

Cabinet Agenda

Date: Tuesday, 8th March, 2016
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

Please contact Paul Mountford on 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

4. **Questions to Cabinet Members**

A period of 20 minutes is allocated for questions to be put to Cabinet Members by members of the Council. Notice of questions need not be given in advance of the meeting. Questions must relate to the powers, duties or responsibilities of the Cabinet. Questions put to Cabinet Members must relate to their portfolio responsibilities.

The Leader will determine how Cabinet question time should be allocated where there are a number of Members wishing to ask questions. Where a question relates to a matter which appears on the agenda, the Leader may allow the question to be asked at the beginning of consideration of that item.

5. **Minutes of Previous Meeting** (Pages 1 - 10)

To approve the minutes of the meeting held on 23rd February 2016.

6. **Cheshire Science Corridor Enterprise Zone**

To consider a report on the Cheshire Science Corridor Enterprise Zone and its implications for Alderley Park. (Report to follow)

7. **Update on Support for Asylum Seekers and Refugees and Unaccompanied Children** (Pages 11 - 22)

To receive an update on the Council's work with partners to provide support for asylum seekers, refugees and unaccompanied children.

8. **Better Care Fund 2016/17** (Pages 23 - 30)

To receive an update on proposals for the implementation and delivery of the Cheshire East Better Care Fund in 2016/17.

9. **Regional Adoption Agency** (Pages 31 - 34)

To consider proposals for Cheshire East Council to join a Regional Adoption Agency with Trafford, Stockport, Manchester and Salford.

10. **Council Tax Exemption for Care Leavers** (Pages 35 - 40)

To consider a report seeking approval to provide 100% exemption from the payment of Council Tax to Cheshire East care leavers.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 23rd February, 2016 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Brown (Chairman)

Councillors A Arnold, Rachel Bailey, J Clowes, J P Findlow, S Gardner,
P Groves and D Stockton

Members in Attendance

Councillors Rhoda Bailey, P Bates, G Baxendale, T Dean, L Durham, I Faseyi,
D Flude, M Grant, R Menlove, A Moran, B Moran, G Wait, B Walmsley,
M Warren and G Williams

Officers in Attendance

Mike Suarez, Peter Bates, Caroline Simpson, Bill Norman, Stephanie Cordon,
Nigel Moorhouse, Adrian Fisher and Paul Mountford

Apologies

Councillors L Gilbert, M Jones, S Gardiner, G Hayes and S Edgar

The Chairman announced that two urgent reports would be considered later in
the meeting, relating respectively to children's centres and transitional grant.

106 **DECLARATIONS OF INTEREST**

The Chairman reminded Cabinet members that they were meeting today
as members of the Cabinet and that it would be inappropriate for them to
raise any local ward issues in relation to the Local Plan; an opportunity to
raise such issues would be available at the Council meeting on 26th
February.

Prior to Members declaring their interests, and specifically in relation to the
item on the Local Plan, the Chairman read out a statement which stated
that:

It was noted, for the record, that Members had those interests in property
in the administrative area of the Council as recorded on the register of
interests.

It was further noted for the record that Members may:-

- a) be a Member of a Town or Parish Council

- b) be a School Governor
- c) be a member of an external organisation or amenity group such as the National Trust or The Ramblers Association.
- d) have previously been involved in or expressed a view on the preparation of the Local Plan
- e) be a Director of a Council owned company or have been appointed by the Council to a role in an external organisation
- f) be involved in decisions about land in their role as a Member of the Council or in any of the “wider public life” roles that Members routinely undertake.

Notwithstanding that this may be the case in respect of any Members that were present, and save for any specific declarations which were invited, a standing declaration was given on behalf of those Members present that:-

1. They do not have a Disclosable Pecuniary Interest in the local plan strategy; and,
2. they approach the debate and vote on the local plan strategy with an open mind.

Members were invited, if they did in fact consider themselves to have a disclosable pecuniary interest and/or if they felt they were unable to approach the debate and vote on the local plan with an open mind, to declare that to the meeting.

No declarations were made.

107 **PUBLIC SPEAKING TIME/OPEN SESSION**

Sue Helliwell, speaking on behalf of Alsager Town Council, asked if Cheshire East Council would consider relocating any of its services to the children’s centres in order to support the centres’ retention. Councillor Rachel Bailey, Portfolio Holder for Children and Families, indicated that a report on future children’s centre service provision was to be considered later in the meeting.

Viv Belcher, representing Barthomley Action Group and Barthomley Parish Council, objected to the continued inclusion in the Local Plan of site CS15/PSS303, referred to as the Radway Green extension, for the development of 25ha of green belt land in Barthomley for Alsager’s employment land.

Brian Chaplin, speaking on behalf of the South Knutsford Residents Group, said that the Group accepted the revisions to the Local Plan, albeit with a ‘heavy heart’ on the loss of green belt. The Group also accepted the site allocations for Knutsford. He added that the challenge now was to create communities, utilising neighbourhood plans for this purpose.

Eileen Furr, speaking as a resident and on behalf of the campaign group Land East of Fence Avenue in Macclesfield, referred to the description of

site CS9 in the draft Local Plan which she said was inaccurate and that fifty per cent of the site was green pastureland. She felt that the brownfield part of the site could be developed for housing but that the undulating grazing land forming the other half of the site should be retained.

Pam Upchurch also felt that the description of site CS9 was inaccurate and misleading despite local residents having drawn the Council's attention to the matter on a number of occasions. She felt that local residents should be given the opportunity to comment on an accurate description of the site.

The Chairman indicated that there would be a further period of public consultation on the Local Plan which would provide a further opportunity for residents and others to comment on the issues raised at the Cabinet meeting. There would also be an opportunity to raise them at the Council meeting on Friday.

Stuart Campbell of Limelight Developments Ltd referred to a planning permission he had obtained to provide 22 housing units, including social housing, on a site adjoining Browning Street Car Park in Crewe. The scheme depended on vehicular access through the car park. An item on the Cabinet's agenda was proposing the development of what it called the 'former car park in Browning Street' to provide four starter homes. Mr Campbell said that if this took away the vehicular access to his proposed development, this would render his scheme unviable with the loss of the 22 housing units. The Chairman suggested that this matter be considered when the agenda item was discussed later in the meeting.

Councillor Jean Parry of Congleton Town Council referred to the environmental enhancement proposals for the town centre and expressed safety concerns about the shared space elements of the scheme, especially for the visually impaired trying to use the crossings. She referred to a report by Lord Holmes on the adverse impact of shared space on safety. She urged the Council to reconsider the shared space elements of the scheme.

Councillor Amanda Martin of Congleton Town Council added that shared space works best when fewer than 100 vehicles an hour use the road. She had counted over 700 vehicles using Festival Square in an hour that morning. She nevertheless welcomed the refurbishment of the town centre but urged Cheshire East Council to work closely with the Town Council's project group and to consult the public and groups such as RNIB.

The Chairman thanked both councillors for their comments and gave assurances about further co-operation and consultation.

The Chairman indicated that he had met several of the speakers from the previous Cabinet meeting to discuss their concerns which were being addressed. He thanked all the speakers at today's meeting and assured them that the Council took their comments seriously.

108 **QUESTIONS TO CABINET MEMBERS**

Councillor D Flude referred to proposals for users of the Crewe Lifestyle Centre to receive a discount on their tickets when using the car park. She sought clarification as to whether this would include users of the library and not just users of the swimming and sports facilities. The Portfolio Holder for Adults, Health and Leisure confirmed that the discount would apply to users of all the facilities at the Centre.

Councillor Flude also commented that some of the emissions reports on the Council's website relating to certain locations in Crewe and Nantwich were seriously out of date. The locations were Hospital Street, Nantwich; Nantwich Road, Crewe; Earle Street, Crewe; and Wistaston Road, Crewe. The Chairman undertook to ensure that the information on emissions at these locations was updated on the website.

Councillor M Grant referred to the work taking place on the Manchester Bridge, Earle Street, Crewe and commented that the way in which the contractors were parking their vehicles was making things difficult for the traders in the small retail parks located at either side of the bridge. The Chairman replied that he was aware of the matter and had been pursuing it with Network Rail. He undertook to make further representations to Network Rail and was more than willing to meet people on site to discuss the matter.

