Stage 2, and Key Stage 5

- 2 Despite far-reaching changes to the curriculum, to methods of assessment and to examination specifications since 2014, the key outcome measures for early years, primary and secondary education are still determined by the results of annual tests and examinations. These, when compared to regional and national benchmarks, provide an indication of the performance of schools and settings.
- 3 Early Years outcomes, measured by the percentage of children reaching a 'good level of development' (GLD) according to national Early Years Profile criteria, show a steady year-on-year improvement in Durham since 2014:

Early Years % GLD								
	2014		2015		2016		2017	
	Durham LA	National						
All	57	60	64	66	69	69	72	70.7
Boys	48	52	56	59	62.3	62.1	65.0	64.0
Girls	66	69	72	74	76.2	76.8	79.6	77.7

- 4 Prior to 2014, Early Years outcomes were significantly below national averages, due in part to very low levels of speech and language development in some areas of highest deprivation. Current results are due to targeted support and intervention from the local authority Early Years team, which is regionally and nationally recognised, and focussed work of early years providers.

- 5 Against all national measures, children in the early years are performing well, with boys and girls improving at a consistent rate; the gender gap, a natural priority, is however broadly in line with the national average.
- 6 In all national measures at Key Stage 1, Durham's outcomes are positive:

	<b>National</b>	<b>Durham</b>
Phonics – Year 1	81.2%	<b>82.7%</b>
Phonics – Year 2	61.6%	<b>64.5%</b>

**KS1 Expected standards (EXS+)**

Reading	75.5%	<b>77.2%</b>
Writing	68.2%	<b>72.1%</b>
Maths	75.2%	<b>77.5%</b>
RWM	63.7%	<b>67.5%</b>

- 7 In terms of 'GDS', which indicates pupils working at greater depth within expected standards, Durham children at KS1 ranked higher than national averages in all measures, and significantly higher in maths:

<b>GDS</b>	<b>National</b>	<b>Durham</b>
Reading	25.2%	<b>25.8%</b>
Writing	15.6%	<b>16.5%</b>
Maths	20.5%	<b>22.5%</b>

- 8 Key Stage 1 outcomes rose above national averages for the first time in 2016, but have improved year-on-year since then. This improvement reflects consistent targeted support to schools where outcomes were below expectations.
- 9 Key Stage 2 average scores (AS) continue to be very strong against national levels, and the significant trend of improvement in Durham continues year on year as it has since before 2010.

<b>KS2 (AS)</b>	<b>National</b>	<b>Durham</b>
Reading (test)	71.4%	<b>73.1%</b>
Writing (teacher assessment)	76.8%	<b>78.8%</b>
Mathematics (test)	74.8%	<b>78.1%</b>
Grammar/Punctuation/Spelling	76.9%	<b>79.2%</b>
RWM combined	61.1%	<b>64.6%</b>

- 10 Attainment outcomes for Free School Meals pupils (FSM) indicate that Durham’s schools perform exceptionally well in supporting the education of our most vulnerable children. The table below shows data for pupils who have been in receipt of FSM at any point in the previous 6 years (known as ‘FSM ever-6’ or ‘FSM E6’):

<b>KS2 (FSM E6)</b>	<b>National</b>	<b>Durham</b>
Reading (test)	59.5%	<b>61.1%</b>
Writing (teacher assessment)	65.9%	<b>67.5%</b>
Mathematics (test)	63.4%	<b>65.9%</b>
G/P/S	66.4%	<b>68.5%</b>
RWM combined	47.3%	<b>50.0%</b>

- 11 At A-level (**Key Stage 5**) the general attainment for County Durham students in academic and applied subjects continues to be above national averages for state funded schools with an increased number of students achieving the higher grades in both types of course. A-levels remain the dominant qualification taken in school sixth forms.
- 12 Progress at A level is average or above average in 11 out of 15 schools, and average or above average for Applied General qualifications in the 13 schools where these qualifications are taken by students. Attainment, which is generally measured by average points scores for A level (APS), is as follows:

<b>Key Stage 5</b>	<b>2016 Durham</b>	<b>2016 National</b>	<b>2017 Durham</b>	<b>2017 National</b>
APS per A Level entry	31.30	31.79	31.92	31.13
APS per Applied General entry	37.84	34.70	39.55	35.69
AAB or higher in 2 Facilitating subjects	17%	17%	17.1%	14.3%

#### **Outcomes in Key Stage 4:**

- 13 Assessment at Key Stage 4 continues to be through externally set and marked GCSE and GCSE equivalent examinations across a wide range of subjects and courses. These were previously graded from A\*-G with national benchmarks of achievement, but a new numerical system involving points scores was introduced in 2016 and applied comprehensively from 2017. This is explained more fully in the box on the following page:

## GCSE performance measures

**Attainment 8** is the total of points awarded to a pupil across 8 qualifications.

- x2 – English and Maths which are double-weighted
- 3 highest points scores for Ebacc subjects (science subjects, computer science, history, geography, and languages).
- 3 highest points scores for any 3 other subjects

**Points:** A\* - 8; A - 7; B - 6; C - 5; D - 4; E - 3; F - 2; G - 1

**Progress 8** is based on a calculation of pupils' performance across the same 8 qualifications. It uses a baseline of Key Stage 2 results.

eg: a pupil with an average points score of 27 (Level 4b in reading, writing and maths) is calculated as attaining 50 points in A8.

If they get more it registers as a positive Progress 8 score – if less, a negative.

- 14 Due to this fundamental change, the Department for Education has advised that attainment outcomes in 2017 are not comparable with results in previous years, and that Progress 8, which is a relative measure and is cohort-driven, does not serve as an effectiveness measure over time for schools or local authorities.
- 15 The best attempt possible at reaching a comparison with schools' performance in previous years is to set the 'Basics' measure for 2017 against the % of pupils achieving A\* - C English and Maths in 2016 and previous years. This is not an exact correlation, but enables a discussion of evaluation to take place between the local authority and schools.
- 16 What this tells us is that while, according to this measure, there was a small improvement nationally for pupils, outcomes in Durham fell significantly. In 2016, Durham was broadly in line with national on this and other measures, although a disappointing response to the new English qualification introduced in 2015 had seen Durham's GCSE outcomes fall that year below national for the first time since 2010. However, the recovery in 2016 was not sustained, with mathematics, rather than English, being the main reason for the drop.

	2015	2015	2016	2016	2017	2017
	National	Durham	National	Durham	National	Durham
% Basics (A*-C Eng & Maths)	61%	58%	63%	62.3%	63.9%	58.2%

- 17 Another proxy measure of relative performance can be had from comparing Durham's average Attainment 8 scores per pupil in maintained schools against

the similar cohort nationally, a calculation that can be done by gender and for all pupils, and for disadvantaged pupils.

- 18 The average Attainment 8 score for pupils in Durham’s maintained schools is 44.6, compared to the national result of 46.3. This equates to each pupil in Durham achieving roughly three-quarters to one-and-a-half grades lower than average in one of their qualifications (and average in all other qualifications they have taken).
- 19 Girls in County Durham are slightly further behind their national peers on the average attainment 8 outcome, with a score of 47.2 compared to the national result of 49.1. Boys in County Durham schools average 42.2 compared to 43.8 for all boys nationally.
- 20 Disadvantaged pupils who attend County Durham schools achieve close to the national average for similar pupils nationally, scoring 36.8 on average. The national result for this group of pupils is 37.1.
- 21 However, the Department for Education prefers disadvantaged pupils to be compared with non-disadvantaged children nationally and this shows a gap of 13.1 (non-disadvantaged children nationally average 49.9). Durham’s non-disadvantaged pupils achieved average 48.5.
- 22 Care must be taken when looking at each strand of the Attainment 8 measure in the published results, since some elements measure three qualifications and some represent twice the best grade achieved in a subject. However, with this in mind, the average points per strand in Durham and nationally were:

<b>Strand</b>	<b>LA</b>	<b>National</b>
English (twice best grade)	9.4	9.9
Maths (twice grade)	8.3	9.0
EBacc (three slots)	12.6	11.6
Open (three slots)	15.3	14.9

- 23 What paragraphs 14 to 20, above, highlight, is that end of Key Stage 4 attainment outcomes, on nearly every measure, are below where they should be when compared with attainment of KS4 cohorts in previous years. Additionally, paragraph 20 shows that outcomes in English and particularly the significant gap between maths outcomes in Durham against national are making a critical difference. English and maths are both double-weighted in the points scoring system (paragraph 11).
- 24 Durham performed slightly better than national in both the EBacc subjects and the open subject ‘basket’.
- 25 Turning to progress of pupils, the Progress 8 result for the local authority was -0.23, against the national result of -0.03 (all state-funded schools). Following the same pattern as the national results, boys in Durham have been judged to make less progress than girls. Our boys scored -0.43, against a national

average of -0.24; our girls averaged -0.01, compared to a national result of 0.18.

- 26 Amongst disadvantaged pupils, Progress 8 was -0.48 in Durham and -0.40 nationally. The non-disadvantaged children nationally had a positive Progress 8, of 0.11, but Durham's non-disadvantaged pupils averaged -0.11, which is statistically significantly below for the size of the cohort.
- 27 While the Progress 8 score for pupils in the open subject 'basket' is positive, meaning pupils made greater progress than predicted for them as indicated from their Key Stage 2 outcomes, in the other strands scores were negative (ie: pupils made less progress than would have been predicted for them) and in each case this was significantly worse than national averages.

<b>Strand</b>	<b>LA</b>	<b>National</b>
English	<b>-0.32</b>	-0.04
Maths	<b>-0.38</b>	-0.02
EBacc	<b>-0.36</b>	-0.03
Open	<b>0.06</b>	-0.04

- 28 While national subject results split by gender are not yet available, pupil-level data shows that girls' maths progress in Durham is worse than their English progress. By gender, our progress 8 results for English and Maths are:

<b>Strand of P8</b>	<b>Girls</b>	<b>Boys</b>
English	0.07	-0.67
Maths	-0.40	-0.37

- 29 Boys have historically fared much worse than girls in English, both locally and nationally, and this pattern has persisted in 2017 in Durham, but it remains a cause for concern. Subject leaders are working with the local authority to understand teaching and learning approaches that maintain the interest of boys and foster their achievement.
- 30 Entry rates to the EBacc fell locally and nationally. Only 34.9% of Durham pupils entered qualifications in all the relevant subjects, down from 41.7% in 2016 and compared to 38.4% nationally, with the largest fall in Languages. This aligns with the national picture.

### **Explaining the Key Stage 4 outcomes in Durham**

- 31 The paragraphs above provide factual details on the outcomes of Durham's secondary schools in 2017, but the underperformance against national measures, and the fact that Durham was 3<sup>rd</sup> out of the region's 12 local authorities in 2016, but has dropped in terms of both average attainment 8 and average Progress 8 in 2017, requires explanation.

<b>Region</b>	<b>Attainment 8 Average 2017</b>	<b>Progress 8 Average 2017</b>
<b>County Durham</b>	<b>44.6</b>	<b>-0.23</b>
Darlington	45.3	-0.23
Gateshead	46.8	-0.12
Hartlepool	44.0	-0.27
Middlesbrough	43.2	-0.08
Newcastle upon Tyne	43.3	-0.23
North Tyneside	47.0	-0.08
Northumberland	44.7	-0.16
Redcar and Cleveland	44.0	-0.32
South Tyneside	43.0	-0.32
Stockton-on-Tees	45.6	-0.10
Sunderland	43.8	-0.31

- 32 Durham's secondary schools have owed some of their GCSE success in recent years to their ability to provide a tailored curriculum that met the needs of most pupils. Durham had a long track record of ensuring pupils achieved the key national benchmark (x5 A\*-C GCSEs, including English and Maths), with a wide offer of vocational subjects. In the past pupils chose less hard-to-achieve academic subjects (such as modern foreign languages, maths and sciences).
- 33 It is worth noting that these subjects are those to which recruitment nationally has been in a state of well-publicised crisis. In the north east and in County Durham, the recruitment of maths teachers is virtually stagnant, with many GCSE classes being taught by supply teachers in 2016/17 as vacancies went unfilled.
- 34 In summary, due to the circumstances described, schools in Durham were unready to respond to a rapidly changed examination and assessment system. The implications of not moving fast enough to adopt a new approach has only been grasped by the majority of school leaders after this first set of outcomes has exposed the weaknesses of these historically adopted approaches.

### **Next Steps**

- 35 Following the analysis of secondary outcomes in 2017, the following actions have been taken:
- (a) Strategic subject review in English, Maths, Science, MFL, Geography and History by LA Improvement advisers (desktop study informing operational planning and leading to wholesale revision of network content. Refocus of subject leader network meetings to address subject outcome deficiencies and including awarding body training where appropriate (not limited to EBacc subjects).

- (b) LA Subject specific improvement plans for each Ebacc subject incorporating actions to be taken by LA and actions to be taken by schools.
- (c) Targeted support of schools where outcomes are weak in Ebacc subjects through Education Development Partner engagement with school leaders and use of SLA contract hours (new SLA information to be circulated after February half term to facilitate this).
- (d) Provide a proactive response to potential non-attendance at Subject leader networks for key schools.
- (e) Provide bespoke support to schools which are at levels 3 or 4 on the LA monitoring and intervention process (mainly Ofsted RI or inadequate or where an acting or new HT is in place).
- (f) Key priorities, including achievement of boys, higher attaining pupils and subject specific literacy, to be covered by a new network for 2018-19; further standards-related priorities addressed through existing senior leader networks.
- (g) Development of specific packages to deliver to schools 3 key support areas including focus on subject evaluation and improvement planning.
- (h) Developed approach to working with attendance team and Inclusion personnel to improve attendance.
- (i) Work with partners to improve recruitment and retention of the best qualified teachers, particularly in shortage subject areas as defined in this report.

## **Conclusion**

36 This report acknowledges the very positive outcomes of Durham schools and settings in most areas, but highlights the underperformance at KS4 in 2017, and proposes the ways in which the local authority is responding to the challenges.

## **Recommendations**

37 Cabinet is requested to note the information.

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**Contact: Phil Hodgson**

**Tel: 03000 268 658**

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## Appendix 1: Implications

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**Finance** – none

**Staffing** - none

**Risk** - Potential reputational issues if results fall or the local authority is deemed not to know its schools well

**Equality and Diversity / Public Sector Equality Duty** – some outcomes are evaluated by gender and the gender gap is a national consideration. The local authority closely monitors gender and other equality factors, including SEND, and responds proportionately in terms of support and intervention. Some support is specifically tailored to address gender gaps that emerge from educational outcomes.

**Accommodation** – n/a

**Crime and Disorder** – n/a

**Human Rights** – n/a

**Consultation** – n/a

**Procurement** – n/a

**Disability Issues** – n/a

**Legal Implications** – The actions taken at Paragraph 35 of this report are intended to comply with the Council's duty to exercise its education functions with a view to promoting high standards and the fulfilment of each pupil's learning potential in accordance with S 13 A of the Education Act 1996.

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**Cabinet****16 May 2018****Review of Special Guardianship Policy & Procedure – Assessment, Provision & Review of Support Services**


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**Report of Corporate Management Team**  
**Margaret Whellans, Corporate Director of Children & Young People's Service**  
**Councillor Olwyn Gunn, Cabinet Portfolio Holder for Children & Young People's Services**


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**Purpose of the Report**

- 1 Following the review of the Special Guardianship Policy & Procedures during 2017, this report seeks to provide Cabinet with an overview of the proposed changes and the actions undertaken to ensure the assessed needs of children/young people subject to a Special Guardianship Order are met and there is compliance with the Special Guardianship Regulations 2005.
- 2 In addition, the report also highlights the importance of providing a consistent and timely method of reviewing support and ensuring Special Guardians and children/young people, subject to a Special Guardianship Order, have the appropriate access to a wide range of services and support.

**Background**

- 3 The Prime Minister's review of adoption in July 2000 identified that there was a significant group of children who did not wish to make the absolute legal break with their birth family that is associated with adoption. The review recognised that long term fostering lacked security and a proper sense of permanence in a family and did not suit all children. The report identified the need for an intermediate legal status between adoption and residence orders, which offered greater legal security for the child, but without absolute legal severance from the child's birth family. In the White Paper "adoption: a new approach" issued in December 2000 the Government committed to creating a new private law order called special guardianship, that would provide legal permanence short of adoption. The White Paper stated, amongst other things, that special guardianship orders would be accompanied by proper access to a full range of support services including, where appropriate, financial support. This clearly recognised that financial support would not be provided to all special guardians.
- 4 The Children Act 1989 was amended by the Adoption and Children Act 2005 to include Special Guardianship Orders into the range of private law orders, which a court can make in respect of a child, either following an application, by a prospective special guardian, or at the conclusion of care proceedings. Section 14F Children Act 1989 places a duty on each local authority to make

arrangements for the provision within their area of special guardianship support services, which means counselling, advice and information and such other services as are prescribed by the Special Guardianship Regulations 2005. The Regulations are supported by Statutory Guidance issued by the Department for Education.

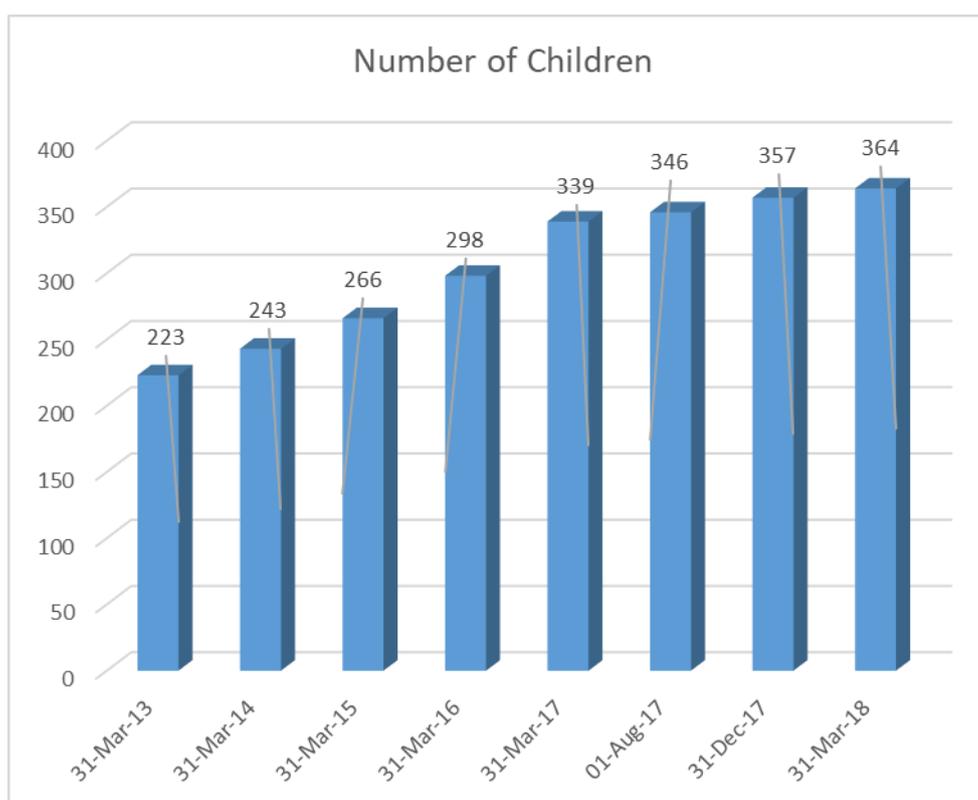
- 5 Children who are made the subject of Special Guardianship Orders are not looked after once the order is made whatever their status throughout the course of care proceedings. Special Guardianship Orders are usually made to family members, many of whom are grandparents.
- 6 Paragraph 37 of the 2017 Statutory Guidance states: *“financial issues should not be the sole reason for a Special Guardianship arrangement failing to survive. The central principle is that financial support should be payable in accordance with the regulations to help secure a suitable Special Guardianship arrangement where such an arrangement cannot be readily made because of a financial obstacle.”*
- 7 Paragraph 65 of the statutory guidance states: *“In determining the amount of any ongoing financial support, the local authority should have regard to the amount of fostering allowance which would have been payable if the child were fostered. The local authority’s core allowance plus any enhancement that would be payable in respect of the particular child, will make up the maximum payment the local authority could consider paying the family. Any means test carried out as appropriate to the circumstances would use this maximum payment as a basis.”* This principle has been firmly reinforced in a number of Local Government Ombudsman’s findings and case law, which confirm that the level of financial support if given must be based on the age-related fostering allowance.
- 8 In addition, whilst local authority foster carers cannot access child benefit or any other benefit, Special Guardians (SGs) are eligible to access all benefits to which they are entitled. Reg 13(2) states that in determining the amount of financial support, the local authority must take account of any other grant, benefit, allowance or resource, which is available to the person in respect of his needs, as a result of becoming a Special Guardian (SG) of the child. Paragraph 63 states that it is important to ensure that SGs are helped to access benefits to which they are entitled and local authorities should endeavour to ensure that the SG is aware of and taking advantage of all benefits and tax credits available to them. Financial support paid under these Regulations cannot duplicate any other payment available to the SG. Even if the SG would prefer not to claim benefits, the local authority must take into account benefits, which would be available to the SG, if they chose to claim them.
- 9 The authority’s policy is compliant with the above guidance. Any transitional financial support paid to SGs is based on the Fostering Network’s minimum recommended allowances, applying the appropriate means test and enhancements to make adjustments.

## Analysis of Special Guardianship Support being provided by DCC

- 10 The total number of children/young people subject to a Special Guardianship Order and receiving financial support has increased year on year and this increase also represents the findings from the Ministry of Justice (2015) who revealed a national increase of 81% in the total number of Special Guardianship Orders made since 2011.
- 11 Table 1 below sets out the number of children/young people placed on a Special Guardianship Order and in receipt of financial support at the end of each of the financial years, showing a 63% increase from 31<sup>st</sup> March 2013 to 31<sup>st</sup> March 2018. These totals, however, only represent cases that were/are in receipt of support services, (primarily financial support) as once payments cease, cases are closed. However, the overall number of SGOs made is likely to increase year on year, as these will include both existing cases requiring support and new cases made each year.

**Table 1**

Total Number of Children/Young People receiving Special Guardianship support



- 12 An increase in SGO arrangements is a positive outcome for Durham's children as long as the appropriate support is in place to sustain these arrangements long term. The child can remain within their extended family and they cease to be Looked After.

## Non-LAC Placements Expenditure Budget

- 13 Table 2 below shows the budget and actual expenditure, forecast and forecast variance in the current year for Special Guardianship allowances and a similar allowance paid under a Child Arrangement Order, both of which follow the same process for the calculation and payment of financial support.
- 14 Child Arrangement Orders were introduced in April 2014 by the Children and Families Act 2014 (which amended Section 8 Children Act 1989) and replaced Contact Orders and Residence Orders. A Child Arrangement Order means a court order regulating arrangements relating to;
- (a) with whom a child is to live with, spend time or otherwise have contact; and
- (b) where a child is to live, spend time or otherwise have contact with any one person.
- 15 The budgets for both type of Orders and allowances were revised in 2017/18 following a successful growth bid. Preliminary outturn indicates an overspend of £425K on these type of allowances in 2017/18.

**Table 2**

Financial Year	Account Code Description	Annual Budget (Original)	Annual Budget (Current)	Budget YTD	Actual YTD	YTD Variance	Forecast	Forecast Variance
2018	Child Arrangement Orders	£562,245.00	£570,566.00	£570,566.00	£539,568.72	(£30,997.28)	£535,377.00	(£35,189.00)
2018	Fostering-special guardianship	£1,870,035.00	£1,897,712.00	£1,897,712.00	£2,353,944.43	£456,232.43	£2,352,597.00	£454,885.00
<b>Grand Total</b>		<b>£2,432,280.00</b>	<b>£2,468,278.00</b>	<b>£2,468,278.00</b>	<b>£2,893,513.15</b>	<b>£425,235.15</b>	<b>£2,887,974.00</b>	<b>£419,696.00</b>

- 16 Table 3 overleaf provides a breakdown of the duration of time financial support has been provided to current SGs. Whilst it must be noted that the accuracy of this data may not be solely relied upon, due to breaks in financial provisions as a result of reviews and appeals, it still provides an overview of the duration of financial support currently being provided. If a manual check of all cases were to be undertaken it is likely to reveal a much higher number of cases who have received financial support for more than two years.

