

Cabinet Agenda

Date: Tuesday, 13th October, 2015
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.

Contact: Paul Mountford, Democratic Services Officer
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

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 29th September 2015.

6. **Sydney Road Replacement Bridge** (Pages 11 - 20)

To consider a proposal to replace the existing Sydney Road Bridge in Crewe with a wider structure capable of taking two way traffic without traffic signal restriction in order to support development in the north of Crewe and enhance access to key strategic destinations.

7. **Cheshire East EU LEADER Programme 2015 - 2020** (Pages 21 - 76)

To consider an update with regard to the Cheshire East EU LEADER Programme 2015 – 2020.

8. **Ofsted Inspection of Children's Services** (Pages 77 - 134)

To consider a report on the outcome of the Ofsted Inspection of services for children in need of help and protection, children looked after and care leavers in Cheshire East and the review of the effectiveness of the Local Safeguarding Children Board undertaken between 6th and 30th July 2015.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 29th September, 2015 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Jones (Chairman)
Councillor D Brown (Vice-Chairman)

Councillors A Arnold, Rachel Bailey, J Clowes, J P Findlow, L Gilbert,
P Groves and D Stockton

Members in Attendance

Councillors Rhoda Bailey, G Baxendale, S Corcoran, T Dean, S Edgar,
I Faseyi, R Fletcher, D Flude, S Gardner, M Grant, G Hayes, R Menlove,
A Moran, B Moran, S Pochin, J Saunders, M Warren and G Williams

Officers in Attendance

Mike Suarez, P Bates, Heather Grimbaldeston, Anita Bradley, Brenda Smith,
Kath O'Dwyer, Stephanie Cordon, J Cobley and Julie Zientek

Apologies

There were no apologies for absence.

The Leader reported on his recent visit to China and remarked on the scale of opportunity. The Leader also reported that there would be a cross-party review of transparency. In addition, consideration would be given to the introduction of the government's policy of apprentices being 1% of all staff.

Kath O'Dwyer, Director of Children's Services, was welcomed to her first meeting, and commiserations were extended to Councillor R Fletcher on the recent loss of his wife.

30 DECLARATIONS OF INTEREST

In relation to item 7 (Treasury Management Annual Report 2014/15), Councillor J P Findlow declared a non-pecuniary interest as an LGA-nominated, non-remunerated member of the LAMIT Board.

In relation to item 8 (Agency Worker Contract Procurement), Councillor D Brown declared that he was a CoSocius shareholder.

31 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

32 QUESTIONS TO CABINET MEMBERS

Councillor D Flude welcomed Councillor J P Findlow's declaration of interest and requested the Monitoring Officer to ensure that the interests of all Councillors were declared and recorded on the Council's website.

Councillor S Corcoran referred to a moped rider who had falsely claimed that a pothole had caused him to fall off his moped and had sued Halton Brough Council for compensation. The rider had been successfully prosecuted for contempt of court, and Councillor Corcoran asked what action Cheshire East Council had taken against claimants who made false claims. The Leader undertook to provide a written reply to the question.

Councillor M Warren referred to the regeneration of Macclesfield and commented that the media release had lacked detail. The Leader responded that a briefing would be held for local Members

Councillor G Williams referred to a building on the outskirts of Congleton that was unsightly and in a dangerous condition. The Leader replied that a delegated decision would be taken to use the Council's powers to issue an urgent works notice on the owners of Bosman's Mill. Surveys had been carried out that revealed that the building's condition was worse than expected. Urgent works were required to halt the decline and protect the public.

Councillor A Moran asked why the Chinese had been asked to invest in HS2, rather than building it ourselves. Councillor M Grant asked if the Chinese would own HS2 if they built it. The Leader replied that whether they would be carrying out the works via local companies or getting a return from an investment, it would still mean, in his view, that ownership would always be in the hands of the people.

33 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 21st July 2015 be approved as a correct record, subject to the first paragraph of Minute 21 being amended to read: 'Cabinet noted the report on the Anti-Social Behaviour Crime and Policing Act 2014, which had been considered by the Cabinet Member for Communities at a meeting on 20 July 2015.'

34 FIRST QUARTER REVIEW OF PERFORMANCE 2015/16

Cabinet considered a report on the first quarter review of performance 2015/16, including supplementary capital estimates and virements.

The report set out the Council's financial and non-financial performance at the first quarter stage of 2015/16 and highlighted the latest progress

towards achieving the Council's Residents First Outcomes as described in the Council's three year plan 2013 to 2016. The first quarter review showed how the Council was continuing to build on the positions achieved in the last two years, which demonstrated that the overall financial health, performance, resilience and value for money at Cheshire East Council was strong.

Annex 1 to the report set out further details and was structured into three sections:

- Section 1 - Summary of Council Performance
- Section 2 - Financial Stability
- Section 3 - Workforce Development

RESOLVED

That

1. Cabinet notes the report on the 2015/16 first quarter review of performance in relation to the following issues:
 - the summary of performance against the Council's 5 Residents First Outcomes (Section 1 of the report);
 - the projected service revenue and capital outturn positions, overall financial stability of the Council, and the impact on the Council's reserves position (Section 2);
 - the delivery of the overall capital programme (Section 2, paragraphs 170 to 179 and Appendix 4);
 - fully funded supplementary capital estimates and virements up to £250,000 approved in accordance with Finance Procedure Rules (Appendix 5);
 - changes to Capital Budgets made in accordance with the Finance Procedure Rules (Appendix 8);
 - treasury management investments and performance (Appendix 9);
 - management of invoiced debt (Appendix 11);
 - use of earmarked reserves (Appendix 12); and
 - update on workforce development and staffing (Section 3).
2. Cabinet approves:
 - fully funded supplementary capital estimates and virements above £250,000 in accordance with Finance Procedure Rules (Appendix 6); and
 - supplementary revenue estimates to be funded by additional specific grant (Appendix 10).
3. Cabinet recommends that Council approve:
 - fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules (Appendix 7); and

- the establishment of a new earmarked reserve for Early Intervention Initiatives by a transfer of £0.5m from general balances (Section 2, paragraph 197)

35 TREASURY MANAGEMENT ANNUAL REPORT 2014/15

Cabinet considered the Treasury Management Annual report for 2014/15.

The Annual Report was detailed in Appendix A and covered:

- The Council's capital expenditure and financing during the year;
- The impact of this activity on the Council's underlying Capital Financing Requirement (CFR);
- The Treasury position at 31st March 2015;
- Economic factors;
- Detailed investment and debt activity; and
- Reporting of the required prudential and treasury indicators.

RESOLVED

That the Treasury Management Annual Report for 2014/15 as detailed in Appendix A to the report be noted.

36 AGENCY WORKER CONTRACT PROCUREMENT

Cabinet considered a report on arrangements for the retendering of the agency worker contract on a collaborative basis with Cheshire West and Chester Council, ANSA and CoSocius.

Sourcing agency workers through a single managed service provider ensured value for money, that procurement processes were compliant and streamlined, invoices were consolidated in one bill to the Council, appropriate governance and control was in place and there was active management of the contract and total spend.

It was anticipated that the award of the contract would be made in December 2015 to enable a smooth transition and the new contract to commence on 1st April 2016.

RESOLVED

That delegated authority be granted to the Portfolio Holder for Performance and the Chief Operating Officer to award the contract following a competitive tender exercise and to take all necessary actions to implement the new contract.

37 RECYCLING OF FOOD WASTE THROUGH ANAEROBIC DIGESTION

Cabinet considered a report on the development of a dry anaerobic digestion plant.

The development of a Dry Anaerobic Digestion (AD) plant would allow the cost-effective recycling of food waste collected in the existing garden waste bin. Food waste recycling through Anaerobic Digestion would increase recycling rates, reduce landfill costs and reduce the environmental impacts of landfill, including greenhouse gas emissions. Dry AD processing could create an income stream through the sale of energy, either to the grid or directly to an industrial energy user, and provide a saleable compost which could be used to improve soil as a by-product of the process. A Dry AD facility could cover the processing costs of dealing with food and garden waste which were estimated to amount to a £31million saving over the lifetime of the plant.

The procedure proposed in the report was expected to result in the delivery a Dry AD plant on a specified site by December 2017.

RESOLVED

That

1. delegated authority be granted to the Portfolio Holder and Chief Operating Officer to carry out market engagement, undertake a procurement process to identify and appoint a joint venture partner, the intention being to enter into a contract with the preferred bidder, who will, on the basis of a detailed business case, finance, design, build and operate the facility whilst continuing to explore all other options; and
2. further Cabinet approval be sought to enter into a contract with the preferred bidder following either a competitive dialogue or competitive procedure with negotiation procurement route.

38 INTEGRATED LIFESTYLE AND WELLNESS SUPPORT SYSTEM

Cabinet considered a report on a short and medium term approach to securing integrated lifestyle and wellness support services for the residents of Cheshire East.

the report presented a programme of targeted early and universal interventions aimed at supporting residents to change their lifestyle. The focus of the programme was on reducing the impact of premature death and disability for children, families and communities. The programme would deliver support to change behaviour including smoking, nutrition, diet, physical activity and positive sexual health choices.

Further details were set out in the report.

RESOLVED

That

1. the report, setting out the short and medium term approach to securing an integrated lifestyle and wellness support service for local residents, be noted;
2. the programme be developed collaboratively with the 'community hubs' team and the Directors of Adults, Children's services and Communities. For both phase 1 and phase 2, the procurement process and the decision making panels to include full representation from the communities involved as well as the Directors of Adults, Children and Communities (or their nominated representatives);
3. delegated authority be granted to the Portfolio Holder for Adults, Health and Leisure and the Portfolio Holder for Children and Families, and the Director of Public Health, and to the Chief Operating Officer to:
 - a. undertake the award of grant funding for Phase 1
 - and
 - b. undertake the procurement and award of contracts to successful providers under Phase 2 for the integrated lifestyle and wellness support service.

39 PETER MASON LEISURE CENTRE REDEVELOPMENT UPDATE

Cabinet considered a progress report on the redevelopment of the leisure centre in Congleton.

Members were asked to note the change in name of the leisure centre, which would now be known as the Peter Mason Leisure Centre.

The report sought approval of the appropriate works to assess the viability of refurbishing the existing swimming pool in order to achieve best value for money and maximise both the wet and dry leisure offer for Congleton. Cabinet would receive a further report by December on the outcome of the work outlined in the report, which would form the basis of the proposal for the redevelopment of the leisure centre.

RESOLVED

That Cabinet

1. Cabinet notes the renaming of the facility to 'Peter Mason Leisure Centre' and that the appropriate signage is being arranged;

2. Cabinet approves the appropriate works to assess the viability of refurbishing the existing swimming pool in order to achieve best value for money, and to maximise both the wet and dry leisure offer for Congleton;
3. Cabinet notes that a further report will be received by December 2015 on the outcome of the work outlined in paragraph 2.2 of the report (primarily a full pool condition survey) and to form the proposal for the redevelopment of the Peter Mason Leisure Centre;
4. Cabinet notes
 - a. the progress in terms of the 'work packages' currently being undertaken and the timeliness for their completion during the month of October 2015;
 - b. that this will then inform the programme for the full feasibility and options appraisal as outlined in paragraph 2.3 of the report.
 - c. that a range of works and surveys are currently being undertaken in support of a future planning application, including:
 - Ground surveys (desktop and intrusive)
 - Flood risk assessment and Sustainable Urban Drainage System (SUDS)
 - Topographical survey
 - Existing measured building survey
 - Ecological habitat survey (bats etc.)
 - Up to date asbestos survey of existing building
 - Up to date conditions survey of existing building
 - Transport assessment and travel plan (Jacobs)
5. Cabinet notes that it will be asked to endorse the most effective financial model identified and the detailed business case.

40 CREWE TOWN CENTRE ROYAL ARCADE REDEVELOPMENT SCHEME

Cabinet considered a report on the procurement of a development partner for the redevelopment of all or part of the Royal Arcade site in Crewe Town Centre, and the process to be followed.

It was evident that Crewe town centre was under-performing and there was a strong appetite for a major new development scheme in the town centre. Having considered the alternative delivery options referred to in paragraph 3.2 and detailed in Appendix 1 of the report, the recommended approach was to procure a development partner through an OJEU-compliant process to deliver a leisure-led, mixed-use redevelopment scheme. Further details were set out in the report.

RESOLVED

That Cabinet

1. approves the procurement of a development partner for the redevelopment of all or part of the Royal Arcade site, authorising officers to take all necessary actions to facilitate and secure the identification of a preferred development partner, including the use of existing budgets; the procurement process to comply with the Public Contract Regulations 2015 (the Regulations);
2. delegates authority to the Portfolio Holder for Regeneration and Assets, in consultation with the Portfolio Holder for Finance and Assets, the Executive Director for Economic Growth and Prosperity, Chief Operating Officer and Head of Legal Services to determine the mechanism for selection of a preferred development partner and scheme, to commence this process and to continue this through to the identification of a preferred development partner;
3. requests that a final decision on the appointment of a development partner and scheme be brought back to Cabinet prior to any contractual commitments being made; and
4. endorses the creation of a new Stakeholder Panel to support and promote the regeneration of Crewe town centre, including the appointment an independent Chairman.

41 COUNCIL SUPPORT FOR CHESHIRE NEIGHBOURS CREDIT UNION

Cabinet considered a report on future financial support for the Cheshire Neighbours Credit Union.

In 2014, the Cabinet had agreed to provide financial support to the Credit Union in the sum of 60,000 in order to ensure its financial sustainability. Significant support of a practical nature had also been provided as detailed in the report.

The Jobs, Regeneration and Assets Overview and Scrutiny Committee had recently considered a report on the ongoing needs of the Credit Union, and had asked that further consideration be given to how the Council might support the Credit Union in its continued operation. The Cabinet report proposed that further financial support in the sum of £60,000 be paid to the Credit Union, subject to appropriate conditions, which would seek to ensure the Credit Union's financial stability into the future and improvements in its business operations.

RESOLVED

That Cabinet agrees the payment of £60,000 to Cheshire Neighbours Credit Union, subject to specific conditions as determined by the Chief

Operating Officer in consultation with the Leader and the Portfolio Holder for Finance and Assets in respect of the use of the money, the ongoing financial stability of the Credit Union, and its continued business operations, such conditions to include those which will seek to ensure:

- a. Broader use of the Credit Union by Cheshire East Council staff and its partners;
- b. The strengthening of the Credit Union Board, by the introduction of those with legal and accountancy experience, and the involvement of Cheshire East Council officer support where appropriate;
- c. That work commences without delay in order to secure appropriate collaboration of the Cheshire East Neighbour's Credit Union, with other Credit Union(s) as appropriate.
- d. That no further financial support is provided to the Credit Union; the £60,000 being provided in 2015/16 to ensure financial sustainability - and if this is not possible, the CNCU to support residents to make alternative arrangements.
- e. That regular performance management information be provided on progress on all of the above.

42 POLICY FOR THE SUPPORT TO INFRASTRUCTURE ORGANISATIONS FOR 2015/16

Cabinet considered a policy for support to infrastructure organisations to assist the voluntary, community and faith sector and town and parish councils to develop and thrive. The report outlined a recommended approach to providing support from year 2016/17.

RESOLVED

That the policy for the support to infrastructure organisations as set out in the report be approved and adopted and the funding grants to the organisations listed in paragraph 4.3 of the report be approved.

The meeting commenced at 2.00 pm and concluded at 3.20 pm

Councillor M Jones (Chairman)

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	13 th October 2015
Report of:	Executive Director of Economic Growth and Prosperity
Subject/Title:	Sydney Road Replacement Bridge
Portfolio Holder:	Councillor David Brown, Highways

1. Report Summary

- 1.1. Crewe plays a vital role in the economic growth of Cheshire East and the wider sub-region. The arrival of the HS2 Hub Station at Crewe will make it one of the best connected towns in the United Kingdom and will cement its position as the “Gateway to the Northern Powerhouse”. This is reflected in the Northern Gateway Development Zone proposition which will deliver 100,000 jobs and 100,000 new homes across Cheshire and north Staffordshire by 2040.
- 1.2. Development is taking place in the north of Crewe and providing capacity improvements at Sydney Road Bridge will support this growth and enhance access to the key strategic destinations of Leighton Hospital and The Bentley Motor Works.
- 1.3. Sydney Road Bridge is a classified B Road which acts as a main distributor route and crosses the West Coast Crewe to Manchester Mainline. The existing bridge is a narrow traffic signal controlled single carriageway only structure. The scheme seeks to increase capacity at this pinch point by replacing the existing bridge with a new wider structure capable of taking two way traffic without traffic signal restriction.
- 1.4. The condition and assessed structural capacity of the existing bridge is only fair to poor. The last detailed examination was carried out in 2004. The last visual examination was carried out in 2005 and the last structural assessment was carried out in 1954. The findings available from existing records inform the bridge is only in a fair to poor condition.
- 1.5. The recommended solution is to demolish the existing bridge and build a new bridge structure within the enlarged footprint of the old bridge. This solution has the main advantage of being constructed independently from the existing fair to poor bridge without necessitating structural dependencies upon it. This will result in

very low long term maintenance risk, less impact to the traffic flow and rail service providers during construction and a less drawn out programme.

- 1.6. The Council has been working closely with Network Rail Infrastructure Projects (“NR IP”) to inform options for development and to help develop a delivery strategy for the scheme. This report highlights progress to date and seeks approval to continue with the relationship with NR IP as the most effective way of taking forward the development of a preferred option through its business case and statutory processes, and then to secure its delivery.

2. Recommendations

Cabinet is recommended to:

- 2.1. Authorise entering into a Development Services Agreement (“DSA”) with NR IP to enable the design and delivery plan of the scheme to commence.
- 2.2. Authorise a planning application to Cheshire East Council as planning authority to enable lawful construction of the new bridge structure.
- 2.3. Authorise officers to enter into discussions with land owners about acquiring the necessary land and rights to deliver the scheme and to delegate the entering into any necessary supporting legal agreements to the Head of Legal Services in consultation with the Portfolio Holder.
- 2.4. Authorise the use of the Council’s Compulsory Purchase Powers (“CPO”) to acquire land in order to construct the scheme. Note: CPO powers will only be used if land is unable to be acquired by negotiation.
- 2.5. Authorise the appointment of external legal to implement the CPO’s if required.
- 2.6. Authorise the Council adopting, if constructed, the newly constructed bridge as a Cheshire East Council highway asset .
- 2.7. Authorise the forward funding of up to £382,050 from the associated S106 agreements to fund the DSA.

3. Reasons for Recommendations

- 3.1. There is a need to drive forward the development of this scheme as the Department for Transport (“DfT”) grant of £2.35M is dependent on delivery during the 2015 – 2019 period.

- 3.2. Promoting greater connectivity along the corridor supports the housing allocation in the Local Plan and access to key locations such as the Bentley Motor Works and Leighton Hospital.
- 3.3. To deliver a scheme of this complexity affecting the railway and the highway jointly requires close partnership and involvement by NR IP to inform the design and delivery.
- 3.4. A further Cabinet Report will be required to authorise the entry into a works contract to build the bridge. It is currently envisaged that:
 - 3.4.1 NR using its recently procured OJEU compliant Construction Framework will be commissioned to deliver the works;
 - 3.4.2 £4.52M forward funding of the scheme by Cheshire East Council will be required until S106 monies are received from developments along the Sydney Road route corridor (See Section 8.7); and
 - 3.4.3 the newly constructed bridge will be adopted by Cheshire East Council as a highway asset.

4. Wards Affected

- 4.1. Crewe East

5. Local Ward Members

- 5.1. Councillors Suzanne Brookfield, Clair Chapman, David Newton (Crewe East)

6. Policy Implications

- 6.1. The Scheme supports the Council's policy for sustainable development and jobs growth as set out in the emerging Local Plan. The scheme also allows for the implementation of Broadband if required at that severance point.

7. Implications for Rural Communities

- 7.1. The scheme would reduce the relative attractiveness of vehicles using alternative rural lanes that avoid the capacity constraints at the existing bridge.

8.0. Financial Implications

- 8.1. The estimated cost of the scheme is £10.5M although this cost may lessen with value engineering and with NR IP partnering. In order to secure the requisite NR IP technical specialist input into the development of the scheme it will be necessary for the Council to enter into a DSA with NR IP. This agreement provides commitment for the Council to cover NR IP's professional fees and an estimated

budget of £382,050 has been included within the proposed agreement.

- 8.2. Currently 4 signed developer S.106 agreements committing contributions totalling £4.522M have been agreed in respect of housing developments (Maw Green, Coppenhall East, 138 Sydney Road and 152 Broughton Road) along the Sydney Road corridor, that have so far secured planning permission.
- 8.3. Funding from these Section 106 agreements will be available once the linked development has commenced and any triggers in the agreement have been met.
- 8.4. A further £2.35M of funding has been contributed to the Scheme from Department for Transport (DfT) devolved major scheme pot via the Cheshire and Warrington Local Enterprise Partnership (LEP). This funding is to be used for the (construction) of the scheme.
- 8.5. A further £3.5M of contribution has been committed from the Local Growth Fund.
- 8.6. And a further contribution of £0.5M has been committed by the Council from the Local Transport Plan (LTP) grant allocation toward the development of the scheme.
- 8.7. It is expected that additional Developer S106 contributions toward the scheme may be secured from other proposed housing developments along this corridor. Also, a contribution toward the scheme cost would be expected from Network Rail although this may take the form of a commuted lump sum. Negotiations on NR contribution are ongoing. The estimated total scheme cost in October 2015 is £10.50M. If, for any reason the scheme is delivered for less than the budget, the Section 106 funding is flexible and will be redirected towards the improvements proposed at Crewe Green Roundabout.

	£M	
Estimated Total Scheme Cost	10.500	
Funding Sources		
DfT Devolved Major Scheme Pot	2.350	Confirmed
Local Growth Fund Contribution	3.500	Confirmed
Local Transport Plan Grant	0.500	Confirmed
Section 106 funding	4.522	Unconfirmed *
Total Funding available	10.872	
Surplus	0.372	

*Requires forward funding from the Council until Section 106 funding is received (see paragraph 8.2 – 8.3 and 10.6)

9. Legal Implications

- 9.1. The proposed Development Services Agreement (DSA) with NR IP is subject to the Public Contracts Regulations 2015 (the Regulations). If the Council enters into the agreement without undertaking a compliant procurement exercise the award of contract could be challenged and the agreement be set aside by the courts on the grounds that it is ineffective. NR will only allow the delivery of works on its land by companies on its own approved selected list and has ultimate veto over any preferred contractor selected by the Council.
- 9.2. The regulations make provision for the publishing of a Voluntary Ex-ante Transparency VEAT Notice to advertise to the market an intention to award a contract directly without making a call for competition. These direct awards can be made where explicit justification is given. The permissible justifications are set out in Regulation 32. There is justification for undertaking a negotiated procedure without prior publication where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:-
- (i) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance.
 - (ii) competition is absent for technical reasons.
 - (iii) the protection of exclusive rights including intellectual property rights.
- but only, in the case of paragraphs (ii) and (iii) where no reasonable alternative or substitute exists and the absence of completion is not the result of an artificial narrowing down of the parameters of the procurement.
- 9.3. The direct award of the DSA to NR IP does not fall within any of the permissible justifications outlined in 9.2 above and, as such, the publishing of a VEAT Notice is not justified in this case . The direct award of the DSA could therefore be challenged and set aside by the courts.
- 9.4. The DSA allows the Council to terminate in any event by giving two months written notice to NR IP.
- 9.4 The legal implications in relation to Compulsory Purchase Orders will not be known until ownership of the land is fully investigated.

10. Risk Management

- 10.1. There is reputational risk with the Cheshire and Warrington Local Enterprise Partnership (LEP) and DfT around the late or non-delivery of the scheme. The Council is developing a strong reputation on delivery with Crewe Rail Exchange already completed

and 3 other schemes on-site. It would be in the best interests of the Council to continue this trend.