Councillor M Warren commented that Everybody Sport and Recreation Trust had been contacting all of the non-ESAR swimming providers such as local swimming clubs to inform them that they would no longer be able to teach in the pools after April 2017. This seemed at odds with the Trust's stated aim of building strong relationships with communities and partners. He asked if the Cabinet supported the Trust's decision and whether it was likely to lead to similar decisions for other sports activities such as football and cricket. The Portfolio Holder for Adults, Health and Leisure replied that Cabinet had requested and received a report on the matter from the Trust and would be considering it within the next week. She added that it was entirely appropriate for the Trust to seek to make the best use of its facilities for the benefit of Cheshire East residents but that there would continue to be a role for local swimming clubs in providing choice, competition and specialist training, and that clubs would continue to have access to the facilities at cheaper rentals but possibly at less optimum times. The Portfolio Holder for Open Spaces added that the clubs would continue to receive significant public subsidies.

109 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 9th February 2016 be approved as a correct record.

110 **CHESHIRE EAST LOCAL PLAN**

Cabinet considered a report on the Cheshire East Local Plan.

The report recommended that Council approve proposed changes to the Local Plan Strategy, alongside the Habitats Regulations Assessment (HRA) and Sustainability (Integrated) Appraisal (SA) Addendums for public consultation. If approved, the proposed changes would be subject to a period of six weeks of consultation between 4th March and 19th April. All responses received would be considered and submitted to the Local Plan Inspector before further Examination hearings were held later in the year.

The Strategic Planning Board and the Cabinet had each been invited to consider the report and make recommendations to Council.

The minutes of the Strategic Planning Board's meeting of 18th February setting out the Board's recommendations to Council were circulated at the meeting.

RESOLVED

That Council be recommended that

1. the proposed changes to the Local Plan Strategy (Appendix 1) and the Sustainability (integrated) Appraisal and Habitats Regulation Assessment Addendums (Appendix 5) be approved for public consultation and submission to the Inspector; and
2. the Director of Planning and Sustainable Development be authorised (in consultation with the Portfolio Holder) to make any typographical, formatting and/or inconsequential changes to the Local Plan Strategy documents to correct any drafting errors or anomalies identified prior to the lodging of the same for consultation.

111 **CONGLETON PUBLIC REALM ENHANCEMENTS**

Cabinet considered a proposed public realm enhancement scheme for Congleton Town Centre.

The scheme aimed to maximise the opportunities to grow Congleton's economy by stimulating the physical and economic regeneration of the town centre's retail core. The proposed £1m investment to deliver the concept was shown in Appendix A to the report and required junction enhancements and improved local environment. A Public Consultation exercise would be undertaken to assess the support for the scheme.

RESOLVED

That

1. the design concept illustrated in Appendix A to the report be endorsed;
2. approval be given to undertake public consultation on the design concept in consultations with the Portfolio Holders for Highways and Regeneration and Assets;
3. the Head of Strategic Infrastructure be given delegated authority, in consultation with the Portfolio Holders for Highways and Regeneration and Assets, to develop the scheme through to construction, including any future revisions to the design, subject to sufficient support for the scheme following Public Consultation;
4. approval be given to procure the works through the Council's Highway Services Contract, subject to their securing best value through market testing;
5. the programme for the scheme be noted; and
6. the Head of Strategic Highways be delegated authority in consultation with the Portfolio Holders for Highways and Regeneration and Assets, regarding the details of a post opening scheme monitoring and benefits realisation report.

112 **LOW VALUE CONSTRUCTION SERVICES**

Cabinet considered the establishment of a framework of contractors through which to commission low value construction services.

The Council's own Framework agreement for low value construction services was due to expire on 6th January 2017 and could not be extended within EU Procurement Rules. An analysis of the options had been undertaken as detailed in the report with the conclusion that a replacement Framework Agreement would be the preferred option.

RESOLVED

That

1. the establishment of a Framework of contractors through which to commission low value construction services be approved; and
2. authority be delegated to the Director of Economic Growth and Prosperity, in consultation with the Portfolio Holder for Regeneration and Assets, to award and enter into Framework Agreements with providers meeting the requirements of the Framework.

113 **STARTER HOMES**

Cabinet considered a bid to the Homes and Communities Agency for Starter Homes grant funding.

Councils across England had been given the opportunity to bid for a share of £10 million of capital grant funding to assist in bringing forward additional land which has not previously been considered for housing and make it viable for starter homes. Cheshire East Council had put forward a bid for two sites in its ownership and had received notification on 16th December 2015 that retrospective grant was to be made available to undertake site investigation, survey, remediation and demolition works, which had to be undertaken and claimed by the 31st March 2016.

RESOLVED

That

1. the Council's bid to the Homes and Communities Agency for the Starter Homes grant funding be approved;
2. approval be granted to the Executive Director of Economic Growth and Prosperity to enter into the funding agreement with the Homes and Communities Agency in order to access grant funding to procure site investigations and ecology surveys;
3. Engine of the North be commissioned to undertake the pre-development investigations to enable a delivery strategy to be developed; and
4. approval be granted to the Section 151 Officer to confirm to the Homes and Communities Agency that Cheshire East has the resources to fund any viability gap and to use such resources to ensure that the Starter Homes Development is achieved in accordance with the agreement.

114 **REVIEW OF 2016-17 SCHOOLS FUNDING FORMULA**

Cabinet considered a report on the schools funding formula for 2016-17.

The report asked Cabinet to consider the proposed options for the schools funding formula for 2016-17 and levels of engagement in the process in relation to local schools.

RESOLVED

That for the 2016-17 Schools Funding Formula, Cabinet

- (a) approves a reduction in the lump sum from £130,000 to £115,000;
- (b) agrees to maintain all other existing formula factors at their current level, as agreed with the Schools Forum; and

(c) will continue to support the rural proofing strategy for schools.

115 **POLICY FOR SUPPORT TO VOLUNTARY, COMMUNITY AND FAITH SECTOR INFRASTRUCTURE ORGANISATIONS 2016/17**

Cabinet considered a policy for support to voluntary, community and faith sector infrastructure organisations in 2016/17.

Work was ongoing to develop a VCF Commissioning Framework in 2016 which would inform a clear Policy. The revised policy attached at Appendix 1 to the report set out the Council's ambitions on infrastructure support for the sector. It was proposed that a grant be awarded to Community and Voluntary Services (CVS) Cheshire East and Cheshire Community Action in order to maintain immediate support for one year whilst the new policy was implemented.

RESOLVED

That Cabinet

1. commits to funding infrastructure organisations for one year only from April 2016; and
2. agrees to award grant funding of £147,000 to CVS Cheshire East and £16,000 to Cheshire Community Action from 1st April 2016 until 31st March 2017, this to be subject to grant terms and conditions.

116 **PROPOSAL FOR SUPPORT TO LOCAL COUNCILS 2016/17**

Cabinet considered a proposal for support to Local Councils and the development and implementation of a Local Councils Charter in 2016.

There were increasing opportunities through devolution for local town and parish councils to undertake the delivery of services and manage assets. It was considered appropriate for Cheshire East Council to have a proposal which set out how it intended to provide funding to enable support for town and parish councils for 2016/17. The report also proposed the development and implementation of a Local Councils Charter which would set out expectations and agreements between the different tiers of local government and help to define and improve their relationships with one another.

RESOLVED

That

1. the proposal for support for Local Councils be agreed;

2. funding of £14,213 for 2016/17 be awarded to Cheshire Association of Local Councils (ChALC) in order to support Local Councils for purposes as specified in the Proposal; and
3. the development and implementation of a Local Councils Charter in 2016 be agreed.

117 **CHILDREN'S CENTRE CONSULTATION**

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman was of the opinion that by reason of special circumstances as specified below, this item should be considered at the meeting as a matter of urgency.

Cabinet considered a report on the findings of a statutory consultation exercise as part of plans to make significant changes to the Children's Centre delivery in Cheshire East.

There was a need to address a significant financial shortfall in the Council's budget associated with reducing Central Government grant and increasing costs. The savings being consulted upon would achieve a £500k saving against the Council's base budget. The matter would need to be considered by Council at its meeting on 25th June 2016 in conjunction with the Medium Term Financial Strategy 2016/17.

RESOLVED

That Cabinet, having considered the contents of the report along with the attached Equality Impact Assessment, confirms its previous recommendation to Budget Council regarding the rationalisation of Children's Centre Provision to save £0.5million.

118 **LOCAL GOVERNMENT FINANCE FINAL SETTLEMENT 2016/17**

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman was of the opinion that by reason of special circumstances as specified below, this item should be considered at the meeting as a matter of urgency.