**Table 3**

## Duration of Financial Support

<b>Duration of Financial Support</b>	<b>Total Number Receiving Support</b>	<b>%</b>
(a) 12 Months or less	93	26%
(b) 13 to 24 Months	68	19%
('c) 25 to 36 Months	53	14%
(d) 37 to 48 Months	36	10%
('e) 49 Months or More	114	31%
<b>Grand Total</b>	<b>364</b>	<b>100%</b>

- 17 Financial support paid periodically is usually based on the level of Age-Related Fostering Allowance and paid as 'Transitional' financial support up to a period of 2 years. At present 161 (45%) cases are being paid up to 2 years, a further 203 cases (55%) beyond two years and of these 114 cases (31%) for more than four years. Whilst there are a number of outstanding appeals, which may, when reviewed, cease, there will still be cases which still require support, including financial support, to maintain the placement. An assessment of needs will inform both the reviews and appeals which will be submitted to the Special Guardianship Panel and/or Appeals Panel where a decision will be made to continue/cease financial support.

**Team Responsibility**

- 18 At present teams throughout Children's Services undertake the initial assessment of a Special Guardianship Order and undertake a review of the Support Plan together with a review of support following representations being received from the SGs. It is evident that these cases are often allocated to different Social Workers' caseloads and therefore it is a challenge to prioritise the review. These circumstances can lead to payments continuing beyond end dates.
- 19 This demonstrates that annual reviews are not being consistently undertaken at the end of the first year of receiving financial support. Furthermore, there are currently 182 outstanding appeals, challenging why payments have ceased. At present whilst the appeal is outstanding, weekly payments continue.
- 20 The weekly expenditure for these appeal cases totals £22,681 that equates to annual expenditure of £1.183million. Furthermore, the longer a payment continues, the more reliant a SG is on this level of income.

- 21 It must also be noted that some SGs would indeed suffer severe financial hardship if payments were withdrawn and therefore assessing needs and providing the appropriate support to SGs is crucial. It is likely that the changes to benefits and impact of universal credits will also have a direct impact on these carers. The importance of access to Welfare Rights and supporting SGs to access all benefits to which they are entitled is highlighted in the Special Guardianship Regulations and must play an integral part of the support provided to SGs. Clearly if the arrangement were to break down then the child would inevitably come into the Looked After System, which would be detrimental to the wellbeing of the child and mean additional costs to that budget.

### **Summary of Internal Audit**

- 22 A recent audit of Transitional Financial Support for Special Guardianship Orders (SGO) carried out by the Quality Improvement Team identified a 'limited' level of assurance about practitioners' compliance with the SGO procedure and review process. This highlighted the lack of a consistent approach across teams to review support, provide a timely and effective method of communication with SGs and make full use of the appropriate documents within the policy for recording purposes.

### **Key Actions**

- 23 Following significant research and discussions with other local authorities and legal services, a number of key actions have been identified to address the issues highlighted in this report. These are set out below:

### **Revised Special Guardianship Policy**

- 24 The revised Policy (Appendix 2) is similar to the style/layout adopted by a number of other local authorities and seeks a consistent approach in providing both practitioners and service users with an open and transparent policy. It sets out a structure with clear guidance, which is compliant with Special Guardianship Regulations 2005 and links to associated documents and policies to be used throughout the Special Guardianship process.

### **'New' Support Services Policy & Procedure**

- 25 Whilst support is already available to existing SG carers, the provision of a separate 'Support Services' Policy (Appendix 3) provides further clarity of support available, including a range of support services available in different areas to meet the needs of people affected by Special Guardianship (Regulation 3 para 24). This support does not necessarily mean financial support and includes mediation services, therapeutic services, respite provision, counselling and advice, etc.
- 26 Ultimately, support may be provided from a variety of other means and services and following the review of the Special Guardianship Policy, a significant amount of work has been undertaken, with both teams across Children's Services and the Voluntary and Community Sectors, to develop a 'Menu of Support', that will help both SGs and children/young people in their care. This support also focuses on the SG carer in providing access to

Special Guardian Support Networks/meetings across the County and access to support from a trained 'befriender, many of whom are SG carers.

- 27 The Policy also seeks to change the mindset of some practitioners, who focus primarily on the provision of financial support. As explained above, support may be accessed from a variety of other services and practitioners need to consider these services with prospective/current Special Guardians as opposed to automatic access to financial support. However, where financial support is to be provided, it is crucial that full details of the purpose, amount and duration of support are recorded and shared with the SG.
- 28 The main change set out in this Policy is the frequency of payment of transitional financial support. At present payments are normally paid in regular weekly payments. In accordance with Regulation 8, for new service users, periodic payments will only be provided to meet a need, which gives rise to recurring expenditure, otherwise financial support will be paid as a 'single' payment or, in agreement with the SG, via instalments. It is envisaged that this will reduce the dependency on a weekly allowance and provide SGs with the opportunity to purchase costly items, which support the child/young person's transition into the family home.
- 29 It is also proposed that where Special Guardians have received periodic financial support which is time limited or to be used for a specific purpose in accordance with Regulation 10 (2) and they make representations against the ceasing of this support, consideration should be given to a 'zero-based' assessment (the SG will still need to provide evidence of financial circumstances) to meet an assessed need. Regulation 6(d) allows the local authority to contribute to the expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations/adaptations to the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after a child. This support can be offered at any time, it is not restricted to where the SG has made representations about the decision to cease paying financial support.
- 30 The new approach will reduce the amount of financial support being paid weekly and the reliance on weekly payments, providing a more targeted approach to financial support, which meets the assessed needs of children/young person.
- 31 It is crucial that prospective and current SGs are very clear about the support that is available to them, including the amount and duration of financial support (now set out in SG leaflet) and the arrangements they need to make to ensure they are in a position to support the child once any financial support ceases.

### **Dedicated Review Officers**

- 32 The appointment of 2 FTE x Review Officers, funded from existing staff vacancies within the service, for an initial period of 12 months are providing greater control over this area of expenditure with the aim of reducing the projected budget overspend. Both appointments have now commenced and priority has been given to outstanding appeals.

## **Training Requirement**

- 33 The many challenges that local authorities currently face in respect of Special Guardianship, whether they be judicial reviews, Local Government Ombudsman cases, appeals or complaints emphasise the importance of a consistent and rigorous approach to Special Guardianship processes.
- 34 With this in mind and the many issues raised within this report it is clear that a bespoke training package is required for both new and existing staff, which will include the launch of these revised Policy & Procedures. A training course is currently being developed which will form part of an annual training programme and staff induction, which will help to ensure a consistent approach is adopted across the service.

## **Equality Impact Assessment**

- 35 An Equality Impact Assessment (EIA) has been undertaken to assess the impact on existing service users, which will be representative of the group and profile of 'new' service users likely to be affected by these proposals. The EIA is attached as Appendix 4.
- 36 At this stage it is likely that over 44% of 'new' service users (SGs) are aged 50+, many likely to be grandparents and female. It is likely that the gender of children/young people subject to a SGO is an equal split between male/female and the age group primarily ranges from 5yrs to 13 yrs.
- 37 In summary, the negative impacts refers to reducing the option and flexibility for 'new' service users to provide weekly financial support (for some) as opposed to a 'one off' payment or via instalments, which some SGs may find it easier to manage their respective finances. This may have a greater impact for older SGs, such as grandparents, taking on this additional responsibility of these children in their care at this period of their lives
- 38 There are positive impacts in that the level of 'transitional financial support' will remain the same, based on the age-related fostering allowance and the access to other support/services is vastly improved with particular benefits for older women and those with disabilities.
- 39 In addition, the proposal to provide a 'zero-based assessment' will allow for access to financial support for one-off payments, without the need for a full financial assessment. This is positive for the SGs and the children/young people in their care. This is also compliant with Regulation 6(d) of the Special Guardianship Regulations, which enables the authority to consider making a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child.

## **Consultation**

- 40 It is proposed that the Council seeks the views of the key stakeholders and the wider public, including exiting SG carers and voluntary services, through consultation on the proposed adoption of the revised Special Guardianship Policy and Support Services Policy and Procedure. The EIA will be updated following the consultation.

- 41 Some examples of how services users could be impacted by these proposals, if they were applied to existing SG carers, are shown in Appendix 4.
- 42 Following Cabinet approval of the draft policies and procedures, it is proposed that a 6 week consultation will begin immediately thereafter. Cabinet is asked to delegate authority to the Corporate Director Children & Young People's Services in consultation with the Cabinet Member for Children & Young People's Services to consider the outcome to the consultation, make any consequent changes to and implement proposals. Any policy changes would be implemented from mid/end July 2018.

## **Conclusion**

- 43 This report sets out an overview of the revised Special Guardianship Policy and the new Special Guardianship Support Services Policy & Procedure which seeks to provide practitioners and service users with an open and transparent policy, providing a consistent approach and adhering to Special Guardianship Regulations (2005). The Support Services Policy & Procedure also provides further opportunity for both SGs and children/young people placed in their care, to access a wide range of support and services from mainstream provision and external providers.
- 44 The proposed changes to the frequency of payment of financial support and the opportunity to provide 'one-off' payments adhere to the guidance set out in the Special Guardianship (Regulations).

## **Recommendations**

- 45 Cabinet is asked to note the content of the report and support the following recommendations:
- (a) That a 6 week consultation is undertaken on:
- (i) Adopting new Special Guardianship Policy & Procedures which are open and transparent and seek to provide a consistent approach for practitioners in adhering to Special Guardianship Regulations (2005) and access to a vast range of support and services;
  - (ii) Proposal to change frequency of payment of transitional financial support (still based on age-related fostering allowance and payable up to two years) for 'new' service users, who do not require ongoing financial support and provide 'one-off' payments or via instalments, reducing the dependency on weekly financial payments. In addition to provide the flexibility to access 'one-off' payments (not based on age-related fostering allowance) to meet an assessed need (Reg 6(d)).



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## Appendix 1: Implications

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**Finance** – The review of current policy and procedures, payment arrangements and method of review should result in financial support targeted at Special Guardians and children/young people to meet an assessed need.

**Staffing** – Recruitment and selection process undertaken - two Review Officers commenced mid-February.

**Risk** – Due to the continued payment of the weekly allowance to existing carers, carers may become dependent upon this financial support.

**Equality and Diversity / Public Sector Equality Duty** – Equality Impact Assessment completed and attached.

**Accommodation** - None

**Crime and Disorder** – None

**Human Rights** – None

**Consultation** – Proposed consultation over 6 weeks' period to be undertaken with key stakeholders in respect of the proposed changes including frequency of payments and flexibility in providing 'one-off' payments to meet an assessed need (Reg 6(d)).

**Procurement** - None

**Disability Issues** - None

**Legal Implications** – Legal advice sought throughout the review process to ensure compliance with caselaw and statutory guidance. The local authority has a duty to carry out an assessment for Special Guardianship support at the request of a child who was looked after immediately before the order was made, the SG or the child's parents and the power to offer an assessment in other cases. The local authority has discretion about whether to provide financial support but the statutory guidance does make it clear that financial issues should not be the sole reason for a special guardianship arrangement failing to survive.

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## APPLICATIONS FOR SPECIAL GUARDIANSHIP ORDERS

### RELEVANT LEGISLATION

[Children Act 1989 as amended by the Adoption and Children Act 2002](#)

[The Children Leaving Care Act 2000](#)

[The Special Guardianship Regulations England 2005 2005 \(as amended by the Special Guardianship \(Amendment\) Regulations 2016\)](#)

[Special Guardianship Guidance \(Amendments 2016\)](#)

### RELATED GUIDANCE

This chapter should be read in conjunction with [Permanence Planning Guidance](#) and [Care Planning Guidance](#).

### AMENDMENT

*This Policy was significantly revised in September 2017 and should be re-read in full.*

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## 1. Introduction

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### 1.1 Vision

Durham County Council aims to promote the welfare and improve the outcomes for children and young people who, because they are unable to live with their parents, are best placed with members of their extended families, friends or other people who are connected with them.

Durham County Council is committed to supporting family/friend carers ensuring arrangements are well assessed and supported and children/young people's needs are met, minimising the risk of placement breakdown.

### 1.2 Purpose

Special Guardianship offers an option for both permanent care outside their birth family and greater security without absolute severance from the birth family. It will address the needs of a significant group of children, who need a sense of stability and security but who do not wish to make the absolute legal break with their birth family that is associated with adoption.

It will also provide an alternative for achieving permanence in families where adoption, for cultural or religious reasons, is not an option.

A Special Guardianship Order offers greater stability and legal security to a placement than a Child Arrangement Order ([Eligibility & Provision of Financial Support CAO](#))

Special Guardians will have [Parental Responsibility](#) for the child and, whilst this will be shared with the child's parents, the Special Guardian will have the ability to exercise this responsibility without seeking permission from the parents, other than in situations where the law requires the consent of more than one person with parental responsibility.

A Special Guardianship Order made in relation to a child who is the subject of a Care Order will discharge the Care Order and the Local Authority will no longer have Parental Responsibility.

A Care Order, however, will not automatically revoke a Special Guardianship Order although the Special Guardian's exercise of Parental Responsibility will be restricted as the local authority will have primary responsibility for decision-making under the Care Order.

For further details about the Special Guardianship as a permanence option for Looked After Children, see [Permanence Planning Guidance](#) (insert revised procedure).

## **2. Who May Apply?**

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Applications for Special Guardianship may be individual or joint. Joint applicants do not need to be married. Special Guardians must be 18 or over.

The following persons may apply without having to obtain the leave of the court:

- Any guardian of the child;
- Where the child is subject of a Care Order or an Interim Care Order, any person who has the consent of the Local Authority;
- A local authority foster carer who is a relative of the child or with whom the child has lived for one year immediately preceding the application (even if the Local Authority does not consent)[1]; [Foster Carer 'Wishing to become a Special Guardian'](#)
- Anyone who is named in a Child Arrangements Order as a person with whom the child is to live;
- Anyone who has the consent of each person named in a Child Arrangements Order as a person with whom the child is to live;
- Anyone with whom the child has lived for three out of the last five years providing the child has not ceased to live with the proposed applicant more than 3 months before the making of the application;
- Anyone who has the consent of all those with Parental Responsibility for the child.
- Any other person (including the child and other than a parent) may apply for a Special Guardianship Order if he has obtained the leave of the court to make the application. ([Free-Standing Private Law Application](#))

The parents of a child may not apply to become their own child's Special Guardians.

[1] A person who is, or was at any time within the last 6 months, a local authority foster parent of a child may not apply for leave to apply for an SGO unless (s)he has the consent of the local authority, or (s)he is a relative of the child or the child has lived with him for at least one year preceding the application.

## **3. Parental Responsibility**

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The Special Guardian will have [Parental Responsibility](#) for the child and will have clear responsibility for the day-to-day decisions about caring for the child to the exclusion of anyone else who might have Parental Responsibility (apart from another Special Guardian).

The child's parents will continue to hold Parental Responsibility but their exercise of it will be limited. The parents will, however, retain the right to consent or not to the child's adoption or placement for adoption.

In addition there are certain steps in a child's life which require the consent of everyone with Parental Responsibility, for example:

- The change of surname of the child;
- The removal of the child from the United Kingdom for longer than three months;
- The sterilisation of a child;
- Marriage of a child aged between 16-18 years.

#### **4. The Circumstances in which a Special Guardianship Order may be made**

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The Court may make a Special Guardianship Order in any private/public family proceedings concerning the welfare of the child. This applies even where no application has been made and includes adoption proceedings.

Arrangements may have evolved within families, or be the consequence of a sudden event. Some cases may have the consent of all with Parental Responsibility, whereas others may be contested.

Any person making an application for a Special Guardianship Order must give 3 months' written notice to their local authority of their intention to apply. If the child resides in County Durham and is not Looked After by another local authority then Children's Services will be responsible for the assessment of special guardians residing in Durham. The local authority receiving the notice will then have a duty to provide a report to the Court. In relation to a Looked After Child, the notice will go to the local authority looking after the child.

The only exception to the requirement for 3 months' notice is where the Court has granted leave to make an application and waived the notice period.

Where the local authority has received notice from an applicant or a request for a report from the Court, it should provide written information ['Becoming a Special Guardian'](#) about the steps and the necessary references and checks it proposes to take in preparing the report to the prospective Special Guardian and the parents of the child in question. This should include information about Special Guardianship support services and how to request an assessment of needs for support.

#### **5. Assessment Process (Planning Meeting)**

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Once notice has been received that an application for a Special Guardianship is to be made via Private Law Application or within the Local Authority's Assessment & Care Planning process, the plan/notice should be passed to the child/young person's SW or, if the child is not previously known, arrangements must be made for the case to be allocated to a Social Worker (SW). See *Application Process flowchart (D2)*

## Appendix 2

The allocated SW should ensure the appropriate meetings and arrangements are undertaken as soon as practicable after the notice is received, setting out steps to be taken, who will carry out the necessary assessments and who will contribute to the report for the Court. Court timescales will need to be clarified.

The SW or SWs preparing the [Court Report](#) should be suitably qualified and experienced. There are no specific requirements as to the level of qualification or experience required and it will be for the manager of the relevant social work team to ensure that the allocated worker is competent to write the report.

In all cases, there will need to be:

- An assessment of the needs of the current and likely future needs of the child (including any harm the child has suffered and any risk of future harm posed by the child's parents, relatives or any other person the local authority considers relevant);
- An assessment of the prospective Special Guardian's parenting capacity including:
  - i) Their understanding of, and ability to meet the child's current and likely future needs, particularly, any needs the child may have arising from harm that the child has suffered;
  - ii) Their understanding of, and ability to protect the child from any current or future risk of harm posed by the child's parents, relatives or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child;
  - iii) Their ability and suitability to bring up the child until the child reaches the age of eighteen.

The proposed contact arrangements should be set out and the support needs of the child, parents and the prospective special guardian.

The assessment of the applicants should include their medical history, the [SG references](#) received, enhanced Disclosure and Barring Service (DBS) checks and other statutory checks undertaken for assessment. The local authority database should be checked, with any issues arising being followed up.

No less than three-months after giving notification to the local authority the applicants should make their formal application at the court which made the care order. It is important not to delay the completing of the assessment of support as the applicant has 28 days to consider this assessment and make any representation within the 3 month notice period.

### **5.1 Approval of Special Guardianship for Looked After Children**

The recommendation to support the making of a Special Guardianship Order should be agreed at the Looked After Review, as part of the child's permanence planning arrangements.

## **6. Report for the Court**

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The social worker or social workers preparing the [Court Report](#) should be suitably qualified and experienced. Once completed, the Court Report should be first submitted by the author(s) to their line manager(s) for approval and legal services, then submitted to the SGO Panel together with the Support Plan.

A SGO **cannot** be made unless the court has a report dealing with the matters prescribed.

The court cannot make an SGO of its own motion without having first received such a report.

## **7. Variations or Discharge of Special Guardianship Order**

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A Special Guardianship Order can be varied or discharged on the application of:

- The Special Guardian;
- The local authority designated in a Care Order with respect to the child;
- Anyone named in a Child Arrangements Order as a person with whom the child was to live before the Special Guardianship Order was made;

OR

- With the leave of the court:
  - The child's parents or guardians;
  - Any step parent who has Parental Responsibility;
  - Anyone who had Parental Responsibility immediately before the Special Guardianship Order was made;
  - The child (if the court is satisfied that the child has sufficient understanding).

Where the applicant is not the child and the leave of the court is required, the court may only grant leave if there has been a significant change in circumstances since the Special Guardianship Order was made.

The court may, during any family proceedings in which a question arises about the welfare of a child who is subject to a Special Guardianship Order, vary or discharge the Order in the absence of an application.

## 8. SGO Panel

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All Special Guardianship assessments, including the Court Report, associated Special Guardianship Support Plan and financial assessment (where applicable) must be submitted to the next appropriate monthly **SGO Panel**. The SGO Panel acts as a quality-assurance and approval mechanism and ensures that the SGO Court Report and Support Plan are completed to the required standard within the required timescales. Exceptionally, where time does not allow for this, the designated Strategic Manager (Child Protection & Disabilities) should have sight of this and agree it in advance of submission to court.

Following changes to the Support Plan, reviews and receipt of appeals, the appropriate documentation must be submitted to Panel whereby the TM will inform the SG in writing of the outcome of the Panel's decision.

In summary the SGO Panel will have 4 main roles:

- To steer the process of completing assessments within the given timescale;
- To ensure that proposals for financial support are discussed;
- To assure the quality of the assessment and report;
- To recommend the level and type of support (if any) to be offered by Children's Services.

## 9. Special Guardianship Support

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The local authority must make provision for a range of Special Guardianship support services (Section 14F of the amended Children Act, 1989). See 'Access to Support Services Guidance' **(D 4)**.

Special Guardianship support services are defined as:

- Financial support (Reg 3(1)(a)); (see Section? Financial Support);
- Services to enable children, Special Guardians and parents to discuss matters relating to the special guardianship (Reg 3(1)(b));
- Assistance including mediation in relation to contact between the child and their parents, relatives or significant others with whom the child has a relationship that the authority considers to be beneficial to the welfare of the child (Reg 3(1)(c));
- Therapeutic services for the child (Reg 3(1)(d));
- Assistance to ensure continuance of the relationship between the child and the Special Guardian, including training to meet any special needs of the child, respite care, and mediation (Reg 3(1)(e));
- Counselling, advice and information (Sec 14F(1)(a) of the Children Act 1989).

Special Guardianship Support will be subject to agreement of the Team Manager and approval of the SGO Panel.

The services described above may include cash assistance.

Support services should not be seen in isolation from mainstream services and it is important to ensure that families are assisted in accessing mainstream services and are aware of their entitlements to tax credits and social security benefits.

Further details of access to a range of services and support are provided in the 'Access to Support Services Guidance' (D 4). In addition, therapeutic support may be accessed from the Full Circle Team, whereby funding may be sought from the Adoption Support Fund for children who were previously in care immediately before the making of a Special Guardianship Order.

Where the child was previously Looked After, the local authority that looked after the child has responsibility for providing support (*where there is an identified need*) for the first three years after the making of a Special Guardianship Order. Thereafter the local authority where the Special Guardian lives will be responsible for the provision of any support required.

If a child is not Looked After, the local authority where the Special Guardian lives has the responsibility for Special Guardianship support where applicable.

Ongoing financial support, which has been agreed before the Special Guardianship Order was made, remains the responsibility of the local authority that agreed it so long as the family meet the criteria for payment.

## 10. Entitlement to Assessment for Special Guardianship Support (Reg 11)

---

Where the child is Looked After or was Looked After immediately prior to the making of the Special Guardianship Order, the following people **MUST** receive an assessment at their request:

- The child;
- The Special Guardian or prospective Special Guardian;
- A parent (but only in relation to their need for support with contact and/or discussion groups).

Where the child is not Looked After or was not Looked After immediately prior to the making of the Special Guardianship Order, the following people **MAY** be offered an assessment of their need for Special Guardianship support services:

- The child;
- The Special Guardian or prospective Special Guardian;
- A parent.

## Appendix 2

In all cases, whether the Special Guardianship child is looked after or not, the following people also **MAY** be offered an assessment of their need for Special Guardianship support services:

- A child of the Special Guardian;
- Any person with a significant on-going relationship with the child.

If a local authority decides not to assess in cases where they have discretion as above, they must notify the decision in writing, including reasons for the decision, to the person making the request.

## **11. Assessment for Support**

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Most assessments will be carried out during the general assessment for the court report and should consider the following factors based on the Single Assessment (with reference to the Special Guardianship Regulations):

- The developmental needs of the child;
- The parenting capacity of the Special Guardian or prospective Special Guardian to meet the child's needs;
- Family and environmental factors that have shaped the life of for the child and the capacity of the Special Guardian or prospective Special Guardian to respond to those experiences;
- Comment on how life with the Special Guardian might be for the child;
- Any previous assessment of the child or Special Guardian that is relevant;
- The needs of the Special Guardian or prospective Special Guardian and their family;
- The impact of the Special Guardianship Order on the relationship between the child, parent and Special Guardian.

The conclusion of the assessment will be subject to agreement of the Team Manager. At the end of the assessment and once the necessary approval has been obtained, the social worker must inform the person requesting provision of its outcome which sets out the following (Reg 15):

- Information about the outcome of the assessment and the reasons for it;
- Where it relates to financial support, the basis on which this is determined;
- The services (if any) that the Local Authority proposes to provide to help meet the child's needs;
- If financial support is to be paid, the amount and conditions attached.

In a case where the local authority proposes to provide special guardianship support services and is required to prepare a plan, the notice must be accompanied by a draft of that plan. A **letter** will accompany the Support Plan informing the prospective SG of a period of 28 days to make comment/representation.

## **12. Urgent Cases**

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Where a person has an urgent need of a service, the assessment process should not delay provision and arrangements can be made for support to be provided as a matter of urgency in appropriate cases. Approval will be sought from the Team Manager/Operations Manager. Provision will be reviewed as soon as possible after the support has been provided in accordance with the procedures set out above.

## **13. Special Guardianship Support Plan**

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Where an assessment identifies the need for 'on-going' support services, a [SGO Support Plan](#) must be completed. (See [Special Guardianship Support Plan Guidance](#))

Other agencies, such as education and health, may need to be consulted about the contents of the Plan.

