

Policy Committee

Wednesday, 16 May 2018 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|----|--|-----------|
| 1 | Minutes of last meeting held on 28 March 2018 | 5 - 10 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below) (a) Disclosable Pecuniary Interests (b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Update on the Work of East Midlands Councils | 11 - 28 |
| 5 | The D2N2 Local Enterprise Partnership, The City of Nottingham and Nottinghamshire Economic Prosperity Committee and the Midlands Engine Partnership | 29 - 38 |
| 6 | Under -16 Home to School Transport Policy and Post-16 Transport Policy Statement | 39 - 82 |
| 7 | Corporate Risk Management Policy | 83 - 86 |
| 8 | Deprivation of Liberty Safeguards Policy | 87 - 102 |
| 9 | Early Years Provision in Nottinghamshire County Council Owned Properties - Occupational Costs | 103 - 112 |
| 10 | Proposals for the Future of The Mill Adventure Base | 113 - 120 |
| 11 | Operational Decisions Annual Review Quarterly Update November 2017 - February 2018 | 121 - 126 |

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|----|--|--------------|
| 12 | Royal Air Force Centenary (RAF100) - Bomber Command Memorial | 127 - 130 |
| 13 | Attendance at Local Government Association Annual Conference and Exhibition 2018 | 131 - 132 |
| 14 | Work Programme | 133 - 138 |
| 15 | EXCLUSION OF THE PUBLIC | |

The Committee will be invited to resolve:-

“That the public be excluded for the remainder of the meeting on the grounds that the discussions are likely to involve disclosure of exempt information described in paragraph 3 of the Local Government (Access to Information) (Variation) Order 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Note

If this is agreed, the public will have to leave the meeting during consideration of the following items.

EXEMPT INFORMATION ITEMS

- | | |
|----|--|
| 16 | Operational Decisions Annual Review Quarterly Update November 2017 - February 2018 - Exempt Appendix |
|----|--|
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate

the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Keith Ford (Tel. 0115 977 2590) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting **POLICY COMMITTEE**

Date **Wednesday 28 March 2018 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

Mrs Kay Cutts MBE (Chairman)
Reg Adair (Vice- Chairman)

Chris Barnfather
Joyce Bosnjak
Richard Butler
John Cottee
Samantha Deakin
Kate Foale
Stephen Garner
Glynn Gilfoyle
Richard Jackson

Bruce Laughton
Philip Owen
John Peck JP
Mike Pringle
Alan Rhodes
Stuart Wallace
Muriel Weisz
Jason Zadrozny

OTHER COUNCILLORS IN ATTENDANCE

Nicki Brooks
Jim Creamer

Kevin Greaves
Diana Meale

OFFICERS IN ATTENDANCE

Anthony May Chief Executive

David Pearson Adult Social Care & Health
Jonathan Gribbin

Colin Pettigrew Children and Families

Adrian Smith Place
Derek Higton
Steve Keating
Nicola McCoy-Brown

Carl Bilbey Resources
Angie Dilley
Keith Ford
Jayne Francis-Ward
Nigel Stevenson

1 MINUTES

The Minutes of the last meeting held on 14 February 2018, having been previously circulated, were confirmed and signed by the Chairman.

2 APOLOGIES FOR ABSENCE

None.

3 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

None.

4 REPLACEMENT OF THE ORCHARD SPECIAL SCHOOL AND NEWARK DAY CENTRE

RESOLVED: 2018/020

- 1) That approval be given to replace the Orchard Special School and the Newark Day Centre and to undertake the relevant consultation and/or engagement with service users, detailed design and enabling works and legal agreements.
- 2) That approval be given to the temporary relocation of the Newark Day Centre to Woods Court in Newark to enable the construction works to be undertaken.
- 3) That further reports be presented to the relevant Committee.

5 PROPOSALS FOR THE FUTURE OF SIR JOHN ROBINSON HOUSE

RESOLVED: 2018/021

That, subject to the findings of the feasibility study into the commercial use of Sir John Robinson House concluding that a European Union bid for funding is appropriate, authority be delegated to the Corporate Director of Place, in consultation with the Chair of Policy Committee, to consider and finalise any such bid.

6 DEVELOPMENT OF THE COUNTY HALL CAMPUS

RESOLVED: 2018/022

That the commissioning of up to £25,000 of appropriate technical expertise to undertake a market assessment and feasibility study for the commercial use of a potential new build on the County Hall campus be approved.

The requisite number of Members requested a recorded vote and it was ascertained that the following 11 Members voted '**For**' the motion:-

Reg Adair
Richard Butler
Mrs Kay Cutts MBE
Richard Jackson
Philip Owen

Chris Barnfather
John Cottee
Stephen Garner
Bruce Laughton
Stuart Wallace

Jason Zadrozny

The following 7 Members voted '**Against**' the motion:-

Joyce Bosnjak
Glynn Gilfoyle
Mike Pringle
Muriel Weisz

Kate Foale
John Peck
Alan Rhodes

Councillor Samantha Deakin abstained from the vote.

7 REVISION TO THE ADULT SOCIAL CARE CHARGING POLICY

RESOLVED: 2018/023

That the amendments to the Adult Care Charging Policy ('Contributions towards a Personal Budget Guidance' Version 5), as stated in paragraphs 10 and 16 of the report, be approved.

8 GYPSY, ROMA AND TRAVELLER (GRT) COMMUNITY POLICY

RESOLVED: 2018/024

- 1) That Members agree and approve the Policy Statement within the report in regard to its commitment to working with the GRT community.
- 2) That the work programme to support the Policy Statement, as detailed within the report, be ratified.

9 REVIEW OF THE COUNTY COUNCIL'S STATEMENT OF COMMUNITY INVOLVEMENT

RESOLVED: 2018/025

That the Statement of Community Involvement (SCI) – Second Review be adopted as Council policy as a formal replacement for the SCI – First Review, adopted in 2013.

10 STATEMENT OF ACCOUNTS 2017/18 – ACCOUNTING POLICIES

RESOLVED: 2018/026

That the proposed 2017/18 accounting policies be approved.

11 BETTER BROADBAND FOR NOTTINGHAMSHIRE (BBFN) PROGRAMME

RESOLVED: 2018/027

- 1) That, based on the results of the evaluation process, the Better Broadband for Nottinghamshire Contract 3 be awarded to BT PLC, subject to satisfactory completion of contract finalisation activities.
- 2) That the required staffing resources for the Better Broadband for Nottinghamshire programme be approved.

- 3) That the Capital Programme be varied to reflect the additional Department for Digital, Culture, Media & Sport funding.
- 4) That authority be delegated to the Corporate Director, Place and Chair of the Policy Committee to approve a bid submission for the European Agricultural Fund for Rural Development funding, subject to the Fund's criteria meeting County Council objectives.

12 LINDHURST DEVELOPMENT SCHEME UPDATE

RESOLVED: 2018/028

- 1) That the Corporate Director for Place be authorised to consider, in consultation with the Chair of Policy Committee, future options for Phase 2 of the scheme and provide a further report to Policy Committee on future proposals.
- 2) That the Service Director for Investment and Growth (or their nominee to act as a deputy) be nominated to act as the Council's representative and for the Corporate Director, Place to act as the authorised signatory for the purposes of the roles provided for in the Collaboration Agreement.

13 INFORMATION GOVERNANCE FRAMEWORK AND KEY POLICIES

Following discussions, Members requested that as well as the proposed e-learning course for Members, some cross-party training sessions also be arranged.

RESOLVED: 2018/029

- 1) That the Information Governance Framework, Information Rights Policy, Information Compliance Policy and the Information Security Policy, be approved, as recommended by Governance and Ethics Committee.
- 2) That authority be delegated to the Monitoring Officer to make any minor drafting changes which may be required from time to time (for example, arising from changes to the Council's structure, job roles, scheme of delegation or new legislation) and which do not result in substantive changes to the policies.

14 HEALTH IN ALL POLICIES

During discussions, Members suggested that an update on this issue be submitted to a future meeting of the Health and Wellbeing Board.

RESOLVED: 2018/030

- 1) That the Local Government Association (LGA)'s Health in all Policies approach be adopted.
- 2) That an LGA facilitated workshop focused on implementation of that approach be organised by Public Health, in conjunction with Democratic Services.

15 BUSINESS INTELLIGENCE STRATEGY

RESOLVED: 2018/031

That the Business Intelligence Strategy be agreed.

16 USE OF URGENCY PROCEDURES

RESOLVED: 2018/032

That no further information or actions were required in relation to the use of the Council's urgency procedures in the last monitoring period of July 2017 – January 2018.

17 APPOINTMENTS TO OUTSIDE BODIES

RESOLVED: 2018/033

- 1) That the Transport for the North Board be added to the Council's approved outside body list.
- 2) That Councillor John Ogle, a Vice-Chair of the Finance and Major Contracts Management Committee, be appointed as the Council's Co-opted Member on this Board.
- 3) That a substitute representative from the Nottinghamshire County Council Conservatives and Mansfield Independent Forum Group be nominated (to be agreed by that Group's Business Manager).

18 WORK PROGRAMME

RESOLVED: 2018/034

That no further changes were required to the work programme.

The meeting closed at 12.10 pm.

CHAIRMAN

REPORT OF THE LEADER OF THE COUNCIL UPDATE ON THE WORK OF EAST MIDLANDS COUNCILS

Purpose of the Report

1. To inform members of the work of East Midlands Councils

Information

2. Members have requested a regular update report on the work and activities of East Midlands Councils. The Executive Director of East Midlands Councils has agreed to produce a quarterly report for Members. The latest report on the work of East Midlands Councils is attached at Appendix A.

Other Options Considered

3. None

Reason/s for Recommendation/s

4. Members have requested regular updates on the work of East Midlands Councils.

Statutory and Policy Implications

5. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

6. There are no direct financial implications arising from this report.

RECOMMENDATION/S

That Policy Committee:-

- 1) considers the information and decides if there are any further actions required;
- 2) agrees to receive a further update in September 2018.

Councillor Mrs Kay Cutts MBE
Leader of the Council

For any enquiries about this report please contact:
Jayne Francis-Ward, Corporate Director – Resources

Constitutional Comments (SLB)

7. Policy Committee is the appropriate body to consider the content of the report. If Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments (SES)

8. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Policy Committee Report (May 2018)

East Midlands Councils

1. Background

- 1.1 East Midlands Councils is the membership organisation for the region's local authorities. It is a voluntary membership body that focuses on issues of significance and common priorities for councils in the East Midlands and where a collective approach is likely to be effective.
- 1.2 It also provides training and development programmes for councillors and staff of councils in EMC membership (at no additional or marginal cost), access to low-cost services and consultancy, e.g. recruitment and HR, and governance and organisational change support.
- 1.4 EMC also hosts lead members networks for 'portfolio holders' of Children's Services, Adult Social Care and Health and Wellbeing Board.
- 1.5 The following policy report includes detail on:
- Economic Growth and Infrastructure (section 2)
 - Asylum and Refugee Resettlement Programmes (section 3)
 - Regional Employers' Board (section 4)
- 1.6 Nottinghamshire County Council is a key partner in this work, and EMC welcomes the advice on these and any other matters of policy development and delivery.

2. Economic Growth and Infrastructure

- 2.1 This report updates members on the latest position on:
- a) Midlands Connect and regional investment priorities
 - b) East Midlands rail franchise competition
 - c) The cancellation of investment for the electrification of the Midland Mainline
 - d) HS2 in the East Midlands

a) Midlands Connect and Regional Investment Priorities

- 2.1 Following the publication of the Midlands Connect Three Year Plan, two key areas of work are currently underway:

- Development of a Major Road Network for the Midlands
- Transition of Midlands Connect to a Statutory Sub-National Transport Body

Major Road Network

- 2.2 Funded in 2016, the Government has committed to the establishment of a 'Major Road Network' (MRN) for England. The MRN would cover the busiest and most economically important 'A' roads that are not currently managed by Highways England. It would form a 'middle tier' of roads between the national Strategic Road Network (SRN) and local roads which would continue to be managed by Local Transport Authorities.
- 2.3 DfT is proposing to allocate a proportion of the National Roads Fund to the MRN. Press reports have suggested that this could be in the region of £1 billion per year across England. This would represent additional cash to Local Transport Authorities.
- 2.4 An initial East Midlands MRN proposition was discussed by TfEM on the 1st December 2017 and then on the 26th January 2018 and subsequently endorsed by Midlands Connect Strategic Board on 15th February 2018.

Statutory Sub-National Transport Body

- 2.5 The previous Government made a commitment to establish Midlands Connect as a statutory Sub-National Transport Body by the end of 2018, similar to the status now enjoyed by Transport for the North.
- 2.6 Whilst the current voluntary arrangements have been successful, the Government's Transport Investment Strategy published July 2017 highlights the added value of statutory status:
"....This unprecedented access to investment decision making is only possible as a result of STB's unique role as the single voice for their region and the legitimacy that statutory status gives them to prioritise potential investments based on their regional transport strategies" (para 4.23)
- 2.7 Following extensive dialogue, an initial proposition for a Midlands Connect STB has been developed with the following functions (which are also largely consistent with those held by Transport for the North):

- **To establish a statutory regional transport strategy for the Midlands** which must be recognised and formally responded by central Government and its delivery agencies, and by councils within and adjoining the Midlands.
- **To establish recommended priorities for major road and rail investment in the Midlands**, which the Department for Transport, Highways England and Network Rail would have to have regard to when setting their investment strategies.
- **To identify a 'Major Road Network' (MRN) for the Midlands** to complement the national network managed by Highways England, to establish its role and purpose to the regional economy and set desirable standards for operation and potential applications of future technology.
- **To work with Local Transport Authorities, Combined Authorities and other bodies (such as West Midlands Rail and TfEM) to specify the development and delivery of rail franchises** and to be a statutory consultee on changes to services which are wholly within or run through the Midlands Connect area.
- **To act jointly with the Local Transport Authorities and Combined Authorities to create multi-modal ticketing schemes** to cover the whole or any part of their combined areas

2.8 However officials have subsequently made clear that despite the strong policy commitment, the necessity for secondary legislation and the priority given to Brexit means there will be insufficient Parliamentary time to establish Midlands Connect as a statutory STB before 2020.

2.9 The Midlands Connect Strategic Board agreed a draft proposition February 2018, with the aim of formal submission to Government in October 2018. For this to happen, all the proposed constituent authorities would need to give consent. Work is ongoing to confirm the decision making processes and timetables for all proposed constituent authorities to ensure this timescale can be met.

Regional Infrastructure Priorities

2.10 The EMC General Meeting held in February 2017 endorsed the following set of regional infrastructure priorities.

| Priority | Current Status | Midlands Connect Strategy |
|---|--|---|
| Midland Main Line & Market Harborough Enhancement | <ul style="list-style-type: none"> Growth deal funding is in place to cover most of the cost of the scheme – and it is included in Network Rail's enhancement programme for CP5 Government has cancelled electrification between Kettering & Sheffield | MC Strategy confirms strong support for the MML upgrade and electrification project. |
| A5 (M42-M69) Strategic Enhancement | <ul style="list-style-type: none"> Funding for the Longshoot to Dodwells section was included in the Government's Roads Investment Strategy (RIS1) – but has now been delayed by the HE for 12 months | MC Strategy highlights strategic enhancement of the A5 as a priority and route from A38 to M1 proposed for the MC 3 Year Development Programme (2017-20) |
| Newark Strategic Road & Rail Enhancement | <ul style="list-style-type: none"> Development money for the A46 Newark Northern bypass was announced in the Government's RIS1 – but scheme unlikely to be completed before 2027 Network Rail has made available resources to explore proposals for a 'Newark flyover' - but the scheme does not feature in NR latest investment plans | MC Strategy confirms support for delivery for A46 Newark Northern Bypass in RIS2 as the first part of a long term strategic enhancement of the A46 from M5 to Immingham set out in the MC 3 year Development Programme (2017-20) |
| A14 Enhancement | <ul style="list-style-type: none"> Proposals for a new Junction 10a at Kettering were announced in the Government's RIS1- but have now been delayed due slower progress on associated housing development & securing developer contributions. | MC Strategy identifies A14 as a key route particularly for freight. Existing commitments for major enhancements around Kettering and in Cambridgeshire (Fen Ditton) supported for implementation in RIS1/2. Further development work proposed post 2025 |
| Access to East Midlands Airport (EMA) & East Midlands Hub Station | <ul style="list-style-type: none"> Government has confirmed HS2 Hub Station at Toton. Connectivity between Hub Station and EMA highlighted in EM HS2 Growth Strategy. | Midlands Connect part funded EM Gateways Study now underway and will inform the Phase 2b Hybrid Bill. |

- 2.11 The TfEM Board reviewed these priorities on 26th January 2018 in the context of the latest information on delivery and emerging work from Midlands Connect. The Board agreed to seek a common platform with Midlands Connect to strengthen the East Midlands lobbying position, and to re-present some of the priorities in the following way:
- Highlight improved access to East Midlands Airport as a separate priority rather than part of HS2;
 - Set improvements to Newark (road and rail interchange) within the strategic context of emerging proposals for an A46 Growth Corridor; and
 - Set improvements to the A14 within the strategic context of improved east – west connectivity across the Midlands.
- 2.12 The joint TfEM/Midlands Connect document, attached as an appendix to this report, summarises all of the region’s strategic priorities for an external audience.
- 2.13 The document was presented to the Secretary of State by Sir John Peace at a meeting held on the 5th March 2018 – the latest in regular schedule of biannual meetings. The discussion did not go exactly as expected. The Secretary of State welcomed the joint document, but wanted further detail on schemes that could be progressed immediately. A response is expected by the end of May 2018.
- 2.14 There will be a further opportunity for the East Midlands to present funding priorities to Government through the 2018 Autumn Budget process. Further work will include how these priorities may be further prioritised (and any further ‘pipeline’ projects proposed) in support of a clear submission in advance of the Autumn Budget.

b) East Midlands Rail Franchise Competition

- 2.15 The Government published the [East Midlands Franchise Competition Prospectus](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/569286/east-midlands-rail-franchise-competition-prospectus.pdf)¹ on the 16th November 2016.
- 2.16 The formal ‘Invitation to Tender’ (ITT) is expected in May 2018, against which candidate Train Operating Companies (TOCs) will make their bids. EMC has met with prospective bidders; Arriva, Abellio, First Rail Holdings Ltd, Stage Coach Rail. First Rail Holdings Ltd (First Group/Trenitalia) have since confirmed they are withdrawing from the competition.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/569286/east-midlands-rail-franchise-competition-prospectus.pdf

- 2.17 The new franchise will start in later 2019. As a result, there will be a further short 'direct award' to the current train operating company, East Midlands Trains.
- 2.18 The current partnership arrangement with the Department for Transport on East Midlands Franchise Competition has enabled consideration of a longer term role for EMC once the franchise has been awarded. A 'Limited Management Role' would allow local leaders to oversee the performance and investment plans of the TOC alongside the Department for Transport (DfT). It would also allow councils to have an influencing role via DfT on other TOCs serving the East Midlands and Network Rail.
- 2.19 A proposition was agreed by the TfEM Board on the 26th January 2018, which will need to be endorsed by the Department for Transport prior to the publication of the Franchise Invitation to Tender (ITT), which is expected in May 2018. The proposed 'Limited Management Role' has been the subject of positive discussions with the DfT officials, but the final decision will rest with the Secretary of State.

c) Cancellation of Midland Main Line Electrification

- 2.20 The Government's decision to cancel, rather than postpone, the full electrification of the Midland Main Line was announced on the 20th July 2017 - the day before the summer Parliamentary recess and just prior to a statement from the Secretary of State supporting Crossrail 2 (estimated to be £30bn+ in today's prices). The written statement to Parliament by the Secretary of State for Transport, The Rt Hon Chris Grayling MP is available [here](#).
- 2.21 Following a joint letter sent at the end of July 2017 and the intervention of Sir John Peace, a meeting was secured with the Secretary of State on the 30th November 2017 which was attended by Sir Peter Soulsby as Chair of TfEM and Cllr Kay Cutts MBE. However, although the Secretary of State was supportive on HS2 matters, there was no indication that the decision to cancel electrification would be reviewed.
- 2.22 Officers remain in dialogue with DfT officials about the potential for incremental electrification, starting with the section between Kettering and the power supply at Market Harborough, and the case for bringing forward the electrification of Clay Cross to Sheffield required for HS2. This is a positive development.
- 2.23 On the 29th March 2018, the National Audit office published a report on DfT's cancellation of a number of rail electrification schemes - including the Midlands Mainline. The report can be found at:

<https://www.nao.org.uk/report/investigation-into-the-department-for-transport-decision-to-cancel-three-rail-electrification-projects/>

- 2.24 The report provides a useful analysis of the DfT's decision to cancel electrification and concludes that the main reason was due to affordability problems within Network Rail, and that the costs/benefits of the alternative bi-mode solution were not properly understood/accounted for when the decision was made by DfT (which was before the last General Election) - and are still not fully understood now.
- 2.25 In particular, the report confirms that there is no existing bi-mode solution with the performance in both electric and diesel modes necessary to deliver the publically committed journey times on the MML.
- 2.26 This is inconsistent with the explanation for the decision given by the SoS to the Transport Select Committee - which was that electrification was now unnecessary because of advances in bi-mode technology.
- 2.27 There has already been some fairly robust comment in the press and from MPs. EMC/TfEM has not publicly commented, and we have no plans to do so but will continue to engage constructively with Ministers and DfT officials on the scope for increasing transport investment in the East Midlands.

d) HS2 in the East Midlands

- 2.28 The East Midlands HS2 Growth Strategy was published in September 2017 and endorsed by NCC Policy Committee in September 2017.
- 2.29 The Growth Strategy sets out clear and deliverable plans for how the region can work with Government and local communities to deliver this economic prize – consistent with the Midlands Engine Vision for Growth and the Government's Industrial Strategy. It includes proposes a high quality 'Toton Innovation Campus to sit at the heart of a thriving network of 'garden village' developments that will include the nearby Stanton and Chetwynd Barracks sites. It also includes detail on the significant wider opportunities for economic growth and transport connectivity; developed within a wider spatial context for enhancing towns and cities across the East Midlands and maximising the potential of key assets, e.g. the airport and Gateway Freight Interchange.