- 10.2. Endorsement (Gate 1) gained at Technical Enabling Group (TEG) and Executive Monitoring Board (EMB) in May 2015 following preparation of the draft Strategic Outline Business Case (SOBC) the Risk Register and the scheme Delivery Strategy.
- 10.3. Significant risk exists with constructing a complex scheme such as this in a constrained site and over the live West Coast Mainline. It is considered the most effective way of managing that risk will be by partnering with NR IP to develop and deliver the scheme. In this way NR can bring their vast experience and expertise in similar schemes to bear and thereby reduce the risk to the Council.
- 10.4. The requirement for additional land to construct, operate and maintain the scheme is yet to be determined, and will only be concluded during preliminary design once a designer and contractor are appointed. If additional land is deemed to be required then all reasonable endeavours will be made to acquire the land or right by negotiated agreement. However, if the land cannot be acquired by negotiated agreement the Council will need to implement and use its statutory powers. This process would have significant programme implications, with potentially up to one year required to complete acquisition, assuming that Compulsory Purchase Order (CPO) powers are used. The amount of land to be acquired is relatively small and only affects a few properties.
- 10.5. There is a risk that scheme costs may increase during the design and delivery process. Partnering with NR IP and Early Contractor Involvement (ECI) is seen as an effective way of mitigating against project cost increase on delivery and should also assist in the negotiation of a NR contribution. Further Local Growth Fund (LGF) bids and development S106 negotiation will also be used to minimise the council's exposure to any additional costs.
- 10.6. The funding from Section 106 agreements to the scheme is dependent on the associated development being delivered.

11. Background and Options

- 11.1. Sydney Road is located on the north east side of Crewe. It is a Classified 'B' Road which acts as a distributor route serving the north side of Crewe and connecting it to key destinations such as the Bentley Motor Factory and Leighton Hospital.
- 11.2. Traffic flows on Sydney Road are restricted by the narrow, Network Rail owned Sydney Road Bridge, which currently operates a single-way traffic system controlled by traffic lights at either end of the bridge. The bridge crosses the West Coast Mainline (Crewe –

Manchester). The Council have granted planning consents for new developments along the Sydney Road corridor. The developments will increase road traffic and the Council wishes to undertake work to mitigate the pinch point at this bridge location.

- 11.3. To demonstrate the schemes economic benefits the value for money category is identified based upon the Benefit Cost Ratio (BCR) of the scheme using monetised impacts in line with Department for Transport guidance notes. The replacement Sydney Road Bridge scheme currently returns a BCR of 3.7 which demonstrates the scheme offers High Value for Money.
- 11.4. In 2012 the Council commissioned Jacobs the Councils term consultant to undertake a feasibility options study to create 2-way traffic working over Sydney Road Bridge and recommend a preferred option. Five options were considered in the June 2012 report: bridge widening; bridge replacement; a separate pedestrian footbridge to the north or south (in conjunction with two-way vehicular traffic on the existing bridge deck); and, a new bridge to carry westbound traffic, constructed immediately to the south of the existing bridge which would be retained to carry eastbound traffic and services. Bridge replacement was the preferred option of both the Council and NR IP.
- 11.5. The feasibility study was revisited in 2013 when the Council expressed a desire to progress the scheme. This work highlighted the vertical highway alignment over a replacement bridge would be significantly worse than the already sub-standard alignment over the existing bridge, generating the need for further work as follows:
 - Develop the preliminary highway design to investigate highway alignment issues and options, including headroom, land requirements and off-carriageway facilities for pedestrians and cyclists
 - Topographical survey of two nearby similar 'hump-back' road-over-rail bridges to investigate local precedent
 - Undertake a Stage 1 Road Safety Audit (RSA) on the developed preferred option.
- 11.6. A NR Basic Asset Protection Agreement (BAPA) has been agreed and signed between the Council and NR. The agreement allows for a small amount of scheme development together with live track access. The Council's consultants Jacobs are currently undertaking seasonal visual ecology surveys on the live railway to inform the proposed planning application in 2016.
- 11.7. The bridge is currently owned and maintained by NR. It is expected that if a replacement structure is promoted by the Council at this location NR will request that ownership and associated liability for maintenance of the structure is passed to the Council. It is

expected that in return the Council could expect a contribution toward the scheme cost from NR.

- 11.8. The delivery strategy for a new structure to replace the existing Sydney Road Bridge is currently being developed. The preferred option is for the Council to enter into a Development Services Agreement with NR IP to deliver the Scheme using a Contractor from their recently tendered OJEU compliant Construction Framework.
- 11.9. Some of the key benefits of scheme delivery by NR IP are as follows:
- NR IP has unparalleled experience of the management of rail industry stakeholders and rail interfaces, which will equate to a lower project risk profile for the Council than if self delivered. This is particularly pertinent when working in proximity to high-profile areas of the rail and highway network, as is the case for this scheme;
 - NR IP have unparalleled experience in the delivery of railway overbridge projects; approximately 70 new bridges per year;
 - The Council do not need to expend time, effort and risk in gaining rail industry knowledge and expertise;
 - NR IP management of the process and utilisation of their recently procured OJEU compliant Framework, will mean significant savings to the council in terms of management, procurement and commercial management cost, as well as programme savings by realising Early Contractor Involvement;
 - Saves the expense of a stand alone ASPRO (Asset Protection) contract as this would be included within NR IP project management costs;
 - By undertaking the ASPRO functions, approvals for temporary works designs and working methods affecting the railway infrastructure would be more efficient. Time and cost savings would also be made as there are no external document handovers to ASPRO and NR IP would have improved visibility and ownership of approaching rail possessions and document requirements.
 - Supply chain efficiencies and less aggressive commercial behaviours resulting in positive impact on the risk profile; and,
 - Option to stop – the Council will have full visibility of the projected scheme delivery cost and have the option to curtail the contract should the project prices exceed the budget.

- 11.10. The significant benefits NR IP offer in terms of expertise and experience, reduction in project risk, programme efficiencies, and cost savings, could not be achieved by the Council if it promoted its own tender for a contractor for the scheme. As such, it is considered that the preferred option is for the Council to enter into a Delivery Services Agreement with NR IP to develop and deliver the Scheme.
- 11.11. A 2 month 'break clause' will be incorporated to permit the Council the opportunity to halt the scheme if the Scheme estimate is too costly, or for any other reason the Council no longer wishes to proceed.
- 11.12. The requirement for either temporary or permanent 3rd party land to construct a new structure is still to be established, and will only be confirmed during preliminary design when the highway extent and the method of construction have been considered. It is proposed that officers or appointed consultants will commence engagement and negotiation with 3rd party land owners as necessary to raise awareness of proposals and to seek to acquire the rights or title to land to deliver this scheme, by agreement.
- 11.13. Planning permission will be required for a replacement structure at this location. At present it is considered that that an Environmental Impact Assessment (EIA) will not be required, however, this is yet to be confirmed by the Environment Agency. The planning application will involve pre-application discussions with affected parties.
- 11.14. It is likely that if land acquisition or licences for temporary use of land are required then professional land agents will be appointed to lead on landowner negotiations. If negotiations prove not to be positive, it might be necessary for the Council to implement use of its Compulsory Purchase Powers to undertake the acquisition of land required to deliver this Scheme.

12. Access to Information

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

Name: David Skeet
Designation: Senior Project Leader
Tel No: 01270 686352
Email: david.skeet@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	13 th October 2015
Report of:	Steph Cordon, Head of Communities
Subject/Title:	Cheshire East EU LEADER Programme 2015 - 2020
Portfolio Holder:	Cllr Rachel Bailey, Children and Families

1. Report Summary

- 1.1. As a Residents First Council we want to ensure that our rural businesses and other rural communities have the opportunity to access rural funding streams, and so that we have a strong and resilient economy and can ensure that Cheshire East is a green and sustainable place.
- 1.2. This report provides an update with regard to the Cheshire East EU LEADER Programme 2015 – 2020, and the developments that have taken place to ensure that Cheshire East is in a position to deliver against the programme requirements. The report also requests Cabinet approval for decisions that will enable the Programme to commence once Defra have formally announced the LEADER Programme launch.

2. Recommendations

- 2.1. That Cabinet acknowledges and approves the actions against each of the following recommendations: -
- 2.2. That Cheshire West and Chester Council is the Accountable Body for the Cheshire East LEADER funding bid, and that within this Accountable Body role Cheshire West and Chester Council receive and distribute grant funding on behalf of the Cheshire East LEADER Local Action Group.
- 2.3. That Cheshire East Borough Council set up and be a member of the Cheshire East LEADER Local Action Group (CE LAG) and agrees appropriate Portfolio Holder representation on the CE LAG.
- 2.4. That Cabinet support and approve Cheshire East Borough Council entering into a Partnership Agreement, as one of the members of the CE-LAG, with Cheshire West and Chester Council (as the Accountable Body for the CE-LAG).
- 2.5. That Cabinet support and approve Cheshire East Borough Council entering into a separate partnership agreement with Cheshire West and Chester

Council to set out the obligations of both Councils in relation to the operation of the Cheshire East LEADER Programme.

- 2.6. Review and comment on the content of the draft Partnership Agreements and agree that final amendments can be agreed by the Head of Communities in consultation with the Portfolio Holder for Children and Families (whose portfolio includes responsibility for Rural Affairs), the s151 Officer and the Head of Legal Services and Monitoring Officer.

3. Other Options Considered

- 3.1. There are no other options to be considered.

4. Reasons for Recommendations

- 4.1. Accountable Body - A Cabinet Briefing Note about EU LEADER 2015 – 2020 was prepared and went to Informal Cabinet on 29 July 2014. The Note outlined reasons for recommending that Cheshire West and Chester be the Accountable Body, and the recommendation was endorsed by Cllr Rachel Bailey as the Portfolio Holder.
- 4.2. The Accountable Body is responsible for the delivery of the programme on behalf of the Local Action Group. They are responsible for the successful conclusion of the programme, and also undertake to ensure that financial propriety and compliance is observed in the management and administration of the programme. In addition, the Accountable Body has a clear and defined role in project development, project assessment, project monitoring and processing grants through a range of administrative, audit and financial procedures. This also includes developing project proposals and having a communication strategy.
- 4.3. Cheshire West and Chester put forward a strong case in their discussion paper to Cheshire and Warrington LEP on 17 July 2014 and the Sub Regional Leaders Board, that they remain the accountable body for LEADER funding for Cheshire and Warrington. They have been the accountable body for the past two LEADER programmes (LEADER+ (2000 – 2006); LEADER (2007 – 2013) and have delivered a large number of projects as a result.
- 4.4. Cheshire West and Chester Borough Council received transitional funding from DEFRA in March 2014 to support the development of Local Development Strategies and LEADER bids from Local Action Groups in the Cheshire and Warrington area.
- 4.5. Cheshire West and Chester as the Accountable Body have appointed a Programme Manager (East), a Programme Manager (West) and a Support Officer to manage and administer the Cheshire LEADER programme. This

staff team commenced in post on 29 June 2015 and are based at Wyvern House, Winsford.

- 4.6. Cheshire East LEADER Local Action Group – It was a requirement by DEFRA that all LEADER funding bids had to be submitted by 4 September 2014. Bids were in the form of a Local Development Strategy, and it was a requirement that these indicated who would be the members of the Local Action Group (LAG).
- 4.7. During July and August 2014 a range of names and roles were approached to create a Shadow LAG for Cheshire East. This group was chosen to represent the LEADER priority areas and to ensure a proportionate mix of public, private and voluntary individuals. The LAG is evolving and has been added to as further individuals are identified. The current list of names is as follows: -

Name	Organisation	LEADER Priority theme(s)	Public, Private or Third Sector
Cllr Rachel Bailey (Chair)	Cheshire East Council	All area	Public
Andrew Jackson	Gate Farm Enterprises	Farm Productivity; Business Development; Rural Services	Private
Philip Posnett	Haughton Hall	Business Development; Farm Productivity; Forestry	Private
Robert Parton	Aqueduct Marina	Business Development; Tourism, Culture and Heritage; Rural Services	Private
Richard Gardiner	Cheshire Wildlife Trust	Farm Productivity; Tourism, Culture and Heritage; Forestry	NGO
Jake Thompson	Forestry Commission	Forestry	Public
Tony Rimmer	Rostons Land Agent	Farm Productivity	Private

Janet Maughn	Overwater Marina	Business Development; Tourism, Culture and Heritage; Rural Services	Private
Steve Wilkinson	Farmer	All areas	Private
Rose Rowland	Chartered Accountant	Farm Productivity; Business Development; Forestry	Private
Lucy Rogers	Canal and River Trust	Tourism, Culture and Heritage	NGO
Stuart Yarwood	LEP Rural Strategy Board/ChALC	All areas	NGO
Mike Gorton	NFU	Farm Productivity; Business Development;	NGO
Rebecca Wainwright	Marketing Cheshire	Tourism, Culture and Heritage	Public
Paul Nolan	Mersey Forest	Forestry	Public
Annette Macdonald	Reaseheath College	Farm Productivity	Public
John Heselwood	Cheshire Community Action	All areas	NGO
Craig Bradley - LAG Partnership Manager	Rural Payments Agency	All areas	Public

- 4.8. The Cheshire East LAG is also supported by the following officers from Cheshire East Council. These officers provide additional skills and expertise to ensure security and sustainability of the CE LAG and compliance with the Authority's corporate objectives. Officers will attend LAG meetings in an advisory capacity only and as such it should be noted will have no voting rights.

Rachel Bolton	Cheshire East Council	Business Development	Public
Brendan Flanagan	Cheshire East Council	Tourism, Culture and Heritage	Public
Sheila Woolstencroft	Cheshire East Council	Public Health Team	Public
Sharon Angus-Crawshaw	Cheshire East Council	Partnerships and Communities	Public

- 4.9. It has been recognised that the CE LAG requires additional Portfolio Holder support at meetings. The Portfolio Holder for Children and Families, and Rural, is the Chair of the LAG. It is suggested that given the focus on jobs and growth, that it will be appropriate for the Deputy Portfolio Holder for Finance, Councillor Sam Gardner, to also become a member of the LAG
- 4.10. During late 2014 and 2015 the Shadow LAG has met approximately every 3 months, to be updated on the progress of the LEADER funding bid. The LAG constitution and structure will be formally endorsed, and LAG executive board will be elected, at the next meeting in November 2015 in line with the partnership agreement required.
- 4.11. The LAG Executive Board is responsible for receiving applications for financial assistance, making recommendations to the RPA Partnership Manager, providing regular financial reports, monitoring the progress of projects and setting budget profiles. It is expected that the Executive Board shall be comprised of up to 11 members, with up to 2 representatives from each sector plus a representative from Cheshire East Council.
- 4.12. Partnership Agreements - It is a requirement by DEFRA that Accountable Bodies hold a partnership agreement with each Local Action Group. In addition, the Accountable Body needs to have a partnership agreement with the relevant Local Authority whose area the LAG covers. The Cheshire East LAG area covers the geographical boundary of Cheshire East Council.
- 4.13. Legal representatives from Cheshire West and Chester and Cheshire East Councils have met with Council Officers responsible for the implementation of the EU LEADER Programme to draft partnership agreements. This has been more complex and lengthy as originally anticipated, as is subject to outstanding actions from DEFRA. These may mean that some parts of the partnership agreements will need to be revisited once all of DEFRA's requirements are known.
- 4.14. The Partnership Agreement between the LAG and the Accountable Body (AB) sets out the purpose and duties of the LAG and outlines the functions

and responsibilities of the AB. It also provides the required constitution and governance for the LAG and will contain a copy of the Defra Grant Conditions.

- 4.15. The Partnership Agreement between the Accountable Body and Cheshire East Council sets out the obligations of both parties in relation to the Cheshire East Leader Programme. It establishes the relationship between the Parties, the processes for achieving the Programme and for distributing the grant. The document notes the agreement that Cheshire West and Chester Borough Council shall act as the Accountable Body, and outlines the financial obligations that the Accountable Body will have. It also notes that the Parties agree to establish the CE LAG which will have responsibility for overseeing and managing the Programme as set out in the CE LAG Constitution.

5. Background/Chronology

- 5.1. LEADER is a well established method of providing Rural Development Programme (RDP) funding at a local level. Priorities for the programme for 2015 – 2020 are: -
- Support for increasing farm productivity
 - Support for micro and small enterprises and farm diversification
 - Support for rural tourism
 - Provision of rural services
 - Support for cultural and heritage activity
 - Support for increasing forestry productivity.
- 5.2. It is a requirement of the Programme that 70% of all funds must be spent directly on rural jobs and growth, and the remaining 30% of funds need to demonstrate that they are creating the environment for rural jobs and growth.
- 5.3. Following the submission of the Cheshire East Local Development Strategy to DEFRA by 4th September 2015, the authority was advised that the bid had been successful in December 2014.
- 5.4. The funding allocation for Cheshire East was confirmed on 27 February 2015 as £1.400m. Funding will be allocated across the priority themes over an anticipated 4 year programme.
- 5.5. It is expected that the fund will support approximately 46 projects and create around 60 jobs. The average grant offer is expected to be around £28,000 and the intervention rate is 40% for most schemes, so the average total project spend for each project is anticipated to be in the region of £70,000
- 5.6. Projects will need to have all required planning permissions and match funding in place before grants can be allocated. It is proposed that a process is put in place to ensure that accelerated support from Cheshire

East Planning is made available for LEADER projects, and this will be outlined within a separate cabinet report on rural developments.

- 5.7. DEFRA and the Rural Payments Agency have continued to advise Accountable Bodies and LAGs as anticipated timescales have slipped, and paperwork from DEFRA has been delayed.
- 5.8. In the meantime, officers from Cheshire East and Cheshire West and Chester have met regularly to update and make progress where possible. An outline Communication Strategy has been prepared and a Cheshire LEADER website set up.
- 5.9. Two part-time Programme Managers (one each for East and West) and a full time Support Officer have been recruited and commenced in post on 29 June 2015. They are based at Wyvern House, The Drummer, Winsford. There was a very strong cohort of candidates for the roles advertised and we are satisfied that we have an excellent team in place to successfully deliver the Programme.
- 5.10. LEADER Training has been undertaken, and the LAG Delivery Plan and Expenditure Template which outlines the proposed spend profiles and outcomes for each year has been completed for submission to the Rural Payments Agency.
- 5.11. We are advised by DEFRA that the current indicative launch for this LEADER Programme is 15th October 2015.

6. Wards Affected and Local Ward Members

- 6.1. Eligibility for LEADER funding is determined by postcode and the majority of wards across Cheshire East are covered by this scheme.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. EU LEADER funding is for capital projects only. In some cases projects may require planning permissions to develop existing structures or build new ones. It is a requirement by Defra and the Rural Payments Agency that potential projects be independently appraised and a methodology and organogram to ensure that this is carried out has to be articulated within the Delivery Plan. In addition the Cheshire East Business Investment department will agree an additional mechanism to allow potential projects to be reviewed and appraised for soundness and to ensure that they fall within Planning Policy.

- 7.1.2. The implementation of the Cheshire LEADER Programme in Cheshire East will help to support and strengthen any rural policy such as rural proofing.

7.2. Legal Implications

- 7.2.1 Grant funding is received from the European Agricultural Fund for Rural Development which funds rural development under the Common Agricultural Policy and jointly funds the Rural Development Programme for England together with the Department for Environment Food and Rural Affairs. It is made under EU regulations (the main provisions being Common Provisions Regulation 1303/2013, Rural Development Regulation 1305/2013 and Financing Management and Monitoring Regulation 1306/2013).
- 7.2.2 LEADER Local Action Groups are partnerships which help to determine the distribution of rural development funding at a local level. The members of the CE-LAG are members of the public and members of private and civil society organisations. There is an Executive Board whose members include a senior elected member from the Cheshire East Council. LAGs do not have separate legal status and therefore are unable to hold and distribute funds themselves. Accordingly, it is necessary for a Council to be nominated as “accountable body” for this purpose. In this case Cheshire West and Chester Council will undertake this role due to its previous history in delivery of LEADER programmes and it will enter into a funding agreement and a delegated authority agreement with DEFRA to receive and pay out grant funds to grant recipients. There is consequently a need for appropriate governance arrangements to be put in place in relation to this role between Cheshire West and Chester and the LAG.
- 7.2.3 As Cheshire West Council is the Accountable Body for this Programme and Cheshire East Borough Council is agreeing to set up and be a member of the CE Local Action Group the two Councils will enter into a separate Partnership Agreement.
- 7.2.4 Whilst Cheshire West and Chester Council as Accountable Body will release the funding in terms of the sums granted, it will rely upon decisions made by the CE-LAG as to which projects are to be granted funding. There are provisions within the funding agreement which make it responsible to DEFRA for overseeing the operations of the CE-LAG, responsible for the acts and omissions of the CE-LAG and for drawing up a terms of reference setting out the responsibilities and organisational structure of the CE-LAG (details for the contents of which are contained within DEFRA guidance).
- 7.2.5 The funding agreement sets out the terms and conditions of the grant agreements to be entered into with the recipients of the funding and states that the Accountable Body use its reasonable endeavours to ensure that the recipients comply with the conditions of the grant agreement and take all necessary steps to enforce the terms of the agreement and comply with reasonable instructions from DEFRA.

7.2.6 In its proposed partnership agreement with Cheshire East Borough Council, Cheshire West Council have requested an indemnity against any expenses, liability, loss, claim or proceedings whatsoever arising from their neglect, act, error or omission when carrying out work or an activity for or in connection with the Programme or within the scope of the Local Development Strategy. Cheshire East Borough Council's liability will be limited to the financial level of the running costs the agreement but it will share the risk with Cheshire West and Chester Council which would otherwise sit wholly with Cheshire West (as accountable body).

7.3. Financial Implications

7.3.1. As set out in paragraphs 5.4 – 5.6, the funding allocation for Cheshire East is £1.4m. It is expected the fund will support approximately 46 projects with the average for each project expected to be around £70,000.

7.3.2. Cheshire East Council is not the Accountable Body for this Programme. Any financial implications regarding the delivery of the Programme for the authority are limited to an indemnity clause within the partnership agreement between the Accountable Body and Cheshire East Council.

7.3.3. Subject to exceptions, the indemnity will cover any expenses, loss, claim or proceedings whatsoever arising from their neglect, act, error or omission by Cheshire East Council and their employees when carrying out work or an activity for or in connection with the Programme or within the scope of the Local Development Strategy.

7.4. Equality Implications

7.4.1. The Cheshire East Local Development Strategy outlines the CE Equality and Inclusion Statement under Schedule 3 of the LDS document, as required by Defra

7.5. Rural Community Implications

7.5.1. LEADER is a well-established method of providing Rural Development Programme (RDP) funding at the local level. LEADER is a (French) acronym which roughly translates as 'Liaison among Actors in Rural Economic Development'

7.5.2. The 7 principles of LEADER are: -

- Area based local development strategies;
- Bottom up elaboration and implementation of strategies
- Local public private partnerships - Local Action Groups
- Integrated multi sectorial actions

- Innovation
- Co-operation
- Networking

7.5.3 The main advantages of the LEADER approach are that:

- Local people have a better knowledge of local challenges that need to be addressed.
- The LAG is able to mobilise local resources for the development process in a way that does not happen with traditional 'top-down' approaches.
- Local people have a greater sense of ownership and commitment to locally relevant projects, which in turn allows them to make the best of their assets and development opportunities.
- It can help develop trust and positive working relationships amongst the local community and businesses.

7.6. Human Resources Implications

7.6.1. Resources have been provided as part of existing staff job roles

7.7. Public Health Implications

7.7.1. The involvement of Public Health to advise the CE LAG should ensure that any health implications arising from proposed projects can be effectively and quickly addressed. The aim is to resolve implications into positive and beneficial ones,

7.8. Other Implications (Please Specify)

7.8.1. There are no other implications

8. Risk Management

- 8.1. The LEADER funding programme has the potential to bring in a grant investment of £1.4 million across the Cheshire East area. Combined with match funding requirements this has the potential to double the investment. Successful areas will have the opportunity to draw down underspend from other Local Action Groups, and inter-regional or inter-territorial projects can attract additional funding.
- 8.2. The Cheshire East Local Action Group is intending to take a robust approach with regard to the successful delivery of the Programme. We

want the Cheshire East LEADER Programme to lead the way in the North West, if not the UK.