The 2016/17 Final Local Government Finance Settlement had been received on Monday 8th February 2016. The settlement contained some good news in the form of temporary Transitional Grant Support, although it also confirmed that by the start of the 2019/20 financial year the Council would have lost all of its Revenue Support Grant. Details were set out in the report.

Cabinet was asked to consider, and make recommendations to Council on, an appropriate financial strategy that would achieve the best overall impact from the additional temporary Transitional Grant that had now been confirmed. Council would then consider the matter at its meeting on 25th

June 2016 in conjunction with the Medium Term Financial Strategy 2016/17.

RESOLVED

That Council be recommended that the Medium Term Financial Strategy 2016/17 (due for approval at Council 25th February 2016) reflects the new Transition Grant funding as follows:

- (a) Income from Government Grant is increased by £2.973m in 2016/17 and by £2.974m in 2017/18.
- (b) Expenditure in Outcome 5 in 2016/17 is increased by £473,000 to reflect feedback received to proposals within the Pre-Budget Report and to support the transitioning and targeting of services.
- (c) A 'Transformation' earmarked reserve is established for £2.5m from 1st April 2016. The Portfolio Holder for Finance & Assets (in consultation with the Chief Operating Officer) is given responsibility for managing allocations of funding from the reserve on an 'Invest to Save' basis.
- (d) Transition Grant of £2.974, receivable in 2017/18 is allocated to the new Transformation Reserve.

The meeting commenced at 2.00 pm and concluded at 4.25 pm

Councillor D Brown (Chairman)

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	8 th March 2016
Report of:	Steph Cordon, Head of Communities
Subject/Title:	Update on Support for Asylum Seekers and Refugees and Unaccompanied Children
Portfolio Holder:	Communities and Health

1. Report Summary

- 1.1. Cabinet first considered what Cheshire East Council, working with partners at a sub-regional and local level, could do in response to the crisis in Syria on 10 November 2015. At this point it was clearly recognised that as a Council we were absolutely committed to providing support that was within ours and partners' capacity. It was critical to get the right infrastructure in place and give consideration on a case by case basis. This could only be achieved by getting some clarity about the funding; collective and collaborative agreement at a sub-region; and harnessing the strong commitment and energy from our partners, especially from the voluntary, community and faith sector.
- 1.2. Work is ongoing with partners, the Home Office (HO) and the North West Regional Strategic Migration Partnership (RSMP) to establish the detail and implications at a voluntary level in both Compass, which supports asylum seekers, and the Syrian Vulnerable Persons Relocation (SVPR) scheme that supports refugees. We have registered our intent with the Home Office to participate in SVPR in future phases once the details have been worked out.
- 1.3. All of the above work so far has re-confirmed that there is a great deal still to do at a local level to create the right level of infrastructure support. To facilitate this, a multi-agency group is looking at what needs to be done in Cheshire East. This group has strategic oversight and is also working through the practical implications. As a Council, we continue to collaboratively work with Chester and Cheshire West and Warrington Councils to agree a sub regional approach.
- 1.4. The multi-agency group has prioritised the work that needs to be done on SVPR and is working through the Statement of Requirements that Central Government expect all Councils to meet before they can be accepted onto the SVPR scheme. The details of this can be accessed at <http://www.local.gov.uk/refugees>
- 1.5. We have made contact with other areas to learn from their experience, for example, Coventry City Council who have a well developed Sanctuary

scheme and with the Nottinghamshire & Nottingham Refugee Forum (NNRF) who have recently commenced the SVRP programme. Key advice has been to get the infrastructure and funding right and work with all key partners including the local community before you begin implementation.

- 1.6. As the likelihood is that we would be welcoming families with school aged children and working age parents, we are looking as a group at what a possible welcome would look like and where. There is obviously a need to ensure that services are accessible and equipped to meet needs, which may be very complex. For example, the local Clinical Commissioning Group is considering how best to meet primary health care needs. Considerations include: scenario planning around numbers and capacity in GPs, the advantages of all families being located in one place to access services and co-commissioning of specialist services including translation which could be beneficial for all. Equally, the VCF sector are working hard to develop offers of support which range from designing welcome packs to offers of buddying support and accommodation offers. In the Council, equally there are discussions about school places, housing supply which is appropriate and balanced out against the needs of residents who are on the waiting list.
- 1.7. Unfortunately, the Central Government funding announcement has not provided the level of clarity that was anticipated and there is a degree of uncertainty about the levels of support proposed, especially in Years 2 – 5. We continue to receive support from the Local Government Association who are lobbying nationally to enable a review of the funding support after 18 months as a minimum and seeking clarification around the support for complex needs and what this means. The timescales for knowing the details are unclear at this point. Therefore, it is recommended that Cabinet continue to commit to the development of an infrastructure that meets the Statement of Requirements and supports a Cheshire wide approach. However, Cabinet make no final decision on numbers until the implications are known in more detail.
- 1.8. Participation in the Compass programme has been considered by Cabinet and agreed that up to 15-20 properties could be used by Serco and considered by the Council on a case by case basis. The view of officers is that the SVPR programme is the priority and with limited capacity should be prioritised at this moment in time.
- 1.9. In addition, the Council has received a request from Central Government to assist Kent County Council with unaccompanied children on a voluntary basis as they are overwhelmed with demand. Cheshire East Council has a proven track record of effectively supporting unaccompanied children and currently has 2 unaccompanied children in its care and thirteen who are now care leavers. Therefore, we feel that we have the right infrastructure in place to care for 3 unaccompanied children from Syria. We also understand that a further announcement is imminent from the Government around accepting more unaccompanied children direct from Syria.

- 1.10. We are in the process of reviewing and updating the Council website and associated web pages to provide clear information and explanation for the public on each of the three programmes.

2. Recommendations

- 2.1. That Cabinet agree to:

- (i) Thank and show their continued appreciation to the faith communities in particular for the work that they are doing in preparation of welcoming refugees and asylum seekers.

- (ii) Continue working at a sub-regional and local level to agree a co-ordinated approach and delegate authority to Head of Communities to work with Cheshire West and Chester (CWaC), and Warrington Borough Council (and wider if appropriate) to plan for and collectively deliver the SVPR and Compass programme in collaboration with our local key partners once the financial implications are known.

- (iii) Support a maximum of three unaccompanied children and delegate the Director of Children's Services to work in partnership with Kent County Council to achieve this.

- (iv) Receive a further update on progress on the SVPR and Compass programme in three months time from the Head of Communities.

3. Other Options Considered

- 3.1. Currently delivery of these programmes is not mandated centrally and therefore voluntary. As a Council we are able to determine/consider whether we wish to participate in programmes to support refugees, asylum seekers and unaccompanied children and how.

4. Reasons for Recommendation

- 4.1. To provide an update on the current position to enable Cabinet to make informed decisions on the way forward.
- 4.2. We have not as yet taken a decision on supporting the resettlement of UASC from Kent Council, therefore this recommendation seeks to determine this Council's intention in this regard.

5. Background/Chronology

5.1. Syrian Vulnerable Person Relocation (SVPR)

- 5.1.1 The UK government are taking part in the United Nation's programme to resettle refugees who have fled their home countries, including those affected by conflict or civil war. Cheshire East has confirmed its commitment to support this relocation programme which is predominantly for families . This is subject to the financial detail being determined.

5.1.2 The Prime Minister, David Cameron, announced on the 7th of September 2015 that the UK would accept up to 20,000 Syrian refugees over the next 5 years. Cheshire East comprises about 0.00579% of the population of the United Kingdom, therefore we could anticipate supporting approximately 20 families (equating to approximately 116 people out of the 20,000).

5.1.3 This programme has no central delivery partner. Therefore all support arrangements would need to be undertaken directly by the Council with its partners.

5.1.4 The accommodation that will be needed for SVPR will primarily be family housing (e.g 3 bedroom plus properties). As mentioned above, we would need to ensure accessible services and this needs to consider access to a main hospital, GP, schools, safe environment with main transport links, along with access to wider community infrastructure services.

5.1.5 The RSMP recommends that local authorities work together over larger footprints to share support arrangements and experience. As a result it is proposed that the Council would work sub-regionally with other local authorities such as CWaC, and Warrington. If this approach is agreed, a lead Council would be identified to hold the funding instruction with the Home Office, and would then in turn hold partnership agreements with its participating other councils.