- 2.30 While the publication of the Growth Strategy represents an important milestone in the Strategic Board's work – in reality it is just the start of a much longer implementation phase. The key immediate priorities are:
- a) Phase 2b Hybrid Bill and Environmental Statement: It will be important to ensure that there is maximum complementarity between the Growth Strategy and the Government's proposition, to minimise the need to secure changes to the Bill through the Parliamentary petitioning process.
 - b) Establishing delivery arrangements and a clear route map to the establishment of formal delivery bodies.
- 2.31 Government, Midlands Connect & East Midlands Councils have also agreed priorities to maximise the benefits of HS2. For the first time, all parties have agreed to work towards:
- Partially opening the East Midlands Hub station at Toton in the 2020s, to support and stimulate the development of the planned Innovation Campus nearby, which has the potential to create 10,000 new jobs.
 - Early delivery of road infrastructure around the Toton Hub Station to support the early phases of the Innovation Campus.
 - Developing proposals to relocate the Network Rail/DB Cargo depot in Toton to another site within the East Midlands to facilitate the development of the Innovation Campus.
 - Establishing a delivery body to realise the potential of the Innovation Campus and associated Garden Village housing developments.
- 2.32 The region has made good progress on HS2 with the region being able to demonstrate consensus and ambition. Of significant importance is the current work on the Hybrid Bill, and this work is going well. While there has been agreement on the principle and potential scope of the Toton delivery body/vehicle, there has not been agreement between key local partners on the timings and immediate approach.
- 2.33 As the region's HS2 partnership moves from strategy development to strategy delivery, it is also clear that effective governance needs to be in place to support programme delivery, accountability, oversight and wider partnership engagement.
- 2.34 These important matters need to be resolved and discussions continue between leading partners in order to reach agreement on the way forward and for impetus to be maintained.

3. Asylum and Refugee Resettlement

a) Dispersal of Asylum Seekers

- 3.1 The East Midlands has been an asylum dispersal area since 2001 but it continues to be the case that the distribution of asylum seekers is uneven across the country and within the East Midlands - with areas in the north and midlands accommodating the majority of asylum seekers in urban centres of population.
- 3.2 Asylum seekers are located in 6 dispersal areas across the East Midlands; with approximately 800 in Derby City, 1000 in Leicester City, 950 in Nottingham City, 15 in Broxtowe and 55 in Oadby & Wigston. Gedling Borough Council has also agreed to become an asylum dispersal area but no placements have yet taken place. The latest information on the dispersal on asylum seekers supported under Section 95 of the Immigration and Asylum Act 1999 can be found [here](#).
- 3.3 To relieve pressures on existing areas, there remains a need to increase the number of areas participating in asylum dispersal within the region. The position remains (however unlikely) that unless sufficient numbers of local authorities consent to becoming an asylum dispersal area, the power to impose asylum dispersal on a local authority area could be invoked by the Secretary of State.

b) Refugee Resettlement

- 3.4 In July 2017, the Government announced that the Syrian Vulnerable Persons Resettlement Scheme would be extended to cover persons displaced by the conflict in Syria and will no longer exclusively cover Syrian nationals (now termed the Vulnerable Persons Resettlement Scheme).
- 3.5 Up until the end of 2017, there were 33 additional arrivals as part of the Vulnerable Persons Resettlement Scheme bringing the regional total to 447 refugees.
- 3.6 Local Authorities that have participated in the resettlement of refugees through the programme are Derbyshire (Chesterfield, Derbyshire Dales, High Peak, South Derbyshire), Leicester City, Leicestershire (Blaby, Harborough, Hinckley and Bosworth, Charnwood, Melton, Rutland, North West Leicestershire), Nottingham City, Nottinghamshire (Ashfield, Bassetlaw, Broxtowe, Gedling, Mansfield, Newark and Sherwood, Rushcliffe) and Northamptonshire (Northampton). Nationally over 10,000 refugees have been resettled.

- 3.7 A schedule of arrivals has been agreed with the Home Office for 2018/19 and the East Midlands is asked to accept 270 refugees as part of the ongoing commitment to the programme. The scheme is now due to receive final arrivals in December 2019. Currently the region is 'below-profile' against the original pledges made in 2015 and pledges from new and existing areas are being sought. The next charter flight of arrivals is due in June 2018.
- 3.8 Across the East Midlands, the key challenge to successful implementation of the scheme remains the identification of suitable accommodation. Councils in the East Midlands have continued to support the scheme and additional funding for void costs and adaptations has been welcomed.
- 3.9 The Home Office are continuing to seek offers of pledges for the Vulnerable Children's Resettlement Scheme (VCRS). The scheme applies to children and their families outside of Europe in refugee camps in the Middle East and North Africa, with the same funding levels as the current resettlement scheme.
- 3.10 Based on a proportion of the population, the number of refugees the East Midlands might be expected to support under the scheme would be just over 200. To date, 12 refugees have been resettled through the VCRS in 2 local authorities with another 4 local authorities indicating willingness to accept VCRS cases going forward.

c) Unaccompanied Asylum Seeking Children (UASC) and Additional Resettlement Requests

- 3.11 The UASC National Transfer Scheme (NTS) is based on regions taking a proportion of UASC in relation to their current looked after child population, with no region expected to exceed 0.07% of refugee children as a proportion of the total child population.
- 3.12 While all local authorities in the region continue to be engaged in the ongoing discussions and planning, funding arrangements and local placements/capacity constraints have prevented some local authorities in the region from participating in the scheme itself, specifically:
- Derby City has indicated that due to funding and capacity it is not able to participate at this time.
 - Leicestershire County Council have disengaged from the scheme until such time as the Government meets the full costs of placements and service provision; makes

adjustments to the operation of the scheme to make it practical to deliver; or makes participation in the Scheme mandatory.

- Lincolnshire County Council's Executive has agreed to participate in the scheme subject to the participation of all East Midlands authorities.
- Nottinghamshire County Council confirmed on 17th July 2017 that its involvement in voluntary transfer schemes, namely the National Transfer Scheme, Regional Transfer Scheme and Dubs Scheme, be suspended in light of the funding shortfall.

- 3.13 As of February 2018, the total number of UASC in the region stood at around 270. Within this total UASC cohort, 25% are a result of participation in the National Transfer Scheme with UASC transferred to the region directly from Europe, from Kent/London Boroughs, or in-region from Northamptonshire (note, this includes Dubs and VCRS arrivals).

Missing UASC

- 3.14 At the Regional Migration Board, Members expressed concern about the numbers of UASC who go missing from local authority care. The national ADCS task group discussed this issue and there is a separate multi-disciplinary group across Police, Immigration Enforcement and the Home Office Resettlement, Asylum Support and Integration Directorate including some local authorities and SMPs looking at the issue. National and regional agencies are developing a response and a new multi-agency approach is being rolled out.

Funding and Costs

- 3.15 The Home Office announced a review of UASC funding and EMC submitted a response based on its comprehensive regional analysis of funding and capacity. In support of the review, the Home Office has established a Working Group to advise them in developing recommendations. The East Midlands is represented by Colin Pettigrew (Nottinghamshire), Helen Blackman (Nottingham City Council's Director of Children's Integrated Services) and EMC.
- 3.16 The Home Office had indicated that they intended to publish the conclusions of their review before the end of March 2018, with implementation of any changes to funding to commence in the 2018-19 financial year. However, the outcome of the review is still awaited.

- 3.17 The Ministry for Housing, Communities and Local Government announced earlier in 2018 the allocation of £19.9m from the Controlling Migration Fund to help local authorities build their capacity to care for UASC. Most local authorities caring for UASC in the East Midlands received a grant, with a total allocation across the region of £1.1m. There is agreement amongst the majority of East Midlands' local authorities to contribute a small proportion of these grants to create a regional UASC Fund in order to support the development of a sub-regional resource.

Revised NTS Protocol

- 3.18 A new protocol for the National Transfer Scheme has been published. The new Protocol contains a number of changes, including:
- Inclusion of good practice notes (including greater focus on the best interests of the child and improved information-sharing) for different stages of the transfer process;
 - Merton compliant age assessments may be conducted by the entry as well as receiving local authority; and
 - Recalculation of the 0.07% UASC to total child population for each local authority area, now based on 2016 data, effectively increasing the threshold for transfer in most authorities and London Boroughs
- 3.19 The protocol will be kept under regular review and the Home Office will be looking to establish a working group to consider issues about the transfer process on an ongoing basis.

4. The Regional Employers' Body

- 4.1 The purpose of this section is to update Members on key developments on employment issues affecting local government. It also provides a summary of the support provided by East Midlands Councils to local authorities in the region on HR, workforce and councillor development.

a) Local Government Pay

- 4.2 Members will be aware that negotiations are currently taking place nationally on pay.
- 4.3 Agreement has now been reached for employees on Local Government Services (Green Book) terms and conditions – the majority of local authority employees. The agreement covers 2 years and includes a new national pay spine for implementation

in 2019 which will help address the pressures of the national minimum wage and the erosion of differentials.

- 4.4 EMC will be supporting councils with any issues or concerns they may have in implementing the new pay spine as part of their local pay and grading structures.
- 4.5 On 10th April 2018, National Employers made pay offers to the representatives of Craftworkers, Chief Officers and Chief Executives. ALACE, which represents Chief Executives rejected the offer within an hour of its receipt. The offer made to Chief Officers has also been rejected.

b) Employment Law Developments

- 4.6 Taxation of Payments in Lieu of Notice: New provisions have been introduced from 6th April 2018 so that any payments in lieu of notice are subject to taxation and national insurance, regardless of whether employment contracts provide for pay in lieu of notice. This is helpful in simplifying the issue, but removes the flexibility employers had when seeking to agree an exit through a settlement agreement, as any notice payments now must be subject to tax/NI.
- 4.7 Legal Requirement to Charge Unions for Deductions of Subscriptions through Payroll (DOCAS): 2 days before its expected implementation date of 10th March 2018, the Cabinet Office announced that the legislation requiring public sector employers to charge unions for deducting their members' subscriptions via payroll would not be coming into force due to Parliamentary timing issues.
- 4.8 The Cabinet Office will be looking at bringing the Regulations – the Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2017 - into force at a later date and EMC will keep councils updated on any developments.
- 4.9 Most councils had been putting in place agreements with trade unions to make charges and the majority have now decided to hold off introducing the charges until the legislation comes into effect. This issue was a significant concern for the trade union side of the Regional Joint Council.

c) Gender Pay Gap Reporting Requirements

- 4.10 By 31st March 2018, all councils with 250+ employees were required to have published their gender pay gap information on their website as well as on a dedicated government website.
- 4.11 EMC has provided information and guidance to councils on calculating and reporting their gender pay gap.
- 4.12 The information published by councils in the region is being collated by EMC, although comparisons between organisations require careful analysis, as often the pay gap reflects the different workforce models in councils, e.g. whether or not services that tend to be traditionally dominated by one gender, and are lower paid, are 'in-house'.
- 4.13 As part of our work on pay and rewards, EMC will be working with councils to share ideas, information and practices that will help to reduce a gender pay gap, however the causes and solutions are longer-term as they mainly reflect occupational segregation.

d) Service Support

- 4.14 As the Employers' Organisation, EMC provides advice and support to councils on HR and learning and development issues. During 2017-18, EMC has:
- Provided advice on 45 separate HR issues referred by HR officers in our local authorities (this is a service that is free for member councils).
 - Conducted 73 separate research assignments on behalf of councils so that organisations can share and benchmark policies and performance information (this is a free service for member councils).
 - Enabled 363 vacancies to be advertised on East Midlands Jobs, a low-cost recruitment portal.
 - Delivered a programme of training and development for councillors across the region, attended by 212 councillors.
 - Delivered a programme of training and development for officers, attended by 324 officers.
 - Delivered a programme of continuous professional development for planners, attended by 377 officers.
 - Delivered a programme of continuous professional development for environmental health officers attended by 605 delegates.
 - Launched a programme for housing officers.

- Supported councils individually on 74 separate assignments on a consultancy arrangement on a not-for-profit basis.

4.15 Members of the Employers' Board have agreed that the work plan for 2018-2019 would focus on the following areas:

- GDPR (General Data Protection Regulations) which come into force in May 2018.
- Apprenticeships – supporting councils to maximise return on the levy and identify apprenticeships to assist with skills shortage areas and workforce development.
- Pay and rewards.
- Health and social care integration.
- Recruitment and retention within planning, building control and social care.

e) Brexit

4.16 EMC and the LGA are hosting a Post-Brexit Commission Roadshow event for the East Midlands which will take place on 11th May 2018 at Nottinghamshire County Council. The programme has been developed to enable leading councillors and chief officers to discuss some of the key challenges and opportunities facing non-city areas in the East Midlands over the coming years. Every council in the region is guaranteed at least one place.

Stuart Young
Executive Director
East Midlands Councils

REPORT OF THE LEADER OF THE COUNTY COUNCIL**THE D2N2 LOCAL ENTERPRISE PARTNERSHIP, THE CITY OF NOTTINGHAM, NOTTINGHAMSHIRE ECONOMIC PROSPERITY COMMITTEE AND MIDLANDS ENGINE PARTNERSHIP****Purpose of the Report**

1. The purpose of this report is threefold, to:
 - a) Provide an update on the work of the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2 LEP), the City of Nottingham and Nottinghamshire Economic Prosperity Committee (N2 EPC) and the Midlands Engine Partnership.
 - b) Seek approval for £62,500 revenue contribution to support the D2N2 LEP during the financial year 2018/19.
 - c) Seek approval to contribute £20,000 per annum over a 2-year period towards the Midlands Engine Partnership.

Information

2. The Council Plan 2017-2021 emphasises the importance of maximising the impact of the Midlands Engine and Midlands Connect programmes and being an active and influential partner within the D2N2 LEP. Nottinghamshire enjoys healthy employment levels and we intend to further our economy from the firmest of foundations. We are:
 - delivering essential infrastructure projects through our partnership with the D2N2 LEP Board, projects which provide the foundations for employers to prosper in Nottinghamshire, increase productivity of workers and provide skilled jobs.
 - using the advantages of our geography and our expertise in delivering economic growth, to work with the Midlands Engine Partnership, to influence regional and national economic and transport strategy to ensure Nottinghamshire remains a well-connected County for the benefit of all.

D2N2 Local Enterprise Partnership (D2N2 LEP)

3. The interim Chief Executive of the D2N2 LEP will be presenting to Policy Committee and has produced a report on the work of his organisation (attached at **Appendix A**).
4. D2N2 is funded partially by Government and programme funding but requires local match revenue funding to ensure it remains operational. The four upper tier local authorities have provided equal, annual revenue contributions of £62,500 as part of the LEP's match

funding since inception. In 2018-19, as in previous years, this will be matched by £250,000 from Government.

5. Subject to approval, it is proposed that the County Council confirms a financial contribution to the D2N2 LEP of £62,500 for the financial year 2018-19 funded from contingency.

The City of Nottingham and Nottinghamshire Economic Prosperity Committee (N2 EPC)

6. This report is the fifth update received by members offering an update on the N2 EPC covering the period from October 2017 to May 2018.
7. The N2 EPC is a joint Committee having responsibility for growth and economic development and has a recognised role in advising the D2N2 LEP on investment priorities for the Nottingham and Nottinghamshire area. The EPC has oversight of proposed spend via the Nottinghamshire authorities' Business Rates Pool (excluding the City of Nottingham). The EPC considers projects from across the area and proposes priorities for endorsement to the D2N2 LEP.
8. The Leader of the County Council chairs the N2 EPC. The Leaders of the Nottingham and Nottinghamshire local authorities are members, with all the Chief Executives attending in an advisory capacity.
9. The N2 EPC last met on 9th March 2018 and received an update on both the "Unlocking Growth in N2 Town Centres" Programme and the N2 business rates pool.
10. Next steps are for the N2 EPC to consider and agree spending priorities.

The Midlands Engine Partnership

11. The Midlands Engine Partnership is setting out to transform the way it works together and with Government to achieve greater economic growth and productivity across the Midlands through collaboration with businesses, long-term thinking and ensuring a "one voice" approach. The *Vision for Growth* sets out 5 strategic priorities for investment that will enable the Midlands to contribute to the UK's Industrial Strategy and drive Britain's post-Brexit growth.
12. To help achieve this vision, Government have confirmed their acceptance of the Midlands Engine business case and agreed a £4 million package of core funding to operate the Engine for a period of two years, subject to partners providing match funding.
13. Nottinghamshire County Council's Chief Executive is the Chair of the Midlands Engine Operating Board, representing the views of our Local and Combined Authority partners. At the Operating Board's 7th November 2017 meeting, it was recommended (and subsequently approved by the Executive Board) that Local and Combined Authorities provide a contribution of £20,000 per annum over a 2-year period. Subject to Policy Committee approval, this amount will be met from the Growth and Economic Development base budget.
14. Since the publication of the Vision for Growth, the Engine has made significant progress across a range of areas. Currently, for example, a dialogue is underway with HM Treasury, in respect of the emerging priorities of the Engine, some of which (if supported) would be to the benefit of the East Midlands and/or Nottinghamshire. There is a growing recognition within Government that the East Midlands has not received sufficient priority and the

Midlands Engine provides an effective conduit for discussions with Government about how best to address this. At the same time, Robert Jenrick MP, has been appointed as the Exchequer Secretary with a special responsibility for the Midlands Engine so the Engine now has a ministerial lead in HM Treasury, in addition to the Ministerial “Champion” role played by Sajid Javid, Secretary of State for Communities and Local Government.

15. To complement this direct dialogue with Government, much work is underway across the Midlands Engine to align the work of the Strategic Groups and Task and Finish Groups, so that they are working towards the outcomes set out in the Vision for Growth. Specifically, this work has led to the recent launch of a Project Support fund to assist the development of priority projects. In addition, the Engine has launched the procurement process to establish a midlands Economic Observatory, which will help establish a better current a forward view of the regional economic drivers. Lastly, the Engine has been successful in securing one of the Government’s pilots for 5G communications. This pilot is worth over £4.5 million and will take place across the Worcestershire LEP area.

Other options considered

16. The challenge is one of improving the productivity of our companies and the skills of the county workforce to increase the value of our economy and increase residents’ wages. It is for this reason that the option of not providing the funding for the Midlands Engine Partnership or the D2N2 LEP was rejected. Without the County Council’s match funding, both partnerships will not be able to unlock access to significant funds from Government to support growth.

Reasons for the Recommendations

17. To provide Policy Committee with information on the D2N2 LEP and N2 EPC as requested by Members in November 2015, and to seek approval to provide the requested match funding for the D2N2 LEP and Midlands Engine Partnership.

Statutory and Policy Implications

18. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

19. Nottinghamshire County Council has contributed £62,500 per year towards the core running costs of the D2N2 LEP since financial year 2011/12. This contribution has been matched by the other upper tier councils and has enabled D2N2 LEP to draw down £250,000 per year from the government to support ongoing revenue costs.
20. In addition, the County Council has committed to supporting the Growth Hub for the D2N2 LEP. The Growth Hub coordinates access to business support for companies across the areas, with a particular focus on companies that demonstrate higher growth potential in the LEP’s priority sectors. The Growth Hub currently benefits from investment through the European Structural Investment Fund (ESIF) programme. The County Council has

committed to supporting this with an annual contribution of £50,000 over three years to ensure an enhanced level of service in Nottinghamshire, as approved by the (former) Economic Development Committee on 3rd November 2015.

21. Nottinghamshire County Council contributes £3,500 per year towards the secretariat costs for the N2 EPC. Every Nottinghamshire council makes similar contributions.
22. The requested £40,000 Nottinghamshire County Council contribution towards the £4 million core funding (matched by partner contributions) will be used to produce evidence driven programmes that can compete on the world stage, to meet the Midlands Engine's long-term ambition to drive up productivity and economic growth. This is in addition to supporting a range of activities (secretariat, project development etc.) subject to the decision making of the Executive Board.
23. Local Growth Fund (LGF) funding for the N2 Town Centres Programme has been confirmed at £7.625 million over the period March 2018 to March 2021. Nottinghamshire County Council acts as accountable body for this Programme, for which there are no additional net financial costs to the Council for taking on this role.

RECOMMENDATIONS

It is recommended that Policy Committee:

- 1) Approves £40,000, £20,000 per annum for 2 years, as Nottinghamshire County Council's match funding contribution towards the £4 million core funding of the Midlands Engine Partnership for the period 2018-2020.
- 2) Approves the revenue contribution of £62,500 to support the D2N2 (Derby, Derbyshire, Nottingham, Nottinghamshire) Local Enterprise Partnership (LEP) for the financial year 2018-2019.
- 3) Approves the submission of a request to the Finance and Major Contracts Management Committee for the £62,500 contribution to the D2N2 LEP in 2018/19 to be funded from contingency.

COUNCILLOR MRS KAY CUTTS MBE
Leader of the County Council

For any enquiries about this report please contact:

Nicola M^cCoy-Brown, Growth and Economic Development ext. 72580

Constitutional Comments [SLB 19/04/2018]

24. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments [RWK 02/05/2018]

25. The report proposes making a contribution of £40,000 towards the core funding of the Midlands Engine Partnership. This contribution will be funded from the existing revenue budget provision for Growth and Economic Development in the sum of £20,000 per annum for 2 years.

26. The report also proposes making a contribution of £62,500 to the D2N2 LEP in 2018/19. A request will need to be submitted to the Finance and Major Contracts Management to approve the funding of this contribution from contingency.

Background papers and Published documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- *The Midlands Engine Vision for Growth*, available online at: <https://www.midlandsengine.org/wp-content/uploads/Midlands-Engine-Vision-for-Growth.pdf>
- *The D2N2 Local Enterprise Partnership and the City of Nottingham, Nottinghamshire Economic Prosperity Committee and Midlands Engine Strategy & Action Plan*, report to Policy Committee, 13th September 2017, published
- Published reports from the Nottingham and Nottinghamshire Economic Prosperity Committee are available online at: http://ws43-0029.nottscc.gov.uk/dmsadmin/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/508/Default.aspx

Electoral Division(s) and Member(s) affected

All

Appendix A: SIX-MONTHLY UPDATE ON THE D2N2 LOCAL ENTERPRISE PARTNERSHIP

PROGRESS TO DATE

1. The D2N2 LEP Board meets bi-monthly and in the past 6 months has specifically referenced the following key areas.

LEP APPOINTMENTS AND STAFFING

Staffing Changes

2. In December, David Ralph resigned from his position as Chief Executive of the LEP. Matthew Wheatley is the appointed as Interim Chief Executive for a six-month period. During this period, Sajeeda Rose has been appointed as Interim Deputy Chief Executive, leading on governance improvement and delivery of capital projects. Richard Kirkland leads on European Structural Investment Funds. David Wallace has been brought into the team on a temporary basis to back-fill capacity and particularly to provide leadership on the refresh of the Strategic Economic Plan and to prepare for the development of a Local Industrial Strategy.