- 8.3. The appointment of a highly skilled and experienced LEADER Programme Manager for the East, Mandy Sibthorpe, who has previously delivered against RDPE programmes, will ensure expert advice and guidance to the CE Local Action Group
- 8.4. Membership of the CE LAG includes a broad range of experience and expertise and the support of highly skilled CE managers. The CE LAG is fluid and evolving and gaps can be addressed through clear communication and transparent recruitment processes.

9. Access to Information/Bibliography

- 9.1. The Draft Partnership agreements are attached to this report
- 9.2. Information about the LEADER programme can be accessed here <https://www.gov.uk/rural-development-programme-for-england-leader-funding>
- 9.3. Copies of the Cheshire East Local Development Strategy and associated papers are available for inspection on request from the report author.

10. Contact Information

Contact details for this report are as follows:-

Name: Sharon Angus-Crawshaw
Designation: Strategic Partnership Manager, Partnerships and Communities
Tel. No.: 01270 685793
Email: sharon.angus-crawshaw@cheshireeast.gov.uk

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LEADER LOCAL ACTION GROUP
PARTNERSHIP AGREEMENT

CESHIRE WEST AND CHESTER BOROUGH COUNCIL

-and-

EAST CHESHIRE LAG

COMMENCEMENT DATE: 2015

EXPIRY DATE: 31st March 2020

Will expire earlier if funding is fully utilised prior to this date, or later if additional funding is awarded and the programme extended

Comment [GJ1]: Delivery Period in funding agreement potential to run until 2021?

THIS EC LAG PARTNERSHIP AGREEMENT is made on the
day of 2015

BETWEEN:

- 1) **CHESHIRE WEST AND CHESTER BOROUGH COUNCIL** of HQ Building, 58 Nicholas Street, Chester, CH1 2NP (the "**Accountable Body**"); and
- 2) **EAST CHESHIRE LOCAL ACTION GROUP** of c/o LEADER Team Wyvern House The Drummer Winsford Cheshire CW7 1AH (the "**EC LAG**").

BACKGROUND:

- A) By an application dated 4th September 2014, the Accountable Body submitted on behalf of the EC LAG a bid entitled East Cheshire Local Development Strategy ("the **Development Strategy**") to DEFRA for financial support under the Rural Development Programme for England ("the **Grant**") to deliver a development strategy for rural regeneration 2015 - 2020 ("the **Programme**");
- B) The bid was successful and the Grant has been provided on condition that it is used exclusively for the purpose of carrying out the Programme and that the general conditions relating to the Grant ("the **LEADER Funding Agreement**") at **Appendix 4** are complied with;
- C) The amount of the Grant confirmed by DEFRA is 1,750,000 Euros (equivalent to £1,400,000 at the point of approval);
- D) Cheshire East Borough Council has agreed to establish the EC LAG to deliver the Programme within the region of Cheshire East and in fulfilment of the same has established a Shadow EC LAG;
- E) From the Grant, a maximum of 18% will be paid over to the Accountable Body for Running Costs & Animation (RCA) functions to include all employee costs, travel, appraisal, audit, training and promotional costs and DEFRA will release payments from the Grant to applicants once they have completed the individual elements of the Programme as agreed with the EC LAG;
- F) This Agreement sets out the terms upon which Cheshire West and Chester Borough Council have agreed to act as the Accountable Body for the EC LAG and how the EC LAG will act in delivering the programme;
- G) These terms should be read in conjunction with the East Cheshire Local Development Strategy 2015-2020 (as appended to this EC LAG Agreement at **Schedule 2**);
- H) This Agreement sets out the proposed Constitution of the EC LAG at **Appendix 1** and by signing this Agreement the EC LAG confirms they have formally adopted that Constitution;
- I) This Agreement sets out the basis upon which the Executive of the EC LAG will accept and determine applications to it for financial assistance under the Grant Conditions (at **Appendix 2**); and

- J) This Agreement will terminate on 31st March 2020 unless prior to this date all obligations have been satisfactorily completed and RPA has paid all the monies due, or additional funding is awarded and the programme is extended.

Comment [GJ2]: Grant offer letter – potential delivery until 31.03.21?

Draft 11th Aug 2015

SIGNING PAGE

IN WITNESS of which this document is **SIGNED** by the Accountable Body

Signature

Name

Position

Witness Signature

Name

Position

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IN WITNESS of which this document is **SIGNED** by the members of the EC LAG

Signature

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Position - Chairman

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Position – Vice – Chairman

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Draft 11th Aug 2015

IT IS AGREED as follows:

1. **PURPOSE AND OBLIGATIONS**

- 1.1 The EC LAG is established for the sole purpose of overseeing, monitoring and directing the Programme.
- 1.2 The membership of the EC LAG is set out in **Schedule 1** ("EC LAG Members").
- 1.3 The EC LAG will act to meet the aspirations of the East Cheshire Local Development Strategy 2015-2020 (as set out in **Schedule 2**).

2. **DUTIES**

2.1 The duties of the EC LAG are:

(subject to amendment in line with Operational Guidance to be issued)

- Develop and agree the Local Development Strategy;
- to regularly examine the progress and state of the Programme;
- to set the annual Budget for the implementation of the delivery plan;
- to take decisions concerning the management and scheduling of the Programme as may be required;
- to set KPIs for delivery of the overall programme with the Authorised Officer to ensure that performance against the KPIs are reported;
- in the event that any changes are required in the operation, functioning or purpose of the Programme, to agree on any changes proposed by the Accountable Body before they are submitted to DEFRA for approval;
- to examine or approve all reports and supporting documentation to be submitted to DEFRA on the progress and state of the Programme;
- to monitor and assess the results of the Programme on a regular basis;
- to promote the Programme in line with the Communications Plan which will be prepared by the Accountable Body;
- to ensure that any financial assistance given under the Programme following consent of the Rural Payments Agency Relationship Manager is spent in accordance with the Leader Funding Agreement (at **Appendix 4**);
- to adopt protocols to prescribe the EC LAG's method of working;
- to act accordingly when conflicts of interest arise;
- to source and apply for additional funds to further the Programme, subject to the Leader Funding Agreement (at **Appendix 4**);
- to recruit a wide range of EC LAG members, reflecting the makeup of the area and the priorities of the LDS;
- to promote bidding opportunities, with clear selection criteria, to all potential applicants in the EC LAG area;
- to select and prioritise projects according to the contribution to the LDS objectives and targets;

Comment [GJ4]: Reported to who?

- to approve projects with funding levels, outputs, timescales and any conditions; and
 - to make effective links with other key organisations within and outside the EC LAG area.
- 2.2 The duties set out in **Clause 2.1** may be carried out by the EC LAG itself or the EC LAG may appoint Sub-Committees and Working Groups in accordance with its Constitution to carry out duties on its behalf.
- 2.3 The EC LAG will operate in accordance with its Constitution (**Appendix 1**) in carrying out the Programme.
- 2.4 The EC LAG will establish an Executive Board which will operate in accordance with its Constitution (which is attached at **Appendix 1**).

3. THE ACCOUNTABLE BODY

- 3.1 The Accountable Body has agreed to act as the accountable body for the EC LAG in accordance with the Leader Funding Agreement (at **Appendix 4**).
- 3.2 The Accountable Body has appointed and will act through an “**Authorised Officer**”.
- 3.3 The Authorised Officer will be entitled to attend the meetings of the EC LAG (or appoint a deputy) and ask questions but will have no voting rights.

Details of Authorised Officer

Ellie Morris
 Rural Regeneration Manager
 Place Strategy Directorate
 Economic Growth
 Cheshire West and Chester Borough Council
 HQ Building, Nicolas Street
 Chester, CH1 2NP
 Tel: 01606 288547
 Mob: 07770 740291
 Email: ellie.morris@cheshirewestandchester.gov.uk

- 3.4 The Accountable Body will have the following responsibilities:
- to put into place adequate governance arrangements, which must be clearly documented and agreed with the EC LAG and shall be signed and dated by Chair of the LAG;
 - to submit the governance documentation to RPA Rural Development for approval with the first Delivery Plan, and any subsequent changes must be approved by RPA Rural Development Directorate;
 - to enter into Funding Agreement with RPA RD;
 - to prepare and submit annual Delivery Plans and Attestation Reports;
 - to ensure that as many sectors of the community as possible can contribute to the delivery of the LDS;

- to provide advice and technical support to the LAG on RDPE policies and processes, and in particular advise the LAG on issues of eligibility and compliance, including conflicts of interest;
 - to provide advice and support to project applicants to enable them to submit eligible applications for funding which meet the LDS priorities and objectives;
 - to process applications for funding, and undertake appraisals of them;
 - to ensure that projects selected for support:
 - meet eligibility criteria (subject to undertaking an initial eligibility check of outline application and RPA RD confirmation);
 - fit with the priorities of the LDS; and
 - undergo a transparent and compliant application and selection process.
 - to enter into Grant Funding Agreements with approved projects, incorporating appropriate conditions in accordance with decisions made by the LAG and/or Executive Board;
 - to manage projects' performance against their funding agreements;
 - to undertake project visits to verify progress and ensure compliance;
 - to process grant claims and present these to RPA RD for authorisation and payment;
 - to maintain project and programme records to audit standards, and make these available for audit as required;
 - to prepare regular progress and financial reports to the LAG and RPA RD;
 - to employ and manage LAG staff, and provide secretariat for meetings;
 - to incur eligible expenditure for Running Costs & Animation (RCA), and submit quarterly claims in arrears;
 - to establish and maintain a Cheshire LEADER website;
- 3.5 The Accountable Body will employ staff (a LEADER Programme Manager and a LEADER Support staff member – to be known as the LEADER TEAM) to assist the EC LAG in its operations and Cheshire East Borough Council will be invited to assist in the recruitment process and the responsibilities of the LEADER Team will be as stated in the East Cheshire Local Development Strategy 2015-2020.
- 3.6 The Accountable Body shall recruit and employ the LEADER Team in accordance with its own rules, procedures, policies and practice, subject to any specific rules and requirements of the EC LAG.
- 3.7 The Accountable Body shall act as the employer for the LEADER Team.
- 3.8 The Accountable Body will be responsible for the following matters in relation to the LEADER Team:
- the payment of salaries and on costs;

- the provision of office space and equipment necessary to carry out the job;
- the management function;
- the disciplinary function; and
- any redundancy costs upon expiry of the EC LAG.

3.9 The Accountable Body and Cheshire East Borough Council agree to act collaboratively to try to find alternative positions within either organisation for members of the LEADER Team who may face redundancy when the programme is completed.

3.10 The EC LAG shall provide information to the Accountable Body for input into the LEADER Team appraisals.

4. EXECUTIVE BOARD

4.1 The Executive Board will operate in accordance with its Constitution (which is attached at **Appendix 1**) and the said Constitution may only be amended by the EC LAG (in accordance with any provisions within the Leader Funding Agreement (at **Appendix 4**)).

4.2 The Executive Board in conjunction with the LEADER team shall:

- receive applications for financial assistance under the Grant Conditions;
- review such applications in accordance with project selection criteria as set out in **Appendix 2** and in accordance with any priorities for allocation and distribution of the Grant as directed by the EC LAG;
- make offers of financial assistance to applicants; and
- provide regular financial reports to the EC LAG relating to the approval of applications for financial assistance.

4.3 The Executive Board shall be responsible for ensuring the LEADER Team:

- is supplied with records of the Executive Board recommendations;
- monitors the progress of individual projects for which financial assistance has been authorised by the RPA; and
- sets detailed budget profiles within the limits of the Budget.

4.4 The responsibilities of the Executive Board cannot be delegated to any other group or body except otherwise than in accordance with **Appendix 1**.

4.5 The EC LAG will hold an annual review process for the appointment of the Chair of the Executive Board to be approved by the EC LAG.

5. EC LAG MEMBERSHIP

5.1 In addition to the EC LAG Members set out in **Schedule 1**, the EC LAG will have an open membership to ensure that there is a range of competencies and skills within the EC LAG and shall identify target groups and potential beneficiaries to facilitate quality applications to join the EC LAG.

5.2 The EC LAG will be comprised of members of the public, and members of private and Non-Government Organisations (NGOs).

5.3 The EC LAG will promote continuing integration to the EC LAG and the inclusion of new sector representatives will take place over time ensuring a gender balance and a fair representation of the groups identified in **Clause 5.2**.

5.4 The EC LAG will encourage membership to the EC LAG through forums, networks and meetings.

6. TARGETS, RESULTS AND OUTPUTS

The EC LAG will act to achieve the outcomes as described in the Delivery Plan set out in **Schedule 4**.

7. EQUAL OPPORTUNITIES STATEMENT

The EC LAG shall comply with the Equality and Diversity Statement (**Schedule 3**) (which is the Equality and Diversity Statement of Cheshire East Borough Council which may be amended from time to time).

8. FREEDOM OF INFORMATION (FOIA)

The EC LAG acknowledges that the Accountable Body and certain EC LAG Members are subject to the requirements of the Freedom of Information Act 2000 ("**FOIA**") and the Environmental Information Regulations 2004 ("**EIR**") and shall assist and co-operate with each other in order to comply with these information disclosure requirements.

9. INTELLECTUAL PROPERTY

Comment [GJ5]: See email.

9.1 The EC LAG acknowledges that all Proprietary Rights in the project results shall at all times and for all purposes vest and remain vested in the Accountable Body. Notwithstanding the foregoing, all Proprietary Rights which the EC LAG might otherwise acquire as a result of its performance under this Agreement are hereby irrevocably assigned to the Accountable Body.

9.2 At the request and expense of the EC LAG, and as required, the EC LAG shall do all such things including signing all documents or other instruments reasonably necessary in the opinion of the Accountable Body to confirm or vest in the Accountable Body the rights assigned or otherwise transferred to the Accountable Body under this Agreement.

9.3 If compliance with the Accountable Body's designs, specifications or instructions results in the EC LAG being subject to any claim for infringement of any Proprietary Rights or any third party rights, the Accountable Body shall indemnify the EC LAG against any claims, demands, damages, costs and expenses made against or suffered by the EC LAG as a result of any such claim or action.

10. DATA PROTECTION

10.1 The EC LAG shall (and will ensure that any Sub-Contractor or Third Party shall) comply at all times with the Data Protection Act 1998 ("**DPA**") and their obligations as Data Processors in respect of Personal Identifiable Data belonging to the Data Controller (which in this case is the Accountable Body) and shall not perform its obligations under this Agreement in any such way as to cause the Accountable Body to breach its obligations under the DPA.

- 10.2 Each Party will ensure that it and its representatives comply in all respects with the DPA and any other relevant Data Protection Requirements in relation to all information made available to it under this Agreement by the other Party or arising through the delivery of the Services.
- 10.3 If Personal Identifiable Data is to be shared between the EC LAG and any Sub-Contractor or Third Party under this Agreement the EC LAG shall ensure that all obligations in respect of the Sub-Contractor or Third Parties role as a Data Processor which belongs to the Accountable Body are fully complied with.
- 10.4 Upon expiry or termination of this Agreement the EC LAG will ensure that Personal Identifiable Data is wiped from their IT systems after being transferred back to the Accountable Body or to another entity as directed by the Authorised Officer.

11. USE OF LOGOS

The EC LAG is granted consent under this Agreement to use the logo of the Accountable Body in accordance with **Clause 12**.

12. RECOGNITION OF THE ACCOUNTABLE BODY AND CHESHIRE EAST BOROUGH COUNCIL

- 12.1 Where the EC LAG publicises the outcome of any project they must also publicise the involvement of Cheshire East Borough Council and the Accountable Body in facilitating the EC LAG's ability to deliver the project.
- 12.2 Where appropriate the logo of Cheshire East Borough Council will be used alongside any press release or public pronouncement.
- 12.3 If the EC LAG intends to make any written press release under this Agreement they shall ensure that the Authorised Officer has had sight of the press release before it is issued and has had the ability to comment accordingly.

13. COMMUNICATIONS AND PUBLICITY

The EC LAG will comply with the Cheshire LEADER Communications Plan.

14. CONFLICTS OF INTEREST

- 14.1 The EC LAG, appraiser or employee of the Accountable Body will comply with the conflicts of interest provisions set out below and shall comply with this code whenever they:
- conduct the business of or consider a project for the LAG; or
 - act, claim to act to give the impression you are acting as a representative of the LAG, and references to your official capacity are construed accordingly.
- 14.2 Funding applicants must receive structured, fair and consistent feedback on their projects. Thus all communications with the project applicant will be directed through the LAG 'Staff' and Appraisers names will not be divulged.
- 14.3 General obligations
- You must not:

Comment [GJ6]: See email

Comment [GJ7]: New title – needs to be defined – my client describes them as those individuals appraising the projects who will be LEADER programme managers, staff and some Council officers with the RPA relationship manager having the final say – not sure how this will be expressed?

- do anything which may cause the LAG to breach any of the equality enactments (as defined in the Equality Act 2010);
- intimidate or attempt to intimidate any person who is likely to be:
 - i. a complainant;
 - ii. a witness, or
 - iii. involved in the administration of any investigations or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the LAG's code of conduct.
- do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the LAG.

14.4 You must not:

- disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i. you have the consent of a person authorised to give it;
 - ii. you are required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the LAG.
- prevent another person from gaining access to information to which that person is entitled by law.

14.5 You must not conduct yourself in a manner which could reasonably be regarded as bringing you and/or the LAG into disrepute.

14.6 You must not:

- attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- when using or authorising the use by others of the resources of the LAG ensure that such resources are not used improperly for political purposes (including party political purposes).

14.7 **Personal interests**

You have a personal interest in any project or business to be considered by the LAG where either:

- it relates to or is likely to affect:
 - i. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated;

- ii. any employment or business carried on by you;
- iii. any person or body who employs or has appointed you;
- iv. any person or body, other than the LAG, who has made a payment to you in respect of your election or co-option or any expenses incurred by you in carrying out your duties;
- v. any person or body who has a place of business or land in the LAG's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- vi. any contract for goods, services or works made between the LAG and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (v);
- vii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £500; or
- viii. any land in the LAG's area in which you have a beneficial interest;
- a decision in relation to that project or business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the LAG's area.

a relevant person is:

- a member of your family or any person with whom you have a close association; or
- any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.

14.8 Disclosure of personal interests

- where you have a personal interest in any project or business of the LAG and you attend a meeting of the LAG at which the project or business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- Where you have a personal interest in any project or business of the LAG which relates to or is likely to affect a person, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that project or business.

14.9 Prejudicial interest generally

- where you have a personal interest in any project or business of the LAG you also have a prejudicial interest in that project or business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard it so significant, such as providing matched

funding personally, or from your representative group or organisations, and is such that it is likely to prejudice your judgement of such interest.

- You do not have a prejudicial interest in any project or business of the LAG where that business:
 - i. does not affect your financial position or the financial position of a person or body;
 - ii. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body.

14.10 Effect of prejudicial interests on participation

- where you have a prejudicial interest in any business of the LAG:
 - i. you must withdraw from the room where a meeting considering the project or business is being held:
 - a) immediately after making representations, answering questions or giving evidence;
 - b) in any other case, whenever it becomes apparent that the project or business is being considered at that meeting;
- you must not seek improperly to influence a decision about that project or business.

14.11 Appraisers

- In line with the EU guidance for the Rural Development Programme, where you have carried out a project appraisal, you must declare this at a meeting considering this project:
 - (i) you may remain within the room where a meeting considering the project or business is being held; and
 - (ii) you must not vote on whether or not that project should be granted funding.
- This does not apply to you if you only carry out an environmental appraisal on the project.

SCHEDULE 1 – LAG MEMBERSHIP

1. The LAG will comprise members of the public, private and non-government organisations (NGOs), ensuring that it represents a broad range of interests across the area. Membership should reflect both the area's geographical extent and its sectoral composition.
2. Members must live in or work in the area of benefit. Organisations working across the area but located outside it may join the LAG as “advisors” but without voting rights.
3. There must be more than 51% representation from the private/NGO sector on the LAG, and on any decision-making group, and no single interest group or business sector shall exceed 49% of the LAG or any decision-making group.
4. Expertise in all priority sectors should be represented.
5. Members must identify whether they represent themselves, as individuals, or are representing an organisation. If representing an organisation, they may nominate one named substitute who may vote on their behalf.
6. The LAG shall elect a Chairperson and vice--chair and will be reviewed annually.
7. Membership of the LAG will be reviewed at the discretion of the Chair to ensure that it is representative of the LAG area.
8. The split between Public and Private/NGO will be maintained via regular engagement and communication with the wider rural sector and utilising the networks that the LAG members are associated with. In this way it is anticipated that any deficit or gap in the LAG membership can be quickly filled.
9. Members engaged in activity related to their position on the LAG must comport themselves appropriately and respectfully in relation to other LAG members, programme staff, applicants and members of the public. Inappropriate behaviour may result in exclusion from the LAG at the discretion of the Chairperson. All members will be required to adhere to the Code of Conduct as per section 14: Conflicts of Interest.
10. Relevant training and background information related to responsibilities associated with Local Action Group membership will be made available to any members requiring this.
11. Regular attendance at meetings is required. Regular non-attendance at meetings may result in loss of a place on the LAG, at the discretion of the Chairperson.

EC LAG MEMBERS

Name	Organisation	LEADER priority theme(s) covered	Role on the LAG	Public, Private or NGO
Cllr Rachel Bailey	Cheshire East Council	All areas	Chair	Public
Annette McDonald	Reaseheath College	Farm Productivity	LEP representative	Public
Andrew Jackson	Gate Farm Enterprises	Farm Productivity, Business Development		Private

Tony Rimmer	Rostons Land Agents	Farm Productivity		Private
Lucy Rogers	Canal and Rivers Trust	Tourism, Culture and Heritage		NGO
Sheila Woolstencroft	Public Health Team	All areas		Public
Robert Parton	Aqueduct Marina	Business Development, Tourism, Culture and Heritage, Rural Services		Private
Janet Maughan	Overwater Marina	Business Development, Tourism, Culture and Heritage, Rural Services		Private
Rebecca Wainwright	Marketing Cheshire	Tourism, Culture and Heritage		Public
Julian Cobley	Cheshire East Council	Business Development		Public
Brendan Flanagan	Cheshire East Council	Tourism, Culture and Heritage		Public
Steve Wilkinson	Farmer	All areas		Private
Rose Rowland	Chartered Accountant	Farm Productivity, Business Development, Forestry		Private
Phillip Posnett	Haughton Hall	Business Development, Farm Productivity, Forestry		Private
Paul Nolan	Mersey Forest	Forestry	LEP representative	Public
Jake Thompson	Forestry Commission	Forestry		Public
John Heselwood	Cheshire Community Action	All areas		NGO
Richard Gardiner	Cheshire Wildlife Trust	Farm Productivity, Tourism, Culture and Heritage, Forestry		NGO
Rachel Bolton	Cheshire East Council	Business Development		Public
Mike Gorton	National Farmers Union	Farm Productivity		Private
Stuart Yarwood	National Farmers Union, Cheshire Association of Local Councils	Farm Productivity, Provision of Rural Services	LEP Representative	Private
Craig Bradley	RPA	All areas	Non-voting observer	Public

EC EXECUTIVE BOARD MEMBERS

12. The LAG will be supported by an Executive Board who will approve individual projects.
13. For the first year, the LAG Board will sit as the Executive Board representing the private and public sectors and Non-Government Organisations covering all priority strands.
14. The Executive Board will be managed in accordance with DEFRA/RPA requirements.
15. Meetings will be calendared on a regular basis up to 12 months in advance to allow these members to plan and attend meetings.
16. The size of the Executive Board will be determined by the LAG and will be quorum with a 51% attendance, covering specialist areas of expertise according to the projects for approval. Should a quorum not be reached then business will be deferred until the next scheduled meeting or a special meeting will be convened.
17. The Executive Board will be supported by the LEADER Programme Manager.

Draft 11th Aug 2015

SCHEDULE 2

EAST CHESHIRE LOCAL DEVELOPMENT STRATEGY 2015-2020.