The Plan should be written in such a way that everyone affected can understand it and sets out:

1. The services to be provided;
2. The objectives and criteria for success;
3. Timescales for provision;
4. Procedures for review;
5. A named person to monitor the provision of services in accordance with the Plan.

The Special Guardianship Support Plan will need to be agreed by Team Manager and approval sought by the SGO Panel.

Once the necessary approval has been obtained, the SW worker must send the proposed plan to the person requesting support, and allow 28 days for that person to make representations about the proposed plan. The SW should also give information to the person concerned about who to contact to obtain independent advice and advocacy (to be signposted to Relative Experience Project).

Where representations are received, they should be referred to the Team Manager and submitted back to the SGO Panel to decide whether to amend or confirm the Plan. The allocated social worker must then write to the person concerned setting out the final Plan.

*NB: Particular attention must be given to the content of the Support Plan in relation to the financial information of the SG and ensure that this confidential information is not shared with birth parents when submitted to Court.*

## 14. Review of Special Guardianship Support Plans

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Special Guardianship Support Plans must be reviewed taking into account the following:

- Any change of circumstances affecting the support;
- At whichever stage of implementation of the plan is considered most appropriate;
- In any event at least annually.

Support Plans may be reviewed as a paper exercise where there is no change or a minor change in circumstances; however, if there is a substantial change of circumstances, e.g. a serious change in the behaviour of the child, it would normally be necessary to conduct a new assessment of needs.

Where the support is only financial and being paid periodically, a review should take place annually with the completion of a financial assessment form (SS499) or sooner if there are any changes in circumstances or break of conditions. A [Terms & Conditions Agreement](#) will be signed by the Special Guardian prior to any financial payments being made. **See Financial Support below.**

Any change to the Special Guardianship Support Plan will be subject to the agreement of the Team Manager and approval of the SGO Panel.

If the local authority decides to vary or terminate the provision of support after the review, notice in writing must be given and the person concerned should be given 28 days to make representations against this decision.

## 15. Financial Support

---

Durham County Council will make financial contributions (refer to **Financial Support Policy**) to a Special Guardian, or prospective Special Guardian, in order to maintain or achieve permanence for a child or young person, via Special Guardianship. This policy applies where Special Guardianship has been assessed to be in the best interests of the child or young person.

### 15.1 Assessment of Financial Support (Reg 13)

Special Guardians must be helped to access any benefits to which they are entitled **(D10) proposed link to WR**. This will usually include child benefit and tax credits such as Child Tax Credit and Working Tax Credit. It may also include disability benefits for some children.

The Local Authority must also take account of any other grant, benefit, allowance or resource available to the person in respect of his/her needs as a result of becoming a Special Guardian of a child. Financial support cannot duplicate any other payment available to the Special Guardian.

The Special Guardian's means will normally be considered when 'on-going' financial support is being considered. The Dept of Education means-test model is used to undertake a financial assessment and to determine the amount of financial support payable. Child benefit will be deduced from the allowance, only where applicable.

Once the means-test has been carried out, the completed Financial Assessment Form (SS499) will be sent to the SW, who will submit financial information to the SGO Panel as part of the Court Report/Support Plan or as part of the review of the Support Plan.

Following the approval of financial support, the appropriate financial processes (set out in **Financial Support Policy**) will need to be undertaken and a financial 'Notification of Entitlement' letter sent to the SG carer which sets out the payment of financial support as detailed below.

## 15.2 Payment of Financial Support (Reg 8)

Financial support may be **paid periodically** (i.e paid as a regular allowance), if it is provided to meet a need which is likely to give rise to 'recurring expenditure', otherwise it may be paid as a **single payment**, or, if the Local Authority and Special Guardians or prospective agree, in instalments. The **'Terms & Conditions' Agreement** and the **'Notification of Entitlement'** letter sent to the SG will provide the following information:

- Whether financial support is to be paid in regular instalments and if so, the frequency of payment;
- Where financial support is to be paid as a single payment, when the payment is to be made
- The amount of financial support;
- The period for which the financial support is to be paid;
- When payment will commence;
- Conditions for continuing payment and date by which conditions are to be met, i.e. returning Review Forms;
- Arrangements and procedure for review and termination.

Means **may** be disregarded in relation to:

- The initial costs of accommodating a child who has been Looked After;
- Recurring travel costs in contact arrangements;
- Any special case requiring greater expenditure due to illness, disability, emotional or behavioural difficulties or the consequences of the past abuse or neglect of a child previously looked after;
- Where the Special Guardians were previously the child's foster carers - the local authority can maintain the fostering allowance for a transitional period of two years but with discretion to extend if necessary - '**Remuneration for Former Foster Carers**'. (See Financial Support Policy)

The only circumstance when the Local Authority **MUST** disregard means is when providing financial support in respect of legal costs, including fees payable to a court in respect of a child who is Looked After where the local authority support the making of the Special Guardianship Order. ([Legal Support Guidance](#))

Where Special Guardians are in receipt of on-going financial support, a financial assessment review will be undertaken annually alongside a review of any other support services identified within the Support Plan (where support services have not already been reviewed during the preceding year).

Following the review, documentation will be submitted to the next appropriate SGO Panel, whereby the Team Manager will be informed of the Panel decision and the SG notified in writing of any changes, together with the reasons for change.

*Regulation 10 provides that the local authority may set any other conditions they consider appropriate, including the timescale within which and purposes for which any payment of financial support should be utilised. Where any condition imposed is not complied with, the local authority may suspend or terminate payment of financial support and seek to recover all or part of the financial support they have paid.*

## 16. Representations/Appeal

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If the local authority proposes, as a result of the review, to reduce or terminate financial support or revise the plan, before making that decision the local authority must give the person an opportunity to make representations (allowing 28 days). For that purpose it must give the person notice of the proposed decision and the time allowed for making representations, however, the local authority may suspend financial support pending that decision, if they think it appropriate.

Where financial support is time limited and the SG carer is notified of the proposed ceasing of support the SG carer may wish to appeal against this decision. The appeal must be made in writing and sent directly to the Children Services Payment Team within 28 days of receipt of the letter, setting out with any additional information.

Receipt of the appeal letter will be acknowledged and submitted to the next appropriate SGO Panel.

## **17. Leaving Care Support**

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Children who were looked after by a Local Authority immediately before the making of a Special Guardianship Order may qualify for advice and assistance under the Children Act, 1989, as amended by the Children (Leaving Care) Act 2000 and the Adoption and Children Act, 2002, in the context of the Special Guardianship, to qualify for advice and assistance, Section 24(1A) of the Children Act 1989 provides that the child must:

- Have reached the age of 16 but is not yet 21;
- If less than 18 years old, have a Special Guardianship Order in force;
- If 18 years old or above, have had a Special Guardianship Order in force when they reached that age; and
- Have been looked after by a Local Authority before the making of a Special Guardianship Order. If those criteria are met, the child is a “Qualifying Child” within the meaning of the Act.

The relevant Authority (authority which last looked after the person) must assess their needs to establish whether they require advice and assistance. Where, following a Single Assessment the authority concludes that support will be necessary over a period of time, a plan should be drawn up with the young person, outlining the support that will be provided. In order to determine the extent of the support required, a Single Assessment may be required and the plan that follows might follow the same format as a pathway plan for a relevant or former relevant child. The plan will outline the support to be provided to the young person, including, if necessary, any financial support. The plan will be drawn up by a social worker or suitably qualified person.

## **18. Special Guardian Duty on the Death of the Child**

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If the child with respect to whom a Special Guardianship Order is in force dies, the Special Guardian must take reasonable steps to give notice of that fact to:

- Each parent of the child with Parental Responsibility; and
- Each guardian of the child.

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# DURHAM COUNTY COUNCIL



## SPECIAL GUARDIANSHIP SUPPORT POLICY 2018/19

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## 1. Assessment for Support Services

In all cases where an application for a Special Guardianship Order is made to the court, the authority will carry out an investigation into the suitability of the prospective special guardian and the needs of the child. In carrying out such an investigation it may become apparent that support from the authority, or arranged by the authority, is necessary to promote the child's welfare.

All children who were Looked After by the authority at the time of the application for a Special Guardianship Order, or immediately before the Special Guardianship Order was made, will be assessed for support services, following which the authority will produce a 'notice of assessment' and where there is an ongoing need, a Support Plan, setting out the support it will provide.

Support may be provided in many ways such as advice, mediation, therapeutic support or financial, providing one-off payment for a 'settling-in' grant or where there is a recurring financial expenditure. The purpose of this support is to ensure that the child's needs are met and the relationship between the child and special guardian is preserved. Lack of support, financial or otherwise, should never be the reason why a special guardianship arrangement fails.

If it appears that, a child who is the subject of the Special Guardianship Order may have a need for support from another agency, such as health or education they will be consulted with in preparation of the [SGO Support Plan](#).

If the authority decides that it is not necessary to carry out an assessment of the need for support the special guardian, will be notified and given an opportunity to make representations as to why such an assessment should be carried out. Any such representations must be received within 28 days of receipt of the notification of the decision not to carry out an assessment. If representation is received, such representation will be considered by the SGO Panel.

## 2. Provision of Support

The authority must make provision for a range of Special Guardianship support services (Section 14F of the amended Children Act, 1989).

Special Guardianship support services are defined as:

- Financial support (Reg 3(1)(a));
- Services to enable children, Special Guardians and parents to discuss matters relating to the special guardianship (Reg 3(1)(b));
- Assistance including mediation in relation to contact between the child and their parents, relatives or significant others with whom the child has a relationship that the authority considers to be beneficial to the welfare of the child (Reg 3(1)(c));
- Therapeutic services for the child (Reg 3(1)(d));

- Assistance to ensure continuance of the relationship between the child and the Special Guardian, including training to meet any special needs of the child, respite care, and mediation (Reg 3(1)(e));
- Counselling, advice and information (Sec 14F(1)(a) of the Children Act 1989).

Support services should not be seen in isolation from mainstream services and it is important to ensure that families are assisted in accessing mainstream services and are aware of their entitlements to tax credits and social security benefits.

### **(a) Support Plan**

Where an assessment identifies the need for 'on-going' support services, a Special Guardianship Support Plan must be completed using the *SGO Support Plan Template and also identifying access to other support services set out in the Support Services Guidance*.

The Special Guardianship Support Plan will need to be agreed by Team Manager and approval sought by the SGO Panel.

Once the necessary approval has been obtained, the SW worker must send the proposed plan to the person requesting support, and allow 28 days for that person to make representations about the proposed plan. The SW should also give information to the person concerned about who to contact to obtain independent advice and advocacy. *This will be provided by the Relative Experience Project **insert e-mail/telephone number.***

Where representations are received, they should be referred to the Team Manager and submitted back to the SGO Panel to decide whether to amend or confirm the Plan. The allocated social worker must then write to the person concerned setting out the final Plan.

*NB: Particular attention must be given to the content of the Support Plan in relation to the financial information of the SG and ensure that this confidential information is not shared with birth parents when submitted to Court.*

### **3. Provision of Financial Support**

Carers who are proposing to care for a child under a Special Guardianship Order or who are caring for a child under a Special Guardianship order can request an assessment for support, including financial support. Durham County Council may provide support to a Special Guardian, or prospective Special Guardian, in order to maintain or achieve permanence for a child or young person, via Special Guardianship. This policy applies where Special Guardianship support has been assessed to be in the best interests of the child or young person

Regulation 7 states 'Financial issues should not be the sole reason for a special guardianship arrangement failing to survive. The central principle is that

financial support should be payable in accordance with the Regulations to help secure a suitable special guardianship arrangement where such an arrangement cannot be readily made because of a financial obstacle’.

The payment of financial support is at the discretion of the Council and is subject to assessment of need and cannot be relied upon as a regular source of income. State benefits and tax credits are available to special guardians in the same way as they are for any parent and the authority has a key role in supporting SG carers to access all benefits to which they may be entitled to.

The Local Authority must take account of any other grant, benefit, allowance or resource available to the person in respect of his/her needs as a result of becoming a Special Guardian of a child. Any financial support paid by the Council is not designed to replace benefits and tax credits.

#### **4. When can Financial Support be considered**

Regulation 6 of the 2005 Regulations states:

Financial support may be paid to a special guardian or prospective special guardian:

- a. To facilitate arrangements for a person to become the special guardian of a child where the local authority consider such arrangements to be beneficial to the child’s welfare; or
- b. To support the continuation of such arrangements after a special guardianship order is made

#### **5. Criteria for Financial Support**

Durham County Council has the power to provide financial support to enable applicants to become Special Guardians, or after the order is made, to enable the Special Guardianship to continue, where the assessment determines that a Special Guardianship Order is beneficial to the welfare of the child or young person. Reg 6(2) allows financial support to be paid if one of the following circumstances in a. to d. applies:

- a. Where the Local Authority consider that it is necessary to ensure that the special guardian or prospective special guardian can look after the child;
- b. Where the Local Authority consider that the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of illness, disability, emotional or behavioural difficulties or the consequences of his past abuse or neglect;
- c. Where the Local Authority consider that it is appropriate to contribute to any **legal costs** including court fees. This could include court fees associated with the application for a Special Guardian Order or any application to vary or discharge such an order; an application for an order under section 8 of the Children Act 1989; or an order for financial provision to be made to or for the benefit of the child;

- d. Where the Local Authority considers it appropriate to make a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

Payment of financial support under (b) is intended where the child's condition is serious and long-term. For example, where a child needs a special diet or where items such as shoes, clothing or bedding need to be replaced at a higher rate than would normally be the case with a child of similar age who was unaffected by the particular condition (para 39).

In many Special Guardianship arrangements, contact between the child and their relatives or others with whom the Local Authority considers the child to have a beneficial relationship is very important. Where assistance with travel costs is required, this may either be given in cash under Regulation 3(1)(b) or, if such costs are on a recurring basis, as part of any financial support provided under Regulation 6(2)(b) to support the arrangements for ensuring the Special Guardian can look after the child (para 41).

### **Remuneration for former Foster Carers (who received a payment for skills)**

Regulation 7 states where the Special Guardian or prospective Special Guardian previously fostered the child and they received an element of remuneration, this being payment for skills, the authority has the discretion to continue to pay that element of remuneration for two years from the date of the Special Guardianship Order (SGO). The decision to include an element of remuneration (payment for skills) must be taken before the SGO is made and the assessment must determine that such remuneration is necessary to facilitate arrangements for a person to become a SG.

Reg 7(2) confirms that any remuneration ceases to be payable after two years from the making of the SGO, unless Durham County Council (DCC) considers continuation to be necessary, having regard to the exceptional needs of the child/young person or any other exceptional circumstances (see eligibility criteria). The payment during the two years will be the age related Fostering Allowance, plus the level of payment in respect of payment for skills that the foster carer previously received for the child before the SGO. The SG carer will be supported to access benefits, including child benefit.

## **6. Method of Payment**

(Regulation 8) Financial support may be paid either:

- i) **periodically**, if it is provided to meet a need which is likely to give rise to recurring expenditure; or
- ii) by a **single payment**; or
- iii) if the local authority and the Special Guardian or prospective Special Guardian agree, by **instalments**.

## 7. Assessment of Need for Financial Support

**If the financial assessment determines an allowance might be payable, it will only be paid if it is assessed as necessary to meet the needs of the child as set out in 3a. and 3b. above.**

If a Special Guardianship assessment is being conducted prior to the Special Guardianship Order being made, the responsible Social Worker, where appropriate, should request a financial assessment from the Financial Assessment Team. This will ensure that equitable advice and standards are applied across all requests for financial assessment.

If the financial assessment is requested following the making of the Special Guardianship Order, the SW will initiate a new assessment.

In determining the amount of any financial support, the financial assessment will take account of any other grant, benefit, allowance or resource which is available to the person in respect of his or her needs as a result of becoming a Special Guardian for the child/young person. **(See Financial Process)**

The Authority will normally use its weekly in house fostering allowance (based on the age-related fostering allowance) as its baseline for calculating transitional financial support and determining the amount payable, using the Department of Education Means-Test Model which will take into consideration:

- a) the financial resources available to the Special Guardian or prospective Special Guardian
- b) the amount required by the Special Guardian or prospective Special Guardian in respect of his or her reasonable outgoings and commitments (excluding outgoings in respect of the child)
- c) the financial needs and resources of the relevant child.

Para 66 states that the following support can be provided without the need for a means-test:

- The initial costs of accommodating a child who has been Looked After;
- Recurring travel costs in contact arrangements;
- Any special case requiring greater expenditure due to illness, disability, emotional or behavioural difficulties or the consequences of the past abuse or neglect of a child previously looked after;
- Where they are considering including an element of remuneration in financial support payments to ex-foster carers – so that local authorities can maintain the amount paid to a foster carer who goes on to become a special guardian for the transitional period (two years).

The only circumstance in which the local authority **must** disregard means is when they are considering providing financial support in respect of legal costs, including fees payable to a court (para 68).

Once it has been determined that there is a need for financial support which requires a means-test, the Financial Assessment Team will be requested to undertake a financial assessment to determine how much the Special Guardian will receive in financial support. **(See Financial Assessment Process)**

The [Financial Framework](#) sets out a summary of financial support payments.

## **8. Decision to provide Financial Support (SGO Panel)**

The decision to provide financial support must be sought from the SGO Panel which acts as a quality-assurance and approval mechanism and ensures that the SGO Court Report, Support Plan and financial assessment (where appropriate) are completed to the required standard within the required timescales. Exceptionally, where time does not allow for this, the designated Strategic Manager (Child Protection & Disabilities) should have sight of the reports and agree these in advance of submission to court.

Following changes to the Support Plan, reviews and receipt of appeals, the appropriate documentation (including a financial assessment) must be submitted to Panel following which the appropriate TM will inform the SG in writing of the outcome of the Panel's decision.

In summary the SGO Panel will have 4 main roles:

- To oversee the process of completing assessments is undertaken within the given timescale;
- To ensure that proposals for financial support are discussed;
- To assure the quality of the assessment and report;
- To recommend the level and type of support (if any) to be offered by Children's Services.

### **SGO Panel Membership:**

- Strategic Manager (Child Protection & Disabilities) – Panel Chair
- Operations Manager (Child Protection & Disabilities)
- Appropriate Team Manager

Team Managers/SWs will be asked to attend on an ad-hoc basis to present cases as appropriate.

Following the decision of the SGO Panel and the SG wishes to appeal against this decision this will be reviewed by the Appeals Panel.

### **Appeals Panel Membership:**

- Strategic Manager – Placement Efficiency
- Strategic Manager (to be confirmed)

## 9. Notice of Decision

After approval has been sought and a decision made to provide financial support, the Special Guardian will be provided with a 'Notification of Entitlement' letter, sent by the Children's Services Payment Team which sets out the following information:

- The method of determination of the amount of financial support
- Whether financial support is to be paid in regular instalments and if so, the frequency of payment;
- Where financial support is to be paid as a single payment, when the payment is to be made;
- The amount of financial support;
- The period for which the financial support is to be paid;
- When payment will commence;
- Arrangements and procedure for review and termination.

Any notice must be given in writing.

## 10. Review of Financial Support

*Regulation 17 requires that where the local authority provides special guardian support services, other than financial support paid periodically, it must review the provision of such services and this is set out in the SGO Policy.*

Regulation 18 requires that where the local authority provides financial support payable periodically, it must review the financial support:

- a) Annually, requesting appropriate documentary evidence;
- b) If there is any change of circumstances or breach of any condition (see **Terms & Conditions Agreement**);
- c) At any stage in the implementation of the plan.

## 11. When does financial support cease?

The duration of financial support is payable up to two years but this is dependent upon the assessed needs of the child, having regard to the exceptional needs of the child/young person or any other exceptional circumstances. If the local authority proposes, as a result of the review, to reduce or terminate financial support or revise the plan, before making that decision the local authority must give the person an opportunity to make representations. For that purpose it must give the person notice of the proposed decision and the time allowed for making representations, but the local authority may suspend financial support pending that decision if they think it appropriate.

The review and any representations must be submitted to the next appropriate SGO/Appeals Panel who will decide whether to vary or terminate payment of the financial support or whether to seek to recover all or part of any financial support that has been paid; and where appropriate, revise the plan. The Team Manager must inform the SG of the decision in writing.

## **Terms & Conditions**

Regulation 10 provides that financial support that is to be paid periodically is not payable until the special guardian or prospective special guardian agrees to the following conditions. As the local authority has the discretion to impose any appropriate condition this will apply for the purpose of any financial support provided.

As outlined within the **Terms & Conditions**, financial support will always cease to be payable to the Special Guardian or prospective Special Guardian if the child or young person:

- a) ceases to have a home with him or her; or
- b) ceases full-time education or training and commences employment; or
- c) qualifies for income support or job seeker's allowance in his or her own right:  
or
- d) attains the age of 18 years, (unless he or she continues in full-time education or training, when it may continue until the end of the course or training he or she is then undertaking)

The Special Guardian or prospective Special Guardian must agree to:

- a) inform the local authority immediately if the Special Guardian changes his or her address, the child/young person dies, or there is a change in the financial circumstances of the Special Guardian or the needs or resources of the child, or if any of the events occur which would lead to the cessation of the support.
- b) complete and supply the local authority with appropriate annual financial documentation of his or her financial circumstances, the financial needs and resources of the child or young person, and his or her address and whether the child/young person still has a home with him or her.

The Special Guardian must also sign the 'Terms & Conditions' Agreement and adhere to the conditions set out within this Agreement.

Durham County Council may suspend or terminate the payment of financial support, and seek to recover all or part of the financial support paid, if any of the above conditions are not complied with, but where the non-compliance is the failure to provide annual financial documentation, the local authority is under a duty to send the Special Guardian a written reminder of the need to provide this documentation and to give the person 28 days within which to comply.

Notice of any change of circumstances of the Special Guardian or the child/young person may initially be given orally, but must be confirmed in writing within 7 days.

## 12. Making Representations/Appeals Process

If the carer(s) wishes to make representations and appeal against a decision or wants the terms of a decision to be reconsidered, he/she would need to appeal in writing and send the Appeal to the Children Services Payment Team within 28 days of receipt of the letter. The letter must clearly provide full details of the additional costs incurred as a result of ceasing financial support.

Applicants who remain dissatisfied with the decision will be entitled to use the Council Complaint's Procedure.

## PROCESS & PROCEDURES

### 13. Initial Visit to Prospective Special Guardian/Special Guardian (discussion of Support Services)

At the 'Initial Visit' stage the SW will provide the prospective SG with the information leaflet '[Becoming a Special Guardian](#)' and provide help to access any benefits which they are entitled to by putting a referral into Welfare Rights **(D10)** *proposed link to WR*; this will usually include child benefit and tax credits such as Child Tax Credit and Working Tax Credit. It may also include disability or other benefits on behalf of themselves or the child. Advice and consultation should be made available to Special Guardians and this may include sign posting to relevant agencies that may support applicants with accessing relevant entitlements and/or additional support, for example 'The Relative Experience Project' (**insert e-mail referral**).

The '**Recording of Visits**' [checklist](#) must be completed at both the 'initial visit' stage and the annual review to confirm the appropriate information/guidance has been provided and discussed in detail. The checklists at each stage should be signed/dated by both the SW and the prospective SG/SG and placed on the child's file within the appropriate locality office.

It is very important at the outset that the prospective carers are clear about financial support arrangements - what they are, how long they will last, means-testing, reviews. Social workers must **NOT** give verbal or written commitments or promises on financial support. All financial support arrangements will require the relevant assessment to be completed and subsequent approval will always be required by both the Team Manager and the Special Guardianship Panel.

### 14. Financial Means-Test

Where financial support has been identified as part of either the Outcome of the Assessment and/or Support Plan or as part of a financial review and requires a means-test, a referral to the Financial Assessment Team is required, allowing 5-6 weeks for the completion of a financial assessment. Appendix 3 sets out the key processes for seeking a financial assessment.

#### Referral to Financial Assessment Team (New/Review)

The SW will send a referral form ([SS499](#)) to the Financial Assessment Team (Green Lane) via e-mail:

Finance.Assistants.Initial.Assessment.Team@durham.gov.uk by completing Section A of the SS499 Referral Form with the following information:

- Particulars of the carer;
- Details of the child/children for whom an allowance is sought;
- Other family members – **NB this is an important field as allowances are made within the calculation for other family members living at home;**
- Date of the SGO/RO Panel (if known);
- Any other relevant information (court dates, etc.);
- Details of the worker making the referral.

**NB: A Financial Assessment will not be progressed without the completion of a financial referral form SS499.**

### **Conducting a Financial Assessment/Financial Review**

Upon receipt of the financial referral (SS499) the Finance Assistant will send an appointment letter to carer confirming date/time the FABO will conduct a Financial Assessment over the telephone, within 10 working days of receiving the referral.