Chair and Board member recruitment

3. Peter Richardson, the current Chair of D2N2 LEP, has indicated that he wishes a new Chair to be sought when his term expires in July 2018. There are two business Board members whose terms expire in July. In July, the Higher Education Institutions Board seat will move from Professor Edward Peck of Nottingham Trent University to Kathryn Mitchell of the University of Derby. The District Councils in Nottinghamshire and Derbyshire will be asked to confirm their collective representatives on the LEP Board and D2N2 will ask the local authority Board members to formally nominate a Vice Chair from amongst their membership.

Nominations Committee

4. To manage the recruitment and section of: new Board members, a new Chair and a permanent Chief Executive, the LEP Board has asked business board member Paul Harris (from Rolls Royce), to convene and Chair a nominations committee. The Committee will be a standing committee of the LEP, overseeing the rolling recruitment and annual refresh of Board membership.

GOVERNANCE ACTION PLAN

5. In recent months, Government has focused on strengthening the governance of Local Enterprise Partnerships to ensure that they can function effectively, particularly in relation to the management of public funds. There has been significant attention from Government on the former Greater Cambridge and Greater Peterborough LEP following issues that were highlighted by the local MP and a report from the National Audit Office and which have subsequently led to an inquiry from the Public Accounts Committee and the liquidation of their LEP.
6. In November, in common with all LEPs, D2N2 engaged in an 'Annual Conversation' with Government officials around the LEP's performance in relation to governance, strategy and delivery. In March, Government formally communicated with LEPs the outcomes of the Annual Conversation process. Overall D2N2 LEP was considered to be requiring

improvement but with elements of good performance. In the 3 specified categories, D2N2 LEP's performance was assessed as:

- Governance - Requiring improvement
- Delivery - Good
- Strategy - Good

7. D2N2 LEP is one of 19 LEPs in the 'requiring improvement' category', with 16 rated as 'good'. No LEPs were rated as 'excellent' and 3 were rated as 'inadequate'.
8. All governance issues identified through the Annual Conversation process have either already been addressed or are scheduled to be addressed this year, as part of the iterative Governance Action Plan. This Plan also picks up the implementation of the recommendations of the Mary Ney Review of Governance and Accountability and those of Derbyshire County Council's independent audit of the management of the Local Growth Fund.
9. In April, D2N2 LEP officials had a 'follow up' meeting to the Annual Conversation with Government officials, which has confirmed the positive progress on improving governance, delivery and strategy work.

D2N2 OPERATIONAL PLAN

10. The D2N2 Draft Operational Plan for 2018/19 has been approved by the D2N2 Board in March. It sets out detailed actions to ensure that D2N2 continues to strengthen its performance on delivery and strategy, with the aim to obtain an at least 'good' overall rating in 2018/19 Annual Conversation. The Operational Plan highlights 10 priority actions and includes a wider set of actions, segmented by theme. The overall corporate priority for D2N2 LEP is to be a good and effective partnership that drives economic benefit for the D2N2 area. To pursue this, our corporate priorities for 2018/19 are to:
 - a) demonstrate a strong record on delivery and managing funding
 - b) implement strengthened governance processes to give Government the confidence to continue to invest in the D2N2 economy
 - c) publish an up to date Strategic Economic Plan to drive activities
 - d) work with partners to
 - i. promote investment to deliver the Strategic Economic Plan, and;
 - ii. develop a clear approach to maximising the benefits from the Government's Industrial strategy
 - e) remain outward looking, responsive to opportunities and collaborative to deliver our shared ambitions
11. The activities within the plan are segmented into five themes that reflect the work that undertaken to deliver the Strategic Economic Plan. The themes are:
 - a) Strategic Leadership and Influence
 - b) Business Growth
 - c) Infrastructure Investment
 - d) Skills and People
 - e) Governance / High Performing Organisation

12. The Strategic Economic Plan includes a commitment to consider the impact of the actions that will be undertaken on crosscutting themes of inclusive growth and sustainability. For each action, the Plan details: what we will do; how; the outcome to be achieved; where it sits within the LEP's governance structure; the lead officer responsible; and the timescale and the budget that the activity will be resourced from. The Plan is available by email or from the D2N2 website at: <http://www.d2n2lep.org/write/Documents/Reports/D2N2-Business-Plan-2017-18-Web-Version.pdf>

MINISTERIAL REVIEW OF LEPS

13. As part of Government's continued focus on strengthening LEPs and considering their role in relation to the Industrial Strategy, there is a Ministerial Review of LEPs currently taking place, which includes assessing the impacts of boundary overlaps to ensure clarity, transparency and representation of functional economic areas.
14. The review is due to be published after the local elections but before parliamentary recess. As it may have fundamental implications for the role and operation of the LEP, the LEP will not implement significant organisational change until after the conclusions of the review and their implications for LEPs are known and understood.

REVIEW OF STRATEGIC ECONOMIC PLAN

15. D2N2 LEP is continuing to review its Strategic Economic Plan, building on an extensive evidence base, including a Science and Innovation Audit and 'deep dive' reviews of Productivity and Inclusive Growth. The SEP will provide a refreshed focus for the LEP's activities and work with partners, as well as a framework for the development of a Local Industrial Strategy (ahead of the introduction of the Shared Prosperity Fund). In the meantime, support will continue with local partners in bidding to funding made available by Government as part of the national Industrial Strategy, such as the Industrial Strategy Challenge Fund and the Strength in Places Fund.
16. The timetable of the review has been slightly elongated to ensure that the incoming Chair of the LEP can oversee the completion of the review. Currently, consultation, particularly with the business community, is scheduled for the early summer, with publication in September.

IMPLEMENTATION OF ESIF PROGRAMME

17. As detailed at 13th September 2017 Policy Committee meeting, the D2N2 LEP has responsibility for supporting the commissioning of the approximately €251m (£195.7m) D2N2 European Structural Investment Funds (ESIF) programme 2014-2023 through the D2N2 ESIF Committee. Councillor Reg Adair is the County Council's representative on the ESIF Sub Committee. The funding to date has supported a range of programmes designed to support innovation and business growth and people to find work and develop economically valuable skills. Currently the first 'half' of the D2N2 ESIF Programme is being delivered and 'calls' opened or planned to deliver the final 3 years of the programme.

IMPLEMENTATION OF D2N2 LOCAL GROWTH FUND (LGF) PROGRAMME

18. As a result of successful bids to each round of the Government's Local Growth Fund, D2N2 manages an allocation of over £200m to deliver a range of specified capital projects supporting business growth, job creation, learners and homes across Derbyshire and Nottinghamshire. Final grant awards are subject to a business case approval and contracting process governed by the D2N2 Local Assurance Framework.
19. D2N2 has approved a number of Local Growth Fund Investments in Nottinghamshire since March 2017, as detailed below.

Approved LGF Investments in Nottinghamshire since March 2017

| PROJECT NAME | BRIEF DESCRIPTION | LGF INVESTMENT | TOTAL COST |
|--|---|----------------|------------|
| Phase 2 of the A46 Corridor Improvements | Cotgrave Town centre improvements | £1.2M | £5.86M |
| N2 Towns Programme | Programme of investment in key towns across Nottinghamshire | £7.6M | £13M |
| Sherwood Visitor Centre | Contribution towards a new visitor centre | £500,000 | £6.8M |
| Nottingham City Hub | New skills hub in the centre of Nottingham | £30M | £58M |
| Sherwood Energy Village | New industrial units | £500,000 | £3.3M |

Proposed Nottinghamshire projects over the next 6 months

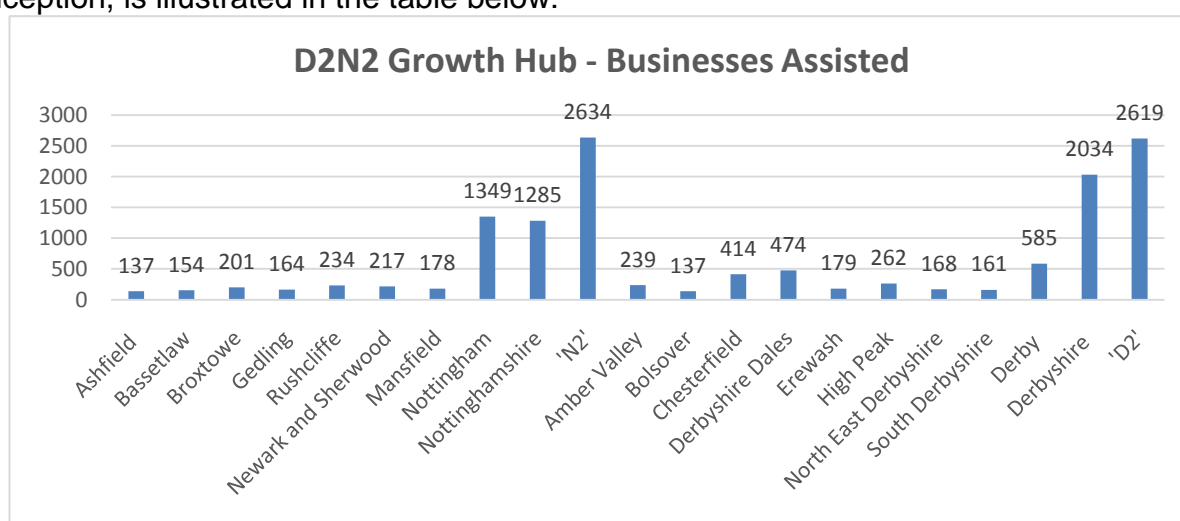
| PROJECT NAME | BRIEF DESCRIPTION | PROPOSED LGF INVESTMENT | EXPECTED TIMESCALE FOR LEP CONSIDERATION |
|----------------------|---|-------------------------|--|
| Vesuvius | Infrastructure enabling work to unlock employment land in Worksop | £4.5M | June 2018 |
| MTIF | Medical Technologies Incubation facilities at the Clifton Campus and Boot EZ site | £8.7M | July 2018 |
| A46 Corridor Phase 4 | Infrastructure to unlock the Clifton employment and housing site | £3.2M | TBC |

| | | | |
|---------------------|--|--------|----------------|
| Gedling access Road | Infrastructure to unlock housing development | £10.8M | September 2018 |
|---------------------|--|--------|----------------|

D2N2 GROWTH HUB

20. D2N2 receives funding from Government to operate the D2N2 Growth Hub offers access to support for businesses across the D2N2 area, through direct advice and referrals to specific support programmes appropriate to the needs of the business. The Growth Hub is delivered in partnership with the East Midlands Chamber of Commerce and local authorities, who can support additional capacity in local areas. To enhance the service in Nottinghamshire, the County Council currently supports a Business Support Coordinator, who works closely with business groups across the County, and a Business Advisor, who works directly with businesses.

21. The current profile of businesses assisted by the growth Hub, by local authority areas since inception, is illustrated in the table below:



REPORT OF THE CHAIRMAN OF COMMUNITIES AND PLACE COMMITTEE**UNDER-16 HOME TO SCHOOL TRANSPORT POLICY AND POST-16
TRANSPORT POLICY STATEMENT - 2018/2019 ACADEMIC YEAR****Purpose of the Report**

1. To approve the County Council's Under-16 Home to School Transport Policy and Post-16 Transport Policy Statement for the 2018/2019 academic year.

Information

2. Nottinghamshire County Council is required to publish its Under-16 Home to School Transport Policy and Post-16 Transport Policy Statement in accordance with the Education and Inspections Act 2006, which built on provisions in the Education Act 1996. If amendments are proposed, these must be subject to consultation and the agreed new policies published by 31 May each year.

Under-16 Home to School Transport Policy 2018/19 academic year

3. The Under-16 Home to School Transport Policy sets out the County Council's provision of school transport services and travel assistance for pupils aged 4-16 years in relation to qualifying criteria and processes as follows:
 - eligibility for travel assistance
 - how parents/carers may apply
 - how decisions are made
 - the type of assistance that may be available
 - how parents/carers may appeal against decisions they are unhappy with.
4. It is not proposed to make any amendments to the Home to School Transport Policy for the 2018/19 academic year, other than amending dates to reflect the change in academic year.

Post-16 Transport Policy 2018/2019 Academic Year

5. The Post-16 Transport Policy consists of a travel scheme which aims to enable post-16 students to access education. The scheme is available to all Nottinghamshire County residents who meet the qualifying criteria. Where the County Council determines that a student has a special transport need, transport will be provided.
6. It is not proposed to make any amendments to the Post-16 Transport Policy Statement for the 2018/19 academic year, other than amending dates to reflect the change in academic year and updating contact details for FE colleges.

Consultation process

7. As there are no changes being proposed to the policies for the 2018/19 academic year, public consultation has not been undertaken.

Other Options Considered

8. None.

Reason/s for Recommendation/s

9. It is a requirement that the local authority reviews the Under-16 Home to School Transport Policy and the Post-16 Transport Policy each year, although it is not a requirement to make any changes to the policies if it is not felt necessary to do so. The two policies have been reviewed and they meet the statutory requirements of the local authority to provide transport to pupils and students in Nottinghamshire.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

11. There are no anticipated additional costs relating to the proposal not to make any changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy.

Legal Implications

12. There are no anticipated legal implications relating to the proposal not to make any changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy.

Implications for Service Users

13. It is anticipated that the effects, if any, of these recommendations on service users will not be significant in the 2018/19 academic year.

Public Sector Equality Duty Implications

14. As there are no changes being proposed to the policies for the 2018/19 academic year, an Equality Impact Assessment has not been undertaken.

Human Rights Implications

15. The provisions of the Equality Act 2010 and the European Convention on Human Rights are recognised throughout and in particular in sections relating to Special Educational Needs and Disability.

RECOMMENDATION

- 1) That Committee approves the Under-16 Home to School Transport Policy and the Post-16 Transport Policy for the 2018/19 academic year.

Councillor John Cottee
Chairman of the Communities and Place Committee

For any enquiries about this report please contact: David Litchfield, Transport Policy and Client Engagement Officer, Tel: 0115 977 2448

Constitutional Comments [SLB 19/04/2018]

16. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments [RWK 25/04/2018]

17. The financial implications are set out in paragraph 11 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Under-16 Home to School Transport Policy 2018/2019
- Post-16 Transport Policy Statement 2018/2019

Electoral Division(s) and Member(s) Affected

All.

UNDER-16 HOME TO SCHOOL TRANSPORT POLICY

April 2018

CONTENTS

1. INTRODUCTION

2. TRAVEL ASSISTANCE TO QUALIFYING SCHOOLS

- 2.1 Entitlements to Home to School transport
- 2.2 Summary of entitlements
 - 2.2.1 Pupils aged 4 years old in full-time education
 - 2.2.2 Pupils aged 5–7 years
 - 2.2.3 Pupils aged 8–11 years
 - 2.2.4 Pupils aged 11–16 years
 - 2.2.5 Pupils aged 8–11 years in low income groups
 - 2.2.6 Pupils aged 11–16 years in low income groups
 - 2.2.7 Pupils aged 5–11 years in low income groups attending school on grounds of religion or belief
 - 2.2.8 Pupils aged 11–16 years in low income groups attending school on grounds of religion or belief
 - 2.2.9 Transport eligibility when school year repeated
 - 2.2.10 Travel assistance to preferred schools
 - 2.2.11 Cases where there will not normally be an entitlement to transport

3. ADDITIONAL TRAVEL ARRANGEMENTS AND ENTITLEMENTS

- 3.1 Pupils with Special Educational Needs and Disabilities
- 3.2 Children looked after by Nottinghamshire County Council
- 3.3 Pupils with Social, Emotional and Mental Health Needs
- 3.4 Pupils not on a school roll
- 3.5 Long fixed term exclusions
- 3.6 Admission of pupils aged under 16 to Colleges of Further Education

4. EXEMPTIONS FROM POLICY

- 4.1 Moving home and temporary accommodation
- 4.2 Managed moves
- 4.3 Bullying
- 4.4 Single parents/carers and dual parental homes

5. PROVISION OF TRAVEL ARRANGEMENTS

- 5.1 Measuring the statutory distances
- 5.2 Walking distance exemptions
 - 5.2.1 Special transport needs
 - 5.2.2 Medical grounds
 - 5.2.3 Disability of parents/carers
 - 5.2.4 Exceptional circumstances
- 5.3 Home to bus stop/bus stop to school walking distance
- 5.4 Parents/carers who are working at the time their children travel to and from school
- 5.5 Types of travel assistance
 - 5.5.1 Free pass
 - 5.5.2 A grant in lieu of free travel
- 5.6 Transport assistance for pupils attending a school on grounds of religion or belief
- 5.7 Reviews of transport arrangements

6. APPLYING FOR TRAVEL ASSISTANCE

- 6.1 Applying for under-16 travel assistance
- 6.2 Replacement passes
- 6.3 Lost/stolen passes
- 6.4 Provision and organisation of school transport services
 - 6.4.1 Provision of services
 - 6.4.2 Transport requirements
- 6.5 Information to schools, colleges and transport operators
- 6.6 Discipline on school transport services and misuse of travel passes
 - 6.6.1 Guidance
 - 6.6.2 Procedures
 - 6.6.3 Misuse of passes
 - 6.6.4 Reimbursement for travel for pupils banned from the bus
- 6.7 Review of transport decisions

7. DEFINITIONS

- 7.1 Qualifying schools
- 7.2 Catchment area schools
- 7.3 Cotermious and overlapping catchment areas
- 7.4 Designated schools
- 7.5 Preferred schools
- 7.6 Schools attended on grounds of parents/carers religion or belief
- 7.7 Walking routes and availability of walking routes
- 7.8 Measurement of distances
- 7.9 Low income

Appendix A Special Educational Needs and Disability Travel Policy

Appendix B Protocol for the transport to school of Looked After Children (LAC)

Appendix C Travel entitlements for pupils identified with Social, Emotional and Mental Health needs (SEMH)

ABBREVIATIONS AND ACRONYMS

CFCS – Children, Families and Cultural Services
EHCP – Education, Health and Care Plan
ICDS – Integrated Children's Disability Service
ITT – Independent Travel Training
LA – Local Authority
Parents/carers – includes single parent/carers and child guardian(s)
SEN – Special Educational Needs
SEND – Special Educational Needs and Disability
TTS – Nottinghamshire Transport and Travel Services

1. INTRODUCTION

This policy sets out Nottinghamshire County Council's provision of school transport services and travel assistance for school aged pupils living in the county of Nottinghamshire. It sets out the criteria for eligibility for travel assistance, how parents/carers may apply, how decisions are made, the type of assistance that may be available and how parents/carers may appeal against decisions they are unhappy with.

The Home to School Transport policy of Nottinghamshire County Council will operate within the aims and objectives of the County Council's Strategic Plan and the Children, Families and Cultural Services Plan and ensures that the Council fulfils its statutory obligations for transporting pupils to school. However, it is still the legal responsibility of parents/carers to ensure the attendance at school of their children who are of compulsory school age.

Within this context, the aim of the policy is to provide a quality transport service as efficiently and economically as possible, designed to ensure that pupils get to school within a reasonable time and travel in a safe and stress free environment. The policy will have regard to the school admission arrangements within the County.

This policy can be viewed in conjunction with the following;

- Nottinghamshire Strategic plan 2017–2021
www.nottinghamshire.gov.uk/council-and-democracy/plans-policies-and-assessments/council-plans-and-policies/council-plan
- Nottinghamshire Sustainable School Travel Strategy 2015
www.nottinghamshire.gov.uk/media/1602/sustainable-school-travel-strategy.pdf
- Nottinghamshire Post-16 Transport Policy 2018/19 academic year
www.nottinghamshire.gov.uk/learning/schools/schooltravel/post-16-travel-assistance

This policy is compliant with the duties and powers of local authorities set out in the Education Act 1996 and the Education and Inspections Act 2006. It applies to all admissions to schools on and after 1 September 2018.

2. TRAVEL ASSISTANCE TO QUALIFYING SCHOOLS

2.1 Entitlements to Home to School Transport

The offer of a school place does not give a guarantee of home to school transport assistance from the Council. Parents/carers have a right to express a preference for a school other than their catchment school (see part 7.2). This is commonly known as a preferred school. However this does not automatically carry with it the right to assistance with home to school transport.

In Nottinghamshire, provision is made for eligible pupils attending their catchment or nearest available school. In addition to this, the Council provides additional support to low income families. Schedule 35B of the Education Act 1996 (inserted by the Education and Inspections Act 2006) includes an extension of rights to free school travel arrangements for pupils in low income groups, i.e. those entitled to free school meals and those whose families are in receipt of maximum level of Working Tax Credit.

2.2 Summary of entitlements

2.2.1 Pupils aged four years old in full-time education

Pupils aged four years old in full-time statutory education are entitled to free transport to their nearest qualifying (catchment area) school from the start of the academic year in which they become five, if that school is two miles or more from home. Free transport to a preferred school is only available if that school is two miles or more from home and closer than the catchment area school.

2.2.2 Pupils Aged 5–7 years

Pupils of compulsory school age who are under the age of eight are entitled to free transport to their nearest qualifying (catchment area) school if it is two miles or more from home. Free transport to a preferred school is only available if that school is two miles or more from home and closer than the catchment area school.

2.2.3 Pupils aged 8–11 years

Pupils aged between eight and eleven are entitled to free transport to their nearest qualifying (catchment area) school if it is three miles or more from home. Free transport to a preferred school is only available if that school is three miles or more from home and closer than the catchment area school.

2.2.4 Pupils aged 11–16 years

Pupils of secondary school age 11–16 are entitled to free transport to their nearest qualifying (catchment) school if that school is three miles or more from home. Free transport to a preferred school is only available if that school is three miles or more from home and closer than the catchment area school.

2.2.5 Pupils aged 8–11 years in low income groups

Pupils aged between eight and eleven from low income families are entitled to free transport to their nearest qualifying (catchment area) school if that school is two miles or more from home. Free transport to a preferred school is only available if that school is two miles or more from home and closer than the catchment area school.

2.2.6 Pupils aged 11 – 16 years in low income groups

Pupils of secondary school age from low income families are entitled to free transport to one of the three nearest qualifying schools (catchment or preferred) between two and six miles from their home.

2.2.7 Pupils aged 5 – 11 in low income groups attending schools on grounds of religion or belief

Pupils of primary school age from low income families attending the nearest suitable school preferred on grounds of religion or belief are eligible for free transport where the school is between two and 20 miles from their home (see section 5.4.6 for details.)