East Cheshire LAG
Delivery Plan.pdf

Draft 11th Aug 2015

SCHEDULE 3

CHESHIRE EAST COUNCIL EQUALITY AND INCLUSION STATEMENT

Equality and Inclusion

"Inclusion for All"

The Council recognises that promoting equality and inclusion will improve public services for everyone. We want Cheshire East to be an area of equal opportunity, where everyone has a fair chance and people from all backgrounds take part in community life. Our aim, therefore, is to make equality an integral part of the way the Council works by putting it at the centre of everything we do. We are committed to celebrating diversity and promoting equality – as an employer, in the services we provide, in partnerships and in the decisions we make.

We have legal responsibilities relating to equality but we see these as a minimum requirement.

Equalities and the Law

Guidance on all aspects of the Equality Act and how it affects you can be found on the Equality and Human Rights Commission website. This national organisation provides information and advice about equality and diversity and produces guidance on the legal responsibilities we have to adhere to as a Council.

Cheshire East Council is committed to providing high-quality, customer-focused services for all people living in, working in or visiting the area. Promoting fairness and providing equality and inclusion is one of our important ambitions, and relates to:

- accessing the Council's services;
- accessing employment opportunities with the Council, or with its contractors who supply goods or services to the Council;
- developing policies and plans that impact upon communities and individuals.

Through all our work, we are committed to achieving the following outcomes:

- narrowing the gap between our communities;
- providing access to services for all our communities;
- understanding and reflecting the needs of all our communities;
- fostering good relations with all our communities and partners; and
- ensuring our workforce is representative of the communities it serves.

SCHEDULE 4

DELIVERY PLAN

A delivery Plan has been approved by the LAG and will be updated and exhibited here on an annual basis.

Draft 11th Aug 2015

APPENDIX 1

CONSTITUTION OF THE EC LAG/EXECUTIVE BOARD

(A) Name

The name of the group will be the East Cheshire Local Action Group (“the **EC LAG**”)/Executive Board.

(B) Function

The function of the EC LAG will be to deliver the East Cheshire Leader Programme 2015-2020 (the “**Programme**”).

The EC LAG will comply with the EC LAG Partnership Agreement (the “**EC LAG Agreement**”).

(C) Membership

- (1) Each of the Parties named in the EC LAG Agreement will appoint an individual to represent it and to vote on its behalf at meetings of the EC LAG, and may appoint an alternate to replace its appointed representative at any meeting of the EC LAG if the appointed representative is unable to attend;
- (2) Each Party will notify the name of the representative appointed by it and of any alternate to the Secretary;
- (3) Each Party will have one [1] vote to be cast by its representative;
- (4) The Programme Manager as a nominated representative of the Accountable Body may attend meetings of the EC LAG to advise only; and
- (5) The RPA Relationship Manager may attend meetings of the EC LAG to advise only.

(D) Meetings and proceedings of the EC LAG / Executive Board

- (1) The EC LAG will:
 - elect from amongst themselves a chair and a vice-chair who will act as chair and vice chair at all meetings of the EC LAG/Executive Board for a period of one [1] year (and may stand for re-election after their initial tenure);
 - appoint a secretary;
 - appoint the Executive Board in accordance with **Clause 4.1** of the EC LAG Partnership Agreement;
- (2) The EC LAG will meet as often as the EC LAG Board agree is required.
- (3) At least ten [10] working days’ notice must be given of meetings of the EC LAG.
- (4) There will be a quorum of the EC LAG when:
 - at least 51% of members are in attendance; and
 - the Programme Manager is present

- (5) There will be a quorum of the EC Executive Board when:
 - at least 51% of members are in attendance; and
 - the Programme Manager is present.
- (6) Every matter will be determined by consensus, but in the absence of such consensus will be determined by a majority of votes of the members of the EC LAG/Executive Board present and voting on the question but in the case of equality of votes the Chairman shall have a second or casting vote.
- (7) Where a matter is deemed urgent by the Chair and there is insufficient time to call a meeting the EC LAG/Executive Board may instruct the Accountable Body to carry out any of its functions providing:
 - that at least one half of the voting representatives agree in writing. For the avoidance of doubt the term 'in writing' includes email correspondence; and
 - if a voting representative is silent after ten [10] working days they will be deemed to have agreed to the proposal.
- (8) Variations to the EC LAG Agreement may only be made with the consent of all Parties including those not present and voting at the meeting. The consents may be received by email. Parties agree to silence being taken as agreement to the proposed variation three [3] weeks from the initial notice of the variation which will be sent by email to all Parties not at the meeting.
- (9) The Accountable Body must keep minutes of the proceedings at meetings of the EC LAG and Executive Board.
- (10) The EC LAG may from time to time make and alter rules for the conduct of their business the summoning and conduct of their meetings and the custody of documents. No rule may be made which is inconsistent with this constitution.
- (11) Meetings of the EC LAG will (where possible) be held at different venues within the eligible area which are accessible to all Parties to be decided upon by the EC LAG.
- (12) Meetings of the EC LAG will be held in public with the exception of the Executive Board when it is considering project applications or a complaint.

(E) Declaration of Interests

- (1) A Register of Interest will be established and updated on an ongoing basis.
- (2) Conflicts of interest will be a standing item at the beginning of each meeting agenda for both the LAG and Executive Board, and submissions will be recorded and minuted. If a conflict of interest is declared, the LAG or Executive Board member will be requested to leave the meeting for the duration of the item in question.

APPENDIX 2

PROCESS FOR ASSESSMENT OF APPLICATIONS BY THE EXECUTIVE BOARD

1. The Executive Board will approve or reject projects for funding against the following criteria:

To be determined by Operational Guidance yet to be issued – what is the score cut off?

Draft 11th Aug 2015

APPENDIX 3

PROCEDURE FOR DEALING WITH COMPLAINTS

1. Complaints will be referred to the Chairperson of the Executive Board for review.
2. A written response will be provided within ten [10] working days detailing the outcome of the review.

Draft 11th Aug 2015

APPENDIX 4

COPY OF LEADER FUNDING AGREEMENT



LEADER Funding
Agreement as issued



LEADER Funding
Agreement Process F

Draft 11th Aug 2015

PARTNERSHIP AGREEMENT

BETWEEN

CHESHIRE WEST AND CHESTER BOROUGH COUNCIL

AND

CHESHIRE EAST BOROUGH COUNCIL

REGARDING

**THE CHESHIRE EAST LEADER PROGRAMME
2015-2020**

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THIS PARTNERSHIP AGREEMENT is made on 2015

BETWEEN:

- 1) **CHESHIRE WEST AND CHESTER BOROUGH COUNCIL** of HQ Building, Nicholas Street, Chester, CH1 2NP (**"the Accountable Body"**); and
- 2) **CHESHIRE EAST BOROUGH COUNCIL** of Westfields, Middlewich Road, Sandbach, CW11 1HZ; (**"CEC"**)

each known as a **"Party"** to and collectively as **"Parties"** to this Partnership Agreement.

BACKGROUND:

- (1) This Partnership Agreement has been developed to set out the obligations of the Parties in relation to the Cheshire East Leader Programme 2015-2020 (the **"Programme"**).
- (2) The Parties have worked together to submit a Local Development Strategy application to DEFRA in September 2014 for financial support under the ***Rural Development Programme for England*** to deliver the Programme.
- (3) DEFRA has confirmed in writing in December 2014 that the Programme has met the criteria for the grant of financial assistance under the Rural Development Programme for England (**"the Grant"**) and the grant approval letter is attached at **Appendix 2**.
- (4) The Grant of one million four hundred thousand pounds [£1,400,000] has been provided on condition that it is used exclusively for the purpose of carrying out the Programme and that the general conditions relating to the Grant (**"the Grant Conditions"**) are complied with.
- (5) The Parties have agreed that Cheshire West and Chester Borough Council shall be the Accountable Body for the Programme.
- (6) This Partnership Agreement establishes the relationship between the Parties, the processes for achieving the Programme and distributing the Grant. The Partnership Agreement also allows for application for additional funding in line with the Grant Conditions to enhance the delivery and sustainability of the Programme.

IT IS AGREED as follows:-

1. OBJECTIVES AND OBLIGATIONS

1.1 The objectives and conduct of the Programme are set out within the Local Development Strategy and the Grant Conditions and the Parties agree to:

- work together in partnership to achieve the objectives contained in the Local Development Strategy;
- comply with the Grant Conditions;
- comply with the Equal Opportunities Policy contained in the Local Development Strategy;
- comply with all protocols adopted by the Parties at any time during the Programme; and
- source and apply for additional funds in line with the Grant Conditions.

The Budget:

1.2 The Parties agree to:

- work within the constraints of the budget (“the **Budget**”) contained in the Local Development Strategy; and
- use their best endeavours to achieve the level of match funding as set out in the Budget.

1.3 The Budget may only be amended by agreement with DEFRA.

1.4 The Parties may admit new Parties to the Cheshire East Local Action Group (“the **CE-LAG**”) if the CE-LAG is satisfied that the new Party:-

- is locally based or has a significant work interest within the eligible area; and
- it adequately represents the community’s interests.

2. COMMENCEMENT AND TERM

- 2.1 This Partnership Agreement shall come into force on [].
- 2.2 This Partnership Agreement will expire when the obligations of the Parties have been satisfactorily completed and DEFRA has paid over all monies that are due.

3. THE CHESHIRE EAST LOCAL ACTION GROUP

- 3.1 CEC agrees to establish the CE-LAG for the Programme which will have responsibility for overseeing and managing the Programme as set out in the CE-LAG Constitution (attached at **Appendix 1**).
- 3.2 CEC shall nominate one [1] representative to attend the meetings of the CE-LAG and that nominee shall carry out his duties as set out in the CE-LAG Constitution.
- 3.3 The Authorised Officer will be entitled to attend the meetings of the CE-LAG and ask questions but will have no voting rights.

4. AUTHORISED OFFICER

- 4.1 The Accountable Body shall appoint a person to exercise its rights and powers under this Partnership Agreement, called the “**Authorised Officer**”.
- 4.2 The Authorised Officer shall be a Senior Officer within the Accountable Body who can make decisions under this Partnership Agreement without the need for the matter to be escalated in the Accountable Body. This will not limit in any way any other of the Accountable Body’s rights or obligations.
- 4.3 The Authorised Officer will be entitled to appoint another person or persons to exercise some or all of his functions (each a ‘**Deputy Authorised Officer**’) but if he does so, he must give CEC at least five [5] Working Days written notice.
- 4.4 Details of the person the Accountable Body has appointed to act as Authorised Officer (and any Deputy Authorised Officer) from the Commencement Date, (telephone number, fax number, e-mail address and postal address) are set out in **Schedule 1**.
- 4.5 If the Accountable Body seeks to change the identity of the Authorised Officer they must notify CEC and the CE-LAG of the proposed change in writing with at least five [5] days’ notice.

5. EMPLOYMENT OF STAFF TO WORK FOR THE CE-LAG BOARD

5.1 The Parties agree that:

- the Accountable Body shall act as the employer for any staff who are specifically required by the CE-LAG Board to assist them in achieving the objectives of the Programme – **to be known as the LEADER team**;
- the Accountable Body will ensure that the employment contracts of any staff for the LEADER Team will be time limited to run co-terminus with the Programme;
- the Accountable Body will be responsible for any redundancy liability for staff in the LEADER Team, but the Parties agree that they will work collaboratively to try and find alternative employment opportunities for staff in the LEADER Team that are facing redundancy;
- the Accountable Body shall recruit and employ staff for the LEADER Team in accordance with its own rules, procedures, policies and practices, subject to any specific requirements of the CE-LAG;
- The CE-LAG Board may provide information to the Accountable Body for input into the any LEADER Team appraisals.

5.2 The Accountable Body will be responsible for the following matters in relation to the LEADER Team:-

- the payment of salaries and on costs;
- the provision of office space and equipment necessary to enable them to carry out their roles;
- the management function of;
- the disciplinary function; and
- any redundancy payments.

6. FINANCIAL OBLIGATIONS

6.1 The Accountable Body agrees to act as the accountable body for the Programme for the purposes of the Grant in accordance with the Grant Conditions and will have the following responsibilities:

Comment [JB1]: Not sure now as CE say that DEFRA may be holding onto the funds – do you know what our obligations will be

Comment [JB2]: Do we have these

- to claim and receive payments of the Grant from DEFRA;
- to keep separate accounts relating to the Programme;
- to prepare final accounts at the end of each calendar year and submit accounts to DEFRA;
- to receive claims from applicants for repayments of eligible expenditure authorised by [WHOI];
- to keep up to date records relating to applications for financial assistance and grants offered or made;
- to provide regular financial reports approved by the Panel to the CE-LAG at no less than quarterly intervals;
- to comply with its own Financial Rules and the Code of Practice on Local Authority Accounting in Great Britain issued in 1999 by the Chartered Institute of Public Finance and Accountancy and with any subsequent guidance recognised as representing proper accounting practices and in accordance with any European Commission Regulations or any additional rules as may be agreed by the Parties; and
- to undertake purchasing of goods and services on behalf of the Parties on the instruction of the CE-LAG.

6.2 If the Accountable Body:

- makes grant payments to third Parties or incurs expenditure which are subsequently judged to be ineligible or contrary to any statutory requirements or EC law and are therefore recovered or withheld by DEFRA from the Accountable Body; or
- incurs any other expenditure which has been agreed by the CE-LAG as necessary for the furtherance of the Programme, but which is not covered by the Grant; or
- receives a request from DEFRA for the repayment of the Grant for any other reason;

then CEC will jointly and severally indemnify the Accountable Body in respect of all such sums which are recovered, withheld or incurred **PROVIDED THAT** the Accountable Body has at all times acted in accordance with its duties under this Partnership Agreement.

7. RECHARGES

Where it has been agreed that the LEADER Team should carry out any tasks over and above the obligations set out in the LAG agreement the Parties will meet to agree recharge obligations that CEC will be liable to make in respect of those tasks.

8. INDEMNITY

- 8.1 Subject to the exceptions listed below at sub-clause 8.2, CEC will indemnify the Accountable Body against any expenses, liability, loss, claim or proceedings whatsoever arising from their neglect, act, error or omission when carrying out work or an activity for or in connection with the Programme or within the scope of the Local Development Strategy.

Limitation of Liability

- 8.2 Subject to the provisions of sub-clause 8.1, CEC's liability under this agreement will be limited to the financial level of the Management & Administration Costs under this agreement.
- 8.3 The Parties have a duty to inform each other immediately they become aware of any circumstances likely to form the basis of any claim.

9. TERMINATION

- 9.1 Subject always to sub-clause 9.2, If either Party to this Partnership Agreement no longer wishes to participate in the Programme it must first give the other Party at least three [3] months' notice in writing ending with the date of termination, provided that any obligation or liability incurred prior to the date of termination, including any liability for payments due under this Partnership Agreement, will continue to be enforceable by each Party to this Partnership Agreement against the Party giving notice.
- 9.2 For the avoidance of doubt the Parties cannot terminate this Partnership Agreement until the end of the term as set out in sub-clause 2.2 and being when the obligations of the Parties have been satisfactorily completed and DEFRA has paid all monies due.
- 9.3 Where in the opinion of either Party the other Party is in default of its obligations under this Partnership Agreement, the non-defaulting Party may serve written notice on the defaulting Party to remedy the default within twenty-eight [28] days failing which action may be taken to terminate the Partnership Agreement with one [1] months written notice.

10. DISPUTE RESOLUTION

- 10.1 Initially all problems or disputes arising between the Parties shall be discussed as quickly as possible between Senior Officers of each Party with a view to reaching a rapid resolution without the need for further formal action.
- 10.2 If this is unsuccessful then the dispute will be referred to a single Arbitrator to be agreed by the Parties or in default of agreement to be nominated by the President for the time being of the Chartered Institute of Arbitrators in accordance with the Arbitration Act 1966.
- 10.3 The decision of the Arbitrator will be final and binding upon all the Parties, and each Party will bear its own costs.

11. GENERAL

- 11.1 References to statutory provisions shall be construed as references to those provisions as respectively amended or re-enacted or as their application is modified by other provisions (whether before or after making this Partnership Agreement) and shall include any provisions of which they are re-enactments (whether with or without modification).
- 11.2 Words using one gender include all other genders and words using the singular include the plural and vice versa.
- 11.3 Any covenant by a Party not to do an act or thing shall be deemed to include an obligation not to permit or suffer such act or thing to be done by another person.
- 11.4 This Partnership Agreement will be binding on the Parties and their respective successors and permitted assigns provided that no Party is entitled to assign this Partnership Agreement or any of its rights of obligations under this Partnership Agreement without the consent of the other Parties and any Party in its absolute discretion can withhold consent
- 11.5 No exercise or failure to exercise or delay in exercising any right power or remedy vested in any Party under or pursuant to this Partnership Agreement shall constitute a waiver by that Party of that or any other right power or remedy.
- 11.6 Each Party shall bear its own costs of or in connection with the execution of this Partnership Agreement.
- 11.7 This Partnership Agreement together with all agreements and documents executed contemporaneously with it or referred to in it constitute the entire

agreement between the Parties in relation to the Programme and supersedes all prior agreements and undertakings whether oral or written.

- 11.8 No variation of this Partnership Agreement will be effective unless in writing and signed by duly authorised representative of each of the Parties.
- 11.9 In the event that any term condition or provision of this Partnership Agreement is held to be a violation of any applicable law statute or regulation the same will be deemed to be deleted from this Partnership Agreement and will be of no force and effect and this Partnership Agreement shall remain in force and effect as if such term condition or provision had not originally been contained in this Partnership Agreement. In the event of any such deletion the Parties will negotiate in good faith in order to agree the terms of a mutually acceptable and satisfactory alternative provision in place any provision deleted
- 11.10 This Partnership Agreement may be executed in any number of counterparts or duplicates each of which will be original but such counterparts or duplicates will together constitute one and the same agreement.
- 11.11 This Partnership Agreement does not create and will not in any circumstances create or be deemed to create a partnership for the purposes of the Partnership Act 1890.
- 11.12 The Parties agree to comply with all legislation and European Community Regulations when carrying out the Programme.

12. OFFICIAL NOTICES

- 12.1 Any Official Notice ("**Notice**") to be given under this Partnership Agreement must be in writing and will be deemed to be duly served if delivered personally or posted to the addressee in this Partnership Agreement.
- 12.2 Any Notice sent by pre-paid post shall be deemed served two [2] days after posting. In proving the service of any Notice it will be sufficient to prove in the case of a letter that such letter was properly stamped addressed and then placed in the post or delivered or left at the current address delivered personally.

IN WITNESS whereof this Partnership Agreement has been signed by the Parties

SIGNED for and on behalf of
**CHESHIRE WEST AND
CHESTER BOROUGH
COUNCIL** by

Name

Signature

Position

Director/Head of Legal Service or his or her
Authorised Signatory

SIGNED for and on behalf of
**CHESHIRE EAST BOROUGH
COUNCIL** by

Name

Signature

Position

Director/Head of Legal Service or his or her
Authorised Signatory

SCHEDULE 1**AUTHORISED OFFICER**

Authorised Officer	Deputy Authorised Officer
Name:	Name:
Title:	Title:
Address:	Address:
Telephone:	Telephone:
Fax:	Fax:
Email:	Email:

APPENDIX 1

Comment [GJ3]: Wrong version.

CONSTITUTION OF THE CHESHIRE EAST LOCAL ACTION GROUP BOARD

adopted on the []

(A) Name

The name of the group will be the Cheshire East Local Action Group Board ("the **CE-LAG**")

(B) Function

The function of the CE-LAG will be to deliver the Cheshire East Leader Programme 2015-2020 (the "**Programme**").

The CE-LAG will comply with the Cheshire East Local Action Group Agreement dated [] (the "**LAG Agreement**")

(C) Membership

- each of the Parties named in the LAG Agreement will appoint an individual to represent it and to vote on its behalf at meetings of the CE-LAG, and may appoint an alternate to replace its appointed representative at any meeting of the CE-LAG if the appointed representative is unable to attend;
- each Party will notify the name of the representative appointed by it and of any alternate to the Secretary;
- each Party will have one [1] vote to be cast by its representative;
- the Authorised Officer (or deputy) as a nominated representative of the Accountable Body may attend meetings of the CE-LAG to advise only; and
- the DEFRA Partnership Manager may attend meetings of the CE-LAG to advise only.

(D) Meetings and proceedings of the CE-LAG

(1) At its first meeting the CE-LAG will:

- elect from amongst themselves a chair and a deputy chair who will act as chair and deputy chair at all meetings of the

CE-LAG for a period of one [1] year (and may stand for re-election after their initial tenure); and

- appoint a secretary
 - appoint the Executive Board in accordance with **Clause 4.1** of the LAG Agreement;
 - appoint a Standards Sub-Committee to deal with complaints and to ensure compliance with the equal opportunities policy adopted by the Parties. The Constitution for the Standards Sub-Committee is attached at **Appendix 4**; and
 - appoint a Development and Scrutiny Working Group to consider opportunities for future development. The Constitution of the Development and Scrutiny Working Group is attached at **Appendix 5**
- (2) The CE-LAG will meet as often as the CE-LAG Board agree is required and shall hold an annual general meeting each year in addition to any other meetings in that year, and will specify the meeting as such in the notices calling it.
- (3) At least ten [10] working days' notice must be given of meetings of the CE-LAG.
- (4) There will be a quorum when:
- at least ten [10] members of the CE-LAG; and
 - the Authorised Officer is present
- (5) Every matter will be determined by consensus, but in the absence of such consensus will be determined by a majority of votes of the members of the CE-LAG present and voting on the question but in the case of equality of votes the Chairman shall have a second or casting vote
- (6) Where a matter is deemed urgent by the Chair of the CE-LAG and there is insufficient time to call a meeting of the CE-LAG, the CE-LAG may instruct the Accountable Body to carry out any of its functions providing;
- that at least one half of the voting representatives of the CE-LAG agree in writing. For the avoidance of doubt the term

'in writing' includes email correspondence; and

- if a voting representative is silent after ten [10] working days they will be deemed to have agreed to the proposal.
- (7) Variations to the LAG Agreement may only be made with the consent of all Parties including those not present and voting at the meeting. The consents may be received by email. Parties agree to silence being taken as agreement to the proposed variation three [3] weeks from the initial notice of the variation which will be sent by email to all Parties not at the meeting.
- (8) The CE-LAG must keep minutes of the proceedings at meetings of the CE-LAG and any Sub-Committees.
- (9) The CE-LAG may from time to time make and alter rules for the conduct of their business the summoning and conduct of their meetings and the custody of documents. No rule may be made which is inconsistent with this constitution.
- (10) Meetings of the CE-LAG will (where possible) be held at different venues within the eligible area which are accessible to all Parties to be decided upon by the CE-LAG.
- (11) Meetings of the CE-LAG will be held in public with the exception of the Standards Sub-Committee when it is considering a complaint.
- (12) The CE-LAG may appoint one [1] or more Sub-Committees or Working Groups consisting of three [3] or more members of the CE-LAG for the purpose of making any inquiry or supervising or performing any function or duty which in the opinion of the CE-LAG would be more conveniently undertaken or carried out by a Sub-Committee or working group **PROVIDED THAT:**
- the tasks of the Sub-Committee or Working Group are clearly defined;
 - the membership of the Sub-Committee or Working Groups is clearly defined;
 - any delegation of the CE-LAG's responsibilities to the Sub-Committee or the Working Group under the terms of the Grant are set out in writing;
 - the Sub-Committee or Working Group is required to submit regular written reports to the CE-LAG on the progress of its

functions; and

- the CE-LAG monitors and assesses the results of the sub-Committee or Working Group to ensure compliance with the Grant Conditions.

- (13) The Working Groups may be comprised of some representatives of local bodies who are not Parties to the LAG Agreement.

(E) Declaration of Interests

- (1) Although under no statutory duty to do so unless they are an Elected Member of a Local Authority the members of the CE-LAG agree in the interests of transparency to disclose any interest which may be personal or prejudicial.
- (2) If the interest is personal the member of the CE-LAG can remain and participate in the meeting. A written statement of the existence and nature of that interest shall be recorded with any decision made.
- (3) If the interest is prejudicial the member of the CE-LAG will withdraw from the meeting and not take part in the discussion or decision making process. A record of the withdrawal shall be kept by the Secretary.