This information will be recorded on 'Appointments' and 'Case Notes' on SSID.

The FABO will undertake the financial assessment using form SS500 – 'Assessment of Special Guardianship/Child Arrangements Order Allowances' and will identify on this form, the appropriate documentary evidence to be submitted by the carer to confirm income/expenditure during the assessment. The completed SS500 form will be sent to the carer for signature, requesting the appropriate documentary evidence together with the 'Terms & Conditions for Financial Support' Agreement. The duly signed forms and documentary evidence should be returned within 10 working days.

Should any of the above information not be returned within the 10 working days a further written reminder will be sent to the carer, informing them that 28 days from the date of this reminder, no further payments will be made (SGO Reg 10). FABOs will diary in 28 days and inform AO (FS) of any failure to supply this information, whereby a letter will be sent by AO (FS) to carer to confirm payments will cease immediately and TM informed.

**NB: Failure of the carer to engage in the financial assessment, provide documentary evidence or further confirmation of additional benefits received, will result in payments ceasing and the TM being notified.**

Upon receipt of the above information, the FABO completes Section B of the SS499 Referral Form with:

- Details of income and expenditure used for the calculation, confirmed by receipt of appropriate documentary evidence (if the financial support is approved, this information will be provided in the Notification of Allowances letter sent to the carer).
- The financial calculation.

- A summary of financial support (this information will also be used in the 'Notification of Entitlement' letter and the breakdown is required to put the provision on SSID).
- Any notes for panel e.g. where a decision is required as to whether particular expenditure can be included as eligible expenditure within the calculation.
- Information highlighting any possible/future benefits to be paid to the carer. The FABO should inform the carer that this may result in a further financial re-assessment **(FABO will undertake a further review following confirmation from the AO (FS) when a payment is set up and seek confirmation of additional benefits received by the carer – See Appendix 4).**
- The FABO's name and contact number.
- Date of Financial Assessment.

The FABO will e-mail the SS499 Referral form back to the SW and record on SSID case notes the date SS499 Referral form is completed/returned and any issues/concerns.

The FABO will also forward the signed and dated 'Term & Conditions of Financial Support' Agreement directly to the AO (FS). **Until this signed agreement has been received, no payment will be made.**

### **Benefits**

Where the family's **only source of income is:**

- **Income Support;**
- **Guaranteed Pension Credit;**
- **Employment Support Allowance (only Income Based);**
- **Job Seekers Allowance (only Income Based);**
- **Universal Credit (where appropriate).**

A payment will be awarded without applying the standardised means-tested financial assessment, however, documentation confirming all benefits will still be required to provide an overview of SG's financial circumstances.

### **Benefits Check**

During the Financial Assessment stage, FABOs will highlight with the carer(s) 'possible/future entitlement to additional benefits', where appropriate, and the requirement to undertake a further recalculation of financial support by completing SS499 (Section B (iii)). FABOs will undertake a further review following confirmation from AO (FS) that payment is to be set up and will contact carer to request confirmation of these additional benefits (see Appendix 4).

In the meantime payments will be based on the original calculation and the appropriate adjustments will be made when a further recalculation is undertaken. Any overpayments will be deducted from future payments.

The FABO will inform AO (FS) who will send a revised Notification letter to the carer(s) identifying any adjustments and will ensure payments will be amended

on SSID. Copies will be sent to both TM and SW and a copy placed on child/YP's file within the locality office.

Should confirmation of benefits not be returned within the 12 weeks deadline a further written reminder will be sent to the carer, informing them that 28 days from the date of this reminder, no further payments will be made (SGO Reg 10). FABOs will diary in 28 days and inform AO (FS) of any failure to supply this information, whereby a letter will be sent by AO (FS) to carer to confirm payments will cease immediately and TM informed.

### **Setting up a Financial Provision on SSID**

Upon receipt of the SS499 and [Children's Services Payment Request Form](#) from the SW, the AO (FS) will set up the financial provision on SSID.

The Children Services Payment Request Form must be completed by the SW with emphasis being placed on providing a 'Start' and 'End Date' for the payment to start/cease to avoid any overpayments (a review date must also be provided one year from the start of the allowance, if not required earlier). The TM and/or Operations Manager will be made aware if the SW fails to complete the form or does not provide the requested details, as this may result in payments to the carer being delayed.

The AO (FS) should ensure the 'projected end date' field should be used to input this date **not** the 'actual end date' field as this would not allow for future amendments to the level of payments.

Only when all the above information has been received along with the duly signed '[Term & Conditions' Agreement](#) will payments be processed by the AO (FS) and financial support paid.

## **15. Terms & Conditions**

The carer will be sent, from the Financial Assessment Team, a '**Terms & Conditions**' agreement before Financial Support will be Paid Periodically' or by instalments along with SS500 to confirm/sign both the financial assessment and their agreement to receive financial support.

The 'Terms & Conditions' agreement sets out the responsibility of the carer to notify the SW/TM or relevant AO of any changes to the child/young person(s) living arrangements, changes in their circumstances or their/carer(s) financial circumstances (Notification of Entitlement Letter sent to carer also confirms this responsibility).

Details in respect of a change in financial circumstances should be forwarded immediately to the Financial Assessment Team to recalculate the allowance and any further changes will need to be addressed by the SW/TM who must inform the AO (FS) immediately, if payments should be adjusted/cease.

The AO (FS) will make the appropriate changes to the allowance on SSID and notify the carer of any change to financial support, sending copies to the TM/SW who should ensure a copy is placed on the child/YP file within the locality office.

Failure of the carer to comply with these Terms & Conditions may result in the suspension or termination of financial support and the Local Authority may seek to recover all or part of the financial support they have already received.

## 16. Submission to SGO Panel

### New Applications

Once a decision is made to progress a **new** SGO the appropriate actions need to be undertaken, within the required deadlines.

Wherever possible, any case that may require legal action should be dealt with within the [Public Law Outline Process](#). This allows assessment within an agreed framework.

All cases will be finalised within **26 weeks** of issuing.

All assessments must be completed within the timeframe.

SGO applications will be subject to the same quality assurance and scrutiny as other potential orders, by the SGO Panel and consideration to this must be reflected in the Care Planning.

### EXAMPLE



Issue	02-01-12	(Final Hearing 01-07-12)
IRH	18-06-12	
SGO Panel	28-05-12	

To progress to Panel the SW must ensure the following documents are e-mailed, no later than 3 days before Panel, to **SGOROPanel@durham.gov.uk** whereby the SW will be informed of the appropriate time to attend Panel. Failure to complete the **'New Application' Proforma** in full (Appendix 2) may result in form being returned and not reaching Panel.

- Completed '**New SGO' Proforma'** (Appendix 2).
- Completed **Court Report**
- Completed **Support Plan**
- Completed **Financial Assessment – SS499**

**NB Submission to Panel should be at least two weeks prior to court date.**

A decision will be made at Panel to agree/amend the Support Plan and/or level of financial support and in principle the start date (the start date will be the date the order is made by the Court or where further agreement has been sought due to care arrangements).

Once the Order has been approved at court the SW must inform the AO (FS) of date granted at court and forward the following information for payments to be set up:

- Completed Financial Assessment **SS499**;
- Completed **Children's Services Payments Form**.

**It is the SW's responsibility to put the appropriate information about the placement and the child's legal status on SSID** (refer to the 'Looked After' SSID

Guide or contact the Systems Development Team for further information).

The AO (FS) will complete the following actions and record the date completed in **Section D** of the SS499 Referral Form:

- '**Notification of Entitlement**' letter sent to carer (details of income and expenditure and a summary of the calculation can be found in Section B of the SS499 Referral Form); this will also confirm the method of payment eg periodic, single or via instalments.
- Letter copied and sent to TM/SW, along with completed SS499, both to be filed on child/YP file within each locality office.
- Provision entered on SSID (see Children's Services Payments procedure). The payment on SSID must be broken down to show the Age Related Fostering Allowance, less the child benefit where appropriate, less any adjustment (from the summary in Section B of the SS499 Referral Form).

### **Annual Review of Existing Financial Support within Agreed Time Period**

Where Special Guardians are in receipt of periodic or on-going financial support, a financial assessment review will be undertaken annually alongside a review of any other support services identified within the Support Plan (where support services have not already been reviewed during the preceding year).

The AO (FS) will inform the TM that the payment is due to be reviewed, 3 months prior to the identified **review date**. The TM will instruct the SW to undertake an annual review of the Support Plan to identify if the needs of the child require continuation of financial support.

Where a decision is made to **continue** financial support, the TM must seek Panel approval and ensure the SW provides the following documentation, including any other information deemed relevant:

- Completed Financial Assessment (SW must complete **Section A** of SS499 and e-mail directly to the Financial Assessment Team [Finance.Assistants.Initial.Assessment.Team@durham.gov.uk](mailto:Finance.Assistants.Initial.Assessment.Team@durham.gov.uk);
- Revised Support Plan (where required)
- Review Proforma (Appendix 2a) in full and at the same time complete an 'Annual Visit Checklist' using 'Recording of Visits' form (Appendix 1c).

These documents must be e-mailed no later than 3 days before Panel to [SGOROPanel@durham.gov.uk](mailto:SGOROPanel@durham.gov.uk) and the TM will be informed of the time to attend Panel. Failure to complete the Review Proforma (Appendix 2a) may result in the form being returned and not reaching Panel.

**NB: Submission to Panel must be made no later than one month prior to review date and the appropriate Operations Manager will be informed where there is a failure to provide this information within this deadline.**

Once Panel approval is sought to continue, a further review/end date will be provided and the **TM/SW** must:

- Send a revised Support Plan to carer setting out a clear rationale for the payment of financial support and duration; (Special Guardian must be provided 28 days to make representations)
- Send a letter to the carer to confirm continuation of payments, confirming further end/review date;
- Send completed Financial Assessment (SS499) to AO (FS).

Following the Panel, the AO (PA) will also inform AO (FS) who will undertake the following actions and record the date completed in **Section D** of the SS499 Referral Form:

- 'Notification of Entitlement' letter sent to carer (details of income and expenditure and a summary of the calculation can be found in Section B of the SS499 Referral Form).
- Letter copied and sent to TM/SW, along with completed SS499, both to be filed on child/YP file within each locality office. Provision on SSID to be updated where there is any adjustment to the allowance.

Where a decision is made to **cease** payments the AO (PA) will inform AO (FS) and **TM** will send a letter to the carer, informing them of:

- The reason for this decision.
- The date the payment will cease, providing 3 months' notice.
- The appropriate method of appeal (see Appeals below).

These annual reviews will continue throughout the period in which financial support is provided.

### **Ceasing of Financial Support at End of Agreed Payment Period**

The AO (FS) will send a [letter](#) to the carer to confirm that payments are due to cease, 3 months prior to end date and a copy will be sent to the TM (**an end date must be entered onto SSID**).

Should the carer feel that there are exceptional circumstances which require additional financial support beyond this period, they will be provided with 28 days to make appropriate representations to provide full details of the additional costs they will incur as a result of ceasing this support. The carer will be required to follow the Appeals process identified below.

**NB: Should an Allowance cease, for whatever reason, prior to review/end date the TM/SW should immediately notify the AO (FS) - Children's Services Payments to ensure no further payments are made. Failure to do this may result in an overpayment.**

#### **17. Making Representations/Appeals Process**

Upon receipt of a representation the AO (FS) will acknowledge receipt of letter and forward to TM, who will undertake a further review/assessment of needs and present documentation to the next appropriate Appeals Panel. All documentation must be emailed to [SGOROPanel@durham.gov.uk](mailto:SGOROPanel@durham.gov.uk) 3 days prior to Appeals panel. The outcome of the Panel's decision will be recorded on the Review template (Appendix 2a) and signed by Panel Chair.

The carer will be informed in writing of the decision by the TM using 'Outcome of Appeal Letter' (Appendix 8) and AO (PA) will inform the AO (FS) of any requirement to continue/cease payments. Where payments will continue a 'Notification of Entitlement' letter will be sent to the carer to confirm level of payment and duration of entitlement upon receipt of a current Financial Assessment.

# Durham County Council Equality Impact Assessment

**NB:** The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have ‘due regard’ to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

## Section One: Description and Screening

<b>Service/Team or Section</b>	Children & Young People’s Service
<b>Lead Officer</b>	Helen Fergusson, Head of Service – Looked After & Permanence
<b>Title</b>	Review of Special Guardianship Policy & Procedure
<b>MTFP Reference (if relevant)</b>	
<b>Cabinet Date (if relevant)</b>	Corporate Management Team – 7 February 2018
<b>Start Date</b>	21 September, 2017
<b>Review Date</b>	September 2018

## Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

The revised Special Guardianship Policy & Procedure and a new Support Services Policy & Procedure sets out open and transparent guidance for both staff and service users to ensure that support is accessed from a range of services and is appropriately targeted to meet the assessed needs of children/young people subject to a Special Guardianship Order, in accordance with regulations.

The main focus of the new Support Services Policy underpins access to a variety of support services for all service users including financial support, the level of which remains the same for periodic payments and is based on the age-related fostering allowance. However, the frequency of payments may change for some ‘new’ Special Guardians as set out in Regulation 8 (Special Guardianship Regulations 2005) which states ‘that financial support may be paid periodically (i.e. paid as a regular allowance), if it is provided to meet a need which is likely to give rise to recurring expenditure; otherwise by a single payment, or, if the local authority and special guardians or prospective special guardians agree, via instalments.’

In addition, flexibility to financial support is to be provided via a zero-based assessment, offering a 'one-off' payment (still providing evidence of financial circumstances) to meet an assessed need (Regulation 13). The authority can consider it appropriate to make a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child. This includes the provision of furniture and domestic equipment, alterations/adaptations to the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after a child (Regulation 6(d)).

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

- Prospective Special Guardians and Special Guardians
- Children/young people subject to a Special Guardianship Order
- Staff within Children's Services
- Financial Assessment Team
- Internal/External Providers eg Full Circle (Therapeutic Service/Welfare Rights/Relative Experience Project(Charity))

### Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	Y	Y
Disability	N	Y
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	Y	Y

Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

The impact to 'new' service users is removing the choice and flexibility of receiving financial support weekly as opposed to now providing support as a 'one' off payment or via instalments. This could potentially impact on special guardians managing their weekly finances. This may have a greater impact for older special guardians often grandparents, taking on this additional responsibility of these children in their care at this period of their lives. Furthermore there is a likely impact on women who are likely to take a lead role in looking after these children/young people.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The amount of 'transitional financial support' will remain the same for all and will primarily be based on the age-related fostering allowance, applying the appropriate means-test model

However, the 'zero based' assessment (which will still require evidence of financial circumstances) will provide flexibility and allow access to financial support as a 'one-off' payment. This will not be based on the age-related fostering allowance. As part of the Special Guardianship Regulations the authority will consider a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child. This includes the provision of furniture and domestic equipment, alterations/adaptations to the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after a child (Regulation 6(d)).

This is positive for the special guardians and the children/young people in their care who require 'one-off' payments of financial support which will not lead to an annual financial assessment. This may be particularly beneficial to older special guardians and women who do not wish to go through, again, the whole process of a financial assessment but still require a 'one-off' payment to meet an assessed need.

In addition there is now a much wider access to a range of support services available to special guardians and children/young people under a Special Guardianship Order which promotes our commitment to the public sector equality duty.

Furthermore the revised policy seeks a consistent approach in providing both practitioners and service users with clear guidance and transparency to ensure the appropriate processes are followed and support is targeted to meet the needs of children/young people under a Special Guardianship Order.

## Evidence

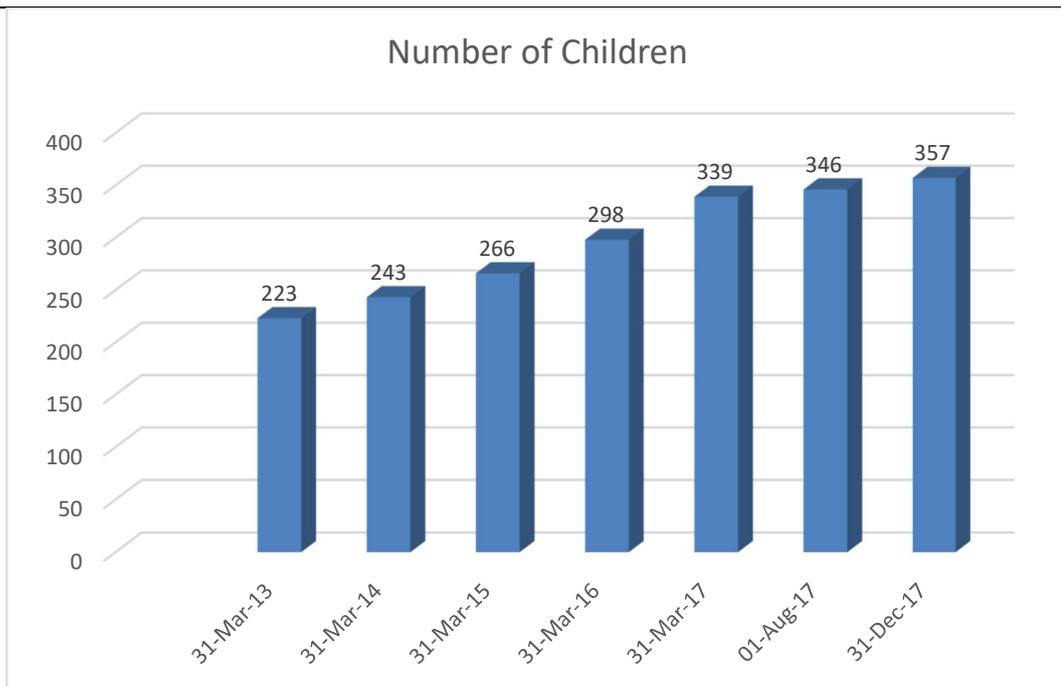
What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

The main changes within these policies is the frequency of financial support for 'new' Special Guardians. Table 1 below sets out the number of children/young placed under a Special Guardianship Order for the period 31<sup>st</sup> March 2013 to 31<sup>st</sup> December 2017. These totals, however, only represent cases that were/are in receipt of support services, primarily financial support. This table therefore demonstrates the likely growing number of Special Guardianship Orders in the future.

### Table 1

Total Number of Children/Young People receiving Special Guardianship support



### **Revised Special Guardianship Policy**

The revised Policy seeks to ensure compliance with Special Guardianship Regulations and an effective method of communication with Special Guardians, this includes:

- 'Becoming a Special Guardian' – Leaflet providing information/advice
- Eligibility and entitlement to Support Services
- Access to a range of Support Services
- Access to obtain independent Advice and Advocacy – *provided by Relative Experience Project*
- Provision of 'Notice of Outcome of Assessment'
- To allow an identified period for representation from Special Guardianship Carers

### **'New' Support Services Policy & Procedure**

The Policy and Procedure is compliant with Special Guardianship Regulations and sets out clear processes and systems with access to a wide range of support services which includes:

- Welfare Rights – advice and support
- Welfare Assistance/Stronger Families – access to funding/food/equipment
- Relative Experience Project – advice/advocacy/access to funding, befriender service, respite provision, support networks, holiday funding, etc.

- Signposting to support groups eg Making Changes Together for children with disabilities

## Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	Y
No evidence of actual or potential impact on some/all of the protected characteristics?	N

## Sign Off

Lead officer sign off: Helen Fergusson, Head of Service – Looked After Children & Care Leavers	Date: 02/02/18
Service equality representative sign off: Mary Gallagher, Equality & Diversity Officer	Date: 02/02/18

If carrying out a full assessment please proceed to section two.

If not proceeding to full assessment please return completed screenings to your service equality representative and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

If you are unsure of potential impact please contact the corporate research and equalities team for further advice at [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

## Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: <b>Age</b>		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?

<p>The impact to 'new' service users is for some (not all) removing the choice and flexibility of receiving financial support weekly as opposed to now providing support as a 'one' off payment or via instalments. This could potentially impact on special guardians managing their weekly finances. This may have a greater impact for older special guardians such as grandparents, taking on this additional responsibility of these children in their care at this period of their lives.</p> <p>There will be no negative impact upon the children/young people as their carers will still receive the same level of financial support.</p> <p>The 'zero based' assessment will allow for access to financial support for one-off payments without the need for an annual financial assessment. This is positive for the special guardians and the children/young people in their care. This may be particularly beneficial to older special guardians and women who do not wish to go through, again, the whole process of an annual financial assessment.</p>	<p>Recent analysis of the age group of Special Guardianship carers showed</p> <p>20-29 – 5%  30-39 – 8%  40-49 – 28%  50-59 – 28%  60-69 – 16%  Not recorded – 15%</p> <p>Analysis shows a constant higher number of children in the 1yr to 4yrs age group with the most significant increase in age groups for 5yrs, 6yrs, 9yrs, 10yrs and 13yrs, representing an older age group.</p>	<p>A significant focus is now placed upon ensuring support is accessed from a range of support services providing eg respite, befriending service, white goods, groceries/provisions, etc.</p> <p>A Communication Strategy and full Action Plan which includes appropriate training for all staff is in place to implement and launch this revised Policy and new Support Services Policy.</p> <p>This will be monitored closely by a Strategic Manager and a consistent approach provided by two dedicated Review Officers recently appointed.</p> <p>The Policies set out a clear appeals process which allows for Special Guardians to undertake an appeal when on-going financial support has ceased and to provide evidence and potentially seek additional support from a range of services.</p> <p>Where evidence is provided to meet a</p>
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		recurring financial expenditure, this support will still be provided by periodic payments.
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Protected Characteristic: <b>Disability</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>A positive impact is access and signposting to a variety of Support Services including 'Making Changes Together Forum' for children with disabilities with access to a range of services/ support eg short breaks/respite provision.</p> <p>Further support services include a support network for Special Guardians and access to a befriender service and respite provision. This may be of significant benefit to Special Guardians with a disability.</p> <p>Children/young people are provided with access to support from the Full Circle (Therapeutic Team) dealing with complex needs and challenging behaviour which may have a significant impact on Special Guardians.</p>	<p>Insufficient data with regard to disability status for children/young people and Special Guardians does not allow us to provide further evidence of these statistics.</p>	<p>As above.</p> <p>Reasonable adjustments will be provided.</p>

Protected Characteristic: <b>Marriage and civil partnership (workplace only)</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

N/A		
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Protected Characteristic: <b>Pregnancy and maternity</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No evidence to suggest an impact		

Protected Characteristic: <b>Race (ethnicity)</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No expected impact in relation to race.	Insufficient evidence available in respect of race.	New system (liquid Logic) will ensure access to this data in the future.

Protected Characteristic: <b>Religion or belief</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No expected impact in relation to religion or belief.	Insufficient evidence available in respect of religion or belief.	

Protected Characteristic: <b>Sex (gender)</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
The impact to 'new' service users is removing the choice and flexibility of receiving financial support weekly as opposed to now providing support as a 'one' off	Evidence suggests that the majority of Special Guardians are female.  The gender profile of the children/young people shows	As above.

payment or via instalments. This could potentially impact on special guardians managing their weekly finances which is more likely to impact upon women who take a lead role in looking after these children/young people.	an even split between male and female.	
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Protected Characteristic: <b>Sexual orientation</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No expected impact in relation to sexual orientation.	Insufficient evidence available in respect of sexual orientation.	

Protected Characteristic: <b>Transgender</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No expected impact in relation to transgender.	Insufficient evidence available in respect of transgender.	

## Section Three: Conclusion and Review

### Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

The main focus of the new Support Services Policy highlights access to a variety

of support services for all service users including financial support, of which the level of 'transitional' financial support remains the same and will continue to primarily be based on the level of aged-related fostering allowance. Whilst the frequency of payments may change for some 'new' Special Guardians, where evidence is provided to meet a recurring financial expenditure, this support will still be provided by regular periodic payments.

In addition, the proposal to provide a 'zero-based assessment' will allow for access to financial support for one-off payments without the need for an annual financial assessment. This is positive for the special guardians and the children/young people in their care. This may be particularly beneficial to older special guardians and women who do not wish to go through, again, the whole process of an annual financial assessment. This is also compliant with Regulation 6(d) of the Special Guardianship Regulations which enables the authority to consider making a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child.

There are potential impacts in terms of gender (women), age (older Special Guardians) and disability (children/young people and Special Guardians). Negative impacts refers to reducing the option and flexibility for 'new' service users to provide weekly financial support (for some) as opposed to a 'one off' payment or via instalments which some Special Guardians may find it easier to manage their respective finances.

There are positive impacts in that the level of 'transitional financial support' will remain the same, primarily based on the age-related fostering allowance and the access to other support/services is vastly improved with particular benefits for older women and those with disabilities.