2.2.8 Pupils aged 11 – 16 in low income groups attending schools on grounds of religion or belief

Pupils of secondary school age from low income families attending the nearest suitable school preferred on grounds of religion or belief are eligible for free transport where the school is between two and 25 miles from their home (see section 5.4.6 for details)

2.2.9 Transport eligibility when school year repeated

Pupils who would ordinarily be eligible for transport support and who repeat a year in school will retain that transport eligibility whilst in that particular phase of education.

2.2.10 Travel Assistance to preferred schools

Parents/carers have the right to express a preference for a school other than the qualifying (catchment area) school and this is known as a 'preferred school'. School age pupils up to seven years of age, attending a preferred school, will be eligible for free transport if that school is two miles or more from home and closer than the catchment area school. Pupils aged 8–16 will be eligible for free transport if that school is three miles or more from home and closer than the catchment area school. The Home to School Transport Policy does not make any additional free travel provision for pupils to attend preferred schools.

2.2.11 Cases where there will not normally be an entitlement to transport

1. To access breakfast or after-school clubs including out of school activities
2. To work experience, taster or open days, or transition visits
3. To provision off the school site organised by the school
4. For transfers between educational establishments during the school day
5. To and from temporary addresses including friends and child minders where these arrangements are made by the family
6. To and from medical appointments
7. Following detention
8. At times to suit the convenience of family arrangements
9. At times when other siblings in the family have to be taken to other schools
10. For late arrival or early departure, for example due to illness or medical appointments
11. For shorter than normal days e.g. during the exam season
12. For a child whose level of attendance is a cause of concern, but for whom no eligibility criteria are met
13. For students on exchange visits
14. Where the behaviour of a young person is not acceptable to the driver of the vehicle and places other travellers at risk. In these circumstances parents will be required to make alternative arrangements.

3. ADDITIONAL TRAVEL ARRANGEMENTS AND ENTITLEMENTS

3.1 Pupils with Special Educational Needs and Disabilities

See Appendix A

3.2 Children looked after by Nottinghamshire County Council

See Appendix B

3.3 Pupils identified with Social, Emotional and Mental Health needs (SEMH)

See Appendix C

3.4 Pupils not on a school roll

Pupils not on a school roll, whose education is the responsibility of the County Council either through a permanent exclusion or other circumstances, will have an alternative provision placement commissioned by the County Council. In these cases this placement will be classed as their designated school and the same criteria for accessing transport eligibility will apply in accordance with Section 2 of this policy.

3.5 Long fixed term exclusions

For fixed period exclusions beyond five days the school governing body is responsible for arranging full-time education provision. The County Council is

responsible for meeting any resulting transport costs, e.g. if the pupil receives education at an alternative school site/learning centre.

3.6 Admission of pupils aged under 16 to Colleges of Further Education (CFE)

For pupils aged 16 and under who attend college, on a full-time basis, eligibility for travel assistance will be assessed as follows:

- If the placement has been made by an LA officer then travel assistance will be in accordance with Section 2 of the Home to School Transport Policy
- If the placement is a parental choice, it is the responsibility of the parent/carer to provide transport
- If the pupil's designated school has arranged educational provision off-site, the school will be responsible for arranging and funding any necessary travel.

4. EXEMPTIONS FROM POLICY

4.1 Moving home and temporary accommodation

A pupil attending the qualifying secondary school who moves home in the last two years of their compulsory secondary education will continue to receive assistance if they remain at this school. Assistance will be based on the standard mileage and age criteria (see section 2) but will be restricted to a maximum travelling distance of eight miles and travelling time of 45 minutes.

Where parents/carers insist on a child attending a school to which the journey time exceeds these limits, the County Council will not be responsible for making, or meeting, the cost of travel arrangements.

The last year(s) of education will be deemed to begin on 1 September of the year in question. Therefore those who move during the summer holidays before 1 September will not receive assistance.

Children of families who have to move into temporary accommodation for reasons outside their control may be eligible for travel assistance to the original qualifying school for up to a maximum of six months from the time of the move. Assistance will be restricted to a maximum travelling distance of 25 miles and travelling time of 75 minutes.

Assistance is not provided where parents/carers go abroad for extended periods and whose children are cared for at an alternative address.

4.2 Managed moves

Where a pupil is admitted to an alternative school following a managed move, then, subject to the advice of the Authorising Officer, the school shall be regarded as the qualifying (designated) school for determining travel

assistance. In normal circumstances, the Authorising Officer should pursue placement at the nearest qualifying school to the home address.

A suitable school would be the nearest one at which the pupil could continue his/her education, removed from any influences which could jeopardise his/her chance of success. If the parent/carer elects to send their child to an alternative school, that school will be treated as a preferred school for travel assistance purposes unless it is closer than the school designated by the Authorising Officer and is over the walking distance.

4.3 Bullying

Some parents/carers change their child's school on the grounds of bullying in the qualifying school. The new school will normally be regarded as a preferred school with regard to travel assistance arrangements. In exceptional circumstances where there is evidence that a supported move has been agreed by the County Council, the Authorising Officer may deem that the new school attended will be considered to be the qualifying school for travel assistance purposes, providing it is the nearest suitable school.

A suitable school would be the nearest one at which the pupil could continue his/her education, removed from any influences which could jeopardise his/her chance of success. If the pupil was originally in a preferred school, then the new school would still be classed as preferred for travel assistance purposes, unless it is the qualifying school for the home address.

4.4 Single parents/carers and dual parental homes

No exemptions from the standard assessment criteria will be given to children with only one parent/carer.

For children whose parents/carers no longer live at the same address, it must be decided by the parents/carers which home is their chosen address for travel assistance purposes. This will normally be at the address at which the child spends three or more school nights (Sunday–Thursday). Assistance to both homes will not be provided.

5. PROVISION OF TRAVEL ARRANGEMENTS

5.1 Measuring the statutory distances

In most cases distances are measured from the home address to school, gate to gate, using the shortest available walking route. Walking routes and availability of walking routes are defined in part 7.7.

In the case of families who meet the low income criteria (see part 7.9) the minimum statutory distances are measured by using the shortest available walking route. Distances above that are measured by using the nearest route accessible by a vehicle. Where there is a change to the walking route (i.e. the building of a new road or path), which brings the home to school distance within the prescribed distance, pupils will no longer be entitled to free

transport. This change will affect all children after parents/carers have been provided with a reasonable period of notice, which is normally one term.

5.2 Walking distance exemptions

In some circumstances pupils living within the available walking distance limits and attending the qualifying school may be eligible for free travel. The circumstances in which free travel may be considered are:

5.2.1 Special Transport Needs

The pupil has a special transport need that requires the provision of transport for them to access and attend school. The special transport need is assessed by the County Council, drawing upon medical and other professional advice, as required. A special transport need may arise where the pupil:

- Lives within the walking distance but is unable to walk or travel safely to school accompanied by a parent/carer.
- Is unable to use public transport when accompanied by a parent/carer.

5.2.2 Medical Grounds

Transport may be provided for pupils who meet the eligibility criteria in Section 2 of this policy and who are temporarily incapacitated and unable to walk to or from school.

Parents/carers should complete form MTA1 and submit it with a certificate or letter from the hospital or their family doctor stating that the pupil requires the provision of transport to enable them to access school. The authorisation should state specifically why the child is unable to travel to school accompanied by their parent/carer and for how long the assistance is required.

5.2.3 Disability of parents/carers

Parents/carers are expected to take reasonable steps to ensure their child gets to school. Travel assistance may be considered where the parent/carer has a disability which prevents them from doing this. Parents/carers should obtain a certificate or letter from the hospital or their family doctor stating specifically why they are unable to accompany their child to school.

5.2.4 Exceptional Circumstances

Exceptional circumstances will be determined on a case by case basis by the Transport Policy and Engagement team in TTS

5.3 Home to bus stop/bus stop to school walking distance

Pick-up and set-down points are made as near to home and school as possible bearing in mind road safety issues and the length/time of the journey.

Pupils are expected to walk up to one mile from door to bus stop or from bus stop to school, or a combination of distances totalling not more than one mile in either direction each day. Pupils may be exempted from this on the recommendation of the family doctor, other appropriate medical professional or educational specialist

5.4 Parents/carers who are working at the time their children travel to and from school

No dispensation will be made for parents/carers who are working at the time their children travel to and from school. Parents/carers are expected to make other suitable arrangements for someone else to accompany their children as necessary.

5.5 Types of travel assistance

The aim of the policy is achieve best value in providing a quality transport service as efficiently and economically as possible, to ensure that pupils get to school within a reasonable time and travel in a safe and stress free environment.

The County Council provides for a return journey to/from home to school/college at the beginning and end of each official school/college day. Part 2.2.11 sets out instances when transport will not normally be provided.

Arrangements for travel assistance may take one of the following forms:

5.5.1 Free pass

A free travel pass will be issued where pupils qualify for free travel in Section 2. The pass will allow one return journey on school days only, on specified services between specified points.

5.5.2 A grant in lieu of free travel

In exceptional circumstances a grant will be given in lieu of a travel pass:

- If there are no suitable transport services available to the qualifying school, or if the distance from home to the nearest bus stop is greater than one mile by the shortest walking route, a grant equivalent to the 'public transport rate' is payable, provided that the pupil qualified for free travel in accordance with the walking distance criteria (see section 2)
- Grants will only be made where no local transport exists and/or where the grant payment provides best value for money for the County Council.
- The grant is based on the distance of two return trips per day using the 'public transport rate' as the basis of calculation. Distance is measured along the shortest route taken by the vehicle.

- A grant in lieu of free travel will only be backdated to the start of the academic year in which the application is made.
- A grant in lieu of a free pass will be given to only one member of a family at any one time, where a sibling is attending the same school or site. Where a sibling is attending a different school on a different site, a grant will be paid for the total mileage.
- If a 'preferred' school is both nearer than the qualifying school and over the walking distance the grant provision applies.

5.6 Transport assistance for pupils attending a school on the grounds of religion or belief

The following detailed criteria will apply:

- The family must meet the low income criteria set out in part 7.8
- The pupil must be admitted to the school on grounds of religion or belief. In the case of admission on denominational grounds, the transport application must be counter-signed by the Head Teacher confirming that the application was on the grounds of religion or belief. In cases where the application is on grounds of other philosophy or belief (see section 7.6) the application must be verified by the Transport and Policy Engagement Officer.
- The pupil meets the appropriate distance criteria in parts 2.2.7 or 2.2.8 of this policy
- Using the available transport services, the pupil can travel within the maximum travelling time criteria of 45 minutes for primary pupils and 75 minutes for secondary pupils. Journey time is assessed by calculating the door-to-door time by use of public transport or the equivalent time it would have taken where no public transport exists and includes any journey time to a pick up point, waiting time for connections and walking time from set down point to school.

5.7 Reviews of transport arrangements

Transport arrangements are subject to regular review to take account of pupils joining and leaving school. In addition, there is a legal obligation that transport contracts are periodically re-tendered (generally every 2-3 years) to achieve Best Value

6. APPLYING FOR TRAVEL ASSISTANCE

6.1 Applying for under-16 travel assistance

Applications should be sent to Nottinghamshire Transport and Travel Services (TTS) .

All applications should be made on form TA1 which contains full details of travel assistance. Forms can be obtained from schools, TTS or downloaded from the Nottinghamshire County Council Web Site, link given below.

www.nottinghamshire.gov.uk/learning/schools/schooltravel

Parents/carers should complete section 1 of the TA1 form. It must be stressed that applications for travel assistance made on behalf of secondary age pupils must be accompanied by a current photograph, as this is necessary for the travel pass.

If assistance is being sought on the grounds of religion or belief the form must be sent via the head teacher so that he/she can certify the form appropriately. The form should then be sent to TTS for assessment of travel assistance.

Parents/carers of successful applicants will be sent details of the relevant transport arrangements.

6.2 Replacement passes

An application for a replacement pass should be made by the school on form TA12. Replacement will be subject to an administration fee of £10.

An application for a replacement pass because the current pass contains incorrect information should be sent with form TA13. The new pass will be issued free of charge.

An application for a pass to be changed to enable use on a different vehicle / boarding point should be sent with form TA13. Replacement will be subject to an administration fee of £10

6.3 Lost/stolen passes

Passes that have been lost or stolen can be replaced on payment of an administration fee of £10. In the case of pupils eligible for free travel, a temporary pass (TA10) is available. For the replacement of passes not issued by TTS the full cost of replacement must be borne by the parents/carers, unless a locally arranged alternative scheme exists.

6.4 Provision and organisation of school transport services

6.4.1 Provision of Services

The arrangements for providing transport will be made in accordance with the requirements of the Education Acts 1996, 2002, the Education and Inspections Act 2006 and the Transport Acts 1985 and 2000.

The County Council will endeavour to ensure the safe movement of pupils and will coordinate exclusive school transport journeys and local bus services to ensure best value for money is achieved, in particular with respect to efficiency, effectiveness and economy (Transport Act 2000 s152).

6.4.2 Transport requirements

TTS will determine the level of service, vehicle type and seating capacity requirements. A continuing review of the services provided will be made to ensure that the travel needs of pupils are adequately met. Services will be organised as appropriate allowing for:

- The regulations relating to the provision of passenger transport services.
- The school or college session times, provided that the appropriate statutory procedures required have been followed. Head teachers, Principals and Governing Bodies are requested to consult with the transport departments as soon as possible on proposed changes to session times, so that the effect of any change can be assessed. Advice will be given on whether the change can be accommodated within the transport network, the likely cost implications, and any subsequent effects on other establishments and the local community as a result of the change.
- The fact that it is desirable in the interests of safety and comfort to provide a seat for each pupil. Legislation permits children under 14 to be seated three to each double seat on buses not equipped with seat belts. This arrangement will only be used to cope with a marginal excess of numbers above the available seating capacity. Children who reach the age of 14 during a school year are deemed to be less than 14 years of age until the last day of August following their 14th birthday.
- The need to give appropriate notice to head teachers, parents/carers and other interested parties regarding proposed changes to the transport network.
- The need to monitor the services and deal with complaints as soon as possible to ensure that an efficient and reliable service is provided.
- Environmental and sustainability issues.
- Equal opportunities and social inclusion.

6.5 Information to schools, colleges and transport operators

When appropriate, TTS will issue notes of guidance to all head teachers, regarding school transport services, which will provide information relating to school closures, accidents and poor operation. The guidance will also include information relating to transport operations for pupils with special educational needs.

When appropriate, notes of guidance will be issued to all transport operators by TTS to assist them in the operation of school transport services and the procedures for checking of travel passes and dealing with emergencies and behaviour.

6.6 Discipline on school transport services and misuse of travel passes

6.6.1 Guidance

Guidance notes to parents/carers and pupils are sent either on the issue of a travel pass or on admission to special schools. Transport operators are issued with guidelines regarding discipline on journeys but retain the right to refuse travel to any pupil who breaches the passenger service vehicle regulations regarding conduct of passengers.

The Education and Inspections Act requires head teachers to determine what measures should be taken to promote self-discipline among pupils and encourage positive behaviour and respect for others, including the prevention of bullying. Head teachers must make and publish rules, and decide on penalties for unacceptable behaviour.

6.6.2 Procedures

Except for serious incidents of indiscipline (which will be dealt with on an individual basis) the following procedures will normally apply:

- TTS, after consultation with the head teacher will advise parents/carers of the incident which occurred and issue a warning.
- If the problem continues the travel pass will be suspended for a set period or withdrawn permanently, depending on the seriousness of the incident(s). If, after reinstatement following a period of suspension, the difficulties continue, the travel pass (including free pass) or transport facility may be withdrawn permanently.
- In the event of further difficulties the travel pass will be suspended or withdrawn. Parents/carers will be required to make their own transport arrangements. The transport operator will be informed of the action taken.

6.6.3 Misuse of passes

If a pass is withdrawn by an operator because of misuse, the incident will be investigated and a report sought from the school or college. Pupils will be responsible for the payment of fares during the period a travel pass is withheld because of misuse. At the same time a letter will be sent by TTS informing parents/carers of the actions of the County Council.

6.6.4 Reimbursement for travel for pupils banned from the bus

Whilst it is the parents/carers responsibility to ensure school attendance during any ban, reimbursement of bus fares or expenses at the public transport rate may be available. Such requests should be referred to TTS.

6.7 Review of transport decisions

A parent/carers has the right to a review of a decision if they believe that the County Council has assessed their entitlement to free transport incorrectly.

Stage one: officer review

The request for review should be set out on form TA2, which specifies four categories:

- the distance measurement in relation to the statutory walking distances
- the safety of the route
- the transport arrangements offered
- their child's eligibility.

Stage one appeals against a transport decision will be considered within 20 working days of receipt. The appeal will be considered by the Transport Policy and Engagement Assistant, who is independent from the original decision. When a decision has been reached, the parent/carers will be sent a detailed written notification of the outcome of the review. This will explain the rationale for the decision reached and explain how, if they wish to do so, the parent /carers can request their case be taken to stage two of the appeal process.

Stage two: Transport Appeal Panel review

A parent/carers has 20 working days from receipt of the local authority's stage one written decision notification to make a written request for their case to be taken to stage two of the review process.

Stage two appeals will be considered within 20 working days of receipt. The Transport Review Panel members are independent of the original decision making process. This is to ensure an independent review taking into account

the evidence provided by parent/carer, the home to school transport policy and any other exceptional information known by or presented to the Panel.

If a stage two appeal is unsuccessful, there is no further right of appeal within Nottinghamshire County Council. However if a parent/carer is dissatisfied with the way the appeal has been conducted they may complain to the Local Government Ombudsman. The Local Government Ombudsman has no statutory power to overturn the decision of the Panel but can draw the County Council's attention to any misadministration leading to injustice.

Should a review find in the parents/carers favour, free travel will be backdated to when the original application was received by TTS or the start of the academic year in which the application is made, whichever is the later.

7. DEFINITIONS

7.1 Qualifying Schools

- Community, foundation or voluntary schools
- Community or foundation special schools
- City Technology Colleges (CTC), City Colleges for the Technology of the Arts (CCTA)
- Academies
- Free Schools
- Independent non-maintained special schools

7.2 Catchment Area Schools

In Nottinghamshire your home address will be in a catchment area for a school and this is generally referred to as the qualifying school for pupils living within that area. The catchment area is defined by streets or areas, or in the case of some junior and secondary schools, by the catchment area of their 'linked schools'.

Schools may publish an alternative geographical area in their admissions literature as their catchment. This will not be considered by Nottinghamshire County Council when assessing home to school transport entitlements. Entitlements will be assessed on the basis of the catchment area as defined by Nottinghamshire County Council.

Information about identifying your catchment school can be downloaded from the Nottinghamshire County Council Web Site, link given below:

<http://www.nottinghamshire.gov.uk/findmynearest>

7.3 Coterminous and Overlapping Catchment Areas

In the event of two or more schools having a coterminous or overlapping catchment area the nearest of the schools to the home address will be regarded as the designated catchment school for transport purposes.

7.4 Designated Schools

Nottinghamshire County Council may designate a school other than the catchment or nearest school as the qualifying school. This may be done either through a Statement of Special Educational Needs, an Education, Health and Care Plan or by an Authorising Officer of the County Council.

7.5 Preferred Schools

Parents/carers have the right to express a preference for a school other than the catchment area school and this is known as a 'preferred school'.

7.6 Schools attended on the grounds of parents/carers religion or belief

'Religion' means any religion, and 'belief' means any religious or philosophical belief. References to religion or belief include references to lack of religion or belief. It therefore follows that this duty covers all religions and denominations, as well as philosophical beliefs.

7.7 Walking Routes and Availability of Walking Routes

The walking route is defined as the shortest available walking route between the home boundary gate and the nearest school gate. To be treated as a walking route the route must be available to be walked (accompanied as necessary by an adult) with reasonable safety – taking into account highway conditions only. Personal safety is a parental responsibility. TTS measures the distance involved and assesses availability against set criteria. Where statutory free travel is not automatically awarded an appeal process (TA2) exists and the case can be reassessed (see part 6.7)

7.8 Measurement of distances

In order to determine which school is the nearest to a home address, distances beyond the statutory walking distances (or where there is no available walking route) are measured by the shortest road route. Reference to road route should be taken to mean a route passable by a motor vehicle. Road routes are measured from the centre line of the public highway immediately outside the home address to the nearest school or college pedestrian entrance

7.9 Low Income

The Education and Inspections Act 2006 places a duty on local authorities to provide free transport for some of the most disadvantaged children, which is defined as those eligible for free school meals or whose parents/carers are in receipt of the maximum level of Working Tax Credit.

Special Educational Needs and Disability Travel Policy

Legal Requirements and general responsibilities

- 1.1. The legal requirements relating to the general duty of a Local Authority to provide transport from home to school are contained within Section 509 of the Education Act 1996. The duty to consider the provision of free or assisted travel applies equally to pupils with or without Special Educational Needs (SEN) and Disabilities
- 1.2. Some pupils with SEN and disabilities may require assistance with their travel to school. Wherever possible and appropriate, pupils with SEN and disabilities should be treated in the same way as those without, i.e. in general, they should walk to school, travel on public transport or be taken by their parents/carers. They should develop independent travel skills, which should be assessed at each annual review
- 1.3. The County Council will determine the appropriate travel assistance provided in accordance with the eligibility criteria in Section 2 of the Home to School Transport Policy and the County Council's aim to provide best value
- 1.4. Where pupils attend a school other than the catchment school as the qualifying (designated) school, travel assistance will be determined in accordance with Section 2 of the Home to School Transport Policy
- 1.5. Where parents/carers choose to send their children to a preferred school, Section 2 of the Home to School Transport Policy will apply
- 1.6. Travel assistance may be provided for a pre-school age child who has an Education, Health and Care Plan (EHCP). In such cases, assistance may be provided to nursery schools, nursery classes or units and pre-school playgroups
- 1.7. Where special transport is provided this will normally take up to 20 working days to arrange
- 1.8. Where special transport is provided this will normally be to and from a designated collection/drop off point located within one mile of the home address
- 1.9. Where special transport is provided parents/carers are responsible for escorting their child to and from the vehicle at the designated collection/drop-off point. Where a parent/carer does not receive the child upon return from school, the child will be taken to a place of safety. Where a parent/carer consistently fails to deliver/receive their child at the pick-up/drop-off point at the agreed time, the provision of transport will be reviewed and may be withdrawn

- 1.10. A pick up and/or drop off at home will only be provided in exceptional circumstances; additional medical information may be required to support the request
- 1.11. Where special transport is provided, it will normally be in the form of a shared vehicle. Individual transport will only be provided in exceptional circumstances: additional medical information may be required to support the request
- 1.12. Except in exceptional circumstances, home to school transport will only be provided at the beginning and end of the normal school day during the normal school week (Monday to Friday).