Appendix 2

GRANT OFFER LETTER

Draft 16th June 2015

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	13 th October 2015
Report of:	Kath O'Dwyer, Director of Children's Services/Deputy Chief Executive
Subject/Title:	Ofsted Inspection of Children's Services
Portfolio Holder:	Cllr Rachel Bailey, Children and Families

1. Report Summary

- 1.1. This report updates Cabinet on the outcome of the Ofsted Inspection of services for children in need of help and protection, children looked after and care leavers in Cheshire East and the review of the effectiveness of the Local Safeguarding Children Board (LSCB) undertaken between the 6th to the 30th July 2015, with the report being published by Ofsted on 15th September 2015. The overall judgement from the inspection is that services 'require improvement' to be good but the significant improvements made and progress since the last inspection are recognised and noted by the inspectorate.

2. Recommendation

- 2.1. Cabinet is recommended to

- a) note the contents of this paper and Ofsted's report at Appendix 1;
- b) confirm the Council's ambition and commitment to achieve a service that is good/outstanding for Cheshire East's children and young people; and
- c) note the role of the Children and Families Overview and Scrutiny Committee in providing oversight of delivery against a revised improvement plan.

3. Other Options Considered

- 3.1. The findings and next steps in relation to Ofsted's inspection report have been presented to a number of key boards and stakeholder groups including the Children's Improvement Board, the Local Safeguarding Children Board (LSCB), the Corporate Parenting Board, and the Council's Children and Families Scrutiny Committee. Plans are in place to also present the report to the Health and Wellbeing Board and the Children's Trust.
- 3.2. As the Children and Families Scrutiny Board is already closely scrutinising aspects of children's services, the proposal is that it provides oversight to

ensure that the children's improvement plan delivers the required outcomes on behalf of the Council. For the partnerships, the areas of responsibility will be set out in the improvement plan and in line with the inspection recommendations, accountability resting with the Health and Wellbeing Board when the Improvement Board is disbanded.

4. Reasons for Recommendation

- 4.1. The Council has a statutory responsibility to co-ordinate arrangements to ensure the effectiveness of services for children in need of help and protection, children looked after and care leavers in Cheshire East and the Local Safeguarding Children Board (LSCB). It is important that Cabinet is appraised of the strengths and areas for improvement within Children's Services and is assured that arrangements are in place to both develop, implement and scrutinise plans that meet the areas for improvement.

5. Background/Chronology

- 5.1. All Children's Services authorities are subject to regular inspection by Ofsted. Cheshire East's last major inspection was in April 2013 and focussed specifically on the local authority's arrangements for the protection of children. Ofsted judged Cheshire East's arrangements to be inadequate and although they found no children had been harmed, they identified poor and inconsistent practice in this area.
- 5.2. As a result of the inspection outcome and finding the Department for Education issued a formal notice to improve to the council. As a result, the Council was required to develop a children's improvement plan setting out how it intended to address the areas of inadequacy and to establish a Children's Improvement Board with an independent chair to scrutinise and challenge the effectiveness of our improvement plans. Significant work has taken place over the past two years to address the inspection recommendations and the requirements of the improvement notice to improve outcomes for all children and young people.
- 5.3. A new Ofsted single inspection framework, published in September 2013, covers a broader area of children's services from early help through to adoption and includes a review of the effectiveness of the Local Safeguarding Children Board (LSCB). This new framework 'raised the bar' and is designed to be much tougher with 'good' becoming the new standard and expectation; Councils that would previously have been judged 'adequate' are now judged as 'requires improvement'.
- 5.4. Ofsted's definition of 'requires improvement' is that *there are no widespread or serious failures that create or leave children being harmed or at risk of harm and the welfare of looked after children is safeguarded and promoted*. However, it also means that the local authority is not yet delivering 'good' protection, help and care for children, young people and their families. Almost 90 grade descriptors of good are set out in the framework. Depending on findings in these areas, Councils are judged as either outstanding, good, requires improvement or inadequate.

- 5.5. To date, 67 local authority areas have been inspected under the single inspection framework. Almost a quarter of those inspected have been judged as inadequate, over half have been judged as 'requires improvement', less than a quarter are good and none have been judged outstanding.
- 5.6. Cheshire East was inspected for the first time under the single inspection framework in July 2015 and the inspection report was published on the Ofsted website on 15th September. The Inspection, which was carried out by 10 Ofsted Inspectors, took place over a four week period and inspected the following key areas:
- The experiences and progress of children who need help and protection;
 - The experiences and progress of children looked after and achieving; permanence, including graded judgements on
 - i) adoption performance; and
 - ii) care leavers;
 - Leadership, management and governance; and
 - A review of the LSCB.
- 5.7. The methodology adopted by the inspection team was detailed and probing and included:
- An audit of 20 cases by the local authority (tracked by Inspectors)
 - Case sampling – looking in detail at cases based on a theme
 - Visiting 2 children and young people out of borough
 - Analysis of key documents and data (Annex A); over 200 documents were requested by Inspectors
 - Observations of practice, eg, conferences and reviews
 - Meetings/calls to key stakeholders, including children, young people and families/carers, partner agencies
- 5.8. Ofsted's judgement was that Cheshire East requires improvement to ensure it is providing good services in the above areas; however, Inspectors were impressed with the Council's adoption services, which they judged to be 'good'. Inspectors found that planning for permanence is improving with a good focus on adoption and children are well supported in their new families. They also stated that support for adopters is a strength.
- 5.9. The following strengths of the local authority were identified by Inspectors:
- There is a strong commitment and ambition for children and families to receive the best help and support
 - Plans, resources and political commitment is in place
 - There is active involvement of young people in strategic decisions and plans.
 - The local authority knows itself well and uses external scrutiny and challenge to inform improvement
 - Plans are in place to address areas of improvement

- The strategic response to children who go missing or are at risk of child sexual exploitation is strong
- Multi-agency understanding of the threshold for services in Cheshire East is better
- The identification and referral to children's services for assessment, intervention and support is swift
- There is improved stability and reduced caseloads for most social workers which has led to greater continuity for children.
- Child protection chairs and independent reviewing officers have good oversight of individual cases
- Planning for permanence is improving with a good focus on adoption.
- Support for adopters is a strength.

5.10. Ofsted also identified the following strengths in the LSCB:

- Significant progress has been made, especially over the last year
- There is a clear commitment from everyone to improve the effectiveness of the Board
- There is significant evidence of the Board holding partner agencies to account
- The voice of the child central to board work and is "innovative and influential"
- Child sexual exploitation (CSE) is well coordinated and effectively delivering the multi-agency strategy
- There is a clear learning culture using external scrutiny and challenge well to help its development
- There is a comprehensive range of training
- Procedures are comprehensive, up to date and interactive
- The website is accessible, easy to navigate and well used.

5.11. Ofsted identified 17 recommended actions for the local authority and partners. They identified the following areas for improvement:

- Improving frontline management oversight and challenge of casework
- Consistency in the quality of practice (including management recording)
- Continuing to improve workforce stability
- Focus on cared for performance
- Use of return home interviews to inform planning
- More timely access to early help when families do not meet the threshold for social work intervention
- Commissioning arrangements (accommodation for care leavers, health provision for 16+, initial health assessments, advocacy services for children in need and family group conferences).
- Timely identification, assessment and monitoring of private fostering and connected persons' arrangements
- Impact of challenge from Child Protection chairs and Independent Reviewing Officers

- Achieving permanence quicker
- Life stories and the reasons for decisions.
- Make clearer delegated decisions to foster carers.

5.12. Ofsted also identified 8 recommendations and the following areas of development for the LSCB:

- Complete the work around the performance management framework
- Increase scrutiny of services for cared for children
- Evaluate the impact of the neglect strategy
- Improve links with the Family Justice Board
- Review the arrangements for monitoring the quality of private fostering arrangements
- Improve the influence of the work of the Health and Wellbeing Board
- Develop a female genital mutilation (FGM) strategy
- Implement a protocol around notifications, Serious Case Reviews (SCRs) and the national panel.

5.13. Following the publication of the report, Officers have engaged with key stakeholders and have presented the findings to a number of key boards and groups. Discussions are currently underway with Ofsted around holding an improvement planning seminar to better understand their findings and identify the best possible responses to these. The Council is required to submit a detailed improvement plan to Ofsted and the Department for Education (DfE) by 22nd December 2015 setting out how we intend to address the recommendations in the Inspection report.

6. Wards Affected and Local Ward Members

6.1. The recommendations will affect a small percentage of children and young people across all areas of Cheshire East, mostly concentrated in the areas of highest deprivation, but they are the most vulnerable.

7. Implications of Recommendation

7.1. Policy Implications

7.1.1. The new improvement plan is likely to impact on the existing policies and procedures of the council as a number of these will be reviewed in relation to improving practice, for example those around the recruitment and retention of Social Workers.

7.1.2. A focus on working in partnership around early intervention and prevention is key to reduce future need and improve outcomes for young people, in particular around reducing the number of vulnerable young people who not in education, employment or training.

7.2. Legal Implications

- 7.2.1. The judgement of requires improvement does not automatically mean that the DfE will lift the notice to improve. This will be the decision of the Secretary of State based on advice from the DfE officials and the chair of the improvement board. The Improvement Board and the existing governance arrangements will continue to operate for the duration of the Notice to Improve.

7.3. Financial Implications

- 7.3.1. The ambition to ensure that children's services deliver services which are good and outstanding requires an ongoing financial commitment from the Council. In addition, it is important to note that improvements in safeguarding responses have resulted in an increase in the number of children in care. This has significant current and future financial implications for the Council.

7.4. Equality Implications

- 7.4.1. None at this stage. The improvement plan is expected to improve outcomes for the Borough's most vulnerable and disadvantaged children, young people and their families.

7.5. Rural Community Implications

- 7.5.1. None directly identified at this stage.

7.6. Human Resources Implications

- 7.6.1. The recruitment and retention of high quality Social Workers and managers will continue to be a challenge for the local authority and will require the support from HR colleagues to deliver the strategy in relation to this.

7.7. Public Health Implications

- 7.7.1. The improvement plan will support positive public health outcomes.

7.8. Other Implications

- 7.8.1. None

8. Risk Management

- 8.1. Children's social care service delivery remains an area of high risk both in terms of reputation and costs. The recruitment and retention of high quality Social Workers and front line managers remains a risk on the corporate and LSCB risk register.

9. Access to Information/Bibliography

9.1. Ofsted's Inspection Report is attached at Appendix 1

10. Contact Information

Contact details for this report are as follows:

Name:	Kath O'Dwyer
Designation:	Director of Children's Services/Deputy Chief Executive
Tel. No:	01270 3 71105
Email:	Kath.O'Dwyer@cheshireeast.gov.uk

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Cheshire East Unitary Authority

Inspection of services for children in need of help and protection, children looked after and care leavers

and

Review of the effectiveness of the local safeguarding children board¹

Inspection date: 6 to 30 July 2015

Report published: 15 September 2015

Children's services in Cheshire East require improvement to be good

There are no widespread or serious failures that create or leave children being harmed or at risk of harm.

However, the authority is not yet delivering good protection and help for children, young people and families.

The authority is not yet delivering good care for children and young people looked after.

Leadership, management and governance require improvement as the characteristics of good leadership are not yet fully in place.

1. Children who need help and protection		Requires improvement
2. Children looked after and achieving permanence		Requires improvement
	2.1 Adoption performance	Good
	2.2 Experiences and progress of care leavers	Requires improvement
3. Leadership, management and governance		Requires improvement

¹ Ofsted produces this report under its power to combine reports in accordance with section 152 of the Education and Inspections Act 2006. This report includes the report of the inspection of local authority functions carried out under section 136 of the Education and Inspection Act 2006 and the report of the review of the Local Safeguarding Children Board carried out under the Local Safeguarding Children Boards (Review) Regulations 2013.

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The local authority

Information about this local authority area²

Previous Ofsted inspections

- The local authority operates one children's home. This was judged to be good in its most recent Ofsted inspection.
- The previous inspection of the local authority's safeguarding arrangements/ arrangements for the protection of children was in April 2013. The local authority was judged to be inadequate.
- The previous inspection of the local authority's services for children looked after was in August 2011. The local authority was judged to be adequate.

Local leadership

- The interim Director of Children's Services has been in post since June 2015.
- The chair of the Local Safeguarding Children Board has been in post since June 2013.

Children living in this area

- Approximately 74,930 children and young people under the age of 18 years live in Cheshire East. This is 20% of the total population in the area.
- Approximately 12% of the local authority's children are living in poverty.
- The proportion of children entitled to free school meals:
 - in primary schools is 10% (the national average is 17%)
 - in secondary schools is 7% (the national average is 15%).
- Children and young people from minority ethnic groups account for 5% of all children living in the area, compared with 22% in the country as a whole.
- The largest minority ethnic groups of children and young people in the area are Mixed and Asian or Asian British.
- The proportion of children and young people with English as an additional language:
 - in primary schools is 5% (the national average is 19%)
 - in secondary schools is 4% (the national average is 14%).

² The local authority was given the opportunity to review this section of the report and has updated it with local unvalidated data where this was available.

- The largest minority ethnic groups within the borough live in the two wards of Crewe Central and Crewe South.

Child protection in this area

- At 31 March 2015, 2,217 children had been identified through assessment as being formally in need of a specialist children's service. This is an increase from 2,116 at 31 March 2014.
- At 31 March 2015, 308 children and young people were the subject of a child protection plan. This is an increase from 203 at 31 March 2014.
- At 31 March 2015, five or fewer children lived in a privately arranged fostering placement. Although the numbers are suppressed because they are low, the local authority's own figures indicate a reduction from the previous year.
- Since the last inspection, no serious incident notifications have been submitted to Ofsted and no serious case reviews have been completed or are on-going at the time of the inspection.

Children looked after in this area

- At 31 March 2015, 357 children are being looked after by the local authority (a rate of 48 per 10,000 children). This is an increase from 335 (45 per 10,000 children) at 31 March 2014. Of this number:
 - 137 (or 38%) live outside the local authority area
 - 29 live in residential children's homes, of whom 62% live out of the authority area
 - six live in residential special schools,³ all of whom live out of the authority area
 - 266 live with foster families, of whom 36% live out of the authority area
 - 26 live with parents, of whom 31% live out of the authority area
 - fewer than five are unaccompanied asylum-seeking children.
- In the last 12 months to 31 March 2015:
 - there have been 21 adoptions
 - 19 children became subject of special guardianship orders
 - 127 children ceased to be looked after, of whom 7% subsequently returned to be looked after
 - eight children and young people ceased to be looked after and moved on to independent living

³ These are residential special schools that look after children for 295 days or less per year.

- three children and young people ceased to be looked after and are now living in houses of multiple occupation.

Executive summary

When Ofsted inspected children's services in Cheshire East in March 2013, children were receiving inadequate services that did not effectively help them, protect them or meet their needs. The Cheshire East Improvement Board (CEIB), established in June 2013, has worked successfully with local political and senior leaders, the Local Safeguarding Children Board and key partners to tackle the areas highlighted for improvement. Progress has been monitored by Ofsted in the intervening period. Leaders, managers and partners share a strong commitment and ambition for children and families to receive the best help and support. This is demonstrated by the strategic alignment of plans, political commitment to resources and the active involvement of young people in strategic decisions and plans.

The local authority embraces external scrutiny and challenge through peer reviews and multi-agency auditing, and is fully aware of areas of practice that still require improvement to be good. These include management oversight and challenge; improving consistency in the quality of practice and services for children and families; and continuing to improve workforce stability. Appropriate plans are being implemented to address these issues but variability in the quality of practice remains, and not all children receive timely services that meet their needs.

One of the CEIB's first tasks was to establish comprehensive and detailed performance information, which was swiftly achieved for children in need of help and protection. The CEIB established ambitious yet realistic benchmark standards at an early stage and these are now being used effectively to measure and drive improvement. Performance information for members and frontline managers, as well as local authority auditing, are not ensuring a sharp enough focus on children looked after. The new electronic recording system does not yet provide managers with all the performance information they need to ensure robust oversight. Some case recording is not sufficiently detailed to inform decision-making.

Some partners were slow to share accountability for the weaknesses in services for local children. The local authority has worked hard to ensure that all partners now take responsibility for the improvement of services for children and families. For example, health partners have taken a lead in revising the continuum of need for children, and the police have been instrumental in the effective co-location of partners within the Cheshire East Consultancy Service (ChECS). There is improved understanding and support from agencies, in particular schools, in providing children and families with early help. The strategic response to children who go missing or are at risk of child sexual exploitation is strong. Operationally there is more to do to ensure that social workers understand how best to use information from return home interviews to inform planning.

Multi-agency understanding of the threshold for services in Cheshire East is improving. Where children are at risk of significant harm, identification and referral to children's services for assessment, intervention and support is swift. There is more to do to ensure children and families receive timely early help when they do not meet the threshold for social work intervention and to embed understanding of the required levels of support for children and families when risks reduce.

Although support for children and families through multi-agency working is strong, there is more to do strategically to ensure that commissioning arrangements meet the needs of children in need of help and protection and children looked after. This is in relation to accommodation for care leavers, health provision for young people over the age of 16, initial health assessments, the provision of advocacy services for children in need and in understanding service need in relation to family group conferences.

Creating a stable and competent workforce has been a key challenge. The local authority has worked hard to improve recruitment and retention and to secure a sufficiently experienced and competent workforce. This inspection found improving stability, reduced caseloads for the majority of social workers and greater continuity for children. However, high turnover of staff has reduced the effectiveness of training, continual professional development and challenge through supervision over time. It has also hindered the embedding of statutory responsibilities in some key areas such as the timely identification, assessment and monitoring of private fostering and connected persons' arrangements.

Child protection chairs and independent reviewing officers have good oversight of individual cases but the impact of their challenge is not yet leading to consistently good services for children. This is particularly the case where there is historic drift and delay in taking decisive action to help and protect children and young people. The inspection found a lack of management grip in a small number of such cases, resulting in delays in improving children's circumstances. For other children and families, assessment and planning at all stages are not always as timely or as sharply focused as they should be. Recording of management decisions is inconsistent.

Planning for permanence is improving with a good focus on adoption. Considerable work has been done to ensure timely decisions for children are secured but some are still waiting too long for a permanent home. Support for adopters is a strength. There is more to do to help children understand their life stories and the reasons for decisions. Children looked after by foster carers are waiting too long for decisions to be made about their day-to-day lives because the local authority is not sufficiently clear about decisions that can be delegated to foster carers.

Recommendations

1. Strengthen senior managers' oversight and monitoring of:
 - complex cases where there are historic drift and delay in taking decisive action (paragraph 36)
 - private fostering and connected persons' arrangements to ensure that these arrangements are suitable and comply with regulations (paragraphs 40, 83)
 - care leavers who are homeless (paragraph 112).
2. Ensure the challenge provided by child protection chairs and independent reviewing officers addresses drift and improves planning for children (paragraphs 37, 84).
3. Ensure that supervision is reflective, challenging and consistently focuses on continual professional development (paragraphs 33, 130).
4. Ensure that where children do not meet the threshold for social work intervention their circumstances are considered promptly and they receive appropriate and timely early help (paragraph 25).
5. Ensure that strategy meetings and decisions are informed by relevant partner agencies (paragraph 27).
6. Improve the quality of recording so that all key discussions and decisions about children and their families, including management oversight, are clearly recorded (paragraphs 21, 23, 25, 33, 50, 55, 59, 86, 107).
7. Strengthen frontline practice to ensure effective action is taken to support children at risk of child sexual exploitation and those who go missing (paragraphs 41, 42, 58, 175).
8. Ensure assessments for children in need of help and protection and children looked after are timely, consistently consider the full range of children's needs, contain thorough analysis and are routinely updated to reflect changes in circumstances (paragraphs 29, 30, 51, 54, 59, 82, 98).
9. Ensure that plans to help children in need of help and protection, looked after children and care leavers, are specific, clear, outcome-focused and include timescales and contingencies so that families and professionals understand what needs to happen to improve circumstances for children. This includes improving the clarity of letters before proceedings so that the expectations of parents are clear (paragraphs 31, 32, 34, 36, 52, 55, 57, 65, 115).
10. Ensure that decisions to step down or close cases are appropriate and that management rationale to do so is clearly recorded (paragraph 39).

11. Improve the implementation of delegated authority so that carers are clear about what decisions they can make and children do not experience delays (paragraph 78).
12. Improve the timeliness of initial health assessments so that children who become looked after have their health needs assessed within the expected timescales (paragraph 67).
13. Ensure audit arrangements have a sharper focus on looked after children (paragraph 140).
14. Ensure that comprehensive and clear data and performance information are provided to managers and strategic leaders to enable them to better understand, oversee and scrutinise performance. This includes ensuring the accuracy of information provided through the electronic recording system so that managers have effective oversight of frontline practice (paragraph 137, 138).
15. Ensure that learning from complaints leads to clear action plans and that these are implemented, tracked and reviewed to inform and improve practice (paragraph 142).
16. Strengthen commissioning arrangements to ensure that services meet the needs of families and children in need of help and protection and children looked after by: (paragraph 150)
 - reviewing the use of foyer accommodation for 16–17 year olds
 - ensuring that rigorous risk assessments are undertaken before the placement of young people in foyer or hostel accommodation and review the practice of using this provision (paragraph 114)
 - ensuring sufficient health provision for older looked after children and care leavers (paragraphs 121, 124)
 - improving the use of family group conferences so that all possible options for children are consistently explored (paragraph 55)
 - increasing the capacity of advocacy services to support children and young people identified as in need (paragraphs 45, 85, 150).
17. Ensure later-in-life letters provide details of all known information, are written in plain English and are accessible to children so that they understand their stories (paragraph 107).

Summary for children and young people

- Senior leaders and managers in the local authority have worked hard to ensure that services to children and their families have improved a lot since the last inspection. Councillors and leaders have plans to make further improvements to ensure the best services for children.
- In the past children have had too many changes in social worker. This has recently improved. This means that social workers have been able to build better relationships with them. As a result of the increased time social workers now spend working with the same children and young people, they know them well. Social workers say they enjoy working in Cheshire East.
- When children, young people and their families need help it is usually available because a wide range of different professionals work well together to provide it. The right people, such as family support workers, school teachers and support staff, youth engagement officers and healthcare staff are well trained to understand what help is needed.
- Although children get the support they need, the assessment of their needs sometimes takes too long. Too many children wait too long before they get the right help.
- Looked after children, referred to as cared for children in Cheshire East, are well supported in the right placements, by foster carers and at school. Careful planning, progress monitoring and good use of the financial support available help the majority of children make at least the expected progress in their education.
- Care leavers benefit from close working relationships with their personal advisers who know them well and provide support that meets most of their needs. Plans are also being put in place to improve support, to encourage them to have high ambitions and to continue in education, employment and training.
- When care leavers have nowhere to live personal advisers do all that they can to help them find a safe place to live. However, senior managers do not understand enough about these young people's individual circumstances to ensure that the best support is provided to them.
- The adoption team are good at finding permanent families for children who can no longer live with their own families. Children are well supported in their new families. There are plans to improve the understanding children have of their life story.

The experiences and progress of children who need help and protection	Requires improvement
<p>Since the last inspection there have been significant improvements in the quality of services provided to children in need of help and support, particularly in the identification and assessment of risk within families.</p> <p>Early help for families is better coordinated. Partner agencies are taking a more active role in providing and coordinating early help and undertaking assessments of need. However, decisions about providing early help support to children who have been referred to children's social care are sometimes delayed. These children do not receive the right services to meet their needs early enough.</p> <p>The local authority still has work to do to ensure consistent multi-agency involvement in assessments and plans, particularly in relation to their involvement in strategy meetings and in plans to support families when risk has reduced. Partnership working has considerably improved with schools, health and the police working well with the local authority to help protect and support children and young people.</p> <p>Children in need of a social work assessment are identified and swiftly provided with appropriate levels of help through new arrangements by Cheshire East Consultancy Service. Assessments are completed in the timescales of the child and plans are reviewed regularly. However, the quality of assessments is not of a consistently good standard. They do not always reflect the needs, wishes and feelings of individual children.</p> <p>Child protection and child in need plans are not always specific to individual children's needs or clear about what needs to change.</p> <p>Not all frontline practitioners have had sufficient training and support to understand child sexual exploitation and missing from home issues to enable them to help the children with whom they work. The response to missing children and young people and those at risk of sexual exploitation is well coordinated and there are clear strategies in place to help these children and young people. However, not all return interviews are analysed fully.</p> <p>The arrangements for case management of private fostering are not sufficiently robust.</p>	

Inspection findings

18. When children and families need early help and support, they can readily access a wide range of services that are effective in improving outcomes for children. The local authority uses 15 indicators to measure the impact of early help, including persistent absence from school, school readiness and family

relationships. Circumstances for these children and families have improved across all indicators in the past year. Early help and troubled families work are appropriately aligned. The local authority identified 585 eligible families in the first round of the Troubled Families Programme. After a slow start, all of these families are now being helped to make important changes leading to better outcomes for children.