The implementation of these policies and procedures will be fully monitored across Children's services and training provided to all staff, prior to the launch of the new policies and procedures. The recruitment of dedicated Review Officers will provide a consistent approach and will also attend Special Guardianship Panels. Following the appeal process where continuing financial support has ceased, this will now be submitted to an Appeals Panel.

Will this promote positive relationships between different communities? If so how?

## Action Plan

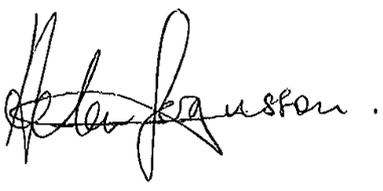
Action	Responsibility	Timescales for implementation	In which plan will the action appear?
An Implementation Plan setting out an effective communication strategy, identifying dedicated training for all staff, is in place to implement and launch this revised SGO Policy and new Support Services Policy. This will be monitored closely by a Strategic Manager and a consistent approach provided by two dedicated Review Officers recently appointed.	Glenda Henderson – Strategic Manager – Placement Efficiency Mark Gurney – Strategic Manager – Child Protection & Disabilities	Policy & Procedures to be implemented April 2018.	SGO Implementation Plan
The Policies set out a clear appeals process which allows for Special Guardians to undertake an appeal to provide evidence and seek additional support. There will be an independent Appeals Panel which will sit outside of the monthly SGO Panel.	Glenda Henderson – Strategic Manager – Placement Efficiency Mark Gurney – Strategic Manager – Child Protection & Disabilities	As above.	Special Guardianship Policy & Support Services Policy & Procedure
Where evidence is provided to meet a recurring financial expenditure, this support will still be provided by periodic payments at the SGO Panel	Karen Robb – Strategic Manager – Looked After Children & Permanence	As above.	Special Guardianship Policy & Support Services Policy & Procedure
A consistent approach in accordance with the Special Guardianship Regulations (2005) will be provided, however, consideration will be given to reasonable adjustments where there are exceptional circumstances as set out in the policies and agreed by SGO Panel/Appeals Panel.	Karen Robb – Strategic Manager – Looked After Children & Permanence	As above.	Special Guardianship Policy & Support Services Policy & Procedure

Continuous programme of training for staff.	Glenda Henderson – Strategic Manager – Placement Efficiency Mark Gurney – Strategic Manager – Child Protection & Disabilities Hazel Ostle – Training Lead	Initial training to be provided March 2018 and to be reviewed September 2018.	Training Module
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### Review

Are there any additional assessments that need to be undertaken? (Y/N)	N
When will this assessment be reviewed? Please also insert this date at the front of the template	September 2018

### Sign Off

Lead officer sign off: Helen Fergusson, Head of Service, 	Date: 02/02/18
Service equality representative sign off: Mary Gallagher, Equality & Diversity Officer.	Date: 02/02/18

Please return the completed form to your service equality representative and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

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**Cabinet****16 May 2018****Public Health and Children and Young People's Services Update: Best Start in Life****Report of Corporate Management Team****Joint Report of Margaret Whellans, Corporate Director of Children and Young People's Services, and****Amanda Healy, Director of Public Health****Councillor Olwyn Gunn, Cabinet Portfolio Holder for Children and Young People's Services****Councillor Lucy Hovvels, Cabinet Portfolio Holder for Adults and Health****Purpose of the Report**

- 1 The purpose of this joint report between Public Health and Children's Services is to provide an update to Cabinet on national and local developments with regard to giving every child the best start in life.

**Background**

- 2 There is robust evidence<sup>1</sup> and national policy guidelines<sup>2</sup> that emphasise the importance of improving the life chances for children from conception, with a particular emphasis on the early years and reducing the gap in health and social inequalities. Moving through the life course to the age of 19, or 25 for SEND and care leavers, there is a drive towards closing the gap in outcomes for those young people who are disadvantaged such as looked after children, young carers or those who have a special educational need or disability<sup>3</sup>. The underpinning factors that impact on CYP outcomes are poverty, parental employment, quality of housing and educational attainment. Whilst the education component of the wider determinants is considered within the scope of this report the other areas (such as poverty) are outwith and are covered through links to existing groups such as the DCC poverty action group.

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<sup>1</sup> Marmot (2014)

<sup>2</sup> NHS Five year forward view for maternity services, Better Births 2016

<sup>3</sup> <https://fingertips.phe.org.uk/profile/child-health-overview/data#page/1/ati/102/are/E06000047>

## National policy / guidance

- 3 Ensuring every child has the best start in life is one of Public Health England's 7 key priorities. Getting a good start in life and throughout childhood, building resilience and getting maximum benefit from education are important markers for good health and wellbeing throughout life. The earliest experiences, starting in the womb, shape a baby's brain development. During the first two years of life the brain displays a remarkable capacity to absorb information and adapt to its surroundings. Positive early experience is therefore vital to ensure children are ready to learn, ready for school and have good life chances. It is shaped by a number of factors such as:
- sensitive parenting in tune with babies needs;
  - effects of socio-economic status;
  - the impact of high-quality early education and care.
- 4 Parents have the biggest influence on their child's early learning. For example, talking and reading to a baby can help stimulate language skills right from birth. Language skills help children to develop a range of cognitive skills that are crucial for their development, including working memory and reading skills. This can help prepare children so that they are ready to learn at 2 and ready for school at 5<sup>4</sup>.

## Strategic context

- 5 The best start in life is multi factorial, as described above, and will only be achieved through collaborative working as a system of professionals working in a coordinated way with families. There are mechanisms in place to coordinate the system at both a regional and local level.

## Regional

- 6 At a regional level, providers and commissioners are now operating as local maternity systems (LMS), with the aim of ensuring that women, babies and families are able to access the services they need and choose, in the community, as close to home as possible. The LMS boards must deliver a shift in focus from individual organisations delivering components of maternity care to a whole system approach, embedded in the local community, with robust regional pathways to ensure the best possible care is available at the right time at the right place. Maternity services, and the LMS more broadly, must recognise the leadership role they play in supporting parents of all backgrounds to maximise their own mental and physical health whilst also equipping parents with the skills, information and confidence to maximise their child's emotional, physical and cognitive development. The maternity

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<sup>4</sup> <https://www.gov.uk/government/publications/health-matters-giving-every-child-the-best-start-in-life/health-matters-giving-every-child-the-best-start-in-life>

systems are in a position to identify need through robust assessment procedures and either deliver an intervention themselves or refer on to relevant agencies.

- 7 The North East have agreed seven public health priorities for during the antenatal period which will impact on health outcomes for both mother and baby as part of the best start in life.
  1. Reducing smoking in pregnancy.
  2. Increase vaccination uptake in pregnancy (flu and whooping cough).
  3. Improve perinatal mental health (MH during pregnancy and first year of baby's life).
  4. Reduce alcohol consumption in pregnancy.
  5. Increase breastfeeding initiation rates and rates of ongoing breastfeeding at 6-8 weeks.
  6. Promoting healthy weight and supporting women who are obese pre-conceptually, antenatally and postnatally. This would include promoting a healthy pre-pregnant weight as well as ensuring full implementation of national guidance for women with a BMI of 30 or more at booking and a postnatal referral for structured weight management support referral in those women who have a BMI 30 or above at the 6 – 8 week check.
  7. Increase making every contact count.

#### Local

- 8 At a County Durham level the LMS seven prevention must do's are being incorporated into the work of the Best Start in Life delivery group which is a sub group of the Children and Families Partnership. County Durham and Darlington Foundation Trust (CDDFT) are an instrumental partner in the BSIL delivery group and in March 2018 the Care Quality Commission highlighted that the maternity services were safe, responsive, caring, effective and well led.
- 9 A self-assessment process has been undertaken in County Durham through the BSIL multi-agency delivery group. This process generated rich intelligence at a local level on how County Durham is performing on BSIL as a system.
- 10 The self-assessment process incorporated the following sections:
  - Profile of data (intelligence)
  - Local need: factors associated with low levels of school readiness
  - Leadership, planning and partnership working
  - Wider determinants (includes poverty, housing, leisure)
  - Pre-conception support (including drug and alcohol, domestic abuse)

- Transition to parenthood, including healthy pregnancy and early weeks
  - Breastfeeding (initiation and duration)
  - Healthy weight, healthy nutrition (to include physical activity)
  - Health, wellbeing and development of the child age two
  - Maternal mental health
  - Minor illness and accidents.
- 11 A detailed summary of the results generated from the self-assessment tool can be made available upon request. From the detailed intelligence the multi-agency delivery group then prioritised actions to become part of a BSIL framework for action.
- 12 The table in Appendix 2 shows a list of priorities which can be broken down into three sub sections:

County Durham system improvement (Linked to Healthy Child Programme Board)

1. Planning and commissioning – improved integration
2. Map universal offer - and then add on graded support for more targeted work with SEND, LAC, Care leavers
3. Data and intelligence – local health profiles

Best start in life delivery group: task and finish work

1. Maternal mental health & child emotional wellbeing – assessment, early intervention and appropriate referral to specialist services
2. Healthy weight / obesity – preventing weight gain before reception age
3. Speech and language development – pathway - bump and beyond
4. Universal 1 year assessment- to be built in to revised 0 – 19 commission
5. Support for vulnerable parents beyond the Vulnerable Parent Pathway
6. Unintentional injuries / minor illness – targeted work with social housing
7. Oral health inequalities – targeted work on workforce and tooth brushing.

Regional work (Local Maternity System (LMS) or other groups in County Durham taking work forward

1. Smoking at time of delivery
  2. Breastfeeding – call to action task group
  3. Alcohol consumption in pregnancy: assessment/ brief intervention (LMS)
  4. Vaccination uptake: improved commissioning / increasing uptake(LMS)
  5. Making every contact count: work force development (LMS)
  6. Child poverty – poverty proofing all policies, plans and interventions. Make greater links with the County Durham poverty action group.
- 13 From this priority list there are task and finish groups currently underway to progress the work. A BSIL performance score card has been completed,

linked to the identified priorities. The level of ambition to improve in the priority areas has been agreed for the local maternity system priorities and further work is planned for local metrics to set the level of ambition for the rest of the priorities.

- 14 A County Durham BSIL framework and action plan will be finalised, which will require consultation and ratification at the Children and Families Partnership and the Health and Wellbeing Board.

### **National and local intelligence and progress against priority areas**

- 15 To understand County Durham's position against the set LMS / BSIL priorities the following section provides a highlight of the main indicators and high level actions which have been progressed.

### **Perinatal mental health**

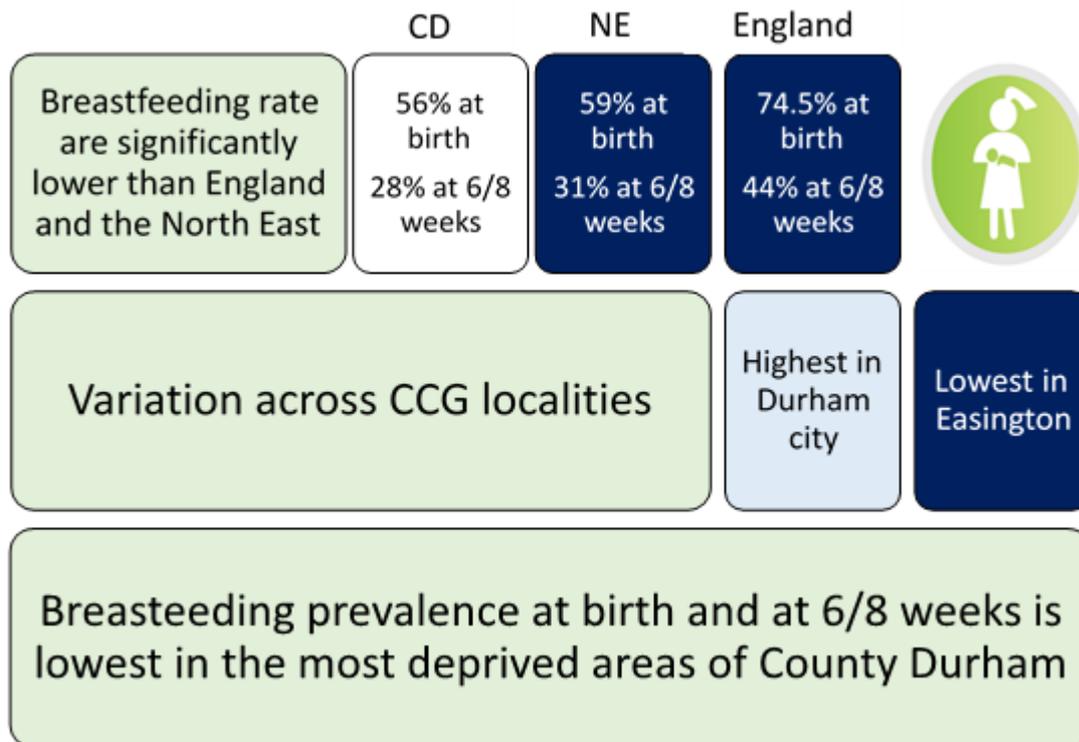
- 16 One of the strongest predictors of wellbeing in the early years is the mental health and wellbeing of the mother or caregiver. Up to 20% of women experience a mental health problem during pregnancy or within a year of giving birth - this can have significant and long-term consequences for mother and baby.
- 17 Children of mothers experiencing perinatal mental illness are at increased risk of prematurity and low birth weight, irritability and sleep problems in infancy. Maternal depression can increase a child's risk of behavioural problems, emotional problems, conduct disorders, language development delays and impaired parent child interaction, all of which can have a negative impact on school readiness.
- 18 In the most extreme cases, perinatal mental illness increases the risk that children will be abused or neglected. Perinatal depression, anxiety and psychosis carry a total long-term cost to society of about £8.1 billion for each one-year cohort of births in the UK.
- 19 The two North East LMS boards are utilising successfully secured PHE funding to roll out a regional workforce development programme to ensure all front line staff (midwives, health visitors, children's services early help staff) are competent and confident to assess, provide brief intervention and sign post / refer women with complex needs into appropriate services.

### **Breastfeeding**

- 20 Breastfeeding has an important role to play in reducing health inequalities and especially if sustained for the first six months of life, can make a major contribution to an infant's health and development and is also associated with better health outcomes for the mother. Despite the evidence of the benefits of prolonged exclusive and partial breastfeeding, England has one of the lowest breastfeeding rates in Europe, with some areas of County Durham recorded as having the lowest breastfeeding rates in England.

21 The reasons for this are multifaceted and include the influence of society and social and cultural norms. The uptake of breastfeeding is also strongly associated with ethnicity, high maternal socio-economic status and educational attainment. Lower income groups, which have a higher incidence of low birth weight infants and infectious diseases in childhood, have the potential for greatest health gain from increased breastfeeding.

**Figure 1:** Key information on breastfeeding initiation and 6/8 week prevalence in County Durham. Source: Fingertips, Public Health England and County Durham Breastfeeding Health equity audit



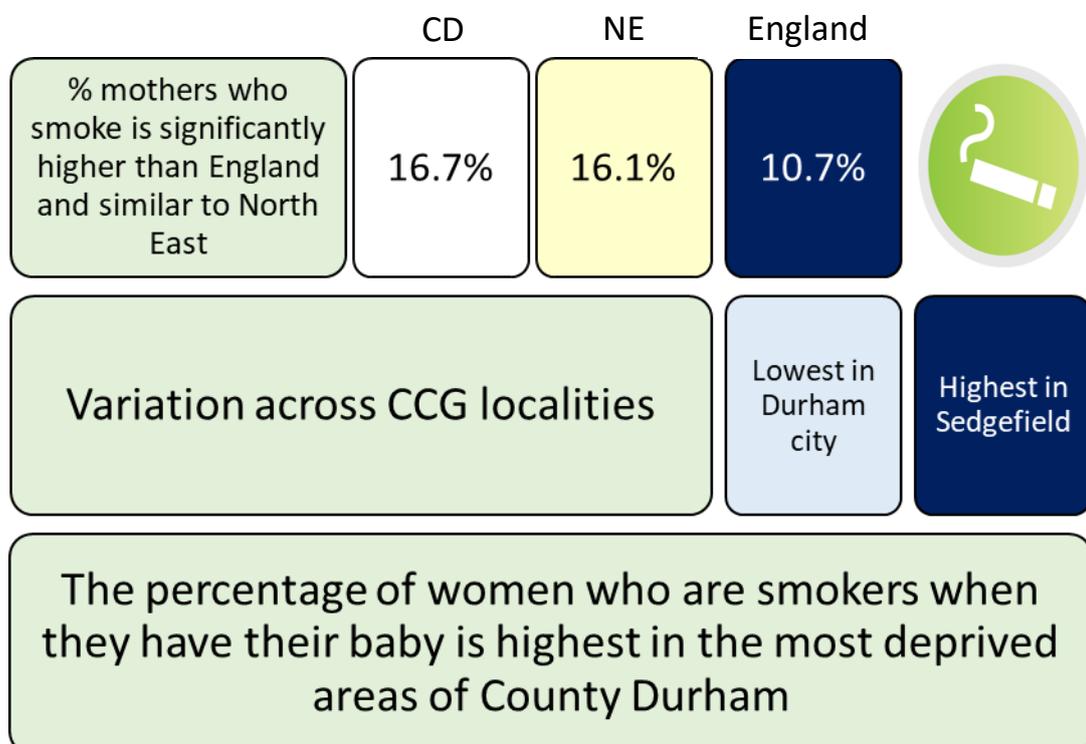
22 Improving breastfeeding rates is a complex process that requires an integrated approach involving a multi-agency response. There is a County Durham plan for Breastfeeding with a planned communication strategy during 2018/19. Aspirational improvement targets have been set to work towards improving breastfeeding rates over the next five years.

**Smoking in pregnancy**

23 Smoking can have devastating consequences for expectant mothers and their babies. Smoking during pregnancy increases the risk of stillbirth, and babies born to mothers who smoke are more likely to be born underdeveloped and in poor health. Maternal smoking after birth is associated with a threefold increase in the risk of sudden infant death. The Governments 2017 tobacco plan aims to reduce the number of women smoking during pregnancy to improve life chances for children.

- 24 Through the North East, the council commissioned regional tobacco programme 'Fresh-Smokefree North East', is co-ordinating a regional approach with maternity services and stop smoking services to implement and embed the NICE Clinical guidance for reducing smoking in pregnancy and after birth. The continuation and drive for this is being lead through the Regional Smokefree NHS/Treating Tobacco Dependency Task force.
- 25 In County Durham 16.5% of women continue to smoke in pregnancy. This is almost 900 babies born every year to mothers who continue to smoke throughout their pregnancy. There is also greater variance in smoking in pregnancy across the county with higher rates in Durham Dales Easington and Sedgefield (DDES) CCG than North Durham CCG. To address this a smoking in pregnancy incentive scheme has been implemented to increase the uptake to stop smoking support amongst these women. The final results will be available Autumn 2018.
- 26 The success of the implementation of NICE clinical guidance locally has resulted in the County Durham stop smoking service achieving the highest percentage of pregnant smokers quitting in the north east and amongst the highest in the England.

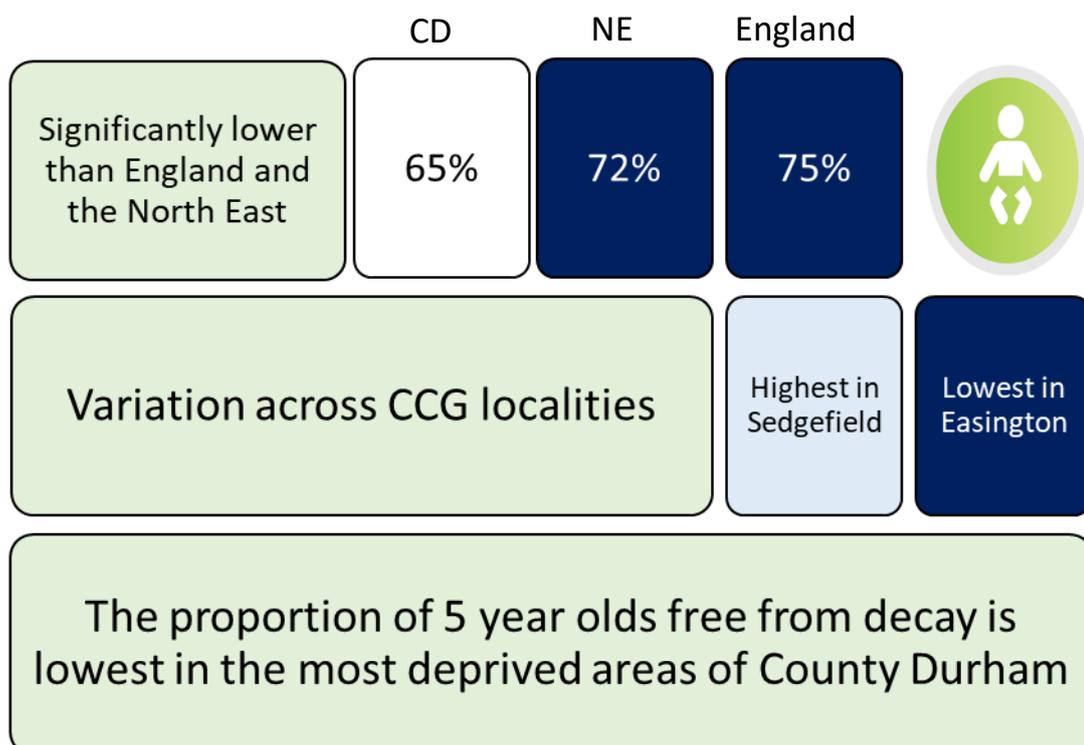
**Figure 2:** Key information on % mothers smoking at time of delivery in County Durham. Source: Fingertips, Public Health England and DCC Public Health Intelligence team analysis



## Oral health

- 27 Tooth decay can have a significant impact on children - and those who have toothache or need treatment may have difficulties with eating, sleeping and socialising. Poor oral health may also impact on school readiness / absence and is the top cause of child admissions to hospital for 5-9 year olds. Dental neglect can also be an indication of wider safeguarding issues.
- 28 County Durham has an established oral health strategy which is making progress against the action plan. Following Cabinet approval in December 2017 the feasibility of expanding the community water fluoridation scheme across County Durham is being considered. Working in partnership between public health, dentists, early years and health visitors there is a targeted tooth brushing scheme being rolled out in nurseries within the top 30% most deprived areas of County Durham

**Figure 3:** Key information on % five year old children free from dental decay in County Durham. Source: Fingertips and County Durham Dental Health profile 2015, Public Health England.

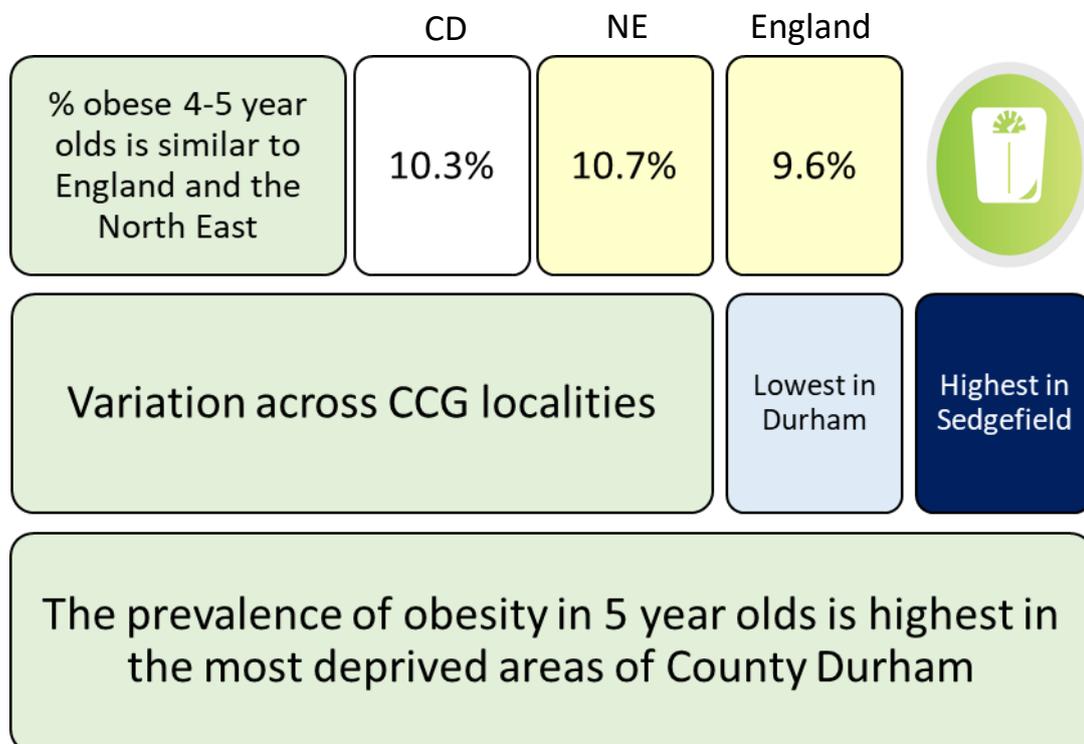


## Childhood obesity

- 29 Since the inception of the National Child Measurement Programme levels of childhood obesity have remained unacceptably high. It is acknowledged that overweight children are more likely to maintain their overweight status as they progress through childhood into their adult years, which in turn has implications for their overall health and life expectancy.