Qualification by distance from School

- 2.1. The distance criteria described in Section 2 of the Home to School Transport Policy apply equally to pupils with and without SEN and disabilities. There are, however, a number of walking distance exemptions
- 2.2. Pupils living within the appropriate walking distance limits and attending the qualifying/designated school may be eligible for travel assistance if:
 - The pupil has a special transport need that requires the provision of transport for them to access and attend school. The special transport need is assessed by the County Council, drawing upon medical and other professional advice, as required. A special transport need may arise where the pupil:
 - lives within the walking distance but is unable to walk/travel safely to school when accompanied by a parent/carer
 - is unable to use public transport when accompanied by a parent/carer
 - There may be exceptional circumstances which require the provision of special transport. The Transport Policy and Engagement Team will consider any exceptional circumstances in individual cases.

Escorts

- 3.1 TTS will utilise the advice received from educational and medical professionals to determine whether it is necessary to provide an escort or other facilities.

Independent Travel Training (ITT)

- 4.1 The County Council operates a programme of independent travel training. Details of the programme can be obtained from:

www.nottinghamshire.gov.uk/travelling/travel/itt/

All pupils/students will be enabled to undertake independent travel training unless they are assessed by an officer of the Council and the pupil's school as being unlikely to benefit from such training.

Special transport provided by the County Council will not be available for pupils/students who are able but choose not to participate in the travel training programme.

Pupils/students who have successfully completed the ITT programme will be enabled to make the journey to school independently. Special transport will not be provided for these pupils/students unless their circumstances change significantly.

Residential Special Schools

- 5.1. Where the County Council has placed a pupil in a residential special school which is over the statutory walking distance from their home, parents/carers may be reimbursed at public transport rate to transport their children to and from the school at mid and full-term holidays, or as determined by the pupil's EHCP. Weekly boarders will be provided with travel assistance at the beginning and end of each school week. Where parents/carers do not have access to transport, or where it is more cost effective, transport will be provided by the County Council
- 5.2. Where pupils attend a residential special school on a 52 week placement, transport is not provided. If assistance with transport is required, the social care worker allocated to the family should be contacted.

Pupils Aged 16 and Under Attending Colleges or Alternative Provision

- 6.1. For pupils aged 16 and under who attend college or other alternative educational provision on a full-time basis, eligibility for travel assistance will be assessed as follows:
 - If the placement has been made by a LA officer then travel assistance will be in accordance with Section 2 of the Home to School Transport Policy
 - If the placement is a parental choice, it is the responsibility of the parent/carer to provide transport.
 - If the pupils designated school has arranged educational provision off-site, the school will be responsible for arranging and funding any necessary travel.

Cases where there will not normally be an entitlement to transport

1. To access breakfast or after-school clubs including out of school activities
2. To work experience, taster or open days, or transition visits
3. To provision off the school site organised by the school
4. For transfers between educational establishments during the school day
5. To and from temporary addresses including friends and child minders where these arrangements are made by the family

6. To and from medical appointments
7. Following detention
8. At times to suit the convenience of family arrangements
9. At times when other siblings in the family have to be taken to other schools
10. For late arrival or early departure, for example due to illness or medical appointments
11. For shorter than normal days e.g. during the exam season
12. For a child whose level of attendance is a cause of concern, but for whom no eligibility criteria are met
13. For students on exchange visits
14. Where the behaviour of a young person is not acceptable to the driver of the vehicle and places other travellers at risk. In these circumstances parents will be required to make alternative arrangements.

Short Breaks/Respite Care

- 8.1. This is not covered by the Home to School Transport Policy. Transport requests should be made to Children's Social Care and Health.

Review of Transport Provision

- 9.1. Transport provision will be reviewed annually to determine whether the basis for entitlement has changed and whether the current nature of travel assistance provided remains appropriate.

Review of Transport Decisions

- 10.1 A parent/carer has the right to a review of a decision if they believe that the County Council has assessed their entitlement to free transport incorrectly.

Stage one: officer review

The request for review should be set out in a letter or email. This will be considered within 20 working days of receipt by a member of the Transport Policy and Engagement Team who is independent from the original decision process. When a decision has been reached, the parent/carer will be sent a detailed written notification of the outcome of the review. This will explain the rationale for the decision reached and explain how, if they wish to do so, the parent /carer can request their case be taken to stage two or the appeal process.

Stage two: Transport Appeal Panel review

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request for their case to be taken to stage two of the review process.

Stage two appeals will be considered within 20 working days of receipt. The Transport Review Panel members are independent of the original decision making process. This is to ensure an independent review taking into account

the evidence provided by parent/carer, the home to school transport policy and any other exceptional information known by or presented to the Panel.

If a stage two appeal is unsuccessful, there is no further right of appeal within Nottinghamshire County Council. However if a parent/carer is dissatisfied with the way the appeal has been conducted they may complain to the Local Government Ombudsman. The Local Government Ombudsman has no statutory power to overturn the decision of the Panel but can draw the County Council's attention to any misadministration leading to injustice.

Should a review find in the parents/carers favour, free travel will be backdated to when the original application was received by TTS or the start of the academic year in which the application is made, whichever is the later.

Protocol for the transport to school of Looked After Children (LAC)

1. This protocol has been established in order to clarify the procedure for arranging the transportation of pupils of school age when in the public care of Nottinghamshire County Council
2. The protocol is required in order to clarify the funding implications of a change of care placement. The aim is to ensure that at what can be a time of upheaval and uncertainty, continuity of school placement can be supported by sharing the cost (50/50) of transporting the pupil to school between council services, i.e.: Children's Social Care and the Home to School Transport Policy budget
3. Transport will normally be provided by foster carers or residential staff, who will be reimbursed (50/50). If appropriate, a bus pass will be arranged. If neither of these is possible transport will be arranged
4. Children's Social Care's responsibility for transport for a LAC when moving care arrangements is as follows:
 - To inform the Transport Policy and Engagement Assistant as soon as possible of the new care arrangements by completing a Looked After Child Home to School Transport 50/50 Transport Request Form
 - To monitor the care arrangements for the child
 - To make short term interim arrangements for transport, if necessary, as it can sometimes take up to 20 working days and sometimes longer dependant on contract requirements for the necessary long term arrangements to be made
 - To inform the Transport Policy and Engagement Assistant of any subsequent changes to care arrangements by completing a Looked After Child 50/50 Transport Request Form
 - To try to reduce the number of moves of care for individual children
5. Transport and Travel Services' responsibility for transport for a LAC when moving care arrangements is as follows:
 - To assess the transport required for the pupil in conjunction with the Home to School Transport Policy
 - To make permanent arrangements to transport the pupil to school if the care address is further than the statutory walking distance from school, i.e.
 - Two miles if the pupil is under eight years of age
 - Three miles if the pupil is eight years of age or over

- To agree with Children's Social Care a duration for travel assistance and reassessment timescale
 - To aim to keep the transport arrangement delays to a minimum
6. Transport and Travel Services will set up the transport contract for the child and will make the necessary 50/50 funding arrangements between Children's Social Care and Transport and Travel Services for budget purposes
 7. If a school is chosen by carers during a long term placement then entitlement to travel assistance will be assessed as per the home to school transport policy. If there is no entitlement, home to school transport will not be agreed. If Social Care wish to support travel to school this will be funded entirely from the Social Care budget
 8. An exception to the 50/50 agreement exists if a child is in Years 10 or 11. In these circumstances the Home to School Transport Policy budget will cover the whole cost of transport, as it would have done for any other child moving. This is restricted to a maximum travelling distance of eight miles or 45 minutes travelling time between home and school

Travel Entitlements for Pupils identified with Social, Emotional and Mental Health needs (SEMH)

Home to School Transport in Nottinghamshire is provided for eligible pupils who meet the criteria as laid out in the Home to School Transport Policy. The policy sets out the Council's statutory duty to provide home to school transport to eligible pupils

Pupils identified with Social, Emotional and Mental Health needs (SEMH) will be assessed for home to school travel entitlements using the same criteria against which all other children in Nottinghamshire are assessed. They will be awarded travel assistance in accordance with the Home to School Transport Policy and parents/carers will be expected to complete the same application forms and provide medical/professional evidence where required

Some pupils identified with SEMH may require special transport arrangements. Wherever possible and appropriate, pupils with SEMH should be treated in the same way as those without, i.e. in general, they should walk to school, travel on public transport or be taken by their parents/carers. They should develop independent travel skills, which should be assessed at each annual review

For clarification on implementation of the Policy the following educational placement scenarios for children with SEMH have been identified.

New School Place

- 5.1. Where a pupil is allocated a new school (not catchment) by a Local Authority (LA) Officer then the entitlement to home to school transport will be as per Section 2 of the Home to School Transport Policy. The new school will be treated as the designated school
- 5.2. Where a parent/carer has decided to place their child at a new school this will be treated as a preferred school choice. The entitlement to home to school transport will be as per section 2 of the Home to School Transport Policy
- 5.3. Where a child is placed at a new school without the authorisation of the LA this also will be treated as a preferred school choice in relation to the entitlement to home to school transport assistance

Alternative Placement – Full-time Block Release / Respite / Time Out

- 6.1. Where a pupil has a fixed period of time (weeks) being taught full-time at a school or location other than the one at which they are on roll, then in normal circumstances parents will be expected to transport their child to that location
- 6.2. Schools should factor in travel arrangements when designing a package of learning and should provide support to parents to enable pupils to attend

- 6.3. In exceptional circumstances transport assistance may be considered by the LA and will be determined on a case by case basis by the Transport Policy and Engagement Team

Alternative Placement – Part-Time

- 7.1. Where a pupil is placed by their designated school on a part-time or ad hoc timetable at an alternative place of learning then in normal circumstances parents will be expected to transport their child to that location
- 7.2. Schools should factor in travel arrangements when designing a package of learning and should provide support to parents to enable pupils to attend
- 7.3. In exceptional circumstances transport assistance may be considered by the LA and will be determined on a case by case basis by the Transport Policy and Engagement Team.

Alternative Placement – Multi-site

- 8.1. Where a school or SBAP places a pupil at more than one location, home to school transport will only be considered to the primary location if that location is their designated place of learning as agreed by a LA Officer
- 8.2. Schools should factor in travel arrangements when designing a package of learning and should provide support to parents to enable pupils to attend
- 8.3. The LA will not normally provide home to school transport to more than one location and will not provide home to school transport to a location not agreed by an LA officer.

Inter-site transport during the day

- 9.1. Where a school or SBAP arranges for pupils to attend different establishments during the school day it will be the responsibility of the school/ SBAP/parents to arrange and fund transport
- 9.2. Where a pupil receives home to school transport this will only be to one site and therefore any arrangements made by the school must take this into account, i.e. a pupil will not be picked up from a different establishment in the evening to the one at which they were dropped off in the morning
- 9.3. Home to school transport is only provided at the beginning and end of a normal school day. No dispensation will be made for pupils not ready to be collected at the end of the school day.



POST-16 TRANSPORT POLICY STATEMENT

NOTTINGHAMSHIRE COUNTY COUNCIL POST-16 TRANSPORT POLICY STATEMENT – 2018/19 ACADEMIC YEAR

1. Summary of Policy Statement

This statement informs learners and their parents/carers of the support for transport that is available to help them access post-16 learning opportunities. The Council has consulted with various stakeholders in preparing this document.

The statement includes information from the Council and provides links to enable learners and their parents/carers to access the most up to date transport and travel information from schools, colleges of further education, transport providers and other relevant sources. The aim is to provide the most up to date information about how to get to school or college.

The statement also explains the support available to learners with special educational needs and or learning/mobility difficulties and gives information about the Council's scheme of independent travel training.

2. Post-16 Travel Assistance Scheme 2018/19

Full conditions of the post-16 travel scheme are available at

www.nottinghamshire.gov.uk/learning/schools/schooltravel/post-16-travel-assistance/

This includes details of how to apply, downloadable application forms and the Post-16 School/College Travel Assistance booklet.

2.1 Who is eligible to join the scheme?

To participate in the scheme a student must:-

- be a Nottinghamshire County resident (excludes students resident in Nottingham City)
- be attending a full time course (a minimum of 540 guided learning hours per year over a period of a least 30 weeks) at a school (including Academies), college of further education or Independent Specialist Provider that is funded directly by the Education Funding Agency (the scheme does not apply to fee paying independent schools, higher education courses or universities)
- live more than three miles from the school/college using the nearest available walking route
- be over compulsory school age but under 19 years of age on 1 September 2018

For entitlements and additional benefits that are available for students with a disability or special transport need, see parts 4-6 below.

2.2 What type of assistance is available?

The Council will endeavour to provide the necessary transport services but cannot guarantee to do so and will identify the most appropriate and cost effective transport service for each student. The arrangement may not offer choice of operator, route or service except where these are available and there is no extra cost incurred.

There are three types of travel assistance available. Students may apply for one of the following:

- An annual **Half Fare Pass** costing £120.00 per academic year which entitles the student to travel at half the adult fare on a bus or train service to their school or college (currently not available on the tram). Full payment is required on application. The travel pass may be used on the designated bus or train services ONLY, for one journey to and from school or college each day started before 10.00pm, Monday to Friday during term time.
- A **Season Pass** is available to students travelling on specific school bus services and some other services arranged by Nottinghamshire County Council. This will allow the student to travel between home and school/college without having to pay a daily fare. The travel pass can ONLY be used on the designated bus service for one journey to and from school/college each day, started before 10.00pm, Monday to Friday during term time. If you indicate on the application form that you would like a season pass, a price quote will be sent to you. The price is calculated on half the annual adult fare plus the annual charge of £120. Students who purchase this pass may then travel without further daily payment on the specified service. You may pay for the season pass in full or by instalments as follows:
 - Initial payment to be made when you accept the quote
 - 2nd instalment by 1st December 2018
 - 3rd instalment by 1st March 2019
- A **Travel Allowance** up to a maximum of £150 per academic year may be offered in exceptional circumstances instead of a half fare travel or season pass.
To be considered for the travel allowance the following conditions should be met
 - a student is must be attending the nearest school/college to their home address
 - no public transport or other transport services exist or the school/college is outside the Nottinghamshire boundary
 - the travelling distance and travel times as calculated by Transport and Travel Services do not exceed 25 miles travelling distance and 75 minutes travelling time.All travel allowances are paid termly in arrears and attendance must be certified by the school or college. Students sharing the same vehicle will be paid half the travel allowance each. Late applications made after the start of the academic year will result in a reduction in the amount of grant available.

2.3 Cases where there will not normally be an entitlement to travel assistance

1. To access breakfast or after-school clubs including out-of-school activities
2. To work experience, taster or open days, or transition visits
3. To provision off the school/college site organised by the school/college
4. To provision off the school/college site as part of a transition programme to a new setting
5. For transfers between educational establishments during the school day
6. To and from temporary addresses including friends and child minders where these arrangements are made by the family
7. To and from medical appointments
8. Following detention
9. At times to suit the convenience of family arrangements
10. At times when other siblings in the family have to be taken to other schools/colleges
11. For late arrival or early departure, for example due to illness or medical appointments
12. For shorter than normal days e.g. during the exam season
13. For students whose level of attendance is a cause of concern, but for whom no eligibility criteria are met
14. For students on exchange visits
15. If the behaviour of a student is not acceptable to the driver of the vehicle and places other travellers at risk. In these circumstances parents/carers will be required to make alternative arrangements.

2.4 How are applications for assistance assessed?

Applications are assessed by officers of the Council's Transport and Travel Services Group. Full conditions of the scheme and details of how to apply are included in the Post-16 Travel Scheme booklet available at

www.nottinghamshire.gov.uk/schooltravel-post16

3. Information about other transport options for learners

Whilst committed to supporting post-16 education, the Council does not have a statutory duty, only a discretionary power, to offer travel assistance to any post-16 student.

There is no automatic entitlement to travel assistance once a student is over the age of 16. Therefore, parents/carers and students should ensure that they are aware of the cost of transport and take this into account when making choices for post-16 education.

To assist in doing this, information about public transport services is available at

www.nottinghamshire.gov.uk/transport/public-transport

This includes routes and timetables (including timetable changes), maps and a journey planner, as well as contact details for transport providers, from whom information is available about any season ticket offers for students. Travel information is also available by ringing Traveline. For more details please visit <http://www.traveline.info/> or call 0871 200 2233 (12 pence per minute from landlines and mobiles).

Students living and travelling within the City and Greater Nottingham area can purchase a Robin Hood Student Season Card, which allows unlimited travel on most bus, tram and train services. For more details please visit www.robinhoodnetwork.co.uk.








Students living and travelling in areas served by Trent Barton can purchase a Student MANGO Card, which saves 25% on adult single cash fares on most bus and tram services. For more details please visit www.trentbarton.co.uk/mango or call 01773 712265.

The 16-25 Railcard offers those aged 16-25 a third off Standard Anytime, Off-Peak, Standard Advanced and First Class Advanced fares. The cost of a railcard is £30 for a year or £70 for three years. For more information, please visit www.16-25railcard.co.uk/ or call 0345 3000 250

Some schools operate their own transport services. The County Council website has a search facility for Nottinghamshire schools. This includes contact details and links to individual school websites, which contain information about any bus services operated by the school:

www.nottinghamshire.gov.uk/search-for-a-school

Sixth Form Colleges and Further Education Colleges can assist students with information on transport. Some colleges (such as Bilborough College) also provide private contracted bus services to areas which are not well served by commercial bus services. College bus services normally operate at the start and the end of the college day only. You should contact Student Services at the college:

| | |
|--|---|
| Bilborough Sixth Form College |  http://bilborough.ac.uk/students/student-support/  0115 851 5000 extension 2016  Helen.Ginns-Farrow@bilborough.ac.uk |
| Central College (now part of Nottingham College) | |
| Chesterfield College |  https://www.chesterfield.ac.uk/bus-pass  01246 500522  bus@chesterfield.ac.uk |
| Derby College |  www.derby-college.ac.uk/student-support/derby-college-transport  0800 028 0289  http://www.derby-college.ac.uk/contact-us |
| Doncaster Communication College |  www.deaf-trust.co.uk/college/support-services/  01302 386700  enquiries@ddt-deaf.org.uk |
| Doncaster College |  http://public.don.ac.uk/welfare/finance  01302 553760 or 553712  http://public.don.ac.uk/welfare/finance/Pages/Contact.aspx |
| Grantham College |  www.grantham.ac.uk/student-life/advice-services/student-finance/  01476 400281  jbowman@grantham.ac.uk |
| Landmarks |  www.landmarks.ac.uk/  01246 433788  info@landmarks.ac.uk |
| Lincoln College (including Newark College campus) |  www.lincolncollege.ac.uk/support  01522 876220  studentservices@lincolncollege.ac.uk |
| Loughborough College |  www.loucoll.ac.uk/student-services/support/financial  01509 618375  https://apply.loucoll.ac.uk/ARM/OnlineEnquiryForm.aspx |
| New College Nottingham (now part of Nottingham College) | |
| North Notts College |  www.nnc.ac.uk/support/financial-help  01909 504500  contact@nnc.ac.uk |
| Nottingham College |  https://www.nottinghamcollege.ac.uk/  0115 9 100 100  enquiries@nottinghamcollege.ac.uk |
| Portland College |  www.portland.ac.uk/  01623 499111  college@portland.ac.uk |
| Rotherham College |  https://www.rotherham.ac.uk/support/financial-help/  01709 722777  info@rotherham.ac.uk |
| West Notts College |  www.wnc.ac.uk/Facilities-and-services/Financial-support.aspx  01623 627191 ext 8256/8179  studentfinancialsupport@wnc.ac.uk |

Traineeships and apprenticeships

For students on traineeships or apprenticeships, the learning provider is responsible for ensuring that reasonable expenses are met in full if they are needed to overcome barriers to learning. These may include the cost of travelling to or from the place of learning or work placement. Please contact your learning provider for more information.

4. Other sources of financial support

16-19 Bursary Fund

The 16-19 Bursary is designed to help 16, 17 and 18 year old students to overcome specific barriers to undertaking post-16 education. If you are 19 and over, you could also get a bursary if you are either continuing on a course you started aged 16 to 18 or have an [Education, Health and Care Plan](#)

There are two types of 16-19 bursaries. A Vulnerable Student Bursary of up to £1,200 a year is available if at least one of the following applies:

- you are in or recently left local authority care
-
- you get Income Support or Universal Credit in your name
- you get Disability Living Allowance (DLA) in your name and either Employment and Support Allowance (ESA) or Universal Credit
- you get Personal Independence Payment (PIP) in your name and either ESA or Universal Credit
-

Students not eligible for the Vulnerable Student Bursary can apply to their school or college for a Discretionary Bursary. Discretionary Bursaries are used to help students facing financial barriers to participation and who need help to stay in education.

Further details of the 16-19 Bursary can be obtained by visiting www.gov.uk/1619-bursary-fund

Discretionary Learner Support Funds (DLS)

DLS Funds encourage improved participation, retention and attainment among adults aged 19 and over on low incomes. The amount paid depends on individual circumstances and is decided by the learning provider, dependent on their scheme. Further information on the DLS scheme can be found by visiting www.gov.uk/discretionary-learner-support

Care to Learn (C2L)

C2L supports young parents aged up to and including 19 years of age when their learning starts by funding the cost of their Ofsted-registered childcare and associated transport costs. Funding is only available for publicly-funded courses. Further information for learners interested in applying for C2L can be found by telephoning the helpline on 0800 121 8989, emailing c2l@studentbursarysupport.co.uk or by visiting www.gov.uk/care-to-learn/overview

Personal Independence Payment (PIP)

Post-16 students with a disability may be entitled to the Personal Independence Payment (PIP), to help with some of the extra costs caused by long-term ill-health or a disability. The rate depends on how the condition affects the student, not the condition itself. PIP is replacing Disability Living Allowance (DLA). For more details visit www.gov.uk/pip

Professional and Career Development Loans

Professional and Career Development Loans are bank loans to pay for courses and training that help with your career or help get you into work. You may be able to borrow between £300 and £10,000. Loans are usually offered at a reduced interest rate and the government pays interest while you're studying.

Call the National Careers Service on 0800 100 900 to find out whether a loan is the best option for you.

5. Students with Special Transport Needs

Full conditions of the post-16 travel scheme for students with special transport needs are available at

<http://www.nottinghamshire.gov.uk/education/travel-to-schools/special-transport-needs>

This includes details of how to apply, downloadable application forms and the special transport needs booklet.