5.2. **Compass**

5.2.1 This programme is for those individuals who arrive in the UK where their status is to be determined following the submission of an application for asylum. The Home Office have a contract with a service delivery partner to accommodate and support Asylum Seekers, in the North West this is Serco. Serco source and equip dispersal accommodation (including maintenance and payment of utility bills, and entering into lease agreements for accommodation for up to five years) and provide support to individuals to settle within the community whilst their application is being assessed.

5.2.2 Currently 12 local authorities have delivered the programme from its inception, and a further 7 local authorities have commenced delivery.

5.2.3 Serco will identify housing officers, a community link person, and a partnership lead who will work within the borough consistently, this would allow good working relationships to develop. Serco require our assistance to identify suitable locations within the authority where they can source accommodation that is economically viable, with access to good public transport routes, closeness to post offices and other community services.

5.2.4 Security and safeguarding is an area that is addressed and continually monitored. Health screening is included within the initial assessments carried out with the individual.

5.2.5 Serco requests a local authority to agree to the provision of 20-30 properties over 6 – 10 month period. This allows for both a phased commencement plan and assurance that the staffing provision is financially sustainable. This is not a level that as a Council that we are able to commit to at this point with the high levels of housing demand and so it is recommended that priority is given to developing our response to SPVR.

5.3. Unaccompanied Syrian Children

5.3.1 Central government have asked all local authorities to consider whether they are prepared to accept unaccompanied children on a voluntary dispersal basis from Kent County Council. This will be supported with funding for each child.

5.3.2 For many years Councils across the country have cared for unaccompanied children, including the longer term responsibilities for these children once they transition to being care leavers. Currently the Council is caring for two unaccompanied children and thirteen who have a care leaver status.

5.3.3 Whilst taking a small number of unaccompanied children from Kent would put some pressure on service capacity, this could however be just the case if there were a new arrival of an unaccompanied children in the borough. Some of our current unaccompanied children and care leavers are accommodated within the borough and across the region.

5.3.4 To date 19 local authorities who have responded and accepted UASC into their care from Kent. This means that 42 of the nearly 1,000 children in Kent's care have been transferred into the care of another local authority. Government have indicated that this is simply not enough and urge local authorities with the capacity to support UASC to do so.

5.3.5 The proportion of UASC as per the calculation used for the Syrian refugees, would be 6. As we have already supported three unaccompanied children, along with thirteen care leavers, we feel it would be reasonable to recommend that we support a further three UASC from Kent local authority.

6 Wards Affected and Local Ward Members

6.1 Key consideration will be given to location bearing in mind the need to get the right infrastructure in place.

7 Implications of Recommendation

7.1 Policy Implications

Currently policy implications are not evident, as planning work progresses with partners will be considered further.

7.2 Legal Implications

7.2.1 The Council is empowered to take the proposed action under Section 1 of the Localism Act 2011 and can be compelled to assist under Sections 100 and 101 of the Immigration and Asylum Act 1999. The legal position in relation to ASD is different from SVPR, as described below.

7.2.2 **Asylum Seeker Dispersal:** The Council has neither the statutory duty nor the power to provide financial support or accommodation to asylum seekers. Section 95 of the Immigration and Asylum Act 1999 provides that the Secretary of State may provide, or arrange for the provision of support for asylum seekers and their dependants who appear to be destitute. This support is provided by the Home Office under the Asylum and Immigration Act 1999, the only exception being cases in which asylum seekers have eligible social care needs. In those cases, the Council may have duties to provide support. Asylum seekers have access to a range of public services including health and education.

7.2.3 If an asylum seeker is granted Refugee Status; Humanitarian Protection; Discretionary Leave (unless a “No Recourse to Public Funds” condition is attached); or Indefinite Leave to Remain they are able to access mainstream benefits on the same basis as a British national. Where an asylum seeker is granted one of these statuses the Council may have a statutory obligation to prevent homelessness. This is generally only applicable when the service user can identify that they have a local connection, are at risk of becoming unintentionally homeless, and satisfy criteria identifying them as in priority need.

7.2.4 Failed asylum seekers may remain in the UK with no recourse to public funds until they are served with removal directions by the Home Office. Section 115 of the Immigration and Asylum Act 1999 states that a person will have ‘no recourse to public funds’ if they are subject to immigration control. Public funds include welfare benefits and public housing. Since local authority support provided under community care and children’s legislation is not a public fund, a destitute person with NRPF can turn to their local authority for assistance. In those cases, there may be duties on the Council to provide support in the form of subsistence and accommodation. However, if such persons fail to comply with removal directions they will be in breach of immigration law and the Council’s duties would end (subject to the outcome of any human rights assessment).

7.2.5 **Syrian Vulnerable Person Relocation:** There is no statutory duty to offer accommodation to Syrian families, however, in offering to do so, the

Local Authority will be exercising a public function and will therefore be subject to s149 of the Equalities Act 2010. It will be necessary to ensure that the application process does not directly or indirectly discriminate families due to protected characteristics.

7.2.6 These families are not asylum seekers and have leave to remain in the United Kingdom from day one. As refugees they will be granted a five year humanitarian protection visa, which will entitle refugees access to public funds including housing, access to the labour market and the possibility of family reunion.

7.2.7 Unaccompanied asylum seeking children, are supported by local authorities in accordance with duties to children under the Children Act 1989.

All Directors of Children's Social Services in England have been requested to provide urgent support under Section 27 of the Children Act 1989.

Section 27 (2) states:

"An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions".

Section 20 of the Children Act 1989 (amended by the Children and Young Persons Act 2008) contains a specific, mandatory duty to provide accommodation to a child who meets certain criteria. The criteria are that a child requires accommodation because there is no one with parental responsibility for them, because they are lost, abandoned, or because the person who has been caring for them is prevented from providing them with suitable accommodation or care.

Section 22 of the Children Act 1989 (amended by the Children and Young Persons Act 2008) places a general duty on local authorities to secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area.

7.3 **Financial Implications**

7.3.1 The full financial implications for the Council and its partners are difficult to robustly predict, as we have no specific detail about the level of the needs of the individual people who we may support. Plus, there is no confirmation yet around the actual detail. The table below outlines areas of potential financial implications.

<p>Funding Summary</p>	<p>ASD programme Accommodation and support is funded by the Home Office directly therefore no funding would be received by the Council or its partners.</p> <p>SVPR programme Central government have set out a funding allocation over a 5 year period for individual refugees.</p> <p>Local authorities will receive £12,000 per person overall; tapering from £5,000 in year 2 to £3,700 in year 3, to £2,300 in year 4 and £1,000 in year 5.</p> <p>There is financial support for education and health in years 2-5 (through existing funding mechanisms) for school placements and health services that are required by individuals.</p> <p>The costs of promoting economic integration is not covered and this means the costs of help to get into work/training and costs of language support after Year 1 may not be recoverable.</p> <p>For year 1 there is additional support for educational and medical needs, and local authorities will receive £8520 for adults, £10,770 for those aged 5 to 18 years, and £8520 for those under the age of three.</p> <p>An “extreme cases” fund will be available with an application process for additional funding to support those who are the most vulnerable with additional care needs. This is held and administered by Central Government.</p> <p>Unaccompanied Syrian Children</p> <p>The Home Office wrote to the Director of Children’s Services last year to confirm that day rates of £114 for UASC aged under 16 and £91 for UASC aged 16 and 17 to local authorities taking UASC from Kent, through to the 18th birthday of that child.</p> <p>Each UASC accepted from Kent aged under 16 attract £41,610 per annum and each UASC accepted from Kent aged 16 or 17 attracts £33,215 per annum.</p> <p>Funding available for local authorities accepting responsibility between now and the end of the financial year for a UASC from Kent would also attract leaving care support of £200 per week for as long as the former UASC continues to be eligible for leaving care support.</p>
<p>Accommodation Costs</p>	<p>ASD programme Whilst a decision on an asylum seekers right to remain as a refugee is made all costs are covered by the Home Office through their delivery partner. Post decision, there may be financial costs for interim housing rental & benefit payments, whilst the person is supported to leave the UK.</p>