19. At the time of the inspection, 871 children were being supported following a Common Assessment Framework (CAF) assessment, which was an increase from 658 six months earlier. A wide range of professionals complete CAF assessments, which reflects the training and awareness-raising that has been delivered. The most significant increase is from schools that take the lead role in coordinating increasing numbers of support packages for children in need of early help.
20. A large majority of CAF assessments seen by inspectors contain detailed records of need and clear plans of action to improve circumstances for children. However, not all record children's views. CAF plans are reviewed by lead professionals regularly and closed if sufficient progress has been made but the rationale for the decision is not always clearly recorded. This makes it harder to evaluate the effectiveness of the help received.
21. When improvements are not made or sustained through support from early help services, cases are escalated to children's social care for a child in need assessment and, where appropriate, social work support. In some cases the decision to undertake a child in need assessment should have been taken sooner.
22. Contacts from other agencies transfer swiftly via the Family Information Service to Cheshire East Consultancy Service (ChECS) where qualified social workers review and record them. All contact records show some evidence of workers considering the historical information available to inform their decision-making. This is not always recorded in as much detail as required to inform next steps and this results in practice managers requesting further information and to some delays in decision-making.
23. Where contact information clearly meets the threshold for social work intervention, social workers identify this well and quickly pass completed contact records to practice managers who then transfer cases immediately to the locality team. Once children transfer to the locality team they receive a timely and appropriate response that reflects the nature of the information received in the form of visits, implementation of child protection procedures and allocation for assessment and support.
24. Where contacts require further consideration before decisions are made there is evidence of delays in information gathering and decision-making. As a result some contacts seen were open to social workers for periods of up to 10 days without decisions being made, often without evidence of sufficient oversight by

practice managers. While none of these children are at immediate risk there are a small number who could receive help earlier with more prompt decision-making. Consent for information-sharing is consistently considered but in some cases records are not clear as to why the decision is made to proceed without consent.

25. Where the threshold for social work assessment is not met children are signposted to receive early help services by way of a common assessment led by partner agencies or by Cheshire East Family Service (CEFS) staff.
26. Where children are at risk of harm, strategy discussions take place to determine whether section 47 enquiries are required. In the majority of cases seen these are initial telephone discussions between a practice manager and the police, without the involvement of other agencies such as health. This means that these decisions do not consistently take account of all relevant information. Managers have identified that working practices between social work teams and the police need to develop further to improve the quality of information-sharing and include the involvement of other agencies. Child protection thresholds are applied appropriately and where appropriate new plans are made with an emphasis on reducing risk. In the cases seen during inspection, children at risk of harm were seen in appropriate timescales, within 24 hours. However, an audit carried out in July 2015 by practice managers found that this is a fluctuating area of performance that still requires improvement.
27. Cheshire East Emergency Duty Team (EDT) provides a good service for children and adults who require social work intervention out of hours. This is a dedicated team of experienced social workers and support staff with oversight from a team manager. In addition all EDT staff access telephone advice and support from children's social care managers who are available at all times through a rota.
28. Timeliness of assessments is good with timescales appropriate to the needs of the child. Not all assessments are of sufficient quality, particularly in demonstrating that risk to children from domestic abuse, parental mental health or substance misuse are fully considered and understood. Adult social care is not routinely involved in assessments of children where these factors are present. The specific needs of children within the family are not always differentiated, and this leads to conclusions and plans that do not take account of individual children's experiences.
29. Issues of diversity and cultural needs are not consistently well explored and responded to in all cases. Assessments do not fully explore issues of race and gender and how they impact on children's experiences within their own family. However, examples were seen of social workers sensitively responding to and supporting gay young people. Children's views and ideas are included in assessments and recorded on case files. Social workers see children regularly and speak warmly about them but there is little evidence that they explain to them why decisions have been made or help them to understand their

circumstances better. Some children have their own family support worker which helps them to explore their thoughts and feelings and some purposeful direct work was seen in these cases. There is evidence on case files of parents being involved and consulted during assessments, but some parents spoken to say that they do not always feel listened to.

30. Child protection and child in need plans are not always specific to individual children. They lack timescales and contingency planning. Casework is not consistently underpinned by theoretical models or a full understanding of whether changes in children's circumstances are sustainable. Direct work with children in some cases is not informed by the assessment or plan and consequently lacks focus.
31. Social workers are too slow to respond to lack of progress on some children's plans and not all partners are as involved in planning as others. Schools are a strong partner and support vulnerable children with a good range of services including play therapy and family support. Adult service social workers and housing providers are less involved and plans do not always reflect a coordinated multi-agency response to children's needs. This means that children do not always receive services that meet their holistic needs. Case records are generally up-to-date but the quality is not consistently good. Some are too brief and lack detail of children's experiences and progress made on plans. This results in a minority of cases being closed too soon because the complexities are not fully recorded or understood. Chronologies are not used regularly to map significant events in children's lives. Important historical information that impacts on children is not sufficiently analysed to inform decision-making and planning.
32. Social workers feel supported by practice managers and supervision is frequent, but they cannot describe how their practice is monitored or challenged through the supervision process. Practice managers' oversight of casework is not clear in most of the cases seen and there is little evidence of direction, challenge or support where plans for children have not progressed or work has not been completed in a timely way. There is evidence of auditing activity on case files and social workers generally comply with actions arising from the auditing process. There has been a high turnover of staff, which has made it difficult to establish practice standards and create consistency. This is now improving as the workforce becomes more stable.
33. Thresholds are published by the Cheshire East Safeguarding Children Board (CESCB) and shared with partner agencies. CESCB training to reinforce the shared understanding is well attended and there are agreed systems for moving cases across the threshold of need. In practice, the application of thresholds remains inconsistent. Cases stepping up from child in need to child protection are identified and action is taken to put child protection arrangements in place but sometimes this has taken too long and children have been without a clearly focused child protection plan. The local authority has recognised this and has

made very recent improvements. Two reviewing officers are being recruited to oversee and escalate such cases more promptly.

34. There has been a significant increase in the number of children subject to a child protection plan over the past 12 months. In March 2014 there were 203 children with a protection plan, rising to 308 in March 2015. This 2015 figure is a rate of 41 and is closer to the England rate of 42 per 10,000 children. The rise is due in part to a greater focus on children who are at risk of being sexually exploited, reflected in the increase in children who are subject to a child protection plan under the category of sexual abuse.
35. Around 10% of all children subject to child protection plans have been on a plan for more than 15 months. This group of 28 children includes two large sibling groups. A sample of these cases shows drift and delay in making progress on plans and improving circumstances for children. The graded care profile is not being well used to assess cases of neglect, which make up 49% of children on plans. Inspectors saw cases where historical neglect within families is still affecting children's lives because change is difficult to sustain. Managers have not provided enough oversight of these cases to ensure plans are clear and effectively progressed over time. Child protection review conferences are not consistently held within timescale, with 11% taking place later than planned according to the local authority's own figures. Reviewing officers see children before and after conferences to gain their views and to explain decisions made at the conference. There is no formal tracking, recording or reporting of the numbers of children and young people seen but management information reports that 93% of children and young people participate in some way in their reviews.
36. Conference chairs raise practice alerts if they see lack of progress or poor social work practice. These alerts almost always result in action being taken and reviewing officers will check that alerts have been responded to. A spreadsheet of alerts is kept to monitor progress and this is sent to the head of service who uses them in fortnightly practice challenge meetings. Reviewing officers also issue good practice alerts where appropriate. This is recent practice and is not yet demonstrating sufficient impact for children, although practice challenge meetings are contributing to raising standards.
37. Conferences are well attended but the local authority's capacity to monitor the contribution of other agencies is reduced because the electronic recording system is not yet fully functional. This also applies to parental attendance, currently recorded at 42%, but in fact higher.
38. Inspectors saw a number of cases that had been closed to children's social care and stepped down too soon, with too little progress made, and change not sustained to secure improved outcomes. In these cases social workers are over-optimistic about the progress families can make. Some cases are stepped down for management at CAF level before all of the actions in the child in need plan have been completed and when families clearly still need support and

monitoring. The local authority has recognised through its auditing process that too many cases are being stepped down too soon and has recently issued a direction to practice managers to ensure greater oversight and consistency of practice.

39. The number of private fostering notifications remains low. This is in keeping with national challenges inherent in identifying such arrangements. Cheshire East has taken steps to raise awareness and understanding with frontline staff, other agencies and members of the public. For example, the authority has recognised that the term 'private fostering' might be confusing to the public and has recently changed its posters and leaflets to address this. Case oversight has recently been strengthened by the allocation of an independent reviewing officer to oversee current cases to ensure statutory compliance. However, three cases sampled showed delays in responding to notifications, Disclosure and Barring Service (DBS) checks, visits and decision-making. There is no evidence of management oversight identifying or challenging these delays. The draft action plan in place to address these issues is outcome-focused with clear priorities. However, it lacks timescales for actions to be completed, which reduces its effectiveness.
40. The local authority and its partners take seriously their duties and responsibilities to those children who go missing from home or care and have worked well together to establish clear strategies and protocols to help these children. In the last year there were 243 instances of young people going missing, pertaining to 115 children. Seven young people went missing from care more than five times and three young people went missing from home more than five times. All have a detailed support plan in place and a named social worker responsible for the plan. Return interviews are provided by a commissioned service and copies of these are sent to social workers and the police. Not all social workers use information from these interviews to inform on-going work with young people or to explore wider issues such as links with other missing young people. This reduces the impact of the strong strategic arrangements in place.
41. There is a clear connection between arrangements for children who go missing and those for children at risk of child sexual exploitation. Children who go missing are consistently assessed against recognised tools for risk of sexual exploitation. Professionals across Cheshire are using intelligence successfully to identify and disrupt perpetrators. However, case files and observations of meetings show that while tools and checklists are being used, there is a lack of skilled, sensitive work with children and young people to understand individual vulnerability and risk. Some social workers spoken to said that they had not had training in child sexual exploitation. In part this is due to the high turnover of staff. Training continues to be delivered periodically, with increasing impact on consistency in practice as the workforce becomes more stable.
42. Children missing from education are carefully monitored. Managers receive prompt notifications from schools and then carry out appropriate checks with a

wide range of relevant agencies. The 90 children who are on flexible timetables, including alternative provision, are known and monitored. Around two thirds are not receiving 25 hours every week and this is mainly for medical reasons. There were 1,629 fixed-term exclusions from secondary schools and 257 from primary schools in 2014/15. Of 23 permanently excluded children 22 went directly to the pupil referral unit and one primary child went to an alternative school.

43. Children and young people who are electively home educated (EHE) and their carers are given appropriate advice and support through the oversight of a manager who has developed good relationships with schools, parents and the EHE community. There has been an increase from 150 in September 2014 to 215 currently known to be EHE. A small minority of these are known to social care. Helpful advice and guidance are provided to parents and 30 cases resulted in parents returning their children to mainstream education; this includes young people who were experiencing unsuitable education. Home visits are carried out by the EHE manager and letters are sent to encourage parents to accept advice and guidance at home.
44. Advocacy is offered to all children subject to a child protection plan through a commissioned provider. The advocacy service is well publicised and take-up of the service is increasing. Evidence from a recent small-scale pilot supporting young people to attend their child protection conference is encouraging. Not all children in need are offered advocacy and this is a gap. Advocacy is offered to those children who are at risk of sexual exploitation but are not subject to a child protection plan. There are no plans to change the arrangements for the delivery of this commissioned service.
45. The local authority has a good understanding of the prevalence of domestic abuse, adult mental health and substance misuse. Substance misuse was recorded as a factor in 7% of assessments; combined with alcohol misuse, this increased to 15%. Currently 357 children are living with substance misusing parents, of whom 14 are subject to CAF, 46 are children in need, 26 have child protection plans and one is subject to a child sexual exploitation plan. An appropriate range of services are commissioned to support families. Parental mental health problems were recorded in 9% of assessments. The local authority is working with adult services to achieve greater integration at the front door when parents are access adult services. Domestic violence was recorded as a factor in 22% of assessments (2013–14 child in need census).
46. Responses to domestic abuse are improving, and the co-location of the domestic abuse hub with ChECS has helped to improve shared working practices. Vulnerable persons alerts (VPAs) are screened by the police and where children may be at risk or in need these are forwarded to ChECS. The co-location of police with ChECS is helpful in making these decisions, although inspectors saw cases where the police had taken too long to forward alerts to children's social care. All VPAs are forwarded to the domestic abuse hub and victims who request or require a service are appropriately helped. Currently

there is no information available to report on the proportion of children in need and children subject to a child protection plan who are supported by the hub. This means that the local authority cannot fully evaluate the effectiveness of this provision. The service reports that it received around 400 referrals in the past 12 months, and around 65% of these families are engaged with the service. Multi-agency risk assessment conferences (MARAC) are well attended; agencies share information in advance and follow up any actions from panels. This year 484 adults were referred to MARAC with 636 children, a rise from the previous year of 357 adults with 455 children. The analysis of this by service managers indicates earlier identification and effective support for families experiencing domestic abuse.

47. When concerns are raised about individuals who are in a position of trust in relation to children, arrangements are clear and consistent. Appropriate referrals are made by a range of agencies to the designated officer. A sample of these cases showed appropriate and prompt responses. Training is provided to agencies on safer recruitment and safe behaviour and the designated officer offers consultations before formal referrals are made. This has resulted in a reduction in the number of unsubstantiated cases as agencies get better at identifying risk to children.

The experiences and progress of children looked after and achieving permanence	Requires improvement
<p>Too few children have comprehensive, up-to-date assessments that give a rounded picture of needs and inform planning. This means that in many cases plans do not always reflect or address current circumstances and needs. Some plans have a lack of focus on desired outcomes. Work undertaken with families before they enter legal proceedings is tracked but not clearly recorded. In a small number of cases it was not clear if more could have been done to prevent children becoming looked after. Support services for children on the edge of care are effective.</p> <p>When children go missing from care, return home interviews are not consistently carried out. Where return home interviews take place the information recorded is not comprehensive. There are some delays in return home interview records being sent to social workers.</p> <p>Support for the education of children looked after is positive and their progress is good at Key Stage 2 and improving at Key Stage 4. The virtual school carefully monitors this provision. Most children looked after have had an assessment of their health needs, but there are delays in some initial health assessments taking place. Review health assessments are timely.</p> <p>The children in care council is helping the local authority to improve services. Despite this, examples of its influence are mostly recent and some have taken a long time to achieve.</p> <p>Although adoption performance is positive and there is increasing and appropriate use of special guardianship orders (SGOs), permanence is not achieved for all children sufficiently quickly. Children with adoption plans are now matched with adopters in a timely manner. The local authority has effective collaborative arrangements for recruiting and training adopters and has more than sufficient numbers of adopters for children, leading to appropriate matching. The quality of adoption reports is good. Post-adoption support services for adopters and special guardians are a strong feature. Plans to achieve a 'gold standard' service for care leavers have not yet resulted in consistently improved outcomes and the quality of practice remains too variable.</p> <p>Senior managers do not have sufficient oversight of care leavers who are homeless. Risk assessments on young people living in foyer accommodation do not take into account any additional risk due to the setting and are not routinely completed on care leavers. Almost all care leavers remain looked after until they reach 18 years of age. They benefit from close supportive working relationships with personal advisers who know them well. A revised 'staying put' policy was issued in April 2015 but it is too early to evaluate. Pathway plans, while improving, are not clear enough about what needs to happen and managerial oversight is not always focused on progress against the plan. Financial support to young people setting up home or at university is good. The percentage of care leavers in education, employment and training improvement is higher than in comparable local authorities.</p>	

Inspection findings

48. At the time of the inspection there were 387 children in the care of the local authority. This is a rise from the 335 reported in March 2014 but is lower than previous years.
49. The local authority has a range of services that can support children at risk of becoming looked after. These include the @CT team and the Multi-Systemic Therapy (MST) service. The @CT team provides intensive support for children aged 10–18. It has worked with 132 children since it started in July 2014, of whom only 11 have subsequently become looked after. The MST service works with young people aged 11–17. Of approximately 40 young people worked with, only two have become looked after. Long-term follow-up at six, 12 and 18 months demonstrates the effectiveness of this work.
50. Decisions for children to become looked after are appropriate in the majority of cases. In other cases further work may have prevented children becoming looked after, but recording is not clear enough to evaluate this effectively. Examples were seen of delays, such as in seeking legal advice.
51. In too many children's cases, assessments are not up-to-date and are not sufficiently thorough or analytical to present a rounded, contemporary picture of children's needs. They can be too narrowly focused on what the social worker perceives to be the presenting problem, and therefore do not consider the full range of issues. Other assessments are out of date. Even recent assessments are not consistently updated in relation to significant events.
52. Too few looked after children have good quality care plans. Plans do not always reflect or address current circumstances and needs, while some lack drive towards desired outcomes.
53. Inspectors saw examples of effective multi-agency working, with a range of professionals involved in the development of care plans, health assessments and personal education plans. When children return home from care an update to the assessment is not always undertaken to inform this decision and identify appropriate levels of support needed. In one child's case, a failure to assess a return home adequately led to a swift return to care.
54. Children's cases subject to the pre-proceedings phase of the Public Law Outline are tracked but the work done is poorly recorded. Only a few records showed that families had letters setting out the concerns, though some files recorded parents being provided with these. Example letters seen listed concerns but were not clear about the impact of these on children, and the actions expected of parents were insufficiently clear and lacked timescales. This could mean that parents do not know what is expected of them. Managers report that family group conferencing is not used well and its impact is unknown.

55. Decisions to enter proceedings or pre-proceedings are appropriately made through legal advice meetings. These meetings are appropriately chaired by group managers. The Children and Family Court Advisory and Support Service (Cafcass) reported that the work presented to courts is of variable quality. This is acknowledged by the local authority and managers are aware of training needs.
56. Permanence is not consistently well prioritised. Examples were seen where children have achieved permanence within timescales appropriate to their needs, or where delays in achieving permanence have been minimised through effective contingency planning and swift responses to difficulties. However, some children have experienced delays in permanence plans being developed or progressed quickly enough, particularly where their needs have been poorly assessed.
57. Although the numbers of children going missing from care are tracked and data demonstrates a reduction in missing episodes for some children over time, the response to children going missing from care is variable. Where return home interviews take place the information recorded is not comprehensive. There are delays in return home interview records being sent to social workers. Information from missing interviews is not used consistently by social workers in planning for children. Links are made between children going missing and the possibility of child sexual exploitation. Not all social workers have received sufficient training about issues relating to children going missing or being at risk of sexual exploitation. However, inspectors saw examples of effective work with children at risk of sexual exploitation. The local authority has taken recent and positive action to increase resources to undertake return home interviews through its commissioning arrangements.
58. Most looked after children are visited regularly by their social workers and some describe positive relationships with them. Children feel confident about talking to their social workers about difficulties and say that these discussions lead to actions that make things better. They feel welcome and at home in their placements. They understand what the plans are for them, feel consulted about these and feel that their views are listened to. All children and young people spoken to feel supported to pursue their hobbies and interests. Children have contact with the people who are important to them, and say that they value this. Contact is regularly considered at their looked after reviews, though the recording is not always sufficiently detailed to show the benefits to the child of the contact. In some cases seen, contact had not always been subject to a rigorous risk assessment, though no children were found to be having unsafe contact during the inspection.
59. At the time of the inspection only five (3%) of looked after children aged 10 or older who had been looked after for a year or more were known to the youth offending service. This compares well with the most recent national figure from 2013–14 of 6%, and is an improvement on the local authority's 2014–15 figure of 9%. However, current reporting systems do not allow detailed analysis of

patterns of offending in order to better target preventive action. Collaborative working between youth justice workers and children's social care is mixed. In some cases good collaboration helped young people reduce their offending behaviour. In other cases less progress was made.

60. The Head of the Virtual School (HVS) is supported by a well-trained team. Schools feel supported and challenged by the virtual school team in their efforts to help looked after children to make at least expected progress. Well-targeted use of the pupil premium and additional funding helps children improve their progress and attainment. A range of additional activities are also provided for looked after children in their leisure time, such as holiday clubs, football clubs, horse-riding and music.
61. Not all looked after children attend good schools. Around 13% of the 294 children aged 4–16 are in less than good schools but they are well supported and their performance is closely monitored. The virtual school team also carefully monitors all the alternative provision provided by schools. Most of this is for young people at Key Stage 4 and is at registered vocational training providers. Where appropriate the virtual school team ensures children return to mainstream education as soon as possible. The children and young people being educated outside Cheshire East in adjoining authorities benefit from additional support and progress monitoring.
62. The average attendance of cared for children was 93% in 2013/14, which is below the virtual school target of 95%. All those failing to achieve this target are closely monitored by schools and the virtual school team. Of these children, 6% are persistent absentees, which is slightly higher than the figure for England. Plans are in place, but not yet implemented, to send letters to carers regularly to remind them of the importance of full attendance.
63. The HVS closely monitors the progress and attainment of looked after for children and has accurately assessed their performance at the key stages of education. Overall the significant attainment gap between looked after children and all children is closing. At Key Stage 1, the progress of most looked after children in reading, writing and mathematics requires improvement. At Key Stage 2 their progress is good, being significantly better than national comparators. From Key Stage 2 to Key Stage 4 the numbers making two levels of progress are below national levels, but the proportion gaining at least 5 GCSEs at grades A* to C, including English and mathematics, has increased over the last three years from 6% in 2012 to 15% in 2014.
64. All looked after children have a current personal education plan (PEP) and the quality of these has improved as a result of careful monitoring and training provided by the HVS and her team. Members of the virtual school team attend all initial PEP meetings and, following risk assessment, most follow-on PEP meetings. Records of progress and achievement against improvement targets are appropriately completed by teachers who have been trained for this role. As a result, most capture appropriate levels of detail and the child's voice using

age-specific documents. However, the level of detail in two out of the 10 PEPs sampled was insufficient and the preciseness of the targets to be achieved to improve performance was variable.

65. The virtual school carefully tracks the destinations of Year 11 pupils so that they can support their onward progress. Cheshire East data shows that, in September 2014, 92% of these looked after young people continued in education or secured training or employment, which is an improvement from 89% in the previous year. There is, however, a significant drop-out rate. By June 2015, 76% remained in education, employment or training (EET), although this is still higher than the latest figures for England as a whole. Work is already underway, through a 16-plus education, employment and destinations group, to improve the proportion of young people who sustain themselves in EET as they progress towards becoming successful care leavers, although it is too soon to judge the impact of this work.
66. Strength and difficulties questionnaires are used well to inform the work undertaken to improve the emotional health and well-being of children. There is improved performance in their completion and quality. For the year 2014–15, 134 of the 138 children who remained in care for more than 20 days had an initial health assessment. However, only 41 of 138 were completed within the expected timescale (30%). In the first quarter of 2015–16 this improved slightly to 36% but this still represents poor performance. The local authority is taking steps to strengthen arrangements by introducing an early alert system to improve response times. Performance for review health assessments is significantly better. Health data for 2014–15 demonstrate good performance. Almost all (98%) looked after children are up-to-date with their immunisations, have had a dental check and an annual health assessment. Young people feel their health needs are supported well.
67. Young people receive a wide range of support for emerging mental health needs from child and adolescent mental health services (CAMHS) and trained practitioners in the dedicated health team for looked after children. They are seen within one week of referral by this service. Facilities for therapeutic work, including play therapy and art therapy, are good. Foster carers are provided with timely advice which in some cases is reducing risk of placement breakdown. When children need mental health interventions at tiers three or four, waiting times range from three to 11 weeks depending on where the service is based and its specialism. Looked after children referred by the looked after children's health team are given priority but actual waiting times were not distinguishable from other children. However, in cases sampled children were offered timely support leading to improved outcomes.
68. Placements are good for many children, meet their needs and have a positive impact on them. The local authority only places children in homes that are good or better and monitoring of these arrangements is robust. Most children are placed within 20 miles of home, with 16% placed further away than this.