5.1 Who can apply for post-16 special transport?

To apply for post-16 special transport, a student must:-

- be a Nottinghamshire County resident (excludes students resident in Nottingham City)
- be attending a full-time course (a minimum of 540 guided learning hours per year over a period of at least 30 weeks) at a school (including Academies), college of further education or Independent Specialist Provider that is funded directly by the Education Funding Agency (the scheme does not apply to higher education courses or universities)
- be attending the nearest establishment that provides the chosen course and level of study and can meet the student's needs. This will normally be the establishment named in the student's Education, Health and Care Plan. This may be an establishment outside Nottinghamshire, but if a student chooses to attend provision further afield when a more local educational institution can meet their needs, transport assistance will not be provided.

Age

Applicants must be:

- over the school leaving age (16) but under 19 years of age on 1 September 2018 or continuing to attend a course begun before they were 19 until it is completed or they reach 25 years of age,
- or
- aged between 19 and 24 on 1 September 2018 and have undergone a statutory assessment of need, such as a statement of special educational needs or an Education Health and Care Plan.

The three mile distance criterion will be waived for students who have been assessed by the County Council as having a special transport need.

5.2 How are applications for special transport assessed?

A special transport need may arise if the student:

- is unable to walk or travel safely when accompanied to the special school, sixth form or college
- is unable to use public transport when accompanied.

Officers of the Transport and Travel Services Department will assess if special transport should be provided, taking into account evidence such as a statement of special educational needs, Education Health and Care Plan, corroboration from a qualified medical practitioner, or other evidence such as entitlement to the mobility component of the Disability Living Allowance or Personal Independence Payment.

Please see part 2.3 (above) for cases where there will not normally be an entitlement to transport

5.3 What type of assistance is available?

- 5.3.1 If transport support is approved, the Council will identify the most appropriate and cost effective travel solution for each student.
- 5.3.2 Students assessed as requiring support will normally receive assistance to travel to and from the nearest suitable school, college or Independent Specialist Provider that can meet their educational and support needs. This will ensure the effective use of resources whilst promoting choice and managing public funds in a prudent manner
- 5.3.3 The type of travel arrangements and additional support will depend on the student's needs and will normally be in the form of a minibus, taxi or wheelchair accessible vehicle, with adult support in addition to the driver where appropriate
- 5.3.4 If parents/carers wish, a mileage allowance can be considered for them to transport the student themselves. In these cases the Council will consider reimbursement at the 'public transport rate' (currently 22.6p a mile) for two return journeys a day, based on the shortest distance by car between home and school/college
- 5.3.5 If parents/carers wish, they can request a Direct Travel Assistance Payment (DTAP). A DTAP is a payment that is made to parents/carers to enable them to make their own home to school/college travel arrangements. However a DTAP is only available if the student has an Education, Health and Care Plan

- 5.3.6 If special transport is provided by the Council, this will normally be to and from a designated collection/drop off point located within one mile of the home address. A pick up and/or drop off at home will only be provided in exceptional circumstances; additional medical information may be required to support the request
- 5.3.7 Transport services provide one journey to and from school/college at the start and the end of the normal school/college day. Transport is not provided for students to travel other than to and from the designated pick-up/set down point
- 5.3.8 Transport assistance is normally provided in the form of a shared vehicle. Individual transport will only be provided in exceptional circumstances; additional medical information may be required to support the request
- 5.3.9 Students may have to travel with other learners who attend different sites and/or follow courses with different timetables. Shared transport helps to achieve sustainable transport outcomes, reduce congestion and secure cost-efficient transport arrangements. This could result in longer travelling times and waiting times at college. It may therefore be necessary for some students to make use of opportunities for additional study or enrichment activities at college
- 5.3.10 Transport arrangements are subject to regular review to take account of students joining and leaving school or college. In addition, there is a legal obligation that transport contracts are periodically re-tendered (generally every 2-3 years) to achieve Best Value
- 5.3.11 If a student is taken ill during the school day it is the responsibility of parents/carers to make arrangements for the student to get home. The County Council will not provide transport assistance
- 5.3.12 If a student with special transport needs is placed in a residential care setting, including independent living, transport costs will be shared on a 50/50 basis with either Children's Social Care or Adults Social Care, as appropriate. It is the responsibility of Social Care (Children or Adults) to provide the appropriate expenditure codes prior to travel assistance being commissioned.

6. Independent Travel Training

All students will be enabled to undertake independent travel training (ITT) unless they are assessed by the County Council and student's school/college as being unlikely to benefit from such training. Special transport provided by the County Council will not be available for students who are deemed to be suitable for ITT but who choose not to participate in the programme. Students who have successfully completed the ITT programme will be enabled to make their journey to school/college independently. Special transport will not be provided for these students unless their circumstances have changed significantly.

Details of the programme can be obtained from

www.nottinghamshire.gov.uk/travelling/travel/itt/

7. Right of Review

A parent/carer has the right to a review of a decision if they believe that the County Council has assessed their entitlement to free transport incorrectly.

Stage one: Officer review

The request for review should be in writing. Stage one appeals against a transport decision will be considered within 20 working days of receipt by the Transport Policy and Engagement Officer, who is independent from the original decision process. When a decision has been reached, the parent/carer will be sent a detailed written notification of the outcome of the review. This will explain the rationale for the decision reached and explain how, if they wish to do so, the parent/carer can request their case be taken to stage two of the appeal process.

Stage two: Transport Appeal Panel review

A parent/carer has 20 working days from receipt of the stage one written decision notification to make a written request for their case to be taken to stage two of the review process.

Stage two appeals will be considered within 20 working days of receipt. The Transport Review Panel members are independent of the original decision making process. This is to ensure an independent review taking into account the evidence provided by parent/carer, the post-16 transport policy and any other exceptional information known by or presented to the Panel.

If a stage two appeal is unsuccessful, there is no further right of appeal within Nottinghamshire County Council. However if a parent/carer is dissatisfied with the way the appeal has been conducted they may complain to the Local Government Ombudsman. The Local Government Ombudsman has no statutory power to overturn the decision of the Panel but can draw the County Council's attention to any misadministration leading to injustice.

Should a review find in the parent/carer's favour, free travel will be backdated to when the original application was received by TTS or the start of the academic year in which the application is made, whichever is the later.

REPORT OF CHAIRMAN OF THE GOVERNANCE AND ETHICS COMMITTEE

CORPORATE RISK MANAGEMENT POLICY

Purpose of the Report

1. To seek approval for the proposed County Council Corporate Risk Management Policy.

Information

2. Managing risk involves identifying potential threats and opportunities, and responding to these appropriately. The County Council's management of strategic risk is coordinated through the work of the 'Risk, Safety and Emergency Management Board' (RSEMB), under the leadership of the Service Director for Place and Communities.
3. The County Council has a 'Corporate Risk Management Strategy', which was updated by the RSEMB in December 2017, and subsequently approved by the Corporate Leadership Team in January 2018. The strategy sets out the role and purpose of Corporate Risk Management; the processes used to monitor major risks affecting the County Council; and the County Council's responses to these risks. It includes the proposed Corporate Risk Management Policy. The primary objective of Corporate Risk Management is identified as "to control those risks that may affect the achievement of the Council's overall Strategic Plan, and to do so in a cost-effective manner".
4. The Risk Management Strategy gained committee approval at the March 2018 meeting of the Governance and Ethics Committee. This Committee is also responsible for policy development in relation to governance and ethics, subject to approval by the Policy Committee or the Full Council. Accordingly, the proposed Risk Management Policy was included within the risk management strategy that was approved by the Governance and Ethics Committee. The proposed Corporate Risk Management Policy is included at **Appendix A** to this report.

Other Options Considered

5. None.

Reason for Recommendation

6. To establish an approved County Council Corporate Risk Management Policy.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

8. There are no specific financial implications arising from this report, however it is worthy of note that sufficient and appropriate risk management ensures the avoidance of unnecessary costs arising from foreseeable issues. It also helps to enable benefits to be realised from opportunities available to the County Council.

RECOMMENDATION

9. It is recommended:

- 1) That the Policy Committee approves the proposed County Council Corporate Risk Management Policy.

County Councillor Bruce Laughton
Chairman, Governance and Ethics Committee

For any enquiries about this report please contact: Robert Fisher, Group Manager, Emergency Planning and Registration, Tel: 0115 977 3681, Email: robert.fisher@nottsc.gov.uk

Constitutional Comments [SLB 19/04/2018]

10. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments [RWK 25/04/2018]

11. The financial implications are set out in paragraph 8 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Report 'Corporate Risk Management Strategy, Risk Register and Risk Management Policy' approved at the 14th March meeting of the Governance and Ethics Committee.

Electoral Division(s) and Member(s) Affected

- All

Corporate Risk Management Policy

This policy document summarises the approach to delivery of the County Council's Corporate Risk Management Strategy (Version 7.1, December 2017).

Nottinghamshire County Council is committed to embedding a culture of risk management awareness throughout the County Council, and adopting a sensible and balanced approach to risk in order to:-

- Safeguard its employees, service users, members, pupils, tenants and all other persons to whom the Council has a duty of care.
- Ensure compliance with statutory obligations.
- Preserve and enhance service delivery.
- Manage the budget effectively and be cost effective.
- Protect its physical assets and resources.
- Maintain effective control of public funds.
- Promote the image and reputation of the Council.
- Support the quality of the environment.

The County Council recognises that risk management can identify both threats and opportunities. By identifying and managing our threats effectively, we will be in a stronger position to deliver the Council Plan, Commitments and business objectives. By managing our opportunities, we will be in a better position to deliver improved services that represent good value for money.

It is the responsibility of all members, employees and partners to be aware of risk in carrying out their duties and ensure that risks are taken in a structured and well managed manner. It should be recognising that such risk, if uncontrolled, can result in a drain on resources that could be better directed to service provision and achieving the Council's objectives.

The Corporate Risk Management Strategy outlines how the County Council will achieve an embedded risk management process.

This policy has the full support of the Council Members and Chief Executive, and the effectiveness of this policy will be reviewed at regular intervals.

**REPORT OF THE CHAIRMAN OF THE ADULT SOCIAL CARE AND PUBLIC
HEALTH COMMITTEE****DEPRIVATION OF LIBERTY SAFEGUARDS POLICY****Purpose of the Report**

1. The report seeks approval of the revised Deprivation of Liberty Safeguards Policy, attached as **Appendix A**.

Information

2. The Deprivation of Liberty Safeguards (DoLS) were originally introduced to provide a legal framework for the deprivation of liberty for people who lack mental capacity to make decisions about their care arrangements themselves. They apply to people who are in hospital or residential/nursing care and who are subject to restrictions and restraints in their lives, for example, not being free to leave or requiring continual supervision. The Local Authority is required to arrange an assessment of their circumstances to determine whether the care provided is in their best interests to protect them from harm, whether it is proportionate and to determine if there is a less restrictive alternative. The DoLS process requires assessments to be undertaken by a member of staff who has successfully completed competency based training in DoLS work in order to become a 'Best Interests Assessor' (BIA) and a doctor. The Local Authority has a statutory duty to make sure the DoLS process is followed and that these assessments are undertaken within the legal timescales. Once a DoL is authorised there is a requirement to review it, annually at a minimum.
3. Alternative arrangements are currently in place for people who live in the community, which require a social worker to make an application to the Court of Protection to authorise the deprivation of liberty and the care arrangements.
4. On 19th March 2014, the Supreme Court published its judgment in the case of P v Cheshire West and Chester Council and P and Q v Surrey County Council, which further defined the meaning of Deprivation of Liberty. The effect of this is that a much greater number of people in residential care homes, nursing homes and hospitals now come under the DoLS than previously and by law they must be assessed under the DoLS procedure.
5. A revised policy has been developed (attached as **Appendix A**) to take into account the transformational impact of the Cheshire West judgement and the significant reforms that have taken place in health and social care since 2010.

6. The revised policy is changed significantly from the current policy. The current policy contains a large amount of information for care homes and nursing homes that is no longer relevant. The revised policy is more clearly focused on the Council's statutory responsibilities in relation to DoLS and reflects decisions taken by the Council since the Cheshire West judgement in the Supreme Court in March 2014 regarding how the DoLS process is managed in Nottinghamshire. The 2010 policy is multi-agency and was designed with partners at Nottingham City Council and NHS organisations. A multi-agency policy is, however, no longer appropriate, following the transfer of supervisory body responsibility from primary care trusts to local authorities. This has significantly changed the roles and responsibilities of agencies who work under the Mental Capacity Act and DoLS. There is an established DoLS Code of Practice which the Council's revised policy does not seek to re-state or summarise. Therefore, the proposed policy is more concise than the current version and would be fit for purpose for practitioners and the public.
7. The revised policy covers:
- relevant legislation and supporting policies
 - roles and responsibilities of the Council and care homes, nursing homes and hospitals that make referrals for assessment
 - how the Council will record information
 - the process the Council will follow in managing DoLS assessments
 - resource implications
 - training of staff quality standards that will be followed
 - how the effectiveness of the policy will be reviewed.
8. The revised policy takes into account the initial potential recommendations of the national review of the Mental Capacity Act and Deprivation of Liberty Safeguards by the Law Commission, which was published in March 2017¹. This recommends the replacement of DoLS with an alternative scheme entitled Liberty Protection Safeguards. At the time of writing the policy, the Department of Health has indicated their broad agreement with the proposals, pending further work on detail. Amendment or replacement of the proposed policy may be required at a later date should there be legislative change or updates to the Code of Practice that occur as a result of the Law Commission's work or any other reforms considered by the Government in future.
9. The draft revised policy was presented to Adult Social Care and Public Health Committee on 16 April 2018 and the Committee recommended the policy for approval by Policy Committee.

Other Options Considered

10. The existing policy is no longer fit for purpose due to the significant changes in how DoLS are applied since the Cheshire West case. Many of the references in the current policy are also either out of date or redundant, for example, references to Primary Care Trusts, which have been abolished. The option of not up-dating the policy was therefore discounted.

¹ <https://www.lawcom.gov.uk/project/mental-capacity-and-deprivation-of-liberty/>

Reason/s for Recommendation/s

11. The proposed revised and updated policy will be a useful resource for practitioners working across adult social care and health in Nottinghamshire. It will also help to improve the Council's work with partners within DoLS as it would allow the Council to demonstrate clarity in its position in how DoLS will be managed within the County.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

13. The policy references how data will be gathered to carry out DoLS assessments. This will continue to be done in full accordance with the General Data Protection Regulation (GDPR) (2018).

Financial Implications

14. There are no direct financial implications that would result from this policy. However, the policy does reference the unprecedented challenge to ensure resources are in place to meet demand for DoLS assessments.

Human Resources Implications

15. There are no direct Human Resources implications that would result from this policy. An up to date policy would benefit staff as it would facilitate discussion between colleagues and other stakeholders about DoLS.

Public Sector Equality Duty implications

16. An Equality Impact Assessment (EIA) has been completed and is detailed in section 12 of the policy.

RECOMMENDATION

- 1) That the Committee approves the revised Deprivation of Liberty Safeguards Policy, attached as **Appendix A**.

Councillor Stuart Wallace
Chairman of the Adult Social Care and Public Health Committee

For any enquiries about this report please contact:

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Constitutional Comments (LM 19/04/18)

17. The Policy Committee is the appropriate body to consider the contents of the report.

Financial Comments (AGW 18/04/18)

18. The financial implications are contained in paragraph 14 of this report.

HR Comments (MS 18/04/18)

19. There are no direct HR implications as a result of this policy.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Deprivations of Liberty Safeguards Policy – report to Adult Social Care and Public Health Committee on 16 April 2018

Electoral Division(s) and Member(s) Affected

All.

ASCPH553 final

Policy Library Pro Forma

This information will be used to add a policy, procedure, guidance or strategy to the Policy Library.

Title: Nottinghamshire County Council Deprivation of Liberty Safeguards (DoLS) Policy

Aim / Summary:

To set the policy for the Deprivation of Liberty Safeguards for Nottinghamshire County Council, as the supervisory body and all managing authorities within Nottinghamshire

Document type (please choose one)

| | | | |
|---------------|----------|-----------|--|
| Policy | X | Guidance | |
| Strategy | | Procedure | |

Approved by:

Version number: 1

Date approved:

Proposed review date:

Subject Areas (choose all relevant)

| | | | |
|---------------------------|--|----------------------|---|
| About the Council | | Older people | |
| Births, Deaths, Marriages | | Parking | |
| Business | | Recycling and Waste | |
| Children and Families | | Roads | |
| Countryside & Environment | | Schools | |
| History and Heritage | | Social Care | X |
| Jobs | | Staff | |
| Leisure | | Travel and Transport | |
| Libraries | | | |

Author: Daniel Prisk

Responsible team: Nottinghamshire Deprivation of Liberty Safeguards (DoLS) Team

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Please include any supporting documents

[Association of Directors of Adult Social Services Deprivation of Liberty Safeguards Forms](#)

Review date

Amendments

Contents

| | |
|---|----|
| 1. Policy Statement and Scope..... | 2 |
| 2. Glossary of Terms | 3 |
| 3. Context | 4 |
| 4. Relevant legislation and supporting policies | 5 |
| 5. Roles and Responsibilities..... | 6 |
| 6. Recording Requirements..... | 8 |
| 7. Process Overview | 8 |
| 8. Resource Implications | 9 |
| 9. Training..... | 9 |
| 10. Quality Standards | 10 |
| 11. Future Developments | 10 |
| 12. Monitoring and Review | 11 |

1. Policy Statement and Scope

This policy provides a local framework for Deprivation of Liberty Safeguards (DoLS) within Nottinghamshire and sets out the processes and procedures that must be followed by those that have a duty of care towards a person who is, or may become, deprived of their liberty. This includes both managing authorities and Nottinghamshire County Council as the supervisory body.

Nottinghamshire County Council's Countywide DoLS Team is the single access point within Nottinghamshire for both care homes and hospitals, as managing authorities, to request DoLS assessments which are required in order for the supervisory body to consider a DoLS authorisation.

The Deprivation of Liberty Safeguards (DoLS) Code of Practice published under sections [42](#) and [43](#) of the Mental Capacity Act 2005 provides extensive guidance and information about the Act and how it works in practice and should remain the main point of reference for all staff working for Nottinghamshire County Council as well as partners working within this area

This policy should be read in conjunction with the [Deprivation of Liberty Safeguards Code of Practice](#) and the [Mental Capacity Act Code of Practice](#). The intention of this policy is to clearly outline the key responsibilities and procedures related to the implementation of the legislation within Nottinghamshire. It does not replace the DoLS Code of Practice or the MCA Code of Practice.

The procedures for this policy will be developed and documented in a separate Practice Guide. This will be published in due course.

2. Glossary of Terms

The following Glossary is provided to ensure a consistent understanding of terminology within this policy.¹

A managing authority is: The person or body with management responsibility for the hospital or care home in which a person is, or may become, deprived of the liberty

A supervisory body is: The local authority (England) or local health board (Wales) that is responsible for considering a deprivation of liberty request received from a managing authority, commissioning the statutory assessments and, where all the assessments agree, authorising deprivation of liberty

A relevant person is: The person who is or may be deprived of their liberty and may be a patient in a hospital or a resident in a care home.

A relevant person's representative is: A person who is appointed to support and maintain contact with the relevant person. This person is independent of the managing authority or supervisory body. For people without friends or family to represent them a paid representative is appointed by the supervisory body.

An independent mental capacity advocate (IMCA) is: Someone who provides support and representation for a person who lacks capacity to make specific decisions, where the person has no-one else to support them.

A best interests assessor is: A suitably trained professional appointed by the supervisory body to consider whether deprivation of liberty would be in the relevant person's best interests.

A mental health assessor is: A suitably medically trained professional appointed by the supervisory body to consider whether the relevant person is suffering from any disorder or disability of mind (including learning disabilities but not dependence on alcohol or drugs).

A signatory is: The appropriate level of manager from the supervisory body who can authorise deprivation of liberty and who may attach conditions which have been recommended by the best interests assessor.

An unauthorised DoL is: A situation in which a person is deprived of their liberty in a hospital or care home without the deprivation being authorised by either a standard or urgent deprivation of liberty authorisation.

¹ The Glossary of Terms is adapted from the DoLS Code of Practice Key words and phrases – pages 114-120

Part 8 review: A formal, fresh look at a relevant person's situation where there has been, or may have been, a change of circumstances that may necessitate an amendment to, or termination of, a standard authorisation. Part 8 refers to the section in Schedule 1A of the Mental Capacity Act 2005 that covers reviews and is used to distinguish these formal reviews from routine reviews of care for all residents.

Age assessment: An assessment of whether the person has reached the age of 18.

Best Interests assessment: An assessment of whether deprivation of liberty is in a detained person's best interests, is necessary to prevent harm to that person and is a proportionate response to the likelihood and seriousness of that harm.

Eligibility assessment: An assessment of whether or not the relevant person is rendered ineligible for standard deprivation of liberty authorisation because the authorisation would conflict with requirements that are, or could be, placed on the person under the Mental Health Act 1983.

Mental capacity assessment: An assessment of whether a person lacks capacity in relation to the question of whether or not they should be accommodated in the relevant hospital or care home for the purpose of being given care or treatment.

Mental health assessment: An assessment of whether the person has a mental disorder.

No refusals assessment: An assessment as to whether there is any other existing authority for decision-making for the relevant person that would prevent the giving of a standard authorisation. This could include a valid advance decision, or valid decision by a deputy or donee appointed under a Lasting Power of Attorney

Nottinghamshire DoLS Team: The Nottinghamshire DoLS Team undertake and / or co-ordinate all duties relating to DoLS on behalf of the supervisory body in Nottinghamshire

Cheshire West Judgement: On the 19 March 2014, the Supreme Court published its judgment in the case of P v Cheshire West and Chester Council and P and Q v Surrey County Council, which further defined the meaning of Deprivation of Liberty. The effect of this is that a much greater number of people in residential care homes, nursing homes and hospitals now come under the DoLS than previously and by law they must be assessed under the DoLS procedure.

3. Context

The Mental Capacity Act 2005 (MCA) was introduced in part in April 2007 and fully implemented in October 2007. The Mental Health Act 2007, which received Royal Assent in July 2007, included an amendment to the Mental Capacity Act to introduce additional Deprivation of Liberty Safeguards implemented from the 1st April 2009.

The Deprivation of Liberty Safeguards (DoLS) were introduced to provide a legal framework for the deprivation of liberty for people who lack mental capacity to make decisions about their care arrangements themselves. They apply to people who are in hospital or residential/nursing care and who are subject to restrictions and restraints in their lives, for example, not being free to leave or being under continual supervision and control.