- 30 It is also recognised that there is a strong correlation between the levels of obesity and overweight and socioeconomic deprivation, with the poorest children having the greatest rates of obesity.
- 31 The national Childhood Obesity Plan tasks PHE with leading on many actions, including:
- working with the food industry to take 20% of sugar out of food products;
  - working with the Department for Education to give support to schools and public health professionals to encourage children to meet the Chief Medical Office’s guidelines for physical activity;
  - creating resources which support parents to make positive decisions to adopt healthy lifestyle, guiding local authorities to use these for their communities and signpost their residents to these materials.
- 32 At a local level County Durham has recently refreshed its vision for achieving healthy weight targets and clear actions are in place being progressed by the Healthy Weight Alliance.

**Figure 4:** Key information on % children aged 4-5 measured as obese in County Durham. Source: Fingertips and County Durham Dental Health profile 2015, Public Health England



**Teenage pregnancy**

- 33 Pregnant teenagers have three times the rate of post-natal depression of older mothers, higher rates of poor mental health for up to 3 years after the

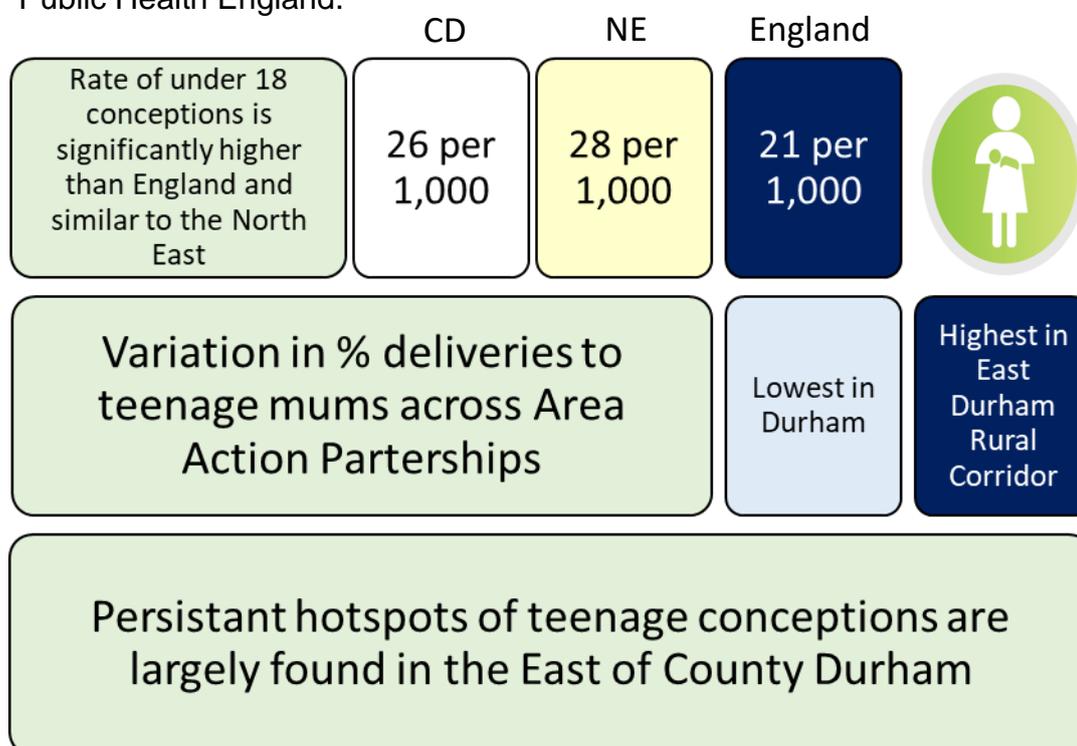
birth, are more likely to live in poor quality housing and are at a higher risk of partnership breakdown and isolation.

34 PHE has developed a framework for supporting teenage mothers and young fathers, which is designed to maximise the assets of all services and practitioners to create a joined-up care pathway. The framework is aimed at helping commissioners and service providers review current support arrangements for young parents in their local area. At a strategic level, good support:

- is integral to safeguarding, the early help agenda and improving life chances;
- is key to giving every child the best start in life;
- breaks intergenerational inequalities;
- reduces future demand on health and social services;
- contributes to public health and NHS outcomes.

35 At a local level in County Durham there is a teenage pregnancy strategy and action plan being actively progressed and more in depth work reviewing the looked after children population and care leavers who have a higher propensity to become a young parent. CD has had a 60.3% change in U18 conception rates from 1998-2016.

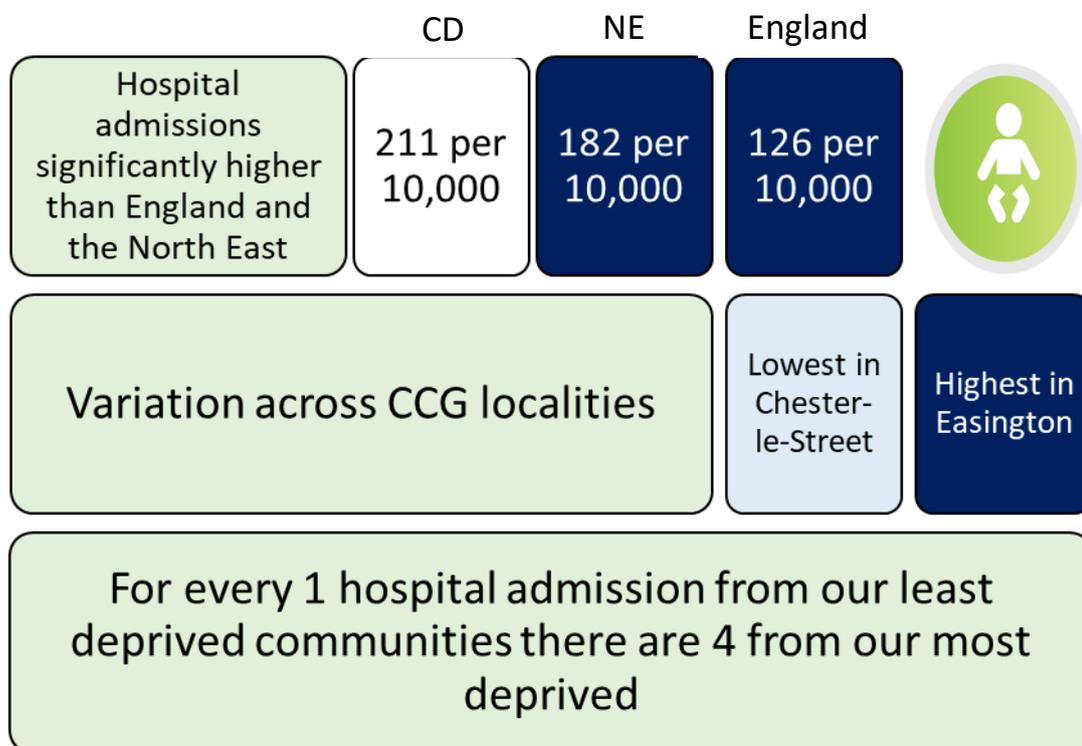
**Figure 5:** Key information on rate of under 18 conceptions and deliveries to teenage mothers in County Durham. Source: Fingertips and Local Health, Public Health England.



## Unintentional injuries

- 36 There is a strong link between child injuries and social deprivation – children from the most disadvantaged families are far more likely to be killed or seriously injured due to accidents.
- 37 At a local level in County Durham there is an unintentional injuries framework with a clear action plan. For children aged 0 – 4 years the most common place for an unintentional injury to occur is in the home environment. There is work taking place between housing colleagues and health to reduce these incidences.

**Figure 6:** Key information on hospital admissions for unintentional and deliberate injuries in children aged 0-4 years. Source: Fingertips and Local Knowledge and Intelligence Service – North East, Public Health England



## Speech, language and communication

- 38 Reducing inequalities in speech, language and communication development is a BSIL priority and PHE has been working with a range of organisations to emphasise the health, as well as the educational, benefits of an improvement in speech, language and communication.
- 39 PHE has commissioned the Education Endowment Foundation to carry out a review of evidence on early language development to assess current need and provision and to identify the most promising approaches and programmes to support children’s language development from 0-5 years.

- 40 At a local level the pathway for speech and language, starting from conception, is being reviewed to understand what support is available from a universal to targeted level. The mandated Health Visitor contact at 2-2.5 years assesses the speech and language development of the child. Within the next 12 months this data will be nationally available for benchmarking and to better monitor improvement trajectories.

### **Early Years – Children’s Centres**

- 41 Following the implementation of the Children’s Centres review in March 2015, a strategy was developed to reduce inequalities in the county and ensure that the most vulnerable children and families would benefit from local services, at the same time providing opportunities for children to get the best start in life.
- 42 A concerted effort has been made to target services to those who live in deprived communities or who are vulnerable for other reasons, such as teenage parents, children in need and children on the child protection list. As part of the strategy, the One Point service and the early years team within the Education Development Service both support its quality improvement framework.
- 43 There has been an overall improvement in the number of children registered with a Children’s Centre since 2013 and a significant improvement in registrations and contacts with families who live in the top 30% most deprived wards and with teenage parents and other vulnerable groups. This reflects the intention of the Children’s Centre review and is evidence that the new approach is successful in supporting children and families who most need services.
- 44 The percentage of children under the age of five years who are registered with a Children’s Centre, who live in the top 30% most deprived wards, is 91%. This compares to only 66% in 2010 and 86% in 2013 and shows a steady increase in registrations over the past five years. (No national or statistical data are available for comparison.)
- 45 The percentage of children under the age of five years who live in the top 30% most deprived wards and have been contacted by a Children’s Centre is 85%. This compares to 43% for 2010 and 68% in 2013. (No national or statistical data are available for comparison.)
- 46 The percentage of children under two years who live in the top 30% most deprived wards with sustained contact (four or more contacts) with the Children’s Centre in the last year is 87%. Sustained contact data for 2015 was 83%. Historical data is not available, as it was not collected at the time - but it is likely to have been substantially less. (No national or statistical data are available for comparison.)

### Vulnerable groups

- 47 A key role for Children’s Centres is to identify and provide additional support to children and families at risk of poor outcomes, aimed at reducing

inequalities. Children and families on or above level 3 on the County Durham Level of Need Staircase, including those with special education needs and disability and children of teenagers, are specifically targeted for additional support.

- 48 The percentage of teenage mothers with at least one contact with a Children’s Centre is currently 97%. This compares to 72% in 2012 and 86% in 2015. Six centres have achieved 100% contact.
- 49 The percentage of teenage mothers with sustained contact is currently 83%, this compares with 35% for 2014. Sustained contact data for previous years is not available as it was not collected at that time.
- 50 There has been a noticeable decline in actual numbers of teenage mothers since 2012 - in part due to the success of the teenage pregnancy strategy in helping to reduce the size of the cohort - but a much higher percentage is now supported through Children’s Centres.

Free early education and childcare

- 51 The Early Years Team in the Education Development Service works together with Children’s Centre Leaders to identify eligible families who are not taking up the offer of free nursery places for two year olds. The offer was first introduced in the 2014 autumn term. There has been an increase in the number of families taking up this offer and County Durham data compare favourably with the regional and national data.

	<b>2015</b>	<b>2016</b>
<b>National</b>	62%	70%
<b>Regional</b>	69%	81%
<b>Durham</b>	68%	87%

- 52 From September 2017, the Government increased the amount of free childcare for three and four year olds, from 15 hours entitlement to 30 hours, over 38 weeks of the year. Schools in County Durham and private and voluntary and independent (PVI) settings and childminders are being encouraged to make provision available five days a week and in school holidays.
- 53 The Children’s Centres are supporting the delivery of this entitlement by providing support for families who need additional help to access the offer. This also involves supporting parents to gain employment.
- 54 The collection of Early Years Foundation Stage (EYFS) performance data enables the early years Education Development Service to share local

information with the Children’s Centre Leaders, so that they can agree how to work with partners to continue to improve local performance.

- 55 There has been an increase in the number of children achieving a good level of development in the EYFS and the table overleaf shows how County Durham compares with the national average.

	2014	2015	2016
<b>National</b>	60.4 %	66.3%	69.3%
<b>Durham</b>	56.7 %	63.5%	69.1%
<b>National / Local Authority gap</b>	3.7 % points	2.8 % points	0.2 % points

- 56 The latest data for County Durham (Quarter 2, 2017/18) shows a continued improvement at 72.0%.

#### Next steps

57. The next steps for Best Start in Life is to embed the work into the newly formed children’s integration steering group and the priorities will feature in any future children’s strategy.

#### Recommendations and reasons

- 58 Cabinet is recommended to:
- (a) Note the contents of this report;
  - (b) Agree to receive further updates in relation to Children and Young People’s Services on a quarterly basis.

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## **Appendix 1: Implications**

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**Finance** – None.

**Staffing** – None.

**Risk** – As the ‘Best Start in Life’ programme is dependent on a wide range of agencies, including local authorities and stakeholders such as schools, partnerships and project boards, there is a risk from variable commitment and investment of time/resources. Governance is in place to mitigate this risk as far as possible.

**Equality and Diversity / Public Sector Equality Duty** – All engagement with all aspects of the programme complies with equalities legislation. An increased emphasis on diversity is implicit in the BSIL framework and action plans.

**Accommodation** – None.

**Crime and Disorder** – None.

**Human Rights** – None.

**Consultation** – None.

**Procurement** – None.

**Disability Issues** – The programme complies fully with disabilities legislation.

**Legal Implications** – None.

## Appendix 2: LMS and BSIL key priorities

Key action	Leadership	Action	Comments
1. Planning and commissioning	Healthy Child Programme Board (HCPB) BSIL Delivery Group	Raise profile of BSIL Joint planning Joint commissioning Joint leadership	Detail to be worked through by HCPB (BSIL subset of 0–19 /24 SEND/CLwork)
2. Map universal offer – who does what? - and then add on graded support for more targeted work	HCPB BSIL Delivery Group	Visual depiction of who delivers what and when Wrap around wider determinants pathways Purpose - front line staff all have shared understanding of pathways of support	Build picture from conception to three and then increase age range through HCPB
3. Data and intelligence	HCPB BSIL Delivery Group	Health intelligence team to create BSIL profiles for County Durham at children centre cluster levels	Will require sharing data on partner systems
4. Maternal mental health Child emotional wellbeing	CYP mental health local transformation plan group HCPB LMS	End to end pathway available in County Durham with single point of contact Workforce appropriately trained PNMH action	Awaiting national funding roll-out for specialist pathway PNMH training to all midwives with LMS funding
5. Healthy weight / obesity	BSIL Delivery Group Healthy Weight Alliance Active Durham Partnership LMS	Workforce development Review and plan quality metrics for early years settings HENRY programme?	Part of whole systems approach to obesity
6. Speech and language development	BSIL Delivery Group HCPB	SAL pathway from conception Design intervention for early years setting Workforce development	Universal through to a graded response for targeted need
7. Universal 1 year assessment	BSIL Delivery Group	Review current tools, pilot, review and roll-out Workforce development  Earlier universal intervention	Links to speech and language pathway above

8. Support for vulnerable parents beyond the Vulnerable Parent Pathway	LSCB HCPB	Review vulnerable parent pathway and graded response to need  Parents with additional needs and pathways of support available	Gap in BSIL self-assessment but a clear need identified for drug and alcohol, adult mental health
9. Unintentional injuries / minor illness	BSIL Delivery Group HCPB	Review data on non-elective admissions for 0-5 population  Target populations and spend based on need  Housing and Early help to target work	Link to unintentional injuries framework and poorly child pathway  Baby Buddy app
10. Oral health	BSIL Delivery group	Workforce development  Implement targeted tooth brushing schemes in top 20% areas of need with highest oral health inequalities	Oral health strategy
11. Smoking at time of delivery	County Durham tobacco alliance	Implement NICE guidance	
12. breastfeeding	Breastfeeding action group	Action the BF action plan and call to action	Requires community and system level sign up
13. Child poverty	Child poverty group	Ensure that child poverty is reflected in all policies, plans and commissions	Increase the profile of poverty in BSIL self-assessment
14. Alcohol consumption in pregnancy	LMS Alcohol harm reduction group	Establish baseline levels and design and implement standard pathway	
15. Vaccination uptake	LMS Regional Public Health Oversight Group	NHS England to commission maternity units directly	
16. Making every contact count	LMS Regional MECC group	Develop standardised module for staff on maternity pathway	

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Cabinet

16 May 2018



**First World War Centenary Signature  
Commemorative Programme**

**Report of Ian Thompson, Corporate Director of Regeneration and  
Local Services**

**Councillor Ossie Johnson, Portfolio Holder of Tourism, Culture,  
Leisure and Rural Issues**

**Purpose of the Report**

1. To outline the proposed programme of events and activities taking place across the County in commemoration of the end point in the First World War. The report highlights a range of activities organised by both the Council and other partners as well as proposing some additional activities which the Council may wish to commit to.

**Background**

2. A previous report in 2013 agreed that the Council would seek to mark three key milestones during the First World War commemorative period:
  - **August 4 2014** - the centenary of the day Britain entered war,
  - **July 1 2016** - 100 years after the Battle of the Somme started,
  - **November 11 2018** - the centenary of the day the guns fell silent.
3. The County benefited from the unveiling of the DLI statue in the Durham City market place to commemorate the entry to war in 1914. Then followed the placing of the first 2 Victoria Cross commemorative paving slabs for Private Thomas Kenny (South Wingate) and Lieutenant Colonel Roland Bradford (Witton Park).
4. In August 2015, the Council approved £107,000 of funding to deliver a programme to commemorate the midway point of the Centenary commemoration programme; namely the Battle of the Somme. Key events delivered as part of the 2016 /17 programme included:
  - a. Durham Hymns world premiere at Durham cathedral
  - b. Fighting Bradford's play at the Gala theatre
  - c. 1916: No Turning Back immersive experience at Gala theatre
5. Additional events included the Somme film showing at Gala theatre and the launch of the Somme DLI partnership gallery at Palace Green Library featuring over 80 objects from the DLI collection – *Comrades, Courage and*

*Community.* Almost 38,000 people participated in these five events during 2016, to commemorate the heroic actions of local soldiers and their families.

6. It is now timely for the Council to consider an end of war commemoration programme, in line with the previous commitment to focus local people on the centenary, and establish some activity leading up to the 11 November Armistice date. This report is focused upon outlining existing plans and proposing additional signature funding to enhance existing plans to commemorate the centenary of the day the guns fell silent.

### **Existing commemoration plans**

7. Initiatives that are already planned for the 2018 commemorative year include:

- a. **National events with a local focus:**

- i. **Beacons of Light – Battles Over** - a chain of 1,000 beacons will be lit throughout the United Kingdom, Channel Islands, Isle of Man and UK Overseas Territories at 7pm on 11 November 2018, a century after the guns fell silent. The beacons will symbolise the 'light of hope' that emerged from the darkness of war. More than 800 councils, communities and other organisations have already confirmed their involvement. As with the Queen's birthday beacons these will be organised mainly by Town and Parish Councils with support in some instances from the County. 19 beacons participants across the County have already been confirmed (see Appendix 2 for full list) and it is envisaged that more may follow ensuring the County is well represented.

- b. **Events taking place in County Durham being organised and delivered by others:**

- i. **Durham City annual remembrance parade** will take place with representatives of the armed forces each arranging a component part of the annual ceremony. The parade is coordinated by 8 Btn of the Rifles.

As in previous years, there will be numerous other parades across the county, primarily organised by the Royal British Legion (RBL). As details of these events are finalised, work will be carried out with the RBL to raise awareness of the arrangements for these events with local communities.

- ii. Durham Cathedral will have the **Festival of Remembrance Concert** on 10 November which will focus on the centenary and all of their usual Remembrance Day services on the Sunday. In addition they are planning to hold a temporary exhibition within Open Treasure called **Armistice: Living with the Peace** running in the autumn to mid-January 2019.

- iii. There will also be a wealth of activity by smaller organisations and societies too numerous to list. For example local poppy making initiatives hosted by community venues and churches where handmade poppies will be used to decorate villages such as Lanchester or special war themed talks. Similarly, some parishes intend to lay plaques and install other commemorative items such as peace soldiers and flower beds. However, every effort will be made to ensure these are promoted and publicised as part of a coherent county wide programme. In addition both Bowes and Beamish will deliver WW1 related programmes.

**c. Events to be delivered by the County Council:**

- i. **AAP community commemoration week** – a weekend programme of community heritage projects is currently being developed which will be presented in Murton at the Glebe Centre. This will involve an exhibition featuring the story of the County's 7 VC winners supported the local heritage group.
- ii. **Durham at War Open Conference** will be hosted by the Durham County Record Office on 29<sup>th</sup> September 2018. Over the last four years the HLF-funded Durham at War project has mapped the story of County Durham and its people in the First World War in a new local history website. With a theme of 'lest we forget' to mark the end of the war, this annual conference will bring together partners and community organisations who have all contributed to the development of the Durham at War project.
- iii. **Western Front Association Conference** will take place on 13 October 2018, hosted by the Durham County Record Office. This annual one day conference takes place in CLS Methodist Church. Organised by the Durham Branch of the WFA, it successfully attracts speakers of national importance.
- iv. **Bridging the Divides: No Man's Land photography Exhibition** at Bishop Auckland Town Hall – featuring the work of women photographers in the field.
- v. **Placing of Memorial stone to the Durham Pals in the village of Bus Les Artois, at the Somme:** As part of the commemoration calendar, partners the Rifles and DLI Trustees have indicated that a memorial stone to the Durham Pals be placed in the village of Bus Les Artois, at the Somme. The commissioning of the stone has been managed by DCC with the payment for its fabrication and installation funded by the DLI Trustees / Rifles. This has been paid for using the residual monies from the 2016 Northern Echo public appeal.

Each year, the village of Bus les Artois commemorates the bravery of local people on 30 June. The Durham Pals memorial stone has followed the design, construct and size of the other “Pals” regimental memorials. It has been made in Portland stone and has been delivered to Bus les Artois in time for its dedication as part of the annual event in June.

- vi. **Re-location of the Victoria Cross memorial stone “For Valour”** which has been relocated to Palace Green in March 2018. Members of “The Faithful” Inkerman Dinner Club, the owners of the VC stone, approached Durham County Council to help them find a new home for their memorial. The memorial which has been at its current location since September 2001 names the 11 valorous men who were winners of the Victoria Cross whilst serving with the Regiment between 1854 and 1942.

“The Faithful” Inkerman Dinner Club represents those who formerly served in the Durham Light Infantry. Wishing the stone to be relocated from its current site the County Council, Dinner Club representatives and Durham University began discussions as to where the stone could be placed that was significant to them.

“The Faithful” Inkerman Dinner Club decided that the best option was to relocate the memorial to a space in front of the Cosens Hall, on Palace Green.

This means that the memorial is now in the vicinity of the DLI Memorial Garden and Memorial Chapel, both of which are sited within the Cathedral complex and importantly adjacent to the *Courage Comrades and Community* DLI exhibition at the Palace Green Library; creating a concentration of DLI memorials within the World Heritage site.

- vii. **Victoria Cross stone laying** – Two stones have been placed in April 2018, commemorating Lieutenant George McKean and Lieutenant Commander George Nicholson Bradford.

The two remaining Durham Light Infantry VC commemorative stones will be placed during the latter part of 2018, each led by the local AAP coordinators. These commemorate the actions of Second Lieutenant John Youll in June and Sergeant William McNally in October.

- viii. **DLI Annual Temporary Exhibition 2018** - the theme for the next annual exhibition will be taken from the suggestions that were raised by partners during the 2017 consultation phase.

- ix. This theme will be fully developed in partnership with the Durham University team who will curate the exhibition in

consultation with the new DLI Stakeholder Group, DCRO and DLI Trustees. It is envisaged that the new annual exhibition would be opened at the end of 2018. The cost of this exhibition is included in the annual SLA fee that is paid to the University as part of the five year agreement.

- x. **Schools and Educational Programmes** – Schools across the County have already held a wide range of events connected to the WWI commemoration and enhanced their teaching of this aspect of history. Additional specialist training to support schools in developing their own teaching and events in association with the Armistice has been delivered via the Education Durham History networks 2017/18. Further training will also be available at the summer 2018 Durham History Conference. A one day workshop for Secondary pupils is planned, to be held on 12<sup>th</sup> November focused on the final weeks of conflict and the building of the peace. The Education Service has brokered a range of links for schools with local and national associations to enable additional provision related to the commemoration and ongoing quality teaching related to the key issues.
  