	<p>Should an individual be granted leave to remain, there maybe ongoing rental accommodation and benefit costs until the person secures employment and becomes financially independent.</p> <p>Those asylum seekers who are granted refugee status may seek to apply for family reunion. This may have further financial impact for the Council and its partners.</p> <p>Eligibility to claim housing benefit is determined by the status awarded when someone enters the country. If granted the right to reside, then entitlement to claim housing benefit would be at Local Housing Allowance levels for properties within the private rented sector.</p>
<p>Translation & ESOL [English for speakers of other languages]</p>	<p>There would be a need to increase access to such provision, in areas where accommodation is sourced.</p> <p>The Council holds a corporate contract for Interpreting and Translation Services. This is a frame work contract that includes a number of suppliers. Direct awards for work can be made online. This framework allows flexibility for increases in demand activity.</p>
<p>Health</p>	<p>ASD programme Initial screening occurs through the Home Office delivery partner UC24. Serco would support individuals to register with a local practice and the Home Office has set out what an individual would be entitled too. There is the potential for financial support under this programme. However, information about the level of health needs is not available to estimate the potential impact at this point.</p> <p>SVRP programme Primary care and other health care will be required as with any resident individual. The information about the complexity and level of health need is not available to be able to determine whether the funding would be sufficient under this programme.</p>
<p>Adult Social Care/Children’s Services</p>	<p>ASD programme The current cohort is predominantly 18 to 40 year old males, and as such we anticipate that there would be a limited need for adult social care services.</p> <p>SVRP programme There is the potential for adult social care and or children’s services to be required however the funding outlines provision for additional funding to meet individual needs.</p> <p>UASC resettlement Will require accommodation and support suitable to meet the needs of the individual child /young person. As individual needs are unknown at this stage we can not judge whether the funding arrangements would be sufficient.</p>
<p>Education</p>	<p>SVPR programme There would be financial cost for school placement, and additional funding will be provided to support this.</p>
<p>SVPR Co-ordination</p>	<p>Capacity across multiple partners will be required to manage the delivery of this programme.</p>

	There would be a cost to establish and maintain the delivery partnership. The impact of this could be shared with other Councils over a larger footprint.
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------

7.3.2 For the SVPR programme, the Home Office will have a Funding Instruction with the lead Council for the provision of the programme. The lead Council would then have a partnership agreement with each participating Council. As a council we would need to establish if we would wish to take a lead role, or solely have a partnership agreement with another lead Council. This is hard to determine at this stage as it would depend on the numbers per sub region.

7.4 Equality Implications

An Equality Impact Assessment has commenced and will be reviewed by the Multi Agency Group at its meetings. This will be an active assessment to ensure we consider any unintended consequences for specific characteristic groups through the delivery of these humanitarian programmes.

7.5 Rural Community Implications

From our work to date it is seen as important that accommodation for each programme has good access to infrastructure services, and transport routes. Therefore it is considered that accommodation in rural areas may not best suite an asylum seeker or Syrian families who may need or want to travel readily to within other areas to connect with others living in the UK.

7.6 Human Resources Implications

For the ASD programme the main infrastructure support would be provided through the Home Office delivery partner. However, the assessment of the cases and accommodation offer would require capacity within the Council.

For the SVRP programme the infrastructure support would be drawn from the Council and its partner capacity. Planning for this has begun based on scenarios of numbers, but it needs scoping out with the financial detail and will depend on the complexity of needs.

The Multi Agency Group would consider the implications for workforce capacity, along with workforce training requirements.

7.7 Public Health Implications

We consider that the delivery of these programmes within the borough would have no specific adverse implications for our population. Clinical Commissioning Groups are also directly involved in this early planning which will prove beneficial.

8 Risk Management

8.1 Reputational for Council

The Councils readiness to deliver these programmes would mitigate any potential reputational risk. However, all best practice points to having a strong and sensitive media and communications strategy.

8.2 Provision of Accommodation

The need for rental accommodation across Cheshire East is high with nearly 7000 residents applying for limited social housing stock. Cheshire East are utilising the private rented market to meet local needs. Both schemes will place additional pressure on the total provision. We are also working with registered providers to assess the potential suitability of some of their harder to let properties.

8.3 Welcoming Communities

The Council has received a number of contacts from the faith sector and local residents to express their encouragement and support of Cabinet's decisions. This interest has been sustained. Our faith communities are now working together in a number of areas, to prepare to support the multi agency work across their normal footprints.

8.4 Financial Impact

Section 7.3 of this report sets out the potential financial implications for the delivery of these programmes. The funding by central government for the SVPR programme has been set out over a five year timeframe, although further detail is needed. Feedback from Councils who have begun to take refugees is that the claims process is complex. 22% of the first years funding is given up front, but the remainder must be met by the receiving authority and claimed back retrospectively every two months. Evidence has to be provided that the service claimed for has been delivered and that the recipient is still resident in the local authority area. If the individual leaves the area during the claim period, the money will not be re-imbursed and this could pose a significant risk to the Council.

Several Councils have found that, although the initial health assessment (carried out prior to arrival in the UK) stated no needs, many refugees had clear and significant health issues on arrival and there is concern that meeting these needs will not be recoverable.

9 Contact Information

Contact details for this report are as follows:-

Name: Lucia Scally
Designation: Senior Manager - Public Health
Tel. No.: 01260-375414
Email: Lucia.Scally@cheshireeast.gov.uk

This page is intentionally left blank

Cheshire East Council

Cabinet

Date of Meeting:	8 th March 2016
Report of:	Brenda Smith
Subject/Title:	Better Care Fund 2016/17
Portfolio Holder:	Adult Care and Integration

1. Report Summary

- 1.1 The purpose of this report is to provide Cabinet with an update on the proposals for the implementation and delivery of the Cheshire East Better Care Fund (BCF) in 2016/17.
- 1.2 The report requests Cabinet support for the Council to continue the 2015/16 arrangements and enter into two s75 Partnership Agreements from 1st April 2016 until 31st March 2017 with local health partners (namely Eastern Cheshire CCG and South Cheshire CCG) with the option to continue for a further period of one year, subject to there being a national requirement to operate the BCF as a s75 pooled budget agreement.
- 1.3 The report requests support for authority to be delegated to the Director of Adult Social Care and Independent Living to make decisions and agreements on behalf of the Council in relation to the commissioning of schemes funded by the BCF. These decisions will be made via the BCF Governance Group.

2. Recommendation

- 2.1 It is recommended that Cabinet:
 - a. Approves the Council to continue the 2015/16 arrangements and enter into two s75 Partnership Agreements from 1st April 2016 until 31st March 2017 with local health partners (namely Eastern Cheshire CCG and South Cheshire CCG) with the option to continue for a further period of one year provided that there is a national requirement to operate the BCF as a s75 pooled budget agreement.
 - b. Approves delegated authority to the Director of Adult Social Care and Independent Living to make decisions and agreements on behalf of the Council in relation to the commissioning of schemes funded by the BCF. This delegated authority is subject to consultation with the Director of Children's Services should Young Carers be agreed as a joint work area for 2016/17.

- c. Acknowledges that the continuation of the two s75 arrangements is proposed to reflect the local integrated care system programmes (Caring Together being led by Eastern Cheshire CCG and Connecting Care being led by South Cheshire CCG);
- d. Approves the proposal that the Council enters into a pooled budget for 2016/17 that goes beyond the required minimum budget.
- e. Approves the BCF Governance Group to be responsible for reviewing the delivery of the agreement.

Reasons for Recommendation

- 3.1 The BCF plans and allocations have been developed on the Cheshire East Health and Wellbeing Board basis, as required. In 2015/16, the pooled budget for Cheshire East was £23.9m, and consisted of Local Authority Capital funding of £1.8m, South Cheshire CCG funding of £10.5m and Eastern Cheshire CCG Funding of £11.6m. This was the minimum required pool nationally.
- 3.2 In 2016/17, the minimum required pool is £24,236,470 and consists of Local Authority Capital funding of £1,637,640, South Cheshire CCG funding of £10.705m and Eastern Cheshire CCG funding of £11.894m.
- 3.3 However, due to the combination of factors, including the national direction of travel and improvements in trusting meaningful working relationships, there is an appetite across partners to have a 2016/17 pooled budget that goes beyond the minimum required. The financial implications of this are still being finalised but it is expected to be within the region of £27m.
- 3.4 The proposed areas of work to bring within the pooled budget for 2016/17, in addition to those already in for 2015/16, are shown in the table below and overleaf in 3.4.1, along with the rationale for the inclusion. Financial values for each of these work areas are currently being worked up, both for Cheshire East Council, and for the health and social care system as a whole (i.e. including CCG spend).