A managing authority must seek authorisation from the correct supervisory body in order to lawfully deprive someone of their liberty, unless they are detained in hospital under the Mental Health Act (1983). Where a request for an Authorisation is made the supervisory body is responsible for conducting a prescribed set of assessments to determine whether the authorisation can be granted. This assessment of their circumstances determines whether the care provided is in their best interests to protect them from harm, whether it is proportionate and to determine if there is a less restrictive alternative. These safeguards prevent arbitrary decisions to deprive a person of their liberty and provide a robust and transparent framework in which to challenge deprivation of liberty authorisations.

DoLS do not apply to people living in supported living, or domiciliary care arrangements or those people who live in their own home. For these people an application to the Court of Protection will be required if the person's care amounts to deprivation of liberty. These cases are managed by the Council's Deprivation of Liberty in the Community (DoLIC) Team. The work of the DoLIC team is not within the scope of this policy.

4. Relevant legislation and supporting policies

The following legislation (and amendments) are relevant to DoLS

- [Care Act 2014](#)
- [Mental Capacity Act 2005 \(MCA\)](#). The Deprivation of Liberty Safeguards (DoLS) are part of the Mental Capacity Act but were included as an amendment through the Mental Health Act, 2007.
- [The Mental Capacity, \(Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence\) Regulations 2008](#) (effective from 3.11.08)
- [The Mental Capacity, \(Deprivation of Liberty: Appointment of Relevant Person's Representative\) Regulations 2008](#) (effective from 3.11.08);
- [The Mental Capacity, \(Deprivation of Liberty: Appointment of Relevant Person's Representative\) \(Amendment\) Regulations 2008](#) (effective from 3.11.08)
- [Mental Health Act 1983](#) and [2007](#)
- [The Equality Act 2010](#)
- [Human Rights Act 1998](#)
- [European Convention on Human Rights 1953](#)

All practitioners are required to ensure that they are aware of and act according to case law as it develops.

The following Nottinghamshire County Council policies, procedures and standards are also relevant to DoLS

- [Mental Capacity Act Policy and Procedure](#)
- [Nottingham and Nottinghamshire Multi-Agency Safeguarding Adults at Risk Guidance](#)

If a practitioner has any safeguarding concern, they should refer this to the Council's Multi Agency Safeguarding Hub (MASH). The MASH can be contacted by telephone (0300 500 80 90), email (mash.safeguarding@nottsccl.gov.uk) and fax 01623 483295. [Online forms](#) also available.

If a practitioner has any concern regarding the quality of care a person is receiving, they should refer this to the Council's Quality and Market Management Team, who can be contacted via an [online form](#).

5. Roles and Responsibilities

Nottinghamshire County Council (as the supervisory body)

Nottinghamshire County Council is the supervisory body which will receive requests from managing authorities and is required to respond to requests for authorisations within the timescales defined within the legislation. Only Nottinghamshire County Council can authorise DoLS requests for a person who has ordinary residence in Nottinghamshire County Council's administrative boundary.

Nottinghamshire County Council will seek to employ and/or commission sufficient Best Interests Assessor and officer capacity sufficient to meet local needs to ensure completion of assessments and appropriate scrutiny of decisions made. The Council will also seek to ensure that there are sufficient accredited and trained medical practitioners (Section 12 doctors) to undertake mental health, eligibility and, where relevant, mental capacity assessments.

Nottinghamshire County Council will ensure there is a sufficient supply of Independent Mental Capacity Advocates (IMCAs) when they are needed in circumstances prescribed under the Mental Capacity Act, including where there are conditions as part of the DoLS authorisation. The Council will also ensure sufficient provision of advocacy services, such as paid relevant persons' representatives where they are required and according to local needs. See [Advocacy Guidance](#) and [Independent Mental Health Advocates \(staff guidance\)](#).

Managing Authorities

Any managing authority in Nottinghamshire must apply to Nottinghamshire County Council for DoLS authorisations if they believe that a person in their care (aged 18 years or over) lacks capacity to give informed consent to their care arrangements and the care or treatment they provide to that person is likely to deprive the person of their liberty. Details of how to make a referral can be found on the [Council's website](#).

The Supreme Court judgment of 19 March 2014 in the case of *Cheshire West* clarified an “acid test” for what constitutes a “deprivation of liberty”². The acid test states that an individual is deprived of their liberty for the purposes of Article 5 of the European Convention on Human Rights if they³:

- Lack the capacity to consent to their care/ treatment arrangements
- Are under continuous supervision and control
- Are not free to leave

All three elements must be present for the acid test to be met. In all cases, the following are not relevant to the application of the test:

- the person’s compliance or lack of objection;
- the relative normality of the placement (whatever the comparison made); and
- the reason or purpose behind a particular placement.

A managing authority is also required to consider developments in case law when making referrals to the supervisory body.

The supervisory body is responsible for monitoring standard authorisation conditions. When DoLS are granted and an authorisation is in place, the managing authority must comply with conditions of the authorisation specified by the supervisory body are followed. The BIA suggests conditions and makes recommendations as part of their assessment but it is the authoriser, on behalf of the supervisory body who sets the conditions. The supervisory body must be satisfied that during the period in which the authorisation is in place that any conditions set are being met by the managing authority.

If a DoLS authorisation is already in place, the managing authority should, before the authorisation period expires, refer the case to the supervisory body and request a further standard authorisation. This process is important because it enables the supervisory body to use the information submitted to risk assess the case and allocate resources accordingly. It is imperative that managing authorities work with the supervisory body to follow this process to minimise the risk of delay. Nottinghamshire County Council asks for no more than 28 days’ notice for requesting a further standard authorisation, as this provides sufficient time to allocate, assess and complete such assessments within the statutory limit of 21 days from the receipt of a standard application, or, if sooner, the end of the current authorisation.

If the outcome of an assessment is that DoLS are not granted but the care and/or treatment the relevant person is receiving amounts to deprivation of liberty, the managing authority must immediately take steps to change the way in which the relevant person is being cared for so that the relevant person is not being deprived of their liberty. This may involve the managing authority liaising with the commissioners

² *P v Cheshire West and Chester Council and another and P and Q v Surrey County Council*, http://supremecourt.uk/decided-cases/docs/UKSC_2012_0068_Judgment.pdf

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485122/DH_Consolidated_Guidance.pdf

and, in the case of self-funders, the person who controls the funding of the person's care.

In respect of more complex required changes to the care plan, an urgent planning meeting should be arranged immediately at the request either of the managing authority or supervisory body or the commissioning organisation, to be chaired by the commissioning organisation. An unauthorised DoL may necessitate an adult safeguarding enquiry.

6. Recording Requirements.

Nottinghamshire County Council has an online portal by which requests for a [Standard and Urgent Authorisation \(Form 1\)](#) and [Request for Further Standard Authorisation \(Form 2\)](#) can be made. All managing authorities in Nottinghamshire are required to use the online referral method wherever possible.

All correspondence sent by the Countywide DoLS team to managing authorities, relevant persons, interested persons and other professionals will be electronic (via secure email), except in circumstances where it is not practical to do so.

The Countywide DoLS Team will maintain records of applications and authorisations (given, and refused) on behalf of the supervisory body. The supervisory body is responsible for maintaining and submitting data. This will form the minimum data set for statutory reporting purposes. Records will be held on the Mosaic system.

The relevant person's records must include information about any formal reviews, including DoLS Part 8 Reviews that have been requested, when they were considered and the outcome. These records must be retained by the supervisory body. Records will be held on the Mosaic system.

7. Process Overview

The vast majority of the DoLS process is prescribed within relevant legislation and the Code of Practice and must be followed as written. However, where legislation and the Code of Practice is not prescriptive, the Council utilises national guidance and best practice to shape its approach to providing this service. In doing so, the Council aims to meet its statutory responsibilities whilst ensuring that the processes followed make the best use of available technology, is devoid of any administration that is not absolutely necessary and minimises any possible distress to the person being assessed and their carers and families.

As the DoLS process is highly prescriptive, Nottinghamshire County Council uses a series of [forms](#) recommended by the Association of Directors of Adult Social Services (ADASS) Project Group to administer and facilitate its duties as the supervisory body. These forms have been specifically designed to navigate the process in a way that minimises bureaucracy and ensures that activity is focused on assessing the relevant person. Therefore, these forms will be used for all DoLS

referrals and assessments, as well as the authorisation processes in Nottinghamshire⁴.

Due to the vast increase in demand for assessments since the Cheshire West case, ADASS have developed a tool in relation to risk assessing and prioritisation screening of referrals. The tool sets out the criteria most commonly applied which indicates that an urgent response may be needed so as to safeguard the individuals concerned. The Countywide DoLS team uses this tool in balance with the legal criteria for the Deprivation of Liberty Safeguards which remains unchanged. The tool is used as an indicative guide only and each case is judged on its individual merits and continues to be based on the information supplied by the managing authority⁵.

Nottinghamshire County Council have also considered the Emergency Interim Guidance published by ADASS in June 2016⁶. The Council will use this guidance as necessary to manage the ongoing challenges presented by the impact of the Cheshire West judgement on demand for DoLS assessments. This includes the use of '[Form 3b](#)' both inclusive and exclusive of the Capacity Assessment⁷.

Nottinghamshire County Council has established an authorisation process for all DoLS assessments. The authorisation process, which scrutinises the assessments made, is conducted by managers within the Adult Social Care and Public Health Department (Signatories). All Signatories receive appropriate training and must access refresher training on an annual basis.

8. Resource Implications

The resource implications of carrying out, administering and monitoring DoLS assessments are monitored by the Council's Adult Social Care and Public Health Department. The Council's DoLS Strategy sets out the Council's strategic approach to managing the DoLS process.

As a result of the Cheshire West judgement, a much greater number of people in residential care homes, nursing homes and hospitals now come under the scope of DoLS than previously and by law they must be assessed under the DoLS procedure. Therefore, ensuring resources are in place to meet this requirement has brought an unprecedented challenge to all Supervisory Bodies, and Best Interests Assessors (BIAs) continue to be in high demand and short supply, locally, regionally and nationally. In response to this, the Council endeavours to use all available resources to secure the required BIA capacity to meet demand in Nottinghamshire.

9. Training

⁴ <https://www.adass.org.uk/mental-health-drugs-and-alcohol/public-content/new-dols-forms>

⁵ <https://www.adass.org.uk/adass-priority-tool-for-deprivation-of-liberty-requests/>

⁶ <https://www.adass.org.uk/media/5297/additional-dols-safeguards-final.pdf>

⁷ Please note that the hyperlinked example 3b form does include the capacity assessment

Nottinghamshire County Council will, as the supervisory body, commission a programme of training to ensure that there are sufficient staff accredited to carry out DoLS Assessments. The Council will ensure that annual refresher training is provided for BIAs and for other roles and functions within the DoLS process as necessary. Training commissioned by the Council in relation to DoLS will be regularly reviewed to ensure it remains fit for purpose.

10. Quality Standards

The quality standards within the policy are as follows:

As the supervisory body, the Council will at all times aim to complete all processes within the statutory timescales specified within the Legislation and Code of Practice. The DoLS Code of Practice and the MCA Code of Practice will be followed at all times in conjunction with this policy and the practice guidance, which will follow in due course.

As the supervisory body, the Council will, where required, prioritise allocation of resources according to a risk assessment of individual cases

As supervisory body, the Council will seek to authorise DoLS assessments within the statutory timescales specified within the legislation and Code of Practice. Colleagues who undertake this role within the DoLS process will receive the required training and support to ensure the proper process is followed.

As the supervisory body, the Council will use its DoLS Quality Assurance Framework to quality assure aspects of the DoLS process. This includes an audit process for assessments completed by employed and commissioned staff. The Quality Assurance Framework will also be used to seek feedback from relevant persons, carers and families to ensure that lessons learnt are sought as to how the Council's practice and approach to managing the DoLS process can be continuously improved.

11. Future Developments

Nottinghamshire County Council acknowledges the proposals for the review of the Mental Capacity Act and Deprivation of Liberty Safeguards made by the Law Commission, published in March 2017⁸. The report recommends the replacement of DoLS with an alternative scheme entitled Liberty Protection Safeguards. At the time of writing this policy, the Department of Health is considering its response to these proposals. A full response is due in spring 2018. The Council will consider amendment or replacement of this policy as required, should there be legislative change or updates to the Code Practice that occur as a result of the Law Commission's work or any other reforms considered by the Government in future.

⁸ <https://www.lawcom.gov.uk/project/mental-capacity-and-deprivation-of-liberty/>

12. Monitoring and Review

The overall effectiveness of this policy will be monitored by the Senior Leadership Team within the Council's Adult Social Care and Health Department, with the support of operational managers responsible for the day to day operation of the Countywide DoLS Team.

The adherence of managing authorities to this policy will be monitored as part of Nottinghamshire County Council's quality and market management process, and may also be inspected by the Care Quality Commission.

The Council's Adult Social Care and Health Committee is a key stakeholder in monitoring this policy, as performance measures relating to DoLS report to this Committee.

Nottinghamshire Safeguarding Adults Board will also be a key stakeholder in promoting this policy.

**REPORT OF CHAIRMAN OF CHILDREN AND YOUNG PEOPLE'S
COMMITTEE****EARLY YEARS PROVISION IN NOTTINGHAMSHIRE COUNTY COUNCIL
OWNED PROPERTIES – OCCUPATIONAL COSTS****Purpose of the Report**

1. To seek approval to the framework and terms of new leases and licences to be granted to childcare (early years) providers over Council sites including Schools and Children's Centres.
2. To delegate authority to the Service Director Investment & Growth (or their nominee), in consultation with the Chairman of Policy Committee to determine the sites and details of each letting.

Information

3. The Childcare Act 2006 and 2016 places statutory duties on Local Authorities for the provision of childcare and early education. The Act requires Local Authorities to assess the local childcare market and secure sufficient childcare for children. This requires Local Authorities to shape and support the development of childcare in their area in order to make it flexible, sustainable and responsive to the needs of the community. In order to achieve current and imminent statutory duties, the expansion of childcare provision in many localities is a priority.
4. The provision of high quality childcare enables children to be ready for school, improves attainment levels, and closes the attainment gap; whilst the provision of funded childcare for eligible children removes the barrier to work for parents by removing expensive childcare costs. The longer term impact of providing sufficient childcare therefore improves economic and social well-being for the residents of Nottinghamshire.
5. Statutory duties placed on the council are in relation to early years provision for 0 – 4 year olds, with additional requirements to ensure there is sufficient childcare for school age children through breakfast and after school provision (wrap around care), and holiday care. Childcare providers vary from pure commercial ventures to not for profit organisations which can be in the form of community interest companies, private enterprises, voluntary run, not for profit and charities; maintained schools and Academy Schools also provide childcare in Nottinghamshire.
6. Using Local Authority properties provides an opportunity for the council to create childcare

places by letting premises to childcare providers. There is a wide range of childcare provision within council owned premises; the vast majority of which is located on school sites with increasing provision located within Children's Centres. Provision is located in different properties ranging from purpose built, modern facilities to shared use being made of school halls and other spaces such as Children's Centres.

7. Where there are surplus Council properties or appropriate space within Children's Centres, a procurement exercise is undertaken to identify a suitable provider with a proven track record of service delivery; the successful provider is allocated use of the property under a lease or licence. If however the property is on a school site, the school is invited use the property for early years provision documented in a Service Level Agreement (maintained schools) or a lease/licence (Academy Schools).

Review of the lettings and case studies

8. The Council's current process for agreeing property charges with providers, was based on an average cost based approach to broadly cover outgoings. This process applies a blanket approach to the level of charge irrespective of site specific running costs, and any capital investment that may have been made by childcare providers and does not take into account market rent, the potential income of a childcare provider, the maximum number of children a setting can accommodate and whether the location is considered to be serving a disadvantaged community.
9. Charging a market rent, can, in many circumstances, create financial challenges for childcare providers which could result in poor childcare sufficiency. Property Services and Children and Family Services (CFS) propose that all early years providers who deliver funded childcare places for eligible children are charged a peppercorn rent, thus enabling the Council to fulfil statutory duties whilst recouping costs associated with the maintenance of properties.
10. **Children's Centre Case study** – a Children's Centre property is already used by a voluntary sector provider, who are keen to expand their provision to accommodate more children eligible for funded childcare. This would require expansion into an additional room in the property. As the Children's Centre service only operates from the property for 2 sessions a week, it was more appropriate for the childcare provider to be the lead tenant and therefore take on the management of the property. The running costs for this property are £25,000 per annum which are currently funded by 'CFS', the current childcare provider pays the Council £6,000 per annum for service costs. In this case, the childcare provider would be unable to pay the full running costs as well as a rental charge due to the forecasted income which is based on the number of funded children that the property can accommodate safely. A business case has been completed and proposes that the property is leased at a peppercorn rent whilst the childcare provider pays all running costs and a service charge offsetting the costs currently incurred by the Council.
11. **Academy School Case Study** – a surplus caretaker's house on the site of an Academy School was renovated using early years capital funding to change its use for childcare. A private provider was appointed to provide childcare from the property, however were unable to pay the market rent which was set at £18,000; this would be in addition to running costs. As the property is located in an area of disadvantage, increasing take up of funded childcare places is challenge, especially for the first few years of operation until the provision is

established and trusted by the community. The childcare provider vacated the property after only a few months and the property has remained empty for over a year. The Academy School is keen to provide childcare for eligible children from the property, however will only do so if the costs incurred are manageable. A business case has been completed and proposes that a peppercorn rent is issued with the school paying all occupational costs. The property has been redlined which means that it remains the property of the County Council rather than the Academy and therefore protects the capital investment and the continued use of the property for childcare.

12. The proposals to charge a peppercorn rent need to be considered in relation to State Aid rules. State Aid rules prevent public authorities from using state resources on a selective basis to any organisations that could potentially distort competition and trade in the European Union. However the rules do not apply to services where both the clientele is purely local and there is no realistic prospect of competition from providers from other member states establishing themselves. On this basis we are advised that any benefit would fall outside the definition of State Aid as there is no impact on trade between member states. We understand that there may also be scope to rely on de minimis provisions, and on the exemptions for services of general economic interest, but since we have a good 'no aid' argument we do not need to rely on these.
13. The adjustment of the rent potentially represents a letting at less than best value, as defined by s123 Local Government Act 1972. The circumstances which permit the Authority to depart from the requirement to achieve best value are contained in The Local Government Act 1972: General Disposal Consent (England 2003). The Order lays down no specific process, but simply requires that the following matters are considered:-
 - i. The local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
 - 13.a.i.1. The promotion or improvement of economic well-being;
 - 13.a.i.2. The promotion or improvement of social well-being;
 - 13.a.i.3. The promotion or improvement of environmental well-being; and;
 - ii. The difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).
14. The proposed terms of the lettings at a peppercorn rent, satisfy the requirement of promoting economic and social well-being and are less than £2,000,000 on a collective and individual basis. If a market rent is charged, the income would be less than £2,000,000 because of the number of properties available, the floor space used and shared use arrangements within Children's Centre Services and Schools.
15. Property Services have revised the standard head of terms for these lettings. A summary of the revised heads of terms proposed are included in **Appendix One**.

Current lettings

16. Where childcare providers currently occupy Council premises under a lease or licence, it is proposed that these lettings will be revised in line with revised heads of terms appended to this report.
17. Where childcare providers currently occupy Council premises without a lease or are holding over. New leases and licences will be granted in line with the revised heads of terms appended to this report.
18. Where childcare providers occupy Council premises on a school or academy site the arrangement will be formalised in line with the revised heads of terms appended to the report with service charge payable to the Council, or the school or the Academy as appropriate. The basis of this will be determined by which party pay the outgoings for the property to be occupied by the provider.

Other Options Considered

19. Apply a blanket approach to the level of charge and market rent irrespective of the actual running costs of the building or demographic factors. Many providers are located in areas of disadvantage and struggle to finance their operations, yet the County Council has an obligation to ensure there is adequate provision in each locality to meet local requirements and needs. This is not a viable option as the County Council could be obliged to provide services if it is not possible to attract other providers. This option could also provide a potentially unfair advantage to some providers who could be paying less than the actual costs associated with their premises and disadvantage other providers could be paying more than the actual costs associated with their premises.
20. Continue to allow schools to let out space for wrap around, childcare and holiday clubs in an ad-hoc manner. This however puts the County Council at risk of secure tenancies being created, (caused by schools not properly understanding their powers to enter into licences and what this actually covers) whilst allowing an inconsistent approach to the fee applied.

Reasons for Recommendations

21. Acting in accordance with the principles of good estate management, the proposals set out in this report protect the County Council in terms of recovering costs of occupation, whilst maintaining and increasing childcare provision, to meet the needs of communities.
22. The proposals also take account of the Local Authority's sufficiency duties for childcare, at a time of increased demand for such provision, following the introduction of the extended free childcare entitlement in September 2017.
23. The opportunity offers a consistent approach to all occupiers across the estate and brings stability to the market, whilst providing continuity of care for families using these services. This is particularly important in securing childcare provision in areas of disadvantage.

Statutory and Policy Implications

24. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty,

safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

25. Where the Council pays for utilities and services such as cleaning and maintenance, childcare providers will pay a service charge to the council to defray running costs. The service charge will be calculated based on the actual running and average repair costs.
26. Each property will be assessed on a case by case basis to confirm occupational costs. Income will be used to offset the costs currently incurred by CFS to maintain and manage properties.
27. Childcare providers working from school sites will pay the school any running costs that the school currently pays for e.g. caretaking and cleaning.
28. As with Children's Centre services, service charges for childcare (early years) providers on school sites will be paid to CFS who will progress maintenance and structural repairs jointly with colleagues in Place.

Safeguarding of Children and Adults at Risk Implications

29. Safeguarding is a central focus of childcare providers, consequently safe, secure accommodation is required to enable the local authority to fulfil its duty to provide quality childcare provision. All lettings with childcare providers require the provider to safeguard children e.g. locked security gates, safe access.

Implications for Service Users

30. Where childcare provision is created or maintained, children and families will be able to access a wide range of high quality accessible childcare provision. This in turn enables children to be ready for school, and removes the cost of childcare as a barrier to employment.

Data Protection and Information Governance

31. All childcare providers who provide funded places for 2, 3 and 4 year olds sign an Early Years Provider Agreement annually which ensures that data protection and information governance regulations are adhered to.
32. Data held by the council such as bank details of early years providers are stored securely under General Data Protection Regulations.

RECOMMENDATIONS

1. That Committee approves the framework and terms outlined within this report.

2. That approval is given to the Service Director Growth and Investment (or their nominee), in consultation with the Chairman of Policy Committee to determine the sites and details of each letting.