Brothers and sisters are placed together in most cases. Children are not disadvantaged by living out of area.

69. Overall, children do not move more often than they need to. At the end of March 2015, 8% of looked after children had three or more placements in the previous year. This is an improvement on 14% the previous year and lower than the England level of 11% for 2014. Similarly, 65% of those who have been looked after for more than two and a half years at the end of March 2015 had been in the same placement for more than two years. This is similar to the previous year and the levels seen by comparators.
70. A review of the fostering service was undertaken in 2014 in recognition of the fact that it was unable to meet the demand for foster homes. Subsequently, timescales for completion of fostering assessments have improved, as have fostering bed occupancy rates. At the time of the inspection 129 children were being cared for by their long-term foster carers and 28 children were waiting to be matched with long-term carers.
71. At the time of the inspection, the local authority had 109 mainstream foster carers (202 beds), seven short break carers (nine beds) and 27 family and friend foster carers (39 beds). It has a target of approving 35 new households during 2015–16, particularly for sibling groups and mother and baby placements.
72. The local authority recruited 21 new fostering households but only managed a net gain of six during 2014–15. As of 31 March 2015, 75% of Cheshire East's looked after children were being cared for by foster carers, of whom 56% were in-house carers. Family and friend foster carers provide care for 18%. Of the remaining children in foster care, 26% are with independent foster carers; 57% of these are within 20 miles of their original homes.
73. The quality of fostering assessments is good, clearly evidencing strengths and vulnerabilities of carers. All annual reviews are presented at panel which are now reviewed by independent reviewing officers. This is a change from last year when they were completed by a fostering team manager, and now allows for independent scrutiny. Feedback from children's social workers is not included in the reviews universally, but has improved since being raised with managers.
74. The fostering service runs a successful and effective scheme, which awards grants to extend or adapt homes or buy new cars to meet the needs of children within fostering households. When current projects are complete the scheme will have helped improve the lives of about 20 children, including enabling sibling groups to remain together.
75. Foster carers receive good training, although they do not like the e-learning offer. The take-up of training is good, with 83% (local authority's own data) of foster carers having completed the training, support and development

standards training, compared with 78% as of March 2014. This was 21% higher than the England average.

76. All foster carers spoken with are aware of the delegated decision-making process, but feel social workers still have to complete too many forms. For example, if a foster carer agrees that a child can go to another carer for an overnight stay, forms still have to be completed, rather than the foster carer having the discretion to decide.
77. Relevant paperwork about children's background and needs are not always provided to foster carers at an early enough point – before or at the point of a child being placed. Two foster carers stated that, when a child was placed with them in an emergency, they had experienced a delay – in one case of two weeks – causing undue pressure on their family as they were unfamiliar with the child's background or how best to support the child.
78. Some foster carers feel that communication with the service could be better. They talked to inspectors about not being told about contact plans being changed, and not being informed about long-term plans for a child in their care.
79. Foster carers spoken with described very positive relationships with their individual workers allowing for trusting relationships to be established to support children in their care. However, some have experienced delays in visits from their supervising social workers, due to the team experiencing sickness and vacancies. This is acknowledged by the service and plans are in place to address this.
80. Where looked after children live with relatives or friends, assessment of these connected persons is not always sufficiently robust. In the main, assessments look at the areas required to ensure children are safe. However, the timescales for the completion are not always adhered to, and it is not clear in all cases that the assessments are signed off by senior managers.
81. In a large majority of cases children have positive experiences of their reviews. Their wishes and feelings are made known through consultation processes, observations and by attending. Most children spoken to knew their independent reviewing officer and felt that they listened to them and ensured their views were represented at reviews.
82. The caseloads of independent reviewing officers are between 70 and 80 children. Evidence was seen in some cases of independent reviewing officers undertaking mid-point reviews on the progress of plans. Independent reviewing officers raise concerns through the dispute resolution process, but as yet this is not having sufficient impact on the overall quality of assessment and planning for children looked after.
83. Advocacy is offered to all looked after children. Those placed at a distance are not disadvantaged and receive the same level of service as children living more

locally. Advocacy services are well publicised and take-up by looked after children is good. Take-up of independent visitors is low. Despite this there is a current waiting list of 10 young people. Some are waiting for volunteers who fit the profile that the young person wants and three are waiting because of difficulties in recruiting volunteers who are able to travel to young people placed at a distance. One of these young people has been waiting for nine months. Plans are in place to address both these issues but in the meantime some of these vulnerable cared for children are waiting too long.

84. Key discussions and decisions are not fully recorded on the child's case record. This makes it difficult to follow the child's story and could mean that important information is missed by, for example, a worker new to the case. It will also make it difficult for children who wish to view their records in the future to understand why and how key decisions were made.
85. The children in care council is positively engaged and helping the local authority to improve services for looked after children. There are recent examples of their influence effecting change. However, despite their input some changes have taken a long time to achieve, such as the development of a care pack for children entering care and refreshing the pledge for children looked after.
86. Diversity issues are not always considered well. Some children's case files have very little evidence of consideration of diversity, while in others needs in relation to diversity are recognised but poorly explored or poorly responded to. In better cases, appropriate consideration is given to diversity needs arising from culture, mental health difficulties and special educational needs, with some positive examples also seen of consideration of children's diversity needs arising from experiences such as neglect.

The graded judgment for adoption performance is that it is good
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87. Adoption is an active permanence option for all children who are unable to return to their birth families. The local authority is part of a formal collaboration, Four4Adoption, working with three neighbouring adoption services and thereby expanding its reach and capacity for information evenings, recruitment activity and support to adopters. This leads to a broader pool of adopters to meet the needs of children with adoption plans. The local authority increased the number of adopters recruited during 2013–14, seeing an increase by 72% and a further 29% increase during 2014–15 (nine additional adopters recruited).
88. The service has invested in additional staff and support to adopters and special guardians through use of the adoption reform grant and funds received through inter-agency fees, received when Cheshire East adopters have children placed by other local authorities. This is resulting in effective family-finding for children and support to adopters and special guardians.

89. The local authority is now targeting its recruitment on adopters for sibling groups and children with complex needs to reflect the number of such children with adoption plans. At the time of the inspection, the local authority had 28 children with an adoption plan, with nine children placed with an adoptive family, a further seven matched and seven awaiting placement orders. This leaves five children in two sibling groups waiting. In each case there are complicating factors contributing to the delays.
90. The local authority's three-year average adoption scorecard performance for 2011–14 shows variable performance. For this period the time taken to decide on a match with an adoptive family – at 208 days – was less than the England average but slightly longer than comparators. However, the average time between a child entering care and moving in with its adoptive family – at 747 – days was significantly longer than for comparators.
91. However, closer analysis of the local authority's adoption data and performance demonstrates that more recent practice is effective, with timely adoptions of children and, significantly, an improving trajectory. The local authority has pursued adoption as the right permanence option for children and understands its performance. For example, from 2012 the average time between a child entering care and being adopted is 353 days (unpublished data), much less than the national average of 628 days. Similarly, during this period it took on average 140 days from deciding on a match to a child moving in with his or her adoptive family. This demonstrates good performance for the past three years.
92. Age and ethnicity are not a barrier to achieving permanence through adoption. The latest adoption scorecard shows that the local authority had a higher number of children (16%) exiting care through adoption than the England average (14%) and also in comparison with statistical neighbours (14%). The local authority succeeded in achieving adoption for 6% of children over the age of five years, which is 1% above the England average for 2011–14; and for 17% of minority ethnic children, which is 9% higher than the England average and 10% better than its statistical neighbours. Of the children adopted during 2014–15, 19% were aged over five years, further evidencing good performance.
93. The local authority's timescales for concluding care proceedings are good, enabling children to be matched and placed with their adopters in a timely manner. The latest available data shows the local authority's average time for concluding care proceedings is 25 weeks, better than comparators by four weeks and the England level by five weeks. This is an indication of the positive work undertaken regionally with Cafcass and the courts. No children have had their adoption plan changed during 2014–15. During 2015–16, two children have had their care plans changed due to the court not making a placement order. Permanence for children is also considered through options other than adoption to provide children with stability and security. The local authority had 19 children leave care through the making of special guardianship orders (SGOs), which is 15% of the children who left care during 2014–15. This is

positive, but a slight decrease on 2013–14, when 17% of looked after children exited care due to an SGO. It is still better performance than comparators by 2% and higher than the England average by 6%. The local authority's SGO carers can access the full range of support available to adopters, which improves children's chances of experiencing stability into adulthood.

94. At the time of the inspection the local authority had 14 adopters awaiting placements. The longest wait had been since September 2014. This demonstrates sufficient numbers of adopters for children requiring adoptive families. In almost all cases where adopters are not matched to local children they are referred to the national adoption register or considered by the Four4Adoption collaboration or the regional consortium.
95. The local authority recruited 40 adopters during 2014–15, which is an increase of nine on the previous year. Timescales for the two-stage recruitment process are improving. Adopters spoken with stated they had received a timely and positive response to their initial enquiry, which contributed to them deciding to apply to Cheshire East. The local authority has held a recruitment event to promote fostering to adopt and presently has three carers, but is yet to place children with them due to matching profiles. Fostering to adopt is actively promoted to adopters and social workers in the child care teams to help them understand how it benefits children.
96. The adoption service home-finding social workers have been solely focused on family-finding activities for children during the last six months and this is now resulting in timely adoption placements being achieved. These workers track children effectively from the point of pre-proceedings. The local authority profiles children well through a range of means including DVDs, an online resource (Adoption Link), exchange days, Four4Adoption collaboration and the regional consortium. This helps ensure that permanence through adoption is achieved in a timely manner.
97. The local authority's adoption panel is chaired by an experienced person with relevant experience and the panel operates effectively. It has a strong stable membership, but recognises it would benefit from being more diverse and recent recruitment to the panel will address this issue. Panel members probe thoroughly issues identified in reports and have deferred a case where there were inconsistencies in the report. All panel members have up-to-date appraisals, as does the chairperson. Appropriate challenge by the panel chair is well-evidenced in six-monthly quality assurance reports.
98. The ethnic profile of Cheshire East's adopters reflects the looked after population. The adoption service has recruited same sex couples and single male and female adopters. During 2014–15, three sets of brothers and sisters were adopted together and no children were adopted apart from their brothers and sisters when assessed as needing to be adopted together.

99. Children's permanence reports are of a good standard. They provide clear details of children's birth history and reasons why adoption is the best permanence option. They are updated as needed to reflect the children's personalities and interests. Prospective adopters' records and reports evidence appropriate checks being completed. Reports are of a good standard, take account of the views of children and build on adopters' reflections on their own histories. Child placement reports effectively evidence how the adopters are able to meet the child's needs and include adopters' comments on proposed matches and contact plans for the child. All reports seen during the inspection included details on issues of diversity, with the best examples contained within the prospective adopter reports.
100. The agency decision-maker's decisions are recorded in detail, take account of medical reports and legal advice and decisions are made promptly, evidencing effective and timely decisions for permanence.
101. Assessments for adoption support are of a good standard and identify potential risks and needs. However, in a very small number of cases children experienced delays in accessing specialist therapeutic support because assessments were not completed early enough.
102. The support offer to adopters and special guardians is good and a key strength of the service. Adopters are informed of their entitlements during assessment training sessions. The support offer includes an example of very good practice, with the support team having a higher level teaching assistant (HLTA) who works with schools to help them understand the needs of children who are adopted or subject to special guardianship orders. The support is highly valued by schools and parents.
103. The local authority's post-adoption support service provides an array of services to support adopters in providing effective parenting. There are also various children's groups, which include 'Cool Cats', an activity-based group for 7–11 year olds, and 'Teen Club', for teenagers, which has access to a play therapist. The local authority was providing post-adoption support to 100 children at the point of the inspection, 15 of which were children cared for by special guardians. The local authority facilitated 158 letter box contacts during 2014–15, enabling children to maintain appropriate links with their birth families.
104. Life-story books prepared for children are produced in a personalised style, but overall are of variable quality. They are not always made available to adopters at the time of placement.
105. Later in life letters are also of a variable standard and would benefit from being written in child-friendly language and 'plain English' to make them more accessible to children.

The graded judgment about the experience and progress of care leavers is that it requires improvement

106. Since 2013 Cheshire East has been one of a group of four north-west authorities participating in a nation-wide initiative to develop a 'gold standard' service for care leavers based on the Care Leavers' Charter.⁴ Despite a determined corporate drive to improve outcomes for care leavers this is not yet resulting in a consistently good service. While some positive changes are well established, a wide range of other actions with good potential are either too recent to evaluate or have not yet been implemented. This slow rate of progress reflects the scale of improvements in quality of practice and managerial oversight that were required.
107. At the time of the inspection there were 159 care leavers. Almost all young people in care remain looked after until they are 18 years of age. Care leavers told inspectors they value highly the trusting relationships their personal advisers have built with them over time. As a result of the quality of these relationships the local authority is in touch with all care leavers, and the vast majority are in direct contact. Tracking of young people who are in touch via a third party is effective and appropriately overseen by senior managers. This ensures that this small number of care leavers (four) are assured that the local authority remains concerned about their welfare and is ready to offer support should they choose to receive it.
108. The most recent inspection of children looked after and care leavers in 2011 identified pathway plans as an area for improvement. Significant recent investment in training is not yet resulting in pathway plans that are good, although the quality of support provided is often better than is reflected in the plan. Most plans seen were regularly updated but lacked detailed analysis and often confused the young person's needs with their wishes or actions required. Managerial oversight of the plans does not always focus sufficiently on progress or evaluate whether outcomes for the young person are improving. This has led to significant drift in one case seen and a lack of focus on emerging issues of concern in another.
109. Care leavers live in a wide range of accommodation, the vast majority of which is suitable to their needs. The largest group (46%) live independently. Financial

⁴ New Belongings was launched by DfE on 2 September 2013 and has been an innovative and ambitious initiative aiming to raise expectation and aspiration for care leavers. The inspiration for New Belongings came from the care leavers group who meet regularly with the Minister for Children. The project had three main objectives: to embed the principles of the Care Leavers Charter, to join up services to care leavers, as outlined in the Access All Areas report, to bring in the energy of local communities to support care leavers.

support for setting up home is good and at £3,000 is higher than in many other local authorities.

110. Young people receive flexible and tailored support to help them achieve independence. This ensures that most young people move towards independence at a pace that is right for them. Inspectors saw examples of care leavers with additional needs continuing to receiving floating support of up to 50 hours a week, enabling them to live independently. Care leavers spoken to reported that they felt safe in their accommodation, that it was of good quality, and that they were satisfied with the level of support they received.
111. At the time of the inspection six care leavers were refusing appropriate accommodation provided by the local authority. All of them had multiple problems including drug and alcohol misuse, risk of or actual offending behaviour, and emotional health problems. In all cases young people had been offered at least a temporary solution but had refused it. Most were moving between friends and relatives and one was in custody. Personal advisers were making concerted efforts to engage them with services in order to reduce their risk-taking behaviours and to secure sustainable, suitable housing options that were acceptable to them. However outcomes for these care leavers remain uncertain due to the complexity of their needs. Senior managers have insufficient oversight of these care leavers who are homeless and do not routinely monitor the individual circumstances of these highly vulnerable young people.
112. When young people present as homeless at age 16 or 17, housing and children's services complete a joint initial assessment of the presenting issue, followed by a children and families' assessment. In some cases seen, effective mediation at an early stage resulted in young people returning to their families. When this is not achievable young people are clearly encouraged to become looked after.
113. Foyer accommodation is used as a last resort for young people who are not yet adults. At the time of the inspection four young people age 16–17 and nine care leavers aged 18–20 were living in this type of accommodation. Providers complete risk assessments on all young people under the age of 18 at the start of the placement, but do not routinely complete them on older care leavers who may be equally vulnerable. Where this is the case the local authority cannot be assured that this is a safe place to live for these young people. Assessments seen were brief. They considered known risks, but did not specifically address the potential impact of the setting on the young person. Action plans were of better quality and young people were receiving bespoke packages of support and good job and life skills training which was helping them to achieve stability. In the cases seen none of the young people were found to be at risk within the placement.
114. At the time of the inspection, six care leavers over 18 were living with former foster carers under 'staying put' arrangements. A revised 'staying put' policy

was issued in April 2015 but it is too early to evaluate whether this will be successful in increasing the numbers of young people benefiting from these placements. A larger number of care leavers (15) were living in supported lodging arrangements with host families which, while not replicating the same level of support as foster carers, provides mentoring and advice when needed. One young person spoken to by an inspector greatly valued the informal contact he had with the host family, which was sensitive to his needs.

115. Data shows that at 31 March 2014 Cheshire East had a significantly lower percentage of care leavers aged 19, 20 and 21 who were not in education, employment or training (NEET) than comparators. However, at the time of the inspection 52% of 19-, 20- and 21-year-olds and 47% of all care leavers were NEET. This performance falls short of the local authority's aspirations for a gold standard service. Of these young people, 19% are recorded as unable to participate due to disability or because they are parents or pregnant. The majority of sampled pathway plans seen did not have clear and specific targets and actions to help or encourage young people to secure employment, education or training. Managers recognise that they could do more to identify young people who could be helped through the employability scheme.
116. A legacy of poor practice has resulted in some young people leaving school without the skills required to engage in further education and training or to enter the job market. Recent sound and innovative strategies to track and re-engage young people in education have not yet resulted in a marked impact across the full age range of young people who are classed as NEET. These include close work with the virtual school and intensive support pilots to improve young people's motivation to engage in positive activities. A newly commissioned service based on learning from the pilots is due to be launched in August 2015.
117. Academic support from the virtual school to care leavers in higher education is good and the financial support they receive is far higher than many other local authorities provide, ensuring that young people are not deterred from embarking on further study due to financial pressures. At the time of the inspection 12 care leavers (8%) were at university, with a further five due to start in September 2015. This is increasing year on year but the local authority is aware that this is not yet good. In the last academic year one care leaver had graduated from university and two had dropped out. A further 11 young people are engaged in apprenticeship schemes.
118. Drop-out rates are high across the range of educational and training schemes that care leavers begin. The local authority is tenacious in securing alternatives for young people that allow them to start again. Of the 14 young people aged 16–18 years who had dropped out of education or training in the last academic year, 10 had already re-engaged in training that will lead to a qualification, and a further four were due to start in September 2015. In recognition of the need to help more care leavers to make their apprenticeships and training courses a success, local authority funding has been secured to appoint staff to 'Project

Cygnet'. The project has not yet been launched. The local authority does not currently track whether the educational and training courses care leavers complete are effective in assisting them to obtain permanent employment. It has recognised that this is a gap and intends to do so in the future in order to improve careers advice available.

119. Care leavers have access to a wide range of helpful advice and support for their health needs including for their sexual and emotional health and to reduce risk-taking behaviours such as substance misuse. The post of specialist nurse for looked after children aged 16–18 has been vacant since April 2015. While cover is provided, it is not always the same person. This creates a lack of both continuity and specialist knowledge of the particular issues faced by this age group. There is no specialist health resource for care leavers over the age of 18.
120. Recent changes in procedures, underpinned by good strategic partnerships, are showing early signs of more timely involvement of adult services with young people who will require on-going services as a result of their health needs. Consideration at a recently established transitions group of young people with disability, mental health problems or other significant vulnerability is now ensuring that disabled young people have involvement with adult services from age 14 onwards.
121. Care leavers' experience of transferring from children's to adult services, unless they have identifiable significant health needs, remains dependent on the services available where they live. However, in cases sampled of the 58 care leavers out of area they were not disadvantaged by distance.
122. Responses to care leavers vulnerable to sexual exploitation are variable. Young people under 18 who meet the threshold are given full consideration at the child sexual exploitation operational group. The transitions group now considers care leavers at risk of sexual exploitation so that those who need it continue to receive services as a vulnerable adult. However, this is a very recent development and so far only a very small number (three) of young people have benefited as a result. In a very small minority (two) of cases, emerging risk had not been identified early enough, limiting the range of responses available due to the young person's age.
123. The local authority responds well to young people's diversity and identity needs when there is a clear identified need, for example in relation to disability, sexual orientation or gender identity. The potential impact of broader issues such as body image or physical presentation on young people's self-esteem is not always recognised unless raised by the young person.
124. Care leavers receive all appropriate documentation to help them start adult life. Those spoken to by inspectors knew how to complain and how to access their records, and were aware that advocacy services were available. Written information provided to care leavers about their entitlements is outdated but

mitigated by the current good advice from personal advisers. The information care leavers receive about their health history is less well summarised or understood, reducing young people's capacity to make informed choices about their future health needs. The local authority recognises this is a gap. Plans to provide young people with better quality information tailored to their individual needs are well underway.

125. There is an active care leavers' forum that has been central to planning current and future improvements. For example, membership of a credit union for care leavers was set up as a direct result of lobbying by the group. Care leavers spoken to expressed frustration at the pace of change to date but all felt their views were valued and respected.

Leadership, management and governance	Requires improvement
<p>Summary</p> <p>Since the last Ofsted inspection of 2013, senior and political leaders have worked closely and effectively with the Cheshire East Improvement Board (CEIB) to improve the quality and effectiveness of services for children and their families. Senior and political leaders understand their strengths and weaknesses well. They have taken decisive steps to identify, tackle and systematically address the barriers to providing good services.</p> <p>This inspection has identified key strengths and improvements. The stronger 'front door' ensures that children who are at risk receive a service that meets their needs. Children in need receive more coordinated and targeted help. Managers have ensured sufficient good quality adoptive and foster families. As a result children are happy where they live and their outcomes improve. However, senior managers need to strengthen some areas of practice before children and families can be confident in receiving a consistently good service. A few areas require further attention to meet minimum standards, for example managers have not ensured consistency in 'step-down' decisions. Effective permanence planning arrangements are not yet in place. Managers have not implemented good processes for assessing placements for children who live with friends and family members.</p> <p>Achieving workforce stability is a significant challenge, due in part to leaders setting and applying clear practice standards. There is strong political support for recruitment and retention initiatives. Stability within social work teams is improving but there is more work to be done to ensure this improves in all teams and is sustained. Training is comprehensive and social workers feel well supported. They are engaged in the improvement journey and can articulate achievements. The majority of social work caseloads are at an acceptable level but some remain too high. Supervision, although regular, does not always effectively drive plans for children. Personal development plans are not consistently used to strengthen practice.</p> <p>A well-established and comprehensive audit programme enables managers to effectively analyse practice and drive improvement. Some learning is lost because of the scale of audit work undertaken, and because not all findings and actions are recorded in one place. There needs to be a closer focus on children looked after in this work. Performance information is used well by managers at all levels to track progress against targets. Some forums, such as the Corporate Parenting Board, do not receive comprehensive enough information about looked after children, for example through an annual performance report.</p> <p>A new electronic recording system has been introduced, strengthening case recording and the availability of management information. The conversion to the new</p>	

system has led to some data being inaccurate or unreliable.

Engagement is a real strength, with young people exerting influence at a strategic level in all the key decision-making forums. Actions arising from complaints are not always tracked and used to identify learning needs.

Joint commissioning decisions and arrangements are sound and closely linked to shared priorities, but there are some gaps in service provision for children in need of help and protection and children looked after.