3.4.1

Work Area	Rationale
Whole of integrated teams and STAIRRS/ transitional care staffing where it is not already included.	15/16 arrangement of having part of integrated teams staffing budget in pooled budget is meaningless in reality. This approach demonstrates a more meaningful commitment to a joint commissioning approach across the partners.
All spend on carers including young carers to be brought in	Joint carer's strategy has been agreed across partners and implementation plan is being finalised.

Work Area	Rationale
Cheshire Care Record	Much of BCF work via schemes and to meet national conditions is dependent upon the Cheshire Care Record. All partners already working together on this.
Mental health reablement	Other reablement services are already within the pooled budget so this would provide alignment across work areas.
Alcohol services	These are being recommissioned as part of a wider public health integrated service so discussions needed regarding bringing in whole service or not as would not wish to include part of a service. Awaiting Director of Public Health view on this proposal
Community Equipment Services to be brought in and possibly profiled with Disabled Facilities Grant (DFG), universal outreach and assistive technology (AT)	Other schemes, such as DFG, universal outreach and AT are already in BCF. Bringing them all together under the pooled budget is more reflective of the patient / service user's experience. This approach will support further development of closer working across the schemes to provide a pathway approach rather than numerous "gateways". This approach should also promote more preventative interventions.

3.5 The initial Cheshire East BCF plan for 2016/17 was originally supposed to be submitted to NHS England on 8th February 2016 together with CCG operational plans. However, delays in the release of the template along with a lack of timely co-ordination with the announcements regarding Local Authority grant settlements has led to this deadline being moved to those shown below:

2 March: Local areas to submit the completed BCF Planning Return template to your local NHS England teams detailing the technical elements of the planning requirements, including funding contributions, a scheme level spending plan, national metric plans, and any local risk sharing agreement.

21 March: First submission of full narrative plans for Better Care alongside a second submission of the BCF Planning Return template.

25 April: Final submission, once formally signed off by the Health and Wellbeing Board.

3.6 Full approval by NHS England of the plans for 2016/17 is expected to be based on the following conditions:

- A s75 pooled budget agreement is used as the mechanism to deliver the approved BCF plan.

- Health and Wellbeing Boards jointly agree plans for how money will be spent, with plans signed off by the local authority and Clinical Commissioning Groups
 - Areas will allocate funding to NHS-commissioned out of hospital services, which may include a wide range of services including social care.
 - Social care services are maintained
 - Agreement for the delivery of 7-day working across health and social care
 - Improved data sharing between health and social care based on the NHS number
 - Joint approaches to assessment and care planning, and that where integrated packages of care are funded, that there is an accountable professional
 - Agreement on the consequential impact of the changes on the providers that are predicted to be substantially affected by the plans
 - Agreement on a local action plan to reduce delayed transfers of care
- 3.7 It is a statutory requirement for a s75 pooled budget and associated partnership agreement to have been in place to support the delivery of the BCF from 1st April 2015, and for this to be continued into 2016/17. The pooled budget arrangement is fundamental to the smooth delivery and implementation of the BCF plan, in particular ensuring that the level of both financial and non financial risk that partners could be exposed to is managed appropriately.
- 3.8 In 2015/16, the Cheshire East Health and Wellbeing Board endorsed progressing with two separate s75 pooled budget agreements locally, to support the delivery of the Better Care Fund plan and to be aligned with the respective health integration programmes Caring Together (Eastern Cheshire Clinical Commissioning Group) and Connecting Care (South Cheshire Clinical Commissioning Group). Cheshire East Council entered into two separate s75 agreements with Eastern Cheshire Clinical Commissioning Group (CCG) and with South Cheshire Clinical Commissioning Group. It is proposed that this arrangement continues into 2016/17. The Cheshire East Better Care Fund plan has been developed with health partners and is aligned with local health and social care transformation programmes.
- 3.9 Cheshire East Council is a core partner of the partnership arrangements and Cabinet approval is required to enter into the s75 partnership arrangements. The BCF s75 agreements for 2015/16 have been reviewed for 2016/17 by the BCF Governance Group and respective partners are now considering the revised s75 agreements.
- 3.10 The governance arrangements supporting the s75 Better Care Fund pooled budget arrangement are fundamental to the smooth delivery of the expected changes and ensuring the level of risk both financial and non-financial the council, partner organisations and providers are exposed to. The s75 pooled budget partnership agreements provide an overview of the current governance arrangements.
- 3.11 Policy Guidance regarding the BCF for 2016/17 describes the need for areas to develop Sustainability and Transformation Plans to 2020 by June 2016.

These plans will need to describe how fully integrated health and social care systems will be achieved by 2020. Partners recognise that the BCF s75 pooled budget is a vehicle by which this can be achieved. However a significant rate of pace and change will be required to get from the minimum required to a fully integrated system. Areas that do go beyond the minimum requirements in 2016/17 are expected to have more autonomy in choosing the method by which their integrated system is achieved and in managing this integration process.

4. Other Options Considered

- 4.1 The requirement to have a s75 agreement and BCF is mandatory.
- 4.2 Other options considered included to maintain a minimum financial pool and to enter a larger pool.
- 4.3 The option to maintain a minimum pool has not been recommended as it does not demonstrate progress in the direction of a fully integrated Health and Social Care system by 2020 as required nationally.

5. Background

- 5.1 The BCF is a nationally driven initiative being overseen by the Department of Health and is a key part of Public Sector Reform supporting the integration of Health and Social Care. The BCF enters its second year in 2016/17 with a national pooling of £3.9billion (an increase from £3.8 billion in 2015/16) from a variety of existing funding sources within the health and social care system and will be utilised to further develop closer integration across health and social care. The BCF is a pooled budget held between Local Authorities and Clinical Commissioning Groups (CCG's) via a legal section 75 (s75) partnership agreement.

6. Wards Affected and Local Ward Members

- 6.1 All wards.

7. Implications of Recommendation

7.1 Policy Implications

- 7.1.1 Health and Social Care integration is a key element of public sector reform. The Better Care Fund develops these joint initiatives further during 2016/17.
- 7.1.2 Elements of the Better Care Fund funding are linked to the implementation of the Social Care Act, in particular carers, safeguarding boards and maintaining eligibility criteria.

7.2 Legal Implications

- 7.2.1 S141 of the Care Act 2014 provides for the Better Care Fund Pooled Funds to be held under and governed by an overarching s75 National Health Service Act 2006 Partnership Agreement.
- 7.2.2 Pursuant to Section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (the “Regulations”), NHS bodies and local authorities can enter into partnership arrangements for the exercise of specified functions. The regulations define the nature of the partnership arrangements. They provide for the establishment of a fund made up of contributions from the partners out of which payments may be made towards expenditure incurred in the exercise of their functions; for the exercise by NHS bodies of local authority functions and for the exercise by local authorities of NHS functions; and require the partners to set out the terms of the arrangements in writing. The specific objectives for implementing Section 75 Agreements are:
- 7.2.2.1 To facilitate a co-ordinated network of health and social care services, allowing flexibility to fill any gaps in provision;
 - 7.2.2.2 To ensure the best use of resources by reducing duplication (across organisations) and achieving greater economies of scale; and
 - 7.2.2.3 To enable service providers to be more responsive to the needs and views of users, without distortion by separate funding streams for different service inputs.
- 7.2.3 In 2015/2016 Cheshire East Council entered into two separate s75 agreements, one with each CCG operating within the Cheshire East Borough footprint. In accordance with those agreements (and the statutory requirement to hold BCF pooled funds under a s75 agreement), during January 2016 a review was commenced into the continuation of the agreements for a further period of one year with the option to review and continue with those agreements for a further one year period.
- 7.2.4 As set out in paragraph 3.4, Policy Guidance regarding the BCF for 2016/17 describes the need for areas to develop Sustainability and Transformation Plans to 2020 by June 2016, which plans will need to describe how fully integrated health and social care systems will be achieved by 2020. Partners have recognised that the BCF s75 pooled budget is a vehicle by which this can be achieved and are considering amendments to the agreements which reflect this ambition both in terms of going beyond the minimum financial requirements in 2016/17 and of committing to designing and articulating how integration is to be achieved and managed.
- 7.2.5 During 2015/16 the governance of the BCF pooled fund arrangements has been developed and the BCF Governance Group now makes

decisions, which has been taken into account within the amendments to the agreements.

7.3 Financial Implications

7.3.1 In 2016/17, the minimum required pool is £24,236,470 and consists of Local Authority Capital funding of £1,637,470, South Cheshire CCG funding of £10.705m and Eastern Cheshire CCG funding of £11.894m.