- xi. **Leazes Bowl Display** – Clean and Green will be installing a ‘poppies display’ to replace the existing butterfly installation within Leazes Bowl.

### **Additional opportunities**

- 8. There is also an opportunity to deliver specially created events and initiatives in addition to those listed above. Together, they combine to mark the end of the centenary period in a creative and imaginative way.

- a. **Commemorative Light Art Installation:** Building on the success of Lumiere over the past decade, and linking to the new *Place of Light* branding, a commissioned light art/projection piece is proposed to be created and then installed in Millennium Place. This piece could involve both sound and light to establish a piece resonant to the end of the war, togetherness and homecoming at peace.

The aim will be to animate Millennium Place with a commemorative work influenced by the names of the DLI fallen and/or other suitable imagery. The exact nature of the installation will be shaped by the artist commissioned to deliver the project, using the archive of the DLI as inspiration and focus. To commission and create this work will be approximately £30,000. This includes the first venue set up and running costs only. It is envisaged that the installation will be in place for approximately two weeks although this will depend on the nature of the final work.

- b. **A reprise of the Durham Hymns:** First performed at Durham Cathedral in 2016, The Durham Hymns was commissioned by the

Northern Regional Brass Band Trust in partnership with Durham County Council.

A century on from the Battle of the Somme, this brand new suite of hymns commemorated sacrifice, courage and endurance. Created for brass band and choir, with lyrics by Poet Laureate, Carol Ann Duffy, the work was inspired by the true-life experiences of County Durham people researched through the County Archive and DLI collections.

The second signature scheme being proposed is a reprise of the Durham Hymns which has proven to be highly popular with community groups and residents. Since its world premiere in 2016, the Durham Hymns have been “on tour” in communities across the region. It is proposed to stage a reprise at The Gala Theatre in November 2018. This would cost in the region of £12,500.

There would be 2 performances on Sunday 11 November, days providing the opportunity for over 1000 people to experience this visual and musical tribute.

### Financial Implications

9. The total cost of the additional signature events proposed is an estimated £42,000. The table below shows the distribution of costs associated with the signature First World War events programme.

<b>Signature event</b>	<b>Cost</b>	<b>Cumulative total</b>
<b>Light Art Installation</b>	£30,000	£30,000
<b>Durham Hymns – the Reprise event</b>	£12,500	£42,500

10. All other elements of the programme will be accommodated either within the relevant service revenue budget or from the activity organisers.

### Summary

11. In summary, the proposed signature events programme provides opportunities through visual arts and musical engagement to commemorate the heroic actions of local men, women and families, and create a lasting legacy for the County.
12. The programme engages our local heritage partners within the county and ensures a county-wide approach is adopted to this historically significant period.
13. The period and its commemorations will represent a significant moment in the County’s history and every effort will be made to document and record the

activities of the programme. Similarly, a wider calendar of commemorative activities, including as many community activities as possible, will be developed and made publicly available.

### **Recommendations and reasons**

14. It is recommended that:
- a. The existing programme of events is noted
  - b. The additional Signature Event proposals set-out within the report are supported namely:
    - i. A WW1 themed light art installation;
    - ii. Durham Hymns performances;
  - c. A contribution of £42,500 to fund the commissioning of the light art and hymns programme be funded from 2018/19 General Contingencies.

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<b>Contact:</b>	<b>Anne Davison</b>	<b>Tel: 03000 268 129</b>
	<b>Robin Byers</b>	<b>Tel: 03000 266 616</b>

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## **Appendix 1: Implications**

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### **Finance –**

The signature events programme would require an additional investment of £42,500 from DCC funds.

### **Staffing –**

None from this report.

### **Risk –**

None from this report.

### **Equality and Diversity/Public Sector Equality Duty –**

None in this report.

### **Accommodation –**

None in this report.

### **Crime and Disorder –**

None in this report.

### **Human Rights –**

None in this report.

### **Consultation –**

Consultation on ideas has been held with DLI representatives and wider forum group.

Discussions with TAP and the AAP network have been undertaken in identifying wider activities.

### **Procurement –**

Procurement of the public art, artists to create the light art installation, performers and exhibits would all follow DCC procurement rules.

### **Disability Issues –**

None from this report.

### **Legal Implications –**

Documentation between the LA and contracts with performers, artists would all involve legal services input. Any planning issues raised as a result of the design and installation of the piece of public art would be discussed and negotiated with DCC Planning department.

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**Appendix 2: Confirmed County Durham participants in ‘Battle’s Over - A Nation’s Tribute and WWI Beacons of Light’**

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Brandon and Meadowfield Royal British	Taken from Battles Over Website
Legion, Carrside Youth and Community Project and St. John’s Hall, Meadowfield	Taken from Battles Over Website
Shotley Bridge Cricket Club	Taken from Battles Over Website
Ferryhill Town Council	Taken from Battles Over Website
Waldrige Parish Council	Taken from Battles Over Website
St Andrew’s Church - Winston	Taken from Battles Over Website
Brandon & Byshottles Parish Council	Taken from Battles Over Website/AAP Information
Barnard Castle - (English Heritage)	Taken from Battles Over Website
Eggleston Parish Council	Taken from Battles Over Website
Haswell Parish Council	Taken from Battles Over Website
Fishburn Parish Council	Taken from Battles Over Website
Sherburn Village Parish Council	Taken from Battles Over Website
Greater Willington Town Council	Taken from Battles Over Website
Healeyfield Parish Council	Taken from Battles Over Website/AAP Information
Romaldkirk Parish Council	Taken from Battles Over Website
Great Aycliffe Town Council	Taken from Battles Over Website
Spennymoor Town Council	Taken from Battles Over Website
Coxhoe Parish Council	Taken from Battles Over Website
Lanchester & Burnhope	AAP Information

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## Cabinet

16 May 2018

### Update on North East Combined Authority Delegated Transport Activity



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### Report of Corporate Management Team Ian Thompson, Corporate Director of Regeneration and Local Services Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

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#### Purpose of the Report

- 1 To update Cabinet on the transport activity carried out by the Council under delegation from the North East Combined Authority (NECA).

#### Background

- 2 In April 2014 Cabinet agreed a report in relation to the transfer of transport functions to the Combined Authority and the subsequent delegation back to the Executive in accordance with the Combined Authority's Constitution and Operating Agreement.
- 3 Cabinet agreed to authorise the Corporate Director of Regeneration and Local Services to discharge these transport functions in consultation with the Cabinet Portfolio Holder.

#### Reporting to NECA

- 4 The NECA Operating Agreement includes a requirement that the Portfolio Holder will provide reports when required to the Transport North East Committee (TNEC) of NECA, advising on how the delegated functions have been exercised.
- 5 The report at appendix 2 gives a summary of transport activity carried out during 2017. This report was presented to TNEC at its meeting on 19 April 2018.

#### Recommendations and reasons

- 6 Members are recommended to note the contents of this report

**Background papers**

Durham, Gateshead, Newcastle upon Tyne, North Tyneside,  
Northumberland, South, Tyneside and Sunderland Combined Authority  
Order 2014.

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**Contact:    Adrian White            Tel:    03000 267455**

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## **Appendix 1: Implications**

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### **Finance –**

Transport functions carried out by or on behalf of the Combined Authority are funded by a levy raised by the Combined Authority. The funding for transport functions in Durham is transferred from the County Council into the Combined Authority, and the Combined Authority in turn transfers the funding back to the Council to cover the discharge of its transport functions.

### **Staffing –**

None specific in this report

### **Risk –**

None specific in this report

### **Equality and Diversity / Public Sector Equality Duty –**

None specific in this report

### **Accommodation –**

None specific in this report

### **Crime and Disorder –**

None specific in this report

### **Human Rights –**

None specific in this report

### **Consultation –**

None specific in this report

### **Procurement –**

None specific in this report

### **Disability Issues –**

None specific in this report

### **Legal Implications –**

The report at appendix 2 has been prepared in accordance with the requirements of the North East Combined Authority Constitution and Operating Agreement.

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## **Transport North East Committee**

### **North East Combined Authority (NECA) Durham County Council Transport Activity Report 2017/18**

#### **Introduction**

1. The County Council operates an 'Integrated Passenger Transport Group' (IPTG) in line with Government's best practice guidance. The IPTG delivers public transport, home to school transport, Special Education Needs (SEN) transport and adult social care transport. It also has close links with health, clinical commissioning groups and the North East Ambulance Service.
2. Integrating transport in this way is especially important in more rural areas, enabling the authority to create packages of work across sectors to maximise the use of vehicles and staff, ensure full use is made of existing local bus services for education and social work purposes and deliver consistency of standards across different modes. The opportunities to integrate commissioning and delivery of local authority transport with non-emergency healthcare transport have also helped to deliver a simpler and more understandable service for the user.
3. The Council also values the benefits of the harmonisation of policy and delivery across the economic development, planning, housing and transport functions. This approach ensures that we can maximise transport's contribution to economic growth in the County.

#### **Bus Service Network**

##### *Current State of Commercial and Subsidised Networks*

4. Bus operators' own commercial services provide a high proportion of the network in most of County Durham. Go North East and Arriva provide the majority of the services, with approximately equal market share. The increased head to head competition between Arriva and Go North East in east Durham that commenced in late 2016 has continued, without provoking instability in the network. Four other firms also run locally significant bus services without subsidy. Among them, Scarlet Band introduced a new service in Durham improving access to the University from the east side of the city, with support from commercial interests involved in student housing. Almost all the main towns of County Durham have a least two operators providing significant services without subsidy.
5. Total bus boardings have fallen in 2017, by about 1.8%, continuing a trend that set in in mid-2014. A similar trend is seen in national statistics and in other parts of the region. A prime cause is falling numbers of concessionary bus journeys due to the impact of the increasing age of entitlement to concessionary travel.

## Transport North East Committee

6. The majority of the bus network in County Durham has been essentially stable since October 2012 in terms of level of service and the service routes, although there have been periodic adjustments to details of timings reflecting better data now available from new tracking systems. There has been considerable further investment in new and cascaded buses in the period and further investment continues into 2018.

### *Secured Service Retendering Activity*

7. The council's general practice is that contracts for bus service are arranged on 4-year cycles, holding a right to extend to 5 years. Almost all of the Council's contracts expired in October 2017 (having started in 2012 or 2013) and were replaced by new contracts on largely unchanged specifications running to 2021. All the main contracts are on "cost-based" terms where fares revenue is credited to the Council, in line with most of the expiring contracts. This has contributed to an essentially stable net cost being achieved from the procurement.

### *NECA Bus strategy*

8. Durham County Council supports the emerging vision from the current work on a Bus Strategy for the NECA area. The vision is to deliver buses to people living, visiting and working in the NECA area that are accessible, affordable and reliable and support the growth of the NECA area economy. Therefore, we will aim for an inclusive, stable and sustainable network of bus routes and services which will provide access to education and training, employment, health, leisure and social destinations.
9. In order to achieve this vision Durham County Council, in partnership with Nexus and Northumberland County Council must:
  - Arrest the decline in bus patronage;
  - Maintain and strive to improve accessibility;
  - Improve benefits to current and future bus passengers; and
  - Ensure affordability

### **Concessionary Fares**

10. Reimbursement payments under Durham's concessionary fare scheme for older and disabled people form the major element of the County Council's spending on public transport. Largely fixed price arrangements have been negotiated with the two major operators, with "cap and collar" provisions to handle deviations from expected volumes. Total concessionary boardings in 17/18 are set to fall by some 4.4% compared with the previous year, reflecting national trends. It is anticipated this trend will continue in 18/19.

## **Transport North East Committee**

### **Young People's Fares**

11. DCC members and officers contributed to the NECA Task and Finish Group which considered arrangements for Young People's Fares, with a particular aim to respond to research showing complications and inconsistencies were a barrier to young people. The outcome of the discussions which took place with major bus operators was a region-wide standardisation of the age groups covered by the reduced bus fares offered by the operators on a commercial basis. All operators in County Durham and elsewhere in the region now consider young people under 16 as child fares. Reduced tickets are also now generally available for people under 19, which in some cases previously were only available to students. There is also mutual recognition of proof of age.

### **North East Smart Ticketing Initiative (NESTI)**

12. Durham has continued to actively participate in the NESTI initiative. The Pop PAYG card was successfully rolled out on Durham Park and Ride in summer 2016. Usage has grown considerably since 2016 and it is now the method of payment used by most regular users on Park and Ride. However, Pop PAYG has yet to achieve material levels of use across the wider bus network. The roll out of contactless payment on all Arriva and Go North East services during 2017 has provide an easier alternative method of cash-less payment for many people.

### **Multi-Operator Ticketing Scheme**

13. The Council is continuing to work with bus operators in County Durham to implement a scheme of multi-operator bus fares reflecting the bus market of County Durham. While the work has not progressed as fast as hoped, we continue to work with operators to deliver a scheme.

### **Transport Focus Bus Passenger Satisfaction Survey Autumn 2017**

14. Transport Focus undertake an independent survey of passengers' satisfaction with their bus journeys each autumn in a range of areas across England and Scotland. Durham was again included in the 2017 survey, following funding provided by DCC jointly with Arriva and Go North East. Key results are summarised below (2016 results in brackets).

## Transport North East Committee

% satisfied (2016 %)	All County Durham (inc other operators)	Arriva in County Durham	GoNE in County Durham
Journey time (all passengers)	88% (86%)	86% (81%)	88% (87%)
Punctuality (all passengers)	74% (79%)	66% (70%)	77% (82%)
Value for money (fare payers only)	73% (58%)	73% (54%)	72% (56%)
<b>OVERALL (all passengers)</b>	<b>91% (89%)</b>	<b>88% (85%)</b>	<b>91% (91%)</b>

15. The results show some progress since 2016, with a distinct improvement in the satisfaction with Arriva services, which in 2016 had been affected a series of major roadworks and utility schemes. The County Durham results for satisfaction with Value for money found by Passenger Focus are the highest in the survey, probably reflecting the pricing of zonal tickets where several zones have been extended and prices held unchanged.
16. Satisfaction with punctuality has declined; a similar trend is apparent in other parts of the north east and across other regions, and is thought to reflect some impact from increased congestion. Adjustments to timetables to improve punctuality by adding running time at peaks or adding extra buses into the operation are the main cause of service changes seen in County Durham in 2017.

### Park and Ride

17. The Durham Park and Ride has continued to perform very satisfactorily.

### Community Transport (CT)

18. The CT sector predominantly concentrates on group hire, although Weardale Community Transport again operated its summer-only Sunday bus service in the dale in 2017. The council's programme of offering capital grants from Local Transport Plan funding to assist Community Transport continues.
19. We are also continuing our use of Rural Sustainable Community Transport funding to support the CT sector to develop its capacity, with a particular focus on the recruitment of volunteers.
20. The Department for Transport's announcement of revised interpretation of regulations regarding community minibus permits and community bus services has caused understandable concern to the sector. The limitations in the new guidance on operation of contracts has little impact in County Durham as our contracts have always required full Public Service or Taxi Operator licences. However, if the guidance

## **Transport North East Committee**

remains unchanged after the current consultation, there appear considerable difficulties for the organisations that primarily exist in order to provide community transport, which may no longer qualify for the current exemptions from normal licence requirements.

### **Home to School/Social Care Transport**

21. Home to school and social care transport forms the major part of Durham's operations, with a total spend of approximately £13 million pa and over 1000 contracts in operation. This includes school transport buses that are paid for by parents and or schools, supplementing the statutory free travel provided by the Council. In the 17/18 school year, about 4,200 pupils receive free travel to school from Durham County Council, with a further 3,200 pupils travelling under the non-statutory concessionary schemes.
22. Our general practice is that contracts for Home to School Contract Hire services are awarded for a 4-year period, with the Council holding a right to extend to 5 years. Tendering is carried out over a rolling programme, with new contracts starting in September each year. Tender prices have remained very competitive, despite increased fuel prices and some impact from the National Living Wage.

### **Travel Response Centre**

23. Durham has continued to operate the Travel Response Centre (TRC) for the booking of non-emergency patient transport to health appointments as well as the council's 'Link2' demand responsive transport service and Access Bus. The TRC handles over 80,000 calls on an annual basis. Referrals from social workers and other care staff for client travel to day care are also processed.
24. The Health Booking Service is delivered on behalf of the NHS Clinical Commissioning Groups in Durham. Following an eligibility assessment, patients are booked on to North East Ambulance Patient Transport Services. Patients and visitors who are ineligible for NHS patient transport are, where possible, booked on alternative services providing access to hospitals or advised on how to make their journey by public transport.

### **Public Transport Information**

25. Durham County Council has continued to provide data management and system development for the North East Traveline journey planning service. This includes processing and collation of bus service data from Tyne & Wear, Northumberland and the Tees Valley on a continuous basis. Procurement for a new contract for the provision of software for the journey planning engine and associated data processing tools is currently being progressed.

## **Transport North East Committee**

26. Durham County Council has continued to provide a comprehensive range of passenger information on all local bus services operating within the County. This includes maintaining current timetable displays at over 2,800 bus stops, providing over 100 electronic displays at bus stations and on-street stops, printed county public transport map, printed timetable leaflets and a web based interactive bus map. The interactive bus map shows bus routes and individual timetables for all registered services in downloadable format.
27. Interactive display kiosks have been installed at Durham Railway Station and Bus Station to improve the provision of local and wider travel information. The council has developed interactive touch-screen software to provide a range of travel and local information on the displays. The displays show departures, routes, journey planning, local information on nearby local facilities. Additional display kiosks will be installed at key interchanges across the county as funding is made available.

### **Real Time Passenger Information**

28. Durham County Council has continued to provide the data management role for the North East Real Time Passenger Information (RTPI) project in partnership with Nexus, Northumberland County Council and Tees Valley Unlimited.

### **DfT Access Fund 2017-2020**

29. Durham has continued to be part of the successful Living Streets bid to the Department for Transport Access Fund. This project, entitled 'Walk To', was awarded £7.5m for the period 2017-2020 and is being delivered by Living Streets in partnership with 10 local authorities. The project supports economic, health and environmental development in targeted areas through active travel to schools and workplaces. This externally funded project has continued the Council's successful work with Living Streets since 2012.

### **Wheels to Work County Durham**

30. The successful County Durham Wheels to Work (W2W) scheme has continued to develop and expand. This scheme, established in 2016, now operates in seven Area Action Partnership areas across the county with 35 scooters available for hire. This scheme is providing people who are experiencing difficulties in accessing employment or training with the loan of a scooter until a longer-term transport solution can be found. The scheme is managed by Wheels to Work County Durham Charitable Incorporated Organisation (CIO). Funding for the scheme has been provided by a package of funding secured from the NELEP LSTF Local Growth Fund, NECA STTYF Go Smarter and Durham County Council Local Transport Plan and Area Action Partnerships. Additional funding opportunities will continue to be explored to expand across the county.

## **Transport North East Committee**

### **New Horden Rail Station**

31. In July 2017, Durham County Council was awarded £4.4 million in funding from the Department for Transport New Stations Fund as contribution towards a new rail station at Horden. The remainder of the scheme's £10.5 million cost being provided Durham County Council and the North East Combined Authority.
32. The design is progressing through Network Rail's GRIP process and is due to be completed and operational by 2020. The station will have two platforms with waiting shelters, seating, lighting, help points and CCTV. The platforms will be linked by a covered footbridge and the station will have a car park with space for up to 100 cars as well as facilities for drop-off, taxis and bus services.

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**Cabinet****16 May 2018****Overview and Scrutiny Review,  
Cybercrime**


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**Report of Lorraine O'Donnell, Director of Transformation and Partnerships**


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**Purpose of the Report**

- 1 The purpose of this report is to present the findings, conclusions and recommendations of the Safer and Stronger Communities Overview and Scrutiny Committee review report on Cybercrime attached at appendix 2.

**Background**

- 2 The Committee has a role to scrutinise work of the Safe Durham Partnership. Members agreed to undertake review activity looking at work in relation to cybercrime with a focus on partnership work being undertaken to prevent young people becoming in engaged in cybercrime activity.
- 3 At a national level, the National Crime Agency (NCA) are leading on a number of initiatives to prevent young people getting involved in cybercrime. Locally the Safe Durham Partnership's Cybercrime Task group identified that locally, whilst work is very much active with victims of cybercrime, preventing young people becoming engaged in cybercrime was identified as a gap within their activity.
- 4 This is a developing area and the review provides an opportunity to raise awareness of this issue and seek to identify improvements to reduce the risk of young people becoming involved in Cybercrime.
- 5 The review has gathered evidence through desktop research, meetings with officers from the Safe Durham Partnership, University of Sunderland, North East Regional Specialist Operations Unit and undertaken focus group activity. Evidence and findings within the report are set within the context to preventing young people being vulnerable to getting involved in cybercrime activity and to seek more positive use of their skills.

**Conclusions**

- 6 Evidence gathered throughout the review has highlighted the potential impact of cybercrime or a cyber attack and that this is not a victimless crime. The average age of suspects arrested or cautioned by the NCA for cybercrime is 17 years old. Whilst it was acknowledged that is a minority of young people who commit these offences, throughout the review anecdotal evidence was provided by Members, Officers and Police Cadets of awareness to incidents of hacking by young people.

- 7 It was highlighted that the motivations for undertaking this activity are not always financial. Some see it as a challenge and are unaware they are committing a criminal offence. In addition, offenders perceive the risk of being caught was low and there was a limited understanding of the consequences of the law and committing an offence.
- 8 There is a structured approach to tackling cybercrime and contributing to the delivery of the Government's National Cyber Security Strategy at a national, regional and local level. The review is also timely with consultation on priorities for the Safe Durham Partnership Plan. The Committee fully support cybercrime as an objective within the plan.
- 9 At a national level there is a wide range of educational resources and engagement activity available to schools. It is positive that within the past year, a small number of schools in the county have participated in the Cyber Security Challenge UK event. An area for development could be to have a co-ordinated approach to the use of educational resources and consideration should also be given to the development of a cyber-safety event and campaign in Durham.
- 10 Furthermore, effective provision of careers advice could lead to encouragement in using cyber skills more positively for career opportunities within cyber security industry. There was information provided that engagement between the Safe Durham Partnership and County Durham Economic Partnership had just begun with regard to cybersecurity apprenticeships within the County.
- 11 The review's key findings focus on strategic context looking at national and local approaches to cybercrime and prevention through education and awareness, apprenticeships and careers and approaches to prevent young people from remaining in cybercrime activity and identifies recommendations for the Safe Durham Partnership and Council. The Safe Durham Partnership is asked to consider including prevention of young people becoming cybercrime offenders within the Safe Durham Partnership Plan priority objective of Cybercrime, engaging with young people and targeted groups through focus group sessions, carousel events and campaign activity. Furthermore the Safe Durham Partnership is asked to work with the County Durham Economic Partnership in exploring opportunities for the development of IT/Cybersecurity apprenticeships.
- 12 The Council's Children & Young People's Service is asked to note the availability of education and awareness resources and working with partners within the Safe Durham Partnership's Cybercrime task group consider development of a co-ordinated approach within schools to raise awareness to the consequences of forms of hacking, the Computer Misuse Act and use of careers advice to promote skills in a more positive way.

## Recommendations

13 Cabinet is asked to:

(a) note the review's recommendations:

- (i) That the Safe Durham Partnership Board note the content of this report and include as an action the prevention of people becoming cybercrime offenders within the Safe Durham Partnership Plan priority objective of Cybercrime.
- (ii) That the Safe Durham Partnership Cybercrime task and finish group give consideration to holding further focus group sessions with Durham Constabulary's Police Cadets and with young people with a specific interest in coding or programming to improve young people's awareness to the Computer Misuse Act and its implications.
- (iii) That the Safe Durham Partnership Cybercrime task group note findings of an anticipated report from the University of Bath, NCA and Research Autism into exploring any links between autism and cybercrime and consider any actions as recommended.
- (iv) That the Children and Young People's Services note the availability of education and awareness resources and working with partners within the Safe Durham Partnership's Cybercrime task group consider development of a co-ordinated approach within schools to raise awareness to the consequences of forms of hacking, the Computer Misuse Act and use of careers advice to promote skills in a more positive way.
- (v) That the Safe Durham Partnership Cybercrime Task Group explore the feasibility of a cyber-safety engagement event with schools similar to the Partnership's Wisedrive/Safety Carousel event of which awareness to the consequences of the Computer Misuse Act and hacking is one of the workshops.
- (vi) That the Safe Durham Partnership Cybercrime Task Group give consideration to undertaking a campaign to promote the risks of undertaking cybercrime activity and to explore the viability of producing a video resource that could together with the NCA Cyberchoices videos be shown within schools and at events.
- (vii) That the Safe Durham Partnership explore opportunities for the development of IT/Cybersecurity apprenticeships within organisations and companies within County Durham with the County Durham Economic Partnership.