Inspection findings

126. Elected members and senior managers fully understand that establishing a stable and skilled group of first-line managers is fundamental to providing consistently good support to children and families. They are taking appropriate steps to strengthen management skills through a comprehensive management development strategy. Supervision training is mandatory, and an 'aspirant managers' programme has been introduced to help more experienced social workers to take the step up to first-line management. At the time of this inspection some challenges remain; 10 of 22 practice managers in social work teams are employed by an agency, although two further permanent appointments were made during the inspection.
127. The sharp focus on the effectiveness of safeguarding arrangements has meant that some areas of practice, particularly relating to children looked after, have not been sufficiently progressed. Management decision-making and challenge are not robust enough and plans for permanence are not yet assertively progressed for all children looked after, particularly older children. Where decisiveness and rigour are lacking, children experience delays in their needs being met. Senior managers' oversight of arrangements for children looked after to live with connected adults lacks clarity and consistency.
128. Formal and case supervision are regular and social workers report that managers at all levels are available, visible and take a direct interest in individual children and families. However, managers are not consistently using personal development plans to drive practice improvement through supervision and it is difficult to see what difference training is making because explicit links are not made to continual professional development. Strong challenge of frontline practitioners is not yet embedded.
129. Senior managers introduced a comprehensive practice standards document 18 months ago. These standards describe what good social work looks like and have been a useful tool in holding staff at all levels to account for the quality of their practice. Senior managers have consciously lowered their tolerance of poor practice, resulting in some social workers and managers changing roles or leaving the local authority. While this purposeful strategy has contributed to

high staff turnover, it has also led to improvement in the experiences of children and families.

130. The local authority is actively addressing workforce instability and this is a key challenge in providing consistently good services for children and families. The local authority has introduced an ambitious and thoughtful range of recruitment and retention initiatives. Elected members are fully supporting this approach and sustainability is secured through increased funding for the children's social care workforce, such as the provision of supernumerary social workers to minimise the impact of less experienced staff. The involvement of senior managers, including the Director of Children's Services (DCS), in shortlisting and interviewing social workers and managers at all levels demonstrates the strong commitment of leaders to ensuring the right staff are in place. As a result of these efforts agency appointments are declining and permanent appointments are steadily rising. In the 15 months preceding this inspection there were 59 new permanent appointments in children's social care as opposed to just eight in the preceding two years. In 2013–14, 49 agency staff were appointed. This reduced to 39 in 2014–15, and just three agency staff have been appointed so far in 2015–16, demonstrating improving stability. Social work caseloads are rigorously tracked and average caseloads are within target range at 22. However some remain too high at 33–35.
131. The local authority continues to invest in the Step-up to Social Work programme and also sponsors high-calibre students from local universities. The professional capabilities framework has been applied creatively to enable social workers to progress their careers as they increase their skills. The appointment of a group of social worker practice champions, with direct links to the DCS and the Head of Service, is contributing to improvements in frontline practice. For example, these social workers are helping to add depth and analysis to case recording through the introduction of laminated prompt cards.
132. The workforce development strategy lays out the local authority's aspiration for the workforce with a coherent plan to achieve this. Training needs analyses, complaints and case audits are used well and are helping the workforce development team to identify priorities. Targeted training focuses on practice skills through, for example, the use of a specialist theatre company to increase social work confidence and skill in engaging with challenging families. Gaps remain, such as in ensuring all staff understand and comply with the Care Planning Regulations 2010.
133. Staff are issued with high quality equipment, such as smart phones and laptops, and the DCS personally oversees this to make sure that all new starters have the right tools to carry out their roles. Daily ring-fenced time enables social workers to maintain their case records but this is not yet being consistently well used to ensure clarity in all case records. The programme handbook for social workers in their assessed year in practice (ASYE) is comprehensive. A large number of social workers (23) are in the current ASYE cohort and the level of support for these staff, such as supervision, mentoring,

training and personal study, is appropriate. Most ASYE social workers spoken to say they are well supported and that their caseloads are protected. They find reflective sessions helpful in developing their practice skills. Social workers value the on-going support of the ASYE coordinator in their second year of employment.

134. Detailed and comprehensive performance information ensures managers at all levels have a clear and realistic understanding of the strengths and weaknesses in services for children. Where commentary and analysis are included this is particularly useful, such as the 'performance book' used by the Improvement Board. Management information reports used in team 'challenge meetings' are helpful to first-line managers. These meetings, described by one practice manager as 'uncomfortable but necessary', are contributing to improvements such as assessment and visiting timescales. However, learning from this approach is not yet being consistently translated into effective challenge between frontline managers and social workers.
135. There is no annual performance report to outline and explain the local authority's progress compared with previous years and against national performance and statistical neighbours. This would assist political leaders, partners and staff to understand and follow the improvement journey, to be clearer about which data is important and what this performance actually means for children.
136. Senior managers have taken appropriate steps to replace the previous electronic recording system, launching a new system in October 2014. The migration of data has led to some anomalies. As a result managers are not always confident about what some of the data is telling them. Where it is known to be wrong, managers are unable to identify readily the right data without checking individual children's records or undertaking themed audits to fully explore the issue. This is inefficient and not leading to a consistently coherent overview of frontline practice.
137. The quality assurance framework is comprehensive and includes a strong emphasis on case auditing. The employment of a team of independent auditors ensures the on-going prioritisation of this work. The audit programme is closely aligned with that of the Cheshire East Safeguarding Children Board (CESCB). Children, parents and multi-agency partners are involved, adding depth to audit findings. Improvements and areas of weakness are identified well and this was reflected also in the audits undertaken for the cases tracked for this inspection. Managers take appropriate steps to improve practice, for example commissioning mandatory training for staff undertaking child protection enquiries. Managers communicate findings from audits to staff via a newsletter. The inclusion of parents' and children's own words in this newsletter strengthens these key messages. Social workers reflect on and challenge audit findings and find this process helpful.

138. It is difficult for senior managers to evidence progress in all areas identified from audits because actions and learning are not all recorded in one place. The audit programme is not sufficiently focused on the experiences of children looked after. Careful thought needs to be given to what, how much and how often practice is analysed in this way. Senior managers also need to ensure they achieve the right balance between examining practice and driving and modelling improvements.
139. The participation of children and young people is a real strength in Cheshire East. Political and senior leaders create meaningful opportunities for young people to join them in strategic thinking and planning. Young people from the youth council, which includes children looked after and care leavers, are consistently represented and exert influence at most key forums such as Corporate Parenting Board, Children's Trust Board and the Local Safeguarding Children Board. A young person's version of the children and young people's plan has been 'youth proofed' and two young people co-chair the Children's Trust board with the interim DCS. They feel listened to and that they have significant influence in this forum. They describe the Lead Member for children as 'passionate' about young people's issues and they appreciated the Chief Executive listening to their views in the recent DCS appointment. Young people themselves say that the Leader of the Council, through his active interest and engagement in the youth council's focus on emotional health and well-being, is a 'massive force behind young people's mental health'.
140. Although the participation of young people is strong, the local authority is not making the most of all opportunities to learn about the effectiveness of its services. Analysis of complaints does not consistently result in effective action to improve practice. Recommendations from complaints do not sufficiently explore underlying issues and do not result in a reduction in the number of complaints received.
141. The key priorities within the children's improvement plan, the LSCB business plan, the children and young people's plan and the health and wellbeing plan are appropriate and aligned. They relate to improving the quality of frontline practice, listening to and acting on the voice of children and young people and effective partnership as ingredients for delivering good outcomes for children and families. Respective responsibilities for delivery against the priorities are clear.
142. Clear and appropriate governance arrangements are in place between key strategic bodies, including the CEIB, Overview and Scrutiny and the LSCB. This promotes the sharing of priorities, enables political and strategic leaders to hold each other to account and facilitates helpful communication. Duplication is minimised. Strategic, senior and political leaders such as the DCS, Chief Executive, Lead Member, Chair of the Improvement Board and Chair of LSCB, meet regularly. They use these meetings appropriately to challenge, scrutinise improvements, consider professional development issues and share information.

143. The joint strategic needs analysis now includes an appropriate range and level of detail about children, including vulnerable children. This was an area for improvement from the last inspection. The Health and Wellbeing Board was established in April 2013. It takes an active interest in some key areas such as commissioning of domestic abuse services and child sexual exploitation, but its overall focus on children, including cared for children, is less well developed. Leaders are aware of this and the Lead Member for Children now has a defined role to ensure vulnerable children are prioritised, although it is too soon to see the impact of this.
144. The local authority is ambitious for the children in its care and care leavers. The Corporate Parenting Board reviews progress against actions from the corporate parenting strategy, most of which are on track. It considers key documents such as fostering and adoption reports but does not receive comprehensive enough information, for example relating to how often looked after children see their social workers. The Corporate Parenting Board, which is well-attended by elected members, needs to increase its confidence and challenge in improving the quality of services for children looked after. It does not yet include a foster carer or supported housing provider. Although ambition is high, this has not always been translated into decisive action. Some important changes have taken too long, such as the review of the Pledge and ensuring that all care leavers have access to a comprehensive summary of their health histories.
145. Children looked after and care leavers routinely attend Corporate Parenting Board meetings and use creative games and tools to help attendees understand the issues affecting them. Young people are designing and running the next awards ceremony, because they would like it to be a more inclusive and positive event.
146. Positively, any business submitting a competitive tender for council work must make a commitment to providing apprenticeships or employment opportunities to care leavers. Additional council funding has been secured to run 'Project Cygnet', a new initiative where support workers will help care leavers to make their apprenticeships a success. It is too early to judge the impact of this project. Care leavers are well-supported to attend university and numbers of care leavers choosing this path are increasing each year. The corporate parenting strategy is clear that more care leavers need to be helped to take this step.
147. The Lead Member for Children attends the LSCB, the CEIB and Children's Scrutiny Committee, and this ensures good oversight and understanding of what needs to improve. The Children's Scrutiny Committee has been instrumental in improving working conditions for staff, and elected members undertake regular visits to frontline teams. Through the child sexual exploitation task and finish group elected members analysed the effectiveness of partnership arrangements through visits to the missing from home service, police, taxi licensing and social workers. This highlighted challenges relating to cross-border working. Child sexual exploitation remains a priority for Children's

Scrutiny for 2015–16. The committee does not yet receive broad enough performance information to ensure it can take an overview of patterns and trends in performance. A programme of safeguarding training is in place for newly elected members, with refresher courses for those who have already attended.

148. There are clear lines of governance between the recently formed Joint Commissioning Group, the Health and Wellbeing Board, Children's Trust Board and the LSCB. This new group has brought a more coherent approach to commissioning arrangements. Most commissioning decisions evidence good insight into local need, such as increasing the capacity of the missing from home service and strengthening the range of voluntary sector domestic abuse services. The advocacy service is sufficient to offer a service to all looked after children and children subject to child protection plans but does not yet support children in need. Sustained investment in a good range of in-house services such as @CT and Visyon, which uses practical and therapeutic approaches to help families maintain stable and healthy relationships, is leading to positive outcomes for children and young people. Families themselves say that these services are improving their lives. The local authority has ensured that there are sufficient foster carers and adopters to meet the needs of Cheshire East children looked after.
149. Some commissioning gaps remain, such as the 16+ looked after nurse vacancy and delays in the clinical commissioning group committing sufficient funding to extend this provision to 18–25 year olds. Some children looked after have waited too long to be linked with an independent visitor. There is no joint commissioning strategy in place. This means that there is no shared document stating partners' collective and individual responsibilities to ensure children's need are met, both now and in the future.
150. Multi-agency partnerships have been strengthened since the last inspection in 2013. Senior managers work openly and effectively with the Local Family Justice Board and Cafcass. The co-location of police, the missing from home service and voluntary domestic abuse services with the ChECS 'front door' team has been achieved through close collaboration, in particular with the police. The caring and proactive approach taken by local schools is an important protective factor for many of the vulnerable children considered as part of this inspection.

The Local Safeguarding Children Board (LSCB)

The Local Safeguarding Children Board requires improvement

The arrangements in place to evaluate the effectiveness of what is done by the authority and board partners to safeguard and promote the welfare of children require improvement.

Executive summary

There is a clear commitment from the independent chair, the local authority and partner agencies to improve the effectiveness of the Cheshire East Safeguarding Children Board (CESCB). Significant progress has been made, particularly over the last year. Improvements are still needed to further the Board's oversight of practice and coordination of multi-agency safeguarding functions.

The CESCB is independently chaired and appropriately constituted. It is well supported by partner agencies, which are at the right level of seniority to be able to make decisions and commit resources. The inclusion of young people in the Board's membership ensures the child's voice is central to its work and is a significant strength.

There are clear governance arrangements between the Children's Improvement Board, Children's Trust and the CESCB with shared objectives and strong ambition to improve partnership working. Strategic links with the Health and Wellbeing Board (HWB) are not explicit and the children's agenda within this body is not sufficiently developed.

The focus of the CESCB's work has been on the priorities of the Improvement Board. The Board has undertaken a great deal of development, challenge and audit work to support practice improvements in line with the work of the Children's Improvement Board. Other vulnerable groups of children, including those who are looked after, have not benefited from the same level of scrutiny and challenge. The Board has no oversight or connection to the Local Family Justice Board. Therefore it cannot assure itself that children's needs are being met in relation to public and private proceedings.

Consideration and scrutiny of early help are not sufficiently embedded in the strategic oversight and work of the CESCB. The focus has been on increasing the number and quality of CAFs and the thresholds for referral to social care. The Board has not sufficiently considered inconsistencies in the stepping down of cases to lower levels of intervention. Escalation processes are underused.

There have been no serious case reviews (SCR) commissioned in the last four years and those cases considered at the case review sub-group have not been referred to

the National Panel. Therefore, external monitoring of the threshold for undertaking a SCR has not happened. There is some evidence that learning from other case reviews is impacting on practice but this is not widespread, for example the development of a pre-birth assessment process so that agencies coordinate work to safeguard children at the earliest opportunity.

Ofsted has not received any serious incident notifications since 2012. The Board is planning to audit cases that have involved serious harm to a child to see if the newly reviewed pathway process is working. Use of performance data within the CESCIB is not yet sufficiently developed. The Board acknowledges that the data set does not yet fully reflect the work of the partnership. More work is needed to reach an agreement about which multi-agency data should be included in order to ensure robust oversight and scrutiny of safeguarding practice.

Although there is a lot of work being undertaken across the partnership in relation to female genital mutilation, such as an awareness-raising campaign about the 'cutting season', it is, at this stage, uncoordinated.

In response to high numbers of children subject to child protection plans due to neglect, the CESCIB launched a neglect strategy in January 2015. Plans are in place to undertake further work to embed use of the tools before auditing to assess the impact early in 2016.

Recommendations

151. Complete work to develop the performance management framework so that service effectiveness can be evaluated rigorously across all agencies
152. Provide regular scrutiny of services for looked after children. Monitor and review the application by partner agencies of the threshold framework and take appropriate action where necessary.
153. Evaluate the impact of the neglect strategy and disseminate the findings to help agencies improve their practice.
154. Develop links with the Local Family Justice Board so that CESCIB can monitor how well the needs of children in public and private law proceedings are met.
155. Review the arrangements for monitoring the quality of private fostering work.
156. Improve the influence of CESCIB in the work of the Health and Wellbeing Board to ensure that safeguarding is embedded within its priorities.

157. Develop and implement a coordinated strategy in relation to female genital mutilation so that the impact of multi-agency work within Cheshire East can be evaluated and understood.
158. Implement a protocol that outlines when the National Panel should be notified about SCRs and incidents in order to strengthen scrutiny of decision-making.

Inspection findings – the Local Safeguarding Children Board

159. The CESCIB has an independent chair, is appropriately constituted and is supported by the commitment of partner agencies represented at the right level of seniority who commit resources to the Board and to the provision of safeguarding services. The sub-groups have recently been reviewed and each has an action plan to progress the work of the Board. Two lay members are involved at Board and sub-group level and are taking part in work to raise awareness of safeguarding within local communities. This is in its early stages.
160. The independent chair has been in post for two years and his contract has recently been extended for a further year. He has led significant development work and is a strong and credible chair who has assisted partner agencies to take joint ownership and accountability for safeguarding across Cheshire East. For example, board members undertake visits to frontline services to improve understanding of partner agencies' involvement in delivering safeguarding services. This has included visits to Cheshire East Consultation Service (ChECS) health visiting services and the Accident and Emergency Department. There are plans to develop multi-agency frontline practice standards to ensure consistency of practice across the partnership.
161. There are clear governance arrangements between the Children's Improvement Board, Children's Trust and the Safeguarding Board with shared objectives and priorities. The Chief Executive and the Director of Children's Services (DCS) meet regularly with the independent chair, although the minutes of these meetings do not evidence that the chair is being held to account for the effectiveness of the Board.
162. CESCIB have signed up to the Pan-Cheshire Learning and Improvement Framework, which has been localised for Cheshire East. The Board has a clear learning culture using external scrutiny and challenge well to help its development. This has included a recent peer challenge, the use of reflective reviews and the introduction of 'True for Us' reviews. Through these reviews national SCRs are considered against practice within Cheshire East to see whether there are any potential local lessons or development areas.
163. The Board offers a comprehensive range of training and take-up is good with 87% of places filled. This success is due in part to the introduction of a charging policy when professionals fail to attend. Online training to increase participation further is planned but not yet implemented. The learning and development sub-group has recently broadened its focus to ensure it

incorporates more than just training. It appropriately uses learning from case reviews and child deaths to influence the subject and content of training and also to inform local initiatives such as the recent safe sleeping campaign. The training is very well received by professionals and the annual impact evaluation shows that the vast majority of respondents feel it has influenced their practice. The Board is strengthening its approach to ensure a better understanding of how training and development is improving practice.

164. There is significant evidence of the Board holding partner agencies to account. An independent panel of Board members and young people undertake sector-specific challenge sessions with partners to help identify where they need to improve their safeguarding arrangements and oversight. The recommendations are formalised into an action plan and agencies are required to report on progress. All board members spoken to were able to provide examples of effective challenge and how this had changed their practice. For example, the police improved their process for completing vulnerable person's alerts, and public health has extended the remit of their school nursing service to include children who are not in education. In addition, Board members identified that as a result of the challenge, safeguarding within their own agencies has been given greater focus and resource allocation.
165. The Board has a well-used and up-to-date challenge log that identifies challenges raised and their outcomes. Accountability would be further strengthened if the Board considered the continued impact of these challenges when signing off the action plans as complete.
166. The voice of the child is an area of real strength within the work of the board. Engagement with young people is innovative and influential, and there are clear examples of where this has had an impact on policy development and service delivery. For example, a 'Takeover Day' in November 2014 led to two young people being appointed to the Board and all agencies being challenged to demonstrate how they ensure true involvement of young people in the services they provide. These two highly motivated and knowledgeable young people are fully engaged with the Board and work effectively with other young people to influence and shape safeguarding priorities. They feel they are listened to and that their contribution to safeguarding is important.
167. The Board undertook an effective section 11 audit in 2014 and the reach of this was extensive, involving leisure services, housing and regulatory services. Partners were required to submit supporting evidence and the analysis of the audit led to agencies developing action plans which the Board monitors to ensure progress.
168. The Board is well resourced and contributions are made by all agencies supported by the local authority business unit that works across the CESCOB and the Improvement Board. The role of the manager within this service has ensured that the two agendas are aligned. The Board has recently appointed a

performance officer in order to promote the development of the delayed performance framework and further strengthen this work.

169. The Pan-Cheshire Child Death Overview Panel (CDOP) has recently appointed a new chairperson. The 2013–14 annual report identified a number of areas for development, which the chair followed up. These include writing to Public Health to ensure the smoking in pregnancy campaign continued and the development of the safe sleeping programme. However, there is currently no suitably trained health professional to undertake a home visit following the death of a child. This is despite the chair writing to health commissioners to ask that this was prioritised. This is to be followed up as part of the work plan for the coming year. There is a lack of data specific to Cheshire East available but firm plans are in place for this to be part of the work the Board will be undertaking, as well as introducing an action log to capture areas for development.
170. Child sexual exploitation arrangements are coordinated and delivered well at a local and pan-Cheshire level through the CESC and the community strategic partnership. A range of strategic and operational forums effectively deliver the multi-agency strategy, including the pan-Cheshire and CESC child sexual exploitation and missing from home sub-groups. The sub-group structure reflects how well this area of safeguarding is prioritised within Cheshire East with a multi-agency champions group and an operational group collectively demonstrating determination to ensure young people are safeguarded.
171. Intelligence is shared and appropriate plans are developed for individual children and young people. The police and local authority work together well, for example in the development of a consistent pan-Cheshire communication strategy and the development and implementation of a screening tool across the four local authorities. Partners and senior and political leaders understand the prevalence of child sexual exploitation and continue to work together to oversee and reduce risk and ensure the provision of appropriate support.
172. The Board receives a comprehensive child sexual exploitation report twice yearly which details prevalence, work undertaken and planned strategic development. The Board has been influential in the decision to appoint further dedicated child sexual exploitation staff at the front door, which is leading to more timely identification and provision of services for those children at risk of going missing or being sexually exploited.
173. On a casework level, social workers are not yet consistently making links between what happens when children go missing from home and care, and potential child sexual exploitation risks. The evaluation of return interviews is not embedded and social workers are not using the information from return interviews to influence direct work with young people. CESC has not sufficiently scrutinised or challenged partners about this aspect of frontline practice.

174. The CESCIB website is accessible, easy to navigate and well used, especially for details about training. It has a comprehensive, up-to-date set of procedures which are interactive. They offer process advice as well as research information, legislation and practice guidance. The website highlights latest news and updates to ensure that those accessing the site can see any changes on the front page. It also has a Twitter account with regular tweets for updating staff.
175. The annual report for 2014–15 is in draft and a report detailing the priorities for the coming year was agreed by the Board in June. The 2013–14 report provides an evaluation of safeguarding work and sets out priorities and a work plan that are linked to the Improvement Board work. A joint session of the Children's Trust, the Improvement Board and the CESCIB has been held and young people have helped to inform and influence the priorities for this year but the outcome of this cannot be evaluated as yet.
176. The work in relation to female genital mutilation is not yet coordinated. There is an agreed CESCIB procedure in place and individual agencies are developing their response. The police have specialist female genital mutilation officers in place. The Board has assisted with raising awareness by sending out letters to partner agencies and this has led to a recent referral from a school. Health agencies record the prevalence of incidents but this is not formally reported to the Board. There is no dedicated training programme, although there have been well-received pan-Cheshire events. The reach of these has been limited to 80–100 professionals but there are plans to address this with additional sessions in the autumn.
177. The Prevent agenda is coordinated via the Community Safety Partnership (CSP). The police have led the work to date. They have a dedicated coordinator in place for Prevent, the initiative to prevent people becoming terrorists, and one for Channel, a mechanism to support people who may be vulnerable to extremism. There has not been a Channel Panel held as yet but referrals have been made to children's social care. Joint work has also taken place with the police and a multi-agency group of professionals to produce an action plan to reduce risk. There is currently one open case and four which have been closed in the last five months. The oversight of this work is in its very early stages but will be monitored via the CSP on a quarterly basis.

Information about this inspection

Inspectors have looked closely at the experiences of children and young people who have needed or still need help and/or protection. This also includes children and young people who are looked after and young people who are leaving care and starting their lives as young adults.

Inspectors considered the quality of work and the difference adults make to the lives of children, young people and families. They read case files, watched how professional staff work with families and each other and discussed the effectiveness of help and care given to children and young people. Wherever possible, they talked to children, young people and their families. In addition the inspectors have tried to understand what the local authority knows about how well it is performing, how well it is doing and what difference it is making for the people who it is trying to help, protect and look after.

The inspection of the local authority was carried out under section 136 of the Education and Inspections Act 2006.

The review of the Local Safeguarding Children Board was carried out under section 15A of the Children Act 2004.

Ofsted produces this report of the inspection of local authority functions and the review of the Local Safeguarding Children Board under its power to combine reports in accordance with section 152 of the Education and Inspections Act 2006.

The inspection team consisted of 10 of Her Majesty's Inspectors (HMI) from Ofsted and one associate inspector (AI).

The inspection team

Lead inspector: Sarah Urding HMI

Deputy lead inspector: Stephanie Murray HMI

Team inspectors: Paula Thompson-Jones HMI, Susan Myers HMI, Michael Ferguson HMI, Ty Yousaf AI, Shirley Bailey HMI, Mark Shackleton HMI, Cath McEvoy HMI, Tracey Metcalfe HMI

Senior data analyst: Hywel Benbow

Quality assurance manager: Bob Morton SHMI

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