7.3.2 The local health and social care economy will work together to deliver better care arrangements for its population, seeking to keep individuals within the community, avoiding hospital/residential nursing care.

7.3.3 Following the agreement to operate two section 75 agreements within the Cheshire East area, the respective Clinical Commissioning Groups and Council are responsible for producing the pooled budget's accounts and audit in respect of those elements of the budget which they receive directly from government. This arrangement reduces the number of transactions across organisations and provides the opportunity for the pooled budgets to be aligned to the local health and social care transformation programmes. The organisations host the budget in line with the agreed plans of all partners and the funding would be used explicitly for the agreed areas of spending identified in the plan. The Council takes responsibility for the collation and consolidation of standardised financial and reporting information for the Cheshire East Health and Wellbeing board.

7.3.4 The risk sharing arrangements for over and underspends is directly linked to each scheme specification and the lead commissioning organisation will be responsible for the budget management of the pooled fund allocated to the each individual scheme. The risks of overspends for the schemes included in the BCF plan are currently limited to the funding contribution. A variation schedule has been included in the partnership agreement to provide the lead commissioner with the escalation process to raise issues and concerns.

7.4 Human Resources Implications

7.4.1 None

7.5 Equality Implications

7.5.1 The recommendations will most likely benefit over 65's and people living in disadvantaged areas more than other parts of the population.

7.6 Rural Community Implications

7.6.1 None.

7.7 Public Health Implications

- 7.7.1 The recommendations will have a positive impact on populations experiencing the greatest inequities in health and social care, e.g. those aged 65 years and above, and those with lower incomes / living in disadvantaged areas.

8 Risk Management

- 8.1 The Better Care Fund plan includes a risk register and each lead commissioner is responsible for maintaining a risk register. The risk register is monitored by the BCF Governance Group
- 8.2 The corporate risk registers for the respective organisations incorporate significant risks relating to BCF. Links to the Cheshire East Risk Strategy, which cabinet received on 9th February 2016, will be explored.
- 8.3 The most significant risks in the plan are as follows:
- Risk that a sufficient reduction in patient flows will not be achieved, thus preventing MCHFT and ECHT from removing capacity and costs in line with the plans.
 - Risk that adequate planning for increased level of need amongst residents due to forecasted demographic changes, welfare reform and Care Act will lead to under-resourced services.
 - Risk that failure of preventative services to achieve outcome improvements by the end of the BCF will lead to the double-running of costs in acute setting.
 - Risk that failure to deliver integrated IT systems within agreed timescales will lead to delays in achieving national conditions for BCF and delays in providing fully integrated care for the population.
- 8.4 These risks are being managed, and will continue to be managed, as part of the delivery of the Better Care Fund plan.

9 Background Papers

- 9.1 The background papers relating to this report can be inspected by contacting:
Name: Caroline Baines
Designation: Strategic Commissioning Manager
Tel No: 01270 686248
Email: caroline.baines@cheshireeast.gov.uk

10 Contact Information

- 10.1 Contact details for this report are as follows:-
Name: Caroline Baines
Designation: Strategic Commissioning Manager
Tel No: 01270 686248
Email: caroline.baines@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	8 th March 2016
Report of:	Kath O'Dwyer, Deputy Chief Executive and Director of Children's Services
Subject/Title:	Regional Adoption Agency
Portfolio Holder:	Children and Families

1.0 Report Summary

- 1.1 In May 2015 the government announced changes to the delivery of adoption services; by 2020 all adoption services would need to be delivered on a regional basis. The premise for this was to increase the number of children adopted, reduce the length of time children wait to be adopted and improve post adoption support services to families who have adopted.
- 1.2 In July 2015 it was further announced that local authorities would bid for funding to become a pilot Regional Adoption Agency (**RAA**) operating for 1 year from April 2016. It was also confirmed that if a local authority did not have plans in place to join a RAA by 2017 then this would be selected for them. Subsequently 22 of the 23 North West local authorities submitted various regional bids for funding under the pilot scheme by the deadline of July 2015. The main consideration was for each RAA to have a minimum of 200 children a year adopted and services should be an integration rather than collaboration.
- 1.3 For a number of years Cheshire East has been working closely with Tameside, Stockport and Trafford as part of 'Four4adoption'. This award winning partnership of four local authorities has worked together to make the adoption process as seamless and effective as possible for children waiting for adoption.
- 1.4 Given the success of 'Four4adoption', Cheshire East looked to build on this work to form an effective RAA bid. Tameside took the early decision to join a South Pennines partnership. The remaining 3 authorities subsequently developed a strong bid which added Manchester and Salford thus ensuring the requisite number of prospective children and adopters to meet bid requirements.

1.5 Adoption Matters and Caritas are also intrinsic to the RAA bid as voluntary sector partners.

1.6 This bid was accepted by the DfE as a Grade 1 bid indicating its strength to move forward.

2.0 Recommendation

2.1 For Cabinet to agree to Cheshire East entering a Regional Adoption Agency with Trafford, Stockport, Manchester and Salford.

2.2 For Cabinet to agree that decisions concerning the specific detail of arrangements are delegated to the Portfolio Holder in consultation with the Executive Director of Childrens Services and the Director of Legal Services.

3.0 Other options considered

3.1 The Government have made it clear that there is no option for adoption services to remain as they currently are.

3.2 Other partnership options were considered during the bid stage but the strength of established arrangements in 'Four4adoption' offered the greatest potential for success.

4.0 Reason for Recommendation

4.1 Cheshire East adoption services were judged to be 'Good' by Ofsted in July 2015. The strengths of 'Four4 adoption' were recognised as part of the inspection process.

4.2 Trafford and Stockport adoption services are also judged to be 'Good'. Manchester has recently been judged to be 'Inadequate' and Salford 'Requires Improvement'. A term of the bid process was to demonstrate how integrated arrangements across local authorities would spread and share good practice. Stockport are already working closely with Manchester providing management support to their adoption services.

4.3 Both Manchester and Salford have a diverse population in terms of adopters and children and this further enhanced the regional bid.

4.4 The benefit of being a pilot RAA is the provision of funding to support the implementation process, this amounts to £171,000. A successful bid also allows influence in respect of how RAA's develop nationally.

4.5 A Project Board has been established to oversee the project plan and work streams. The Board operates at an appropriately senior level and includes the Directors and/or Assistant Directors of the 5 local authorities.

- 4.6 The Project Board will ensure a Transition Plan is submitted to the DfE by March 31st 2016. This will outline how the local authorities will move from current arrangements to a single RAA covering the existing local authority areas. The DfE have still to provide a definite date by which the new agency has to be up and running.
- 4.7 Working groups have commenced with staff across each of the authorities to scope out plans for the new agency. The three initial practice groups are care planning, family finding and matching; recruitment, assessment and preparation; and adoption and permanence support. In addition separate workstreams have been established around finance, IT, HR, commissioning arrangements for support services and marketing and communication. All work streams report to the Project Board.
- 4.8 The government have provided a choice of 'legal entities' (forms of organisation) to determine how staff will be employed within the RAA. The options include employment by a 'host' local authority, the formation of a voluntary adoption agency or a joint venture which would be a combination of the two. These options are still under consideration by the Project Board.
- 4.9 There is no expectation to reduce staff numbers in the new agency. Staff will be considered for roles balancing staff choice with the need to ensure that the right people with the right skills are in the right jobs. There is no reason to believe that jobs in the new agency will be less secure than jobs in the current local authorities.
- 4.10 Staff are fully involved in the planning stages with regular feedback sessions, a monthly newsletter and engagement in the relevant work streams.
- 4.11 There are legal regulations covering terms and conditions of transferring people to another organisation and consultation with the Unions is an intrinsic part of the process.
- 4.12 Office space is still under consideration by the Project Board with different models under discussion. The options vary from one large central hub to smaller office locations based across the region. Cheshire East have offered to host staff from within the RAA at Macclesfield Town Hall. It is expected that greater clarity will be contained in the Transitional Plan submitted to the DfE by March 31st.

5.0 Background

- 5.1 The background and chronology to the government requirements to form a RAA have been provided within the report summary above.

6.0 Wards Affected and Local Ward Members

- 6.1 Prospective adopters and children placed for adoption may reside in all wards

7.0 Policy Implications

7.1 Policy in the authority will remain unchanged.

8.0 Legal Implications

8.1 None at this stage. However, Legal Services will need to advise on the implications of the arrangements and documentation as these become known.