- (b) Agree that the scrutiny review report on Cybercrime is presented to the Safe Durham Partnership Board.
- (c) Respond within the six month period for a systematic review of the recommendations.

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**Contact:**

**Tom Gorman, Corporate Scrutiny and Performance Manager    Tel: 03000 268027**  
**Jonathan Slee, Overview and Scrutiny Officer                    Tel: 03000 268148**

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## **Appendix 1: Implications**

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**Finance – None**

**Staffing – None**

**Risk – None**

**Equality and Diversity / Public Sector Equality Duty – None**

**Accommodation - None**

**Crime and Disorder –** The report includes information that aims to contribute to the Altogether Safer element of the Council Plan and Safe Durham Partnership Plan.

**Human Rights – None**

**Consultation – None**

**Procurement – None**

**Disability Issues – None**

**Legal Implications – None.**

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# **Safer and Stronger Communities Overview and Scrutiny Report**

## **Cyber Crime**

**2018**

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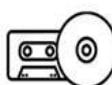
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**Please ask us if you would like this document summarised in another language or format.**

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## Chair's Foreword

The internet can be fantastic for many young people to enjoy gaming, socialising and learning, but for what appears to be a minority it provides a platform to cause disruption and loss through forms of cybercrime including hacking which at times the offender may not fully understand the consequences of their actions.

In June 2017, Members of the Council's Safer and Stronger Communities Overview and Scrutiny Committee agreed to undertake review activity looking at work in relation to cybercrime. The focus of this work is on partnership work to prevent young people engaging in cybercrime activity.



At a national level, the National Crime Agency (NCA) is leading on a number of initiatives to prevent young people getting involved in cybercrime. Locally the Safe Durham Partnership's Cybercrime Task group together with the North East Regional Specialist Operations Unit (a collaboration between Northumbria, Durham and Cleveland forces to tackle serious and organised crime) are engaging with a wide range of people from school children to elderly people on prevention from being a victim. However, preventing vulnerable young people getting drawn into committing criminal activity was identified as a gap within their activity.

The committee agreed to undertake a review to gather initial research to support partnership work to gain an understanding of approaches to prevent young people becoming engaged in cybercrime activity. This work also provides an opportunity to raise awareness of this topic and identify any gaps or potential improvements.

We have gathered a wide range of evidence through desktop research, meetings with officers from the Council, partner agencies, the University of Sunderland, North East Regional Specialist Operations Unit and focus group sessions with young people.

The committee has a statutory responsibility for scrutinising the work of the Safe Durham Partnership and the findings in relation to education and awareness, career opportunities and campaigns have led to a number of recommendations for the partnership which also impact on the council.

I would like to take this opportunity to thank members of the working group and representatives from the Council's Partnerships Team and Children and Young People's Services, Durham Constabulary, North East Regional Specialist Operations Unit, Professor Irons, University of Sunderland and Durham Constabulary Police Cadets.

**Councillor Heather Liddle**  
**Chairman**

## Executive Summary

1. At its meeting on 26<sup>th</sup> June 2017, Members of the Council's Safer and Stronger Communities Overview and Scrutiny Committee agreed to undertake review activity looking at work in relation to cybercrime.
2. Initially, the focus of this review is on partnership work being undertaken to prevent young people between the ages of 13-25 becoming engaged in cybercrime activity. However, from evidence presented at initial sessions this age range changed to focus activity on those aged between 10 -16 years old.
3. At a national level, the National Crime Agency (NCA) are leading on a number of initiatives to prevent young people getting involved in cybercrime. Locally the Safe Durham Partnership's Cybercrime Task group identified that locally, whilst work is very much active with victims of cybercrime, preventing young people becoming engaged in cybercrime was identified as a gap within their activity.
4. The aim of this review is to prevent young people within County Durham becoming engaged in cybercrime activity. Evidence and findings from this report are set within the context of preventing young people from becoming vulnerable and getting involved in cybercrime activity by seeking a more positive use of their skills. This is a developing area and the review provides an opportunity to raise awareness of this issue and seek to identify improvements to reduce the risk of young people becoming involved in Cybercrime. For full terms of reference and details of the meetings held during the review, **see Appendices 1 and 2.**
5. Evidence gathered throughout the review has highlighted the potential impact of cybercrime or a cyber attack and that this is not a victimless crime. The average age of suspects arrested or cautioned by the NCA for cybercrime is 17 years old. Whilst it was acknowledged that is a minority of young people who commit these offences, throughout the review anecdotal evidence was provided by Members, Officers and Police Cadets of awareness to incidents of hacking by young people.
6. It was highlighted that the motivations for undertaking this activity are not always financial. Some see it as a challenge and are unaware they are committing a criminal offence. In addition, offenders perceive the risk of being caught was low and there was a limited understanding of the consequences of the law and committing an offence.
7. There is a structured approach to tackling cybercrime and contributing to the delivery of the Government's National Cyber Security Strategy at a national, regional and local level. The review is also timely with consultation on priorities for the Safe Durham Partnership Plan. The Committee fully support cybercrime as an objective within the plan.

8. At a national level there is a wide range of educational resources and engagement activity available to schools. It is positive that within the past year, a small number of schools in the county have participated in the Cyber Security Challenge UK event. An area for development could be to have a co-ordinated approach to the use of educational resources and consideration should also be given to the development of a cyber-safety event and campaign in Durham.
9. Furthermore, effective provision of careers advice could lead to encouragement in using cyber skills more positively for career opportunities within cyber security industry. There was information provided that engagement between the Safe Durham Partnership and County Durham Economic Partnership had just begun with regard to cybersecurity apprenticeships within the County.

## **Recommendations**

**Recommendation One** - That the Safe Durham Partnership Board note the content of this report and include as an action the prevention of people becoming cybercrime offenders within the Safe Durham Partnership Plan priority objective of Cybercrime.

**Recommendation Two** - That the Safe Durham Partnership Cybercrime task and finish group give consideration to holding further focus group sessions with Durham Constabulary's Police Cadets and with young people with a specific interest in coding or programming to improve young people's awareness to the Computer Misuse Act and its implications.

**Recommendation Three** - That the Safe Durham Partnership Cybercrime task group note findings of an anticipated report from the University of Bath, NCA and Research Autism into exploring any links between autism and cybercrime and consider any actions as recommended.

**Recommendation Four** - That the Children and Young People's Services note the availability of education and awareness resources and working with partners within the Safe Durham Partnership's Cybercrime task group consider development of a co-ordinated approach within schools to raise awareness to the consequences of forms of hacking, the Computer Misuse Act and use of careers advice to promote skills in a more positive way.

**Recommendation Five** - That the Safe Durham Partnership Cybercrime Task Group explore the feasibility of a cyber-safety engagement event with schools similar to the Partnership's Wisedrive/Safety Carousel event of which awareness to the consequences of the Computer Misuse Act and hacking is one of the workshops.

**Recommendation Six** - That the Safe Durham Partnership Cybercrime Task Group give consideration to undertaking a campaign to promote the risks of undertaking cybercrime activity and to explore the viability of producing a

video resource that could together with the NCA Cyberchoices videos be shown within schools and at events.

**Recommendation Seven** - That the Safe Durham Partnership explore opportunities for the development of IT/Cybersecurity apprenticeships within organisations and companies within County Durham with the County Durham Economic Partnership.

## Strategic Context

### Key Findings

- **2015 – There were 2.46 million cyber incidents and 2.11 million victims of cybercrime**
- **NCA report average age of 17 for cybercrime suspects**
- **Motivations are not always financial and offenders perceive the likelihood of encountering law enforcement as low**
- **Limited understanding of the impact of the Computer Misuse Act 1990**
- **Government’s National Cyber Security Strategy published in 2016**
- **Structured approach to tackle cybercrime through national, regional and local resources**
- **Cybercrime is identified as a strategic priority for the Safe Durham Partnership Plan 2018-21**

### Background

10. The National Crime Agency (NCA) estimates that the cost of cybercrime to the UK economy is billions of pounds per annum and growing. In October 2016, crime figures from Get Safe Online and Action Fraud revealed that £10.9 billion was lost to the UK economy as a result of fraud, including cybercrime, in 2015/16. The Office of National Statistics estimated that there were 2.46 million cyber incidents and 2.11 million victims of cybercrime in the UK in 2015. This is not a victimless crime and an attack can potentially cause devastation to those effected. Highly publicised cases include the TalkTalk security breach in 2015 and the WannaCry ransomware attack in 2017 that significantly affected a number of NHS Trusts.
11. Whilst the spectrum of types of cybercrime is wide, the focus of the Committee’s work has been on activity by young people linked to types of hacking. The purpose for this approach is that analysis of investigations by the NCA’s National Cyber Crime Unit reported that in 2015 the average of suspects was 17 years old. Information from Europol’s website report the following examples of cybercrimes that involve predominately young offenders:

- **Hacking** - gaining access to a person's computer network without their permission and then taking control, and/or taking information from an organisation, agency or individual.
  - **Malicious software** - making, supplying, or obtaining malware, viruses, spyware, botnets, and Remote Access Trojans (RATs) is a criminal activity. These programmes allow cybercriminals to get into other people's computers without their permission. "Pranking", by remotely accessing a friend's computer without their knowledge and messing around with it, is illegal.
  - **DDoS** - a Distributed Denial of Service (DDoS) attack, or 'booting', consists of sending a large amount of internet traffic towards a website to stop somebody or anybody from accessing it.
12. The above are serious offences under the Computer Misuse Act 1990 but many young people who get involved in cybercrime do so for fun without realising the potential consequences of their actions. This is supported by findings within a NCA publication '*Pathways into Cybercrime*' that included:
- 'Financial gain is not necessarily a priority for young offenders'
  - Completing the challenge, sense of accomplishment, proving oneself to peers is a key motivation for those involved in cyber criminality.
  - Offenders perceive the likelihood of encountering law enforcement as low.
13. This publication also stated that '*Autism Spectrum Disorder appears to be more prevalent amongst cyber criminals than the general populace though this remains unproven*'. To explore this further, a project is being undertaken by the NCA, University of Bath and the charity Research Autism to explore if there are any links between cybercrime and autism. It is requested that the Cybercrime Task Group note findings from this report.
14. The reality is that a young person who has been involved in cybercrime could receive a visit and warning from police or NCA officers, being arrested, a prison sentence of up to 10 years and or a criminal record that could affect education and future career prospects, as well as potential future overseas travel.
15. Evidence provided, highlighted that cybercrime through forms of hacking is underreported and is a barrier to understanding the complete picture as to the nature of these incidents, attempted attacks and who are victims and offenders.

16. To seek the views and gauge an understanding of the awareness on cybercrime by young people, a focus group session was held with Durham Constabulary's Police Cadets. Findings from this session showed that the impact on victims is not seen or understood by offenders, anyone could carry out a cybercrime attack or become a victim, many young people would do it to look cool and they would not be aware that they could receive a criminal record. Anecdotally, the group were aware of incidents of DDoS attacks and of peers who had the ability to 'hack' into systems. Further information from this session are referenced throughout the report but Members ask that consideration is given to working with the Cadets on cyber safety issues and for the partnership to hold a similar session with young people from school coding clubs.



17. There is a clear need to raise awareness of the potential consequences of young people unwittingly conducting criminal acts. The review initially planned for an age of 13 -25 but from findings from the NCA reports, an evidence session with the Council's Education Development Advisor and focus group sessions with police cadets, it is suggested that activity by the Safe Durham Partnership is targeted initially at the 10-16 age group.

***National and Local approaches to addressing the threat***  
**Government Strategy**

18. The Government's 'National Cyber Security Strategy 2016-21' explains the Government's approach to tackling and managing cyber threats in our country. The strategy sets out how the UK will aim to be one of the most secure places in the world to do business in cyberspace and is written around the three objectives of Defend, Deter and Develop. The 'Develop' element of the strategy outlines the approach to growing an innovative cyber security industry and producing a sustainable supply of home grown cyber skilled professionals to meet the growing demands of an increasingly digital economy, in both the public and private sectors, and defence. It is within the context of encouraging young people to develop ICT skills for positive benefits and to have aspirations on entering the cyber security profession that this element of the national strategy is most pertinent to our review.

**National Cyber Security Centre (NCSC)**

19. The NCSC is part of GCHQ, the communications arm of the Government's intelligence community and was created in 2016 in support of a national ambition, outlined in the National Cyber Security to make the UK the safest place to live and do business online. The NCSC aims to help protect our

critical services from cyber-attacks, manage major incidents, and improve the underlying security of the UK communications infrastructure through technological improvement and advice to citizens and organisations. Within its '2017 annual review' it states that the '*cyber threat is real and growing and the types of threats we face are always evolving*'.

20. The NCSC promote information on their Cyber First programme for university students, apprenticeships and summer schools for teenagers. Furthermore, they are working with government departments to develop a skills programme for 14-18 year olds to embed cyber security as a recognised career choice.

#### **National Crime Agency (NCA)**

21. The role of the NCA is to protect the public from the most serious threats by disrupting and bringing to justice those serious and organised criminals who present the highest risk to the UK. The National Strategic Assessment of Serious and Organised Crime 2017 includes cybercrime as a threat and highlights underreporting of incidents as a barrier to gaining an understanding of its true scale and cost.
22. The NCA includes a National Cyber Crime Unit that leads the UK's response to the most serious of cybercrime threats. Preventing young people from getting involved in cybercrime is a key area of work for the NCA who through its website report what is cybercrime, its consequences, ways to use cyber skills more positively, career opportunities and advice for teachers and parents. These aspects are outlined within this report.

#### **Local Context**

23. A local perspective in tackling cybercrime is provided by the North East Regional Special Operations Unit (NERSOU), Durham Constabulary and other partners through the Safe Durham Partnership's Cybercrime Task Group.
24. NERSOU is one of 10 Regional Organised Crime Units across England and Wales, established in October 2013. It is a collaboration between the three forces of Northumbria, Cleveland and Durham. NERSOU includes a Regional Cyber Crime Unit (RCCU). At the time of the Committee's work, the cybercrime unit was being expanded through the recruitment of additional police officers.
25. The RCCU deals with the most serious pure cyber-dependent offences and high value cyber-related frauds.
26. The unit also works with police forces and the NCA to tackle serious and organised crime by providing investigative and technical support and a proactive cyber capability.
27. Within the county, Durham Constabulary has a dedicated Digital Intelligence and Investigation Team that comprises of specially trained detectives and police staff. The team will not only investigate digital crimes but will also

gather intelligence and stay up to date with the latest digital threats, viruses and scams.

28. The Safe Durham Partnership identified cyber-crime as an emerging threat in 2015 and set up a multi-agency Task and Finish group that includes representatives from NERSOU, Council, Fire Service, Police Crime and Victims Commissioner and Durham Constabulary to co-ordinate activities including raising awareness, education and how to tackle the threat.
29. At its meeting in October 2017, the Safer and Stronger Communities Overview and Scrutiny Committee received a report on findings from the Safe Durham Partnership's Strategic Assessment that identified cybercrime as a strategic priority for the Safe Durham partnership Plan 2018-21. Within its response the Committee suggested consideration to an action within this priority to include '*prevention of people becoming offenders*' of cybercrime.

### **Recommendations**

***That the Safe Durham Partnership Board note the content of this report and include as an action the prevention of people becoming cybercrime offenders within the Safe Durham Partnership Plan priority objective of Cybercrime.***

***That the Safe Durham Partnership Cybercrime task group give consideration to holding further focus group sessions with Durham Constabulary's Police Cadets and with young people with a specific interest in coding or programming to improve young people's awareness to the Computer Misuse Act and its implications.***

***That the Safe Durham Partnership Cybercrime task and finish group note findings of an anticipated report from the University of Bath, NCA and Research Autism into exploring any links between autism and cybercrime and consider any actions as recommended.***

## Prevention

### Key Findings

- **A wide range of educational and video resources available to raise awareness to consequences of hacking and cybercrime**
- **Cyber First and Cyber Security Challenge UK competitions encourage engagement from schools**
- **A Cyber Security Challenge UK event was held with Durham Schools in April 2017**
- **Young people should be encouraged to use cyber skills more positively for career opportunities within cyber security**

### Education & Awareness

30. This element of the report focuses on education and raising awareness to prevent young people becoming involved in cybercrime. This will focus on national and local perspectives to raise awareness of the Computer Misuse Act, highlight consequences of cybercrime but to also to promote how these skills can be used more positively including potential academic and career opportunities. A video outlining these risks by the NCA titled 'Cyberchoices' was presented to Members that highlight to parents the risks and help their children make the right choices.
31. At a national level and in line with the National Strategy, the NCSC lead the Cyber First programme that aims to deliver a range of activities designed to support talented young people through their education and highlight career opportunities in cyber security. The programme includes a number of residential and non-residential courses designed to introduce 11-17 year olds to the world of cyber security.
32. The NCSC webpage reports that females represent 10% of the cyber workforce and their programme includes a 'Cyber First Girls' competition for girls aged between 13 and 15. Their first competition in 2017 included over 8,000 participants within 2,171 teams from schools across the UK and its NCSC's hope that the event will help better represent women in the future cyber workforce. Furthermore, the cyber first programme includes a degree apprenticeship and the NCSC has certified Masters and Bachelor degrees in cyber security with a number of universities across the UK.
33. In November 2017, The Department for Digital, Culture, Media and Sport launched a cyber-security training programme called 'Cyber Discovery' aimed at young people in school years 10-13. The initiative aims to help plug the UK's cyber security skills gap by tapping into young and undiscovered talent with the ambition of stimulating and nurturing interest in cyber security as a future career path. In addition, the NCA's website promotes Cyber Security Challenge UK which is a series of national competitions, learning programmes, and networking initiatives designed to identify, inspire and enable more people to become cyber security professionals.

34. The above provides an outline to a wide and increasing range of education initiatives available to young people with an interest in cybercrime. Evidence provided, reported that within County Durham schools that elements of hacking were probably only considered by a small proportion of pupils and anecdotal examples were provided of where pupils who had initially been involved in gaming then became interested in hacking and required either police involvement. With regard to education, this is a developing area and work was very much active to raise awareness to cyberbullying, sharing of inappropriate images and staying safe online but there was no co-ordinated plan with regard to awareness and consequences of the Computer Misuse Act or hacking. Members were informed that in April 2017, six schools had taken part in a Cyber Security Challenge UK event within the county and this was an event to be explored again in the future. The Police cadets also indicated that whilst they were aware of incidents, they had limited knowledge of the consequences of hacking through the Computer Misuse Act.
35. To raise awareness, it is suggested that the Safe Durham Partnership consider development and collation of resources for schools for use with pupils aimed at 10- 16 years of age and ways and awareness to parents. This could potentially be undertaken through class assemblies or challenging programming tasks for a target audience that may divert any potential offenders to utilise skills more positively. In addition, messages could also be provided via partnership campaigns linking in with NERSOU and NCA utilising social media and video formats. These interventions were also identified within the NCA publication Identify, Intervene, Inspire – helping young people to pursue careers in cyber security, not cybercrime’.
36. Feedback from the Police Cadets highlighted the impact on young people short videos such as ‘Kayleigh’s Love Story’ to raise awareness of online grooming and the ‘Dying to be Cool’ water safety campaign by the Safe Durham Partnership had. Reference was also made to the partnership approach to road safety using ‘Wisedrive’ and Safety Carousels and whether a bespoke event similar to this approach should be held on staying safe online. An element on the impact of hacking and awareness of the Computer Misuse Act could be included within this. Case studies may also be beneficial to highlight impact and there was a strong view from the Police Cadets that stark examples would be more effective when raising awareness on this issue.

### **Apprenticeships & Careers**

37. As outlined there is a national drive to encourage more young people to enter the cyber security profession through educational courses including degree apprenticeships. The national cybercrime strategy states *‘The UK needs to tackle the systemic issues at the heart of the cyber skills shortage’* to which includes a *‘lack of young people entering the profession’* and *‘shortage of current cyber security specialists’*. Whilst this approach is positive and can potentially lead to an exciting and rewarding career, Members emphasised the importance of apprentice opportunities being available within County Durham. A key challenge is to ensure that any opportunity is relevant for both

the young person and for the organisation. It was reported that this was an area to be explored by the Safe Durham Partnership together with the County Durham Economic Partnership.

### **Prevention from remaining in cybercrime activity**

38. The 'Deter' element of the Government's National Cybersecurity Strategy includes a strategic outcome that 'the impact of cybercrime on the UK and its interests is significantly reduced and cyber criminals are deterred from targeting the UK'. Within this outcome is a measurement of *'Improved effectiveness, and increased scale, of early intervention ("PREVENT") measures is dissuading and reforming offenders'*.
39. A key area to this work is prevention through education and awareness but also to the importance of understanding why young people become involved in cybercrime and to then identify deterrents and alternative ways to use their skills more positively. To gain an understanding of this issue, Members considered findings from a NCA report titled *'Identify, Intervene, Inspire – helping young people to pursue careers in cyber security, not cybercrime'*. The report provides detail on a potential pathway into cybercrime starting with gaming cheats and modifications with possible intervention points including ambassadors working in schools to identify people who could be at risk. The NCA has also produced two videos with reformed offenders. One video includes footage of a person speaking on the impact of receiving a custodial sentence for serious offences and the second video promotes changing routes and pursuing suitable career opportunities.
40. As part of its evidence NERSOU advised Members that in July 2017, Cyber Security Challenge UK working with the NCA held its first intervention workshop in Bristol with young offenders who had previously received cautions or cease and desist orders. Its aim was to prevent them from re-offending and to encourage them to consider ethical and legal jobs in the cyber security sector. This was a pilot event and the NCA aim to roll this out nationally as an on-going resource. Within County Durham, Members were informed that to date, neither the Checkpoint programme nor youth offending services have undertaken activity in relation to forms of cybercrime through hacking. It is within this context that this is a developing area and as part of an update on implementation of recommendations, the Committee should be kept apprised of the number of cease and desist visits that are undertaken within the County in relation to cybercrime.

### **Recommendations**

- **That the Children and Young People's Services note the availability of education and awareness resources and working with partners within the Safe Durham Partnership's Cybercrime task group consider development of a co-ordinated approach within schools to raise awareness to the consequences of forms of hacking, the Computer Misuse Act and use of careers advice to promote skills in a more positive way.**

- **That the Safe Durham Partnership Cybercrime Task Group explore the feasibility of a cyber safety engagement event with schools similar to the Partnership's Wisedrive/Safety Carousel event of which awareness to the consequences of the Computer Misuse Act and hacking is one of the workshops.**
- **That the Safe Durham Partnership Cybercrime Task and Finish Group give consideration to undertaking a campaign to promote the risks of undertaking cybercrime activity and to explore the viability of producing a video resource that could together with the NCA Cyberchoices videos be shown within schools and at events.**
- **That the Safe Durham Partnership explore opportunities for the development of IT/Cybersecurity apprenticeships within organisations and companies within County Durham with the County Durham Economic Partnership.**

## Appendix 1

### Terms of Reference

The review has undertaken initial research to support partnership work to gain an understanding of approaches to prevent young people becoming engaged or remaining in cybercrime activity. This area was identified as a gap by the Safe Durham Partnership Cybercrime Task and Finish Group and to which the objectives of the review were:

- Linked to national and local objectives, the review will aim to gain an understanding of how young people can become engaged in cybercrime activity, why they are vulnerable and the risks and consequences of their engagement.
- To receive information on the approach and activity led by the National Crime Agency to prevent young people from engaging in cybercrime activity.
- To look at activity undertaken by the Safe Durham Partnership Task Group to raise awareness through education and engagement and how this links to the National Crime Agency's programme.
- To look at activity undertaken by the National Crime Agency, Regional Cybercrime Unit, Offender Management Unit and Youth Offending Service to prevent young people from remaining in cybercrime activity.
- To gather views of young people on cybercrime and possible methods to prevent young people becoming engaged in cybercrime.

## Appendix 2

### Review Meetings Held

The review has gathered evidence through desktop research, meetings with officers from the Safe Durham Partnership, Professor Irons, University of Sunderland, North East Regional Specialist Operations Unit and undertaken focus group activity.

<b>Date</b>	<b>Activity/Venue</b>
11/09/2017	Working Group Meeting – Overview Session, County Hall, Durham
16/10/2017	Working Group Meeting – Prevention Education & Awareness from becoming involved in cybercrime – County Hall Durham
14/11/2017	Focus Group Session – Durham Constabulary Police Cadets – Police HQ, Durham
17/11/2017	Working Group Meeting – Prevention from remaining in Cybercrime activity, County Hall, Durham
15/01/2018	Working Group Meeting – Presentation of draft findings, County Hall, Durham

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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