9.0 Financial Implications

9.1 Services will be provided within existing budgets supported via the pilot funding allocation.

10.0 Human Resources Implications

10.1 The detail concerning the employment status of the RAA have still to be confirmed.

11.0 Equality Implications

11.1 There are no immediate implications in relation to equality.

12.0 Rural Community Implications

12.1 There are no implications for our rural communities.

13.0 Public Health Implications

13.1 There are no Public Health implications.

14.0 Risk Management

14.1 There is a risk to the authority if it fails to join a regional agency, this would include the government directing how its services would be delivered

15.0 Background Papers

15.1 Contact Information

Name: Pete Lambert

Designation: Head of Service Cared For Children

Email: peter.lambert@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	8 th March 2016
Report of:	Kath O'Dwyer, Director of Children's Services and Deputy Chief Executive
Subject/Title:	Council Tax Exemption for Care Leavers
Portfolio Holder:	Children and Families

1. Report Summary

- 1.1. This report seeks approval to provide 100% exemption from the payment of Council Tax to Cheshire East care leavers.

2. Recommendation

- 2.1. Cabinet is recommended to approve:

- a) The proposal to provide 100% exemption to Cheshire East's care leavers from the payment of Council Tax, including those living outside of the Borough; and
- b) Amendments to the S13A policy and procedure, to include the above, as appropriate.

3. Other Options Considered

- 3.1. To consider a percentage exemption (50% or other amount) to all our care leavers from the payment of Council Tax.
- 3.2. To provide exemption to only those care leavers living within the Borough.

4. Reasons for Recommendation

- 4.1. Corporate parenting is a statutory function of the Council. The underlying principle is that every local authority will seek the same outcomes for children and young people in care that every good parent would want for their own children.
- 4.2. Children and young people who are looked after by the local authority rather than their parents are amongst the most vulnerable groups in our community. Outcomes for this group is generally poor and, as corporate parents, the

Council has the responsibility to keep them safe, make sure their experiences in care are positive and improve their on-going life chances.

- 4.3. One of the key priorities of the corporate parenting strategy is to support young people to move to adult life. The Council's policy is that cared for young people only move into independent living when they are ready to do so and are well supported, including the 'Staying Put' policy which enables care leavers to stay in their foster carer placements beyond the age of 18. However, many care leavers choose to move into independent accommodation often at an earlier age than their peers.
- 4.4. A recent report¹ by The Children's Society suggests that care leavers are a particularly vulnerable group for council tax debt. It found that often, when care leavers move into independent accommodation, they begin to manage their own budget fully for the first time – this can be a challenging time for care leavers, particularly if they are falling behind on their council tax. The Children's society report made a number of recommendations, including making care leavers eligible for council tax exemption. This would help to relieve some of that initial pressure and would sit alongside a number of other financial support arrangements available to care leavers.
- 4.5. It is expected that this proposal will result in a decrease in emergency payments made to care leavers in crisis such as well as further reducing the dependency of these young people on other services.
- 4.6. This proposal would be a unique offer, the first of its kind and would seek to provide 100% exemption to all our care leavers from the payment of Council Tax, up until the age of 25.

5. Background

- 5.1. As at the end of December 2015, there were 394 children and young people in the care of Cheshire East Council and 219 care leavers. A care leaver is defined as a person who has been in the care of the local authority (looked after) for at least 13 weeks since the age of 14 and who was in care on their 16th birthday. Local authorities must plan for cared for children so that they have the support they need as they make their transition to the responsibilities of adulthood. The local authority's responsibility to care leavers extends until they reach the age of 21 or 24, where the local authority is involved in supporting them in higher education or training.
- 5.2. Cared for children and care leavers are one of the most vulnerable groups in society. The majority of these young people have suffered abuse or neglect. Research continually tells us that care leavers show significantly lower academic achievement, are more likely to be unemployed, to have mental health needs, be homeless and be disproportionately represented in prison. Whilst the Council has good arrangements to support these young people, including a 'staying put' policy, they tend to leave home at a younger age and

¹ *The Wolf at the Door. How council tax debt collection is harming children.* The Children's Society, March 2015

have more abrupt transitions to adulthood than their peers. Unlike their peers who normally remain in the family home, care leavers will often be living independently at age 18.

- 5.3. The recommendation to exempt care leavers from council tax has been proposed by a cross-service group working group that is monitoring the impact of the welfare reforms. Care leavers have been identified as a particularly vulnerable group.
- 5.4. Under Section 13A of the Local Government Finance Act 1992 the Council has the power to reduce liability for council tax in relation to individual cases or class (es) of cases that it may determine.
- 5.5. The proposal to exempt care leavers from council tax is aligned to the Council's policy of financial support to our care leavers and is part of an overall package of support offered to prepare our care leavers for independence and support them in the successful transition to adulthood. The focus of the financial policy for care leavers is to reward and encourage our young people to engage in employment and training, which this proposal further promotes.
- 5.6. Whilst the exemption from council tax would provide valuable support to a small group of care leavers, it does not represent a significant financial commitment for the Council. Recent estimates suggest this would be around £17k per annum. This is the cost after all other discounts have been applied.

6. Wards Affected and Local Ward Members

- 6.1. The recommendations will affect a small number of children and young people across all areas of Cheshire East. Some of our care leavers are placed outside of the borough.
- 6.2. All elected members are corporate parents and have a responsibility to ensure good outcomes for care leavers.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1 If approved, the Council's Section 13A policy and procedure would need to be amended to include care leaver exemption.

7.2. Legal Implications

- 7.2.1 There are a number of pieces of legislation and statutory guidance that set out the role of the local authority in respect of cared for children and care leavers. There are statutory obligations and guidance for the role of the Local Authority as the Corporate Parent in the Children's Act 1989 and 2004, and the Children and Young People Act 2008.
- 7.2.2 Under Section 13A of the Local Government Finance Act 1992 the Council has the power to reduce liability for council tax in relation to particular cases or

by determining a class of cases that it may determine and where national discounts and exemptions cannot be applied. Section 13 A, (1) states *'Where a person is liable to pay Council Tax in respect of any chargeable dwelling and any day, the billing authority for the area in which the dwelling is situated may reduce the amount which he is liable to pay as respects the dwelling and the day to such extent as it thinks fit'*.

7.3. Financial Implications

- 7.3.1 The majority of Cheshire East's care leavers already fall under a statutory exemption category for Council Tax. An assessment carried out by the Council Tax Team on the names and addresses of our care leavers showed that only 33 care leavers living within Cheshire East would be eligible for exemption as current council tax payers. This equates to an annual cost of around £11k per annum. In addition, the cost of meeting the costs for care leavers living outside of the borough is estimated at £6k per annum, giving an annual commitment of around £17k to the council, after all other discounts have been applied. This cost will be met from existing budgets and will be offset by a reduction in emergency payments to care leavers.
- 7.3.2 A precedent already exists for making payments for other council tax areas and it is proposed to follow the model for foster carer's council tax exemption, whereby these carers provide a copy of their council tax bill in order to claim reimbursement equivalent to their council tax liability.
- 7.3.3 In considering this proposal along with the overall package of financial support proposed, it is expected that we will see a decrease in emergency payments made to care leavers in crisis as well as further reducing the dependency on services that is experienced by some of our young people.

7.4 Equality Implications

- 7.4.1 A key statutory duty within the Equality Act 2010 is the requirement to advance equality of opportunity between different groups/people, who share a relevant protected characteristic and persons who do not share it; by encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 7.4.2 A child or young person may come into care as a result of temporary or permanent problems facing their parents, as a result of abuse or neglect, or as a result of a range of difficulties, including not having a parent to care for them. National research indicates that this group is significantly disadvantaged in a range of outcomes compared to their peers.
- 7.4.3 In accordance with our equality duty, this proposal will therefore result in more favourable treatment being applied to our care leavers, in order to advance equality of opportunity, with the overall aim of removing financial barriers, resulting in increased opportunities for employment, education and/or training opportunities.

8. Access to Information

8.1. The background papers relating to this report can be inspected by contacting the report writer:

Name: Kath O'Dwyer
Designation: Deputy Chief Executive and Director of Children's Services
Tel. No: 01270 371105
Email: Kath.O'Dwyer@cheshireeast.gov.uk

This page is intentionally left blank