Report Authors:

Mona Walsh
Team Manager Property and Estates

Irene Kakoullis
Group Manager Early Childhood Services

For any enquiries about this report please contact: Mona Walsh 0115 8043286

Constitutional Comments (SSR 4.5.2018)

12. The recommendations fall within the scope of decisions which may be approved by Policy Committee

Financial Comments [RWK 02/05/2018]

The financial implications are set out in paragraphs 27 to 30 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Divisions and Members Affected

- All

Appendix 1



Standard Heads of Terms for Early Years Provision in Nottinghamshire County Property

| | |
|-----------------------------|--|
| Name of Early Years Setting | |
|-----------------------------|--|

NB: Subject to Elected Member Approval

PREMISES

1. **Address:** xx
2. **Description:** Description of provision
Description of Property
Operating Hours (weekly and annual opening times)
3. **The Demise and Area:** Attached plan outlined in red together with rights of access over hatched area. (Plans to be attached).

Use of any outdoor area and car parking is dependent on arrangements at each individual site.

PARTIES

4. **Landlord:** The Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham
NG2 7QP
5. **Landlord's Agent:** Contact from NCC Property and Estates
6. **Landlord's Solicitor:** Contact from NCC Legal
7. **Tenant:** Name and contact details of childcare provider.
8. **Tenant's Solicitor:** Name and contact details

LEASE/LICENSE

- 9. Type:** Lease
- Licence – offers non-exclusive possession and Licensor shall be entitled at any time on giving not less than xxx days/weeks notice require the Licensee to transfer to alternative space elsewhere within the Building
- 10. Term:** Xx years beginning on []
- The lease will exclude the security of tenure provisions of Part II of the Landlord and Tenant Act 1954
- 11. Break Clause:** Both parties have the ability after xx years on service of one school term's notice to terminate at the end of a school term. The Landlord can terminate with immediate effect in the event of a breach of the lease by the Tenant.
- 12. Alienation:** Not permitted.
- 13. Proposed Use:** Nursery/Preschool/playgroup/wrap around care
- 14. Hours of Use:** Between the hours of xx and xx
- 15. Rent** Peppercorn
- 16. VAT:** VAT not applicable
- 17. Maintenance Charge:** £xxx per annum.
Payable monthly on 1st day of each month in advance.
- In respect of shared services and access way based upon floor area percentage and weighted use.
- Services the Landlord will provide in return for payment of the Maintenance Charge will depend on each site but could include the following:
- (a) Maintaining and repairing the exterior and interior of the Property including all Service Media (excluding any telephone/data lines);
 - (b) Lighting and heating the Property;
 - (c) Heating and supplying hot and cold water to any washrooms, toilets and kitchen areas within the Property.
 - (d) Cleaning, maintaining, repairing, operating and replacing fire prevention, detection and fighting machinery and equipment and fire alarms on or in the School
 - (e) Providing, repairing, maintaining and renewing where the Tenant is not responsible for doing so either under the terms of this lease or under statute, regulation, rules or guidance, fire alarms,

firefighting equipment, and security alarms;
and

- (f) Any other service or amenity that the Landlord may in its reasonable discretion acting reasonably and properly and in accordance with the principles of good estate management provide for the benefit of the tenants and occupiers of the Property.
- (g) Running and servicing of the access control/burglar alarm

18. Insurance: If Tenant has sole use of the entire building they are responsible for building insurance. If tenant occupies part only of the building the landlord is responsible for building insurance, with the tenant reimbursing the landlord for a fair proportion of the costs. In any event the tenant is responsible for insuring contents, employers and public liability insurance. Tenant is to provide annually a copy of the insurance schedule and receipt of payment.

19. Rates and Other Outgoings: Tenant responsibility including but not limited to gas, electricity, water, sewage and surface water drainage, phone and data.

20. Repairs and Maintenance: Tenant responsibility including all statutory obligations and Safeguarding and Food Hygiene, along with internal repair, maintenance and redecoration.

Landlord responsible for all other repair and maintenance costs, with the tenant via a Maintenance Charge:

21. Tenant's Alterations: Not permitted save with prior landlord consent (not to be unreasonably withheld or delayed)

22. Legal costs: Tenant to pay Notts CC legal costs in the sum of £500. Surveyor's fees waived.

23. Management agreement: Management agreement to be adopted with regular liaison meetings. Transfer of control agreement will be required.

24. Planning: Tenant to apply for any necessary consent relevant for its proposed use and signage.

25. Additional Tenant responsibilities will include the following:

a) The Tenant shall maintain any External Play Area

b) The Tenant will be responsible for the provision and cost of telephone, broadband and IT Services

c) The Tenant will be responsible all internal decoration of the Property

- d) The Tenant will be responsible for the provision and cost of Portable Appliance Testing of all electrical equipment owned or used by the Tenant
- e) The Tenant will be responsible for cleaning the Property
- f) The Tenant will be responsible for any and all repairs arising from wilful damage to the Property
- g) The Tenant will attend a termly management meeting with the Head Teacher of the School
- h) The Tenant will be responsible for developing and maintaining food safety and management procedures and ensure that all staff have received adequate training in food safety management
- i) The Tenant shall provide any maintain all equipment required for the Permitted Use
- j) The Tenant shall be responsible for cleaning, maintaining, repairing and replacing any and all refuse bins on the Property.
- k) The Tenant will be responsible for complying with all required legal and statutory matters required for the operation and running of the service provided

REPORT OF THE LEADER OF THE COUNTY COUNCIL**PROPOSALS FOR THE FUTURE OF THE MILL ADVENTURE BASE****Purpose of the Report**

1. The purpose of this report is to seek approval to the acceptance of a Heritage Lottery Fund (HLF) grant being spent on improving the facilities at the Mill Adventure Base, to enter into a Partnership Agreement with Ashfield District Council (ADC) over the terms of the grant and for a lease renewal of the centre being brought into line with the timescales of the HLF grant.

Information

2. ADC have been successful in securing a development grant towards a second stage Heritage Lottery Bid for a project called the King and Miller to Kingfisher which seeks to connect residents of Ashfield and Mansfield with the 18th century industrial heritage at Kings Mill reservoir through a new Maun Trail footpath and cycle route between the towns and the reservoir.
3. The County Council has already pledged matched funding of £135,000 to the overall project with £12,096 committed to date with the remainder payable on the success of the next stage of the bid. This funding was approved at the Finance and Property Committee on 9 November 2015.
4. Part of the bid includes improvements to the existing NCC run Mill Adventure Base café which would enhance the visitor experience and develop the heritage information available within the café.
5. The Young Peoples Service should benefit financially from the expected increase in visitors to the café helping to make the centre become self-financing.
6. The increased public awareness that this project will give to the Adventure Base will provide opportunities to widen the customer base and potentially develop other activities.
7. The existing lease runs to May 2029. The proposal is to surrender this lease and agree a new one in line with the 20 years HLF funding timescale. The heads of terms of the proposed new lease are attached in Appendix1.
8. There will be a potential clawback on this funding should the service cease during the funding period.

9. A condition of the funding is that a Partnership Agreement will be entered into, this will be done after consideration by NCC Legal Services.
10. The capital funding available for works to the café including internal works to form a Heritage Centre is £125,536, an additional amount of £20,039 is for improvements to the landscape and entrance from the reservoir. The total capital grant funding available for works is £145,575.
11. The Heritage Lottery award is expected in September 2018 and the programme of work for the entire project including matched funding totals £1.5m. It has been agreed that the design and build of the café project will be procured and carried out by ADC. A licence will be entered into to allow access to the site by ADC and their contractors.
12. Additional to the capital works, funding totalling £115,840 has also been applied for to employ a Ranger Post. The funding lasts for a period of three years and it is proposed that this post would be employed by NCC and report to the Mill Adventure Base manager. The funding includes all employment costs including any redundancy at the end of the three years. There is no pay back on this funding as it would be claimed retrospectively each year.
13. The existing lease contains a break clause in favour of NCC giving only six months' notice. The new lease will also contain this clause therefore the risk to NCC in accepting the grant funding is the potential clawback and the extension from 2029 to 2038 which prolongs the liability period where NCC would have to reinstate the site back to its original condition if the break clause was triggered.
14. The financial summary is therefore as follows:-

| | |
|------------------------------------|----------|
| NCC Funding to overall HLF Project | £135,000 |
| NCC Paid to Date | £12,096 |
| Value of work to Adventure Base | £145,575 |
| Funding for NCC Ranger post | £115,840 |

Other Options Considered

15. The Council could choose not to accept any HLF grant funding and not change the term of the lease. However this would weaken the overall ADC bid as partnership working is an important feature of the bid.

Reason/s for Recommendation/s

16. The HLF grant funding will be used to enhance the Mill Adventure Base which will be of benefit to the public and also develop the economic viability of the service.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are

described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

It is recommended that: -

- 1) Policy Committee approves the HLF grant funding being spent on the Mill Adventure Base and the necessary changes to the staffing structure as set out in the report.
- 2) That a Partnership Agreement with ADC covering the terms of the funding is entered into subject to consideration by Legal services.
- 3) That the existing lease is surrendered and renewed to match the term of the funding.

Councillor Mrs Kay Cutts MBE

Leader of The Council

For any enquiries about this report please contact: Gerry McKeown, Growth and Development Tel: 0115 9773617

Constitutional Comments (EP 04/05/2018)

19. The recommendations fall within the remit of the Policy Committee by virtue of its terms of reference.

Financial Comments [RWK 04/05/2018]

20. The report proposes the County Council makes a grant of £135,000 as a contribution to works to be undertaken at the Mill Adventure Base. Provision for this payment has been included in the County Council's approved Capital Programme.
21. The report also informs committee that further grant funding has been applied for in the sum of £115,840. This sum would finance the employment costs of a post of ranger for a 3 year period. A further report will be presented to establish this post should the grant application be successful.

Background Papers and Published Documents

22. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

23. Ward(s): Sutton Central & East
Member(s): Councillor Samantha Deakin

Heads of Terms

**Mill Adventure Base
Kings Mill Reservoir
Sutton in Ashfield Notts NG17 4PA
Subject to Contract and formal Committee Approval**

PREMISES

- 1. Address:** Mill Adventure Base, Sutton Road, Sutton in Ashfield, Notts , NG17 4PA
- 2. Description:** Land comprising approximately 0.87 hectares as currently demised for the purposes of Adventure and Heritage centre including two bridges to access the adjacent land and reservoir. Together with rights of access and connection to utilities. Rights for NCC customers to park in adjacent car parks both current and proposed.
- 3. The Demise and Area:** Identified on attached lease plan (to be provided by ADC for approval) outlined in red.

PARTIES

- 4. Landlord:** Ashfield District Council
Urban Road
Kirkby in Ashfield
Notts
NG17 8DA
- 5. Landlord's Agent:** Nigel Gregory 01623 457514
Email: N.Gregory@ashfield.gov.uk
- 6. Landlord's Solicitor:** TBA
- 7. Lessee:** Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Notts
NG2 7QP
- 8. Tenant's Solicitor:** Catherine Haywood
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Notts
NG2 6BJ

Direct Line Tel: 0115 977 2915
Catherine.Haywood@nottsgov.uk

DX 723420 West Bridgford 2

LEASE

- 9. Type:** Protected under Landlord and Tenant Act 1954 security of tenure provisions
- 10. L&T 1954 Security of Tenure** Yes
- 11. Term:** 20 years with effect from award of HLF Grant.
- 12. User:** Adventure centre and heritage centre including café together with rights to launch boats and other recreational purposes in connection with the permitted use. Camping, climbing centre and cycle training.
- 13. Alienation:** Assignment of whole and subletting of part permitted subject to landlord consent such consent not to be unreasonably withheld
- 14. Underletting:** As required in connection with the core purpose. Sharing with group companies. Sharing with ADC limited to no more than 8 hours per calendar month.
- 15. Rent:** £650 per annum exclusive subject to rent review every 5 years in line with CPI.
- 16. Break:** On termination of the service on 6 months' notice. Clawback of grant in sum of £145,575 will apply for 20 years only reducing annually by 5 per cent.
- 17. Partnership Agreement:** Both parties to enter into partnership agreement to cover provision of a ranger service for 3 years. Ranger reports to manager of Adventure Base. ADC to indemnify NCC against any redundancy cost applicable on termination of the contract funded by HLF.
NCC may undertake weed cutting to facilitate launch of boats under an agreed protocol but will not be under an obligation to provide this service.
- 18. VAT:** Yes if applicable
- 19. Service Charge:** Not applicable.
- 20. Insurance:** Tenant insures the premises with a reinstatement figure plus public liability insurance, employers' liability and property owners insurance. Cover provided by NCC block policy.
- 21. Rates and Other Outgoings:** Payable by Tenant.
- 22. Repairs and Maintenance:** Tenant to maintain in good repair and condition save for any works covered by a collateral warranty/ADC indemnity undertaken as part of HLF grant.
- 23. Tenant's Alterations:** Structural or external alterations with consent. Internal non structural without landlord's consent.

- 24. Legal costs:** Each party to bear their own costs.
- 25. Licence for works :** Tenant to grant licence to ADC to enter the site and undertake works as part of an obligation under terms of HLF grant subject to approved drawings and specification including but not limited to works to the heritage centre and signage. The licence to include usual indemnities. Schedule of condition to be prepared prior to commencement at ADC cost.
- 26. Planning:** Tenant to apply for any necessary consent relevant for its proposed use save for works covered by current grant application.

These Heads of Terms are subject to contract and Committee authority.

REPORT OF THE LEADER OF THE COUNTY COUNCIL**OPERATIONAL DECISIONS ANNUAL REVIEW & QUARTERLY UPDATE
NOV 2017 - FEB 2018****Purpose of the Report**

1. That Members confirm their continued support for the amendments to the authorising of operational decisions as originally approved by the Committee on 20 January 2014.
2. That the information set out in this report is noted.

Information and Advice

3. At the meeting of the Finance & Property Committee in January 2014 approval was given to amend the list of day to day operational decisions which can be taken by the Director, subject to the chair of Finance & Property Committee determining whether operational decisions should still be reported to Committee. It was also agreed that a report should be submitted to the Finance & Property Committee on a quarterly basis outlining all operational decisions made, supplemented annually by a review report on Estate Management operational decisions.
4. In accordance with the above decision this is the fourth annual review report, together with the final quarterly report covering November 2017 to February 2018 informing Policy Committee of Operational Decisions taken between those dates.
5. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a particular person (including the authority holding that information)). The exempt appendix provides details of the terms agreed. Disclosure of this information would prejudice the parties' commercial interests.
6. Committee approved amendments to the list of day to day operational decisions which can be taken by the Director in January 2014. During 2017 there have been some 94 such decisions. Given that the process of preparing and submitting Committee reports takes on average 7 weeks (As a result of the time required to prepare the report, undertake consultation and meeting various deadlines for the despatch of reports and agenda) the reduction in the number of reports to be prepared has significantly reduced the time taken to approve operational decisions and has reduced the amount of staff time/cost being spent on routine relatively low value transactions.

7. In accordance with the recommendations in the report relevant Ward Members have been invited to comment on appropriate Estate Management decisions that are progressed via all operational decisions (except where Committee have been specifically advised otherwise). The new arrangements have enabled the more routine low value transactions to be progressed with greater efficiency, reducing the previously, relatively significant, time and cost involved in dealing with these matters. The changes have also ensured continuing appropriate governance relating to Estate Management decisions whilst providing greater clarity regarding which decisions should be reported to Committee for approval and which can be dealt with by means of operational decisions. It is therefore recommended that the amendments for authorising operational decisions as originally approved in January 2014 by Committee are confirmed.

8. Details of the decisions taken are shown below: -

Please note relevant Ward Members have been invited to comment on these proposals.

| SP | Ward(s) | TITLE | DESCRIPTION / open (extract from Operational decision) | Update |
|------|-------------------------------|---|---|---|
| 3291 | Ollerton | Fanny's Grove (Picnic Site), Workshop Road, Budby, Nottingham, NG22 9EW | Surrender of 99 year lease following discussions with Landlord who wishes to manage the site directly. By surrendering the lease, this will absolve NCC of all its obligations under the lease. | Currently with Legal Services, awaiting completion. |
| 3292 | Sherwood | Wayleave Consent for cable – Rufford Craft Centre, Rufford Country Park | The existing cable from the sub-station in the gardens at Rufford County Park is too small and overheats. Western Power wish to run a new one to a junction in the grass area outside the Orangery where the cable splits to cope with the current and new electrical demands. | Completed |
| 3295 | Stapleford & Broxtowe Central | Licence to Assign Existing Lease Agreement for Gas Governor Sites | Granting a licence for the change of name from the existing lease agreement. | Completed |
| 3306 | West Bridgford North | Lease and Wayleave to replace the substation on Radcliffe Road - opposite McDonalds | Western Power has an ongoing project to replace the existing substation on Radcliffe Road. | Completed |
| 3247 | West Bridgford North | Proposed Licence Agreement - Installation of Ultra HD Cabinet within the car park to Trent Bridge House, Fox Road, West Bridgford | SIS Live Limited have been contracted by Sky Sports to provide fibre connectivity so that televised cricket matches can be broadcast in Ultra HD. Following a survey around the ground, the only place where the Ultra HD cabinet can be sited is within the car park serving TBH. The car park is held by NCC on a long lease from Notts County Cricket Club. The least disruptive area where this can be sited is against the wall fronting | Licence completed 14/02/18 |

| | | | | |
|------|--------------|--|---|--|
| | | | Fox Road in the car parking space immediately adjacent to the entrance to the car park. Part of the space will be lost, but a vehicle can still be parked. It is proposed to grant SIS Live Limited a Licence for the area taken up by the Ultra HD Cabinet. | |
| 3288 | Sutton North | Kingsmill Hospital Staff Parking, Skegby Lane, Sutton on Ashfield – Rent Reviews | The lease to Sherwood Forest Hospitals Trust provides for rent reviews in line with Staff parking charges which increase annually in line with RPI. | Terms proposed - in negotiation |
| 3289 | Kirkby North | Rocking Horse Nursery Kingsway - Deed of variation and pedestrian access rights | Licence to undertake works on NCC land, within demise and deed of variation relating to access and parking rights. | Planning refused. On hold pending revised route. |
| 3298 | Sutton North | Rent reviews Triple S Snooker Club | The premises are held by the snooker club under two ground leases both subject to rent review on 20 th June five yearly. Settlement is now proposed of 2012 and 2017 rent reviews. | Completed |
| 3297 | Collingham | Lease renewal - 51 Appleton Gate, Newark | A new lease to expire on 31 March 2025 on similar terms to the previous lease save for a rental increase. There will be a break clause at the 1 st April 2020 and 2022 to be actioned by either party with 3 months' notice. | Legal instructed |
| 3304 | Selston | Selston Library - surrender of existing lease | In order to facilitate the Community Partnership library (CPL) it is necessary for the County Council to surrender their existing lease of the library. Upon completion of the surrender an agreement will be simultaneously entered into between Inspire and The Tin Hat Centre. | Completed |
| 3287 | Arnold North | Robert Mellors Primary School Transfer to Academy Status | Conversion to Academy Status with 125 year lease. | With Legal |
| 3309 | Worksop East | Worksop Library Cafe - surrender of existing lease | Within the ground floor of the above library there is a café, although the lease has expired, initially it was proposed they would renew their lease for a further two years and this was previously approved. The tenants remain in occupation and now wish to vacate. In order to formally terminate their lease the current lease needs to be surrendered and approval is therefore being sought to surrender the existing lease. It is proposed that a new café operator will be appointed to ensure the café service can continue. | Completed |
| 3310 | Retford East | St Swithuns C of E Primary - Transfer to Academy Status | Conversion to Academy Status with 125 year lease. | With Legal |
| 3305 | Carlton West | Temporary | To provide the property as temporary | Completed |

| | | | | |
|------|---------------------------|--|---|--|
| | | Occupation of Vacant Property Carlton Children's Centre | occupation for local kids club providing wrap around school care. | |
| 3308 | Arnold South | Approval for S104 connection in to existing drainage infrastructure | Granting consent to sign up to S104 document and allow access to connect into existing drainage infrastructure on NCC land. | With Legal |
| 3301 | Beeston Central & Rylands | Beeston Guides - Rent review | It was proposed to settle the outstanding rent review with effect from 6 th February 2016. | Completed |
| 3321 | Carlton East | Netherfield Primary School - conversion to academy status | Conversion to Academy Status with 125 year lease | Completed |
| 3318 | Nuthall & Kimberley | Mornington Primary School – Conversion to Academy Status | Conversion to Academy Status with 125 year lease | Completed |
| 3316 | Sutton Central & East | The Hillocks Primary School - Conversion to academy Status | Conversion to Academy Status with 125 year lease | See exempt paragraph |
| 3326 | Nuthall & Kimberley | Kimberley Primary School - Conversion to academy status | Conversion to Academy Status with 125 year lease | Completed |
| 3320 | Grealey & Brinsley | Gilthill Primary School - Conversion to Academy Status | Conversion to Academy Status with 125 year lease | Completed |
| 3322 | Calverton/ Sutton West | Relocation of County Supplies Calverton-Huthwaite | Subject to approval the County Supplies traded service will be moving from the Calverton ward to Sutton West. This move involves relocating a council owned traded service from privately let accommodation into a vacant council owned property with lower rent and business rates. | Break notice served. MG to serve HTS on proposed tenant. |
| 3317 | Tuxford | North Leverton Children's Centre - Lease to North Leverton Pre-School Playgroup and Out of School Club | The granting of a seven year lease to North Leverton Pre-School Playgroup and Out of School Club. | Currently with Legal Services, awaiting completion. |
| 3319 | Mansfield South | Chadburn House - Settlement of Dilapidations Claim and deposit refund | Various departments occupied parts of this building over an extended period dating from 2004. NCC vacated February 2017. Schedule of dilapidations has been served. Following negotiations a repayment has been agreed. The amount owing will be deducted from the rental deposit held by the landlord. | Completed |

| | | | | |
|------|-----------------|---|---|-----------|
| 3314 | Sherwood Forest | Wayleave to Erect H Pole at the future Sherwood Visitors Centre | To enable Western Power to erect H pole transformer to supply electricity at Naish's Field for the fairground site who hold part of the site on a 5 year lease. Along with the adjacent car park serving the proposed Sherwood Visitors Centre. | Completed |
|------|-----------------|---|---|-----------|

Other Options Considered

9. Reduce the number of transactions that can be progressed by means of operational decisions, this would lead to a loss of the current advantages outlined within the report which could prove problematic from a governance perspective. Lack of clarity on operational decisions may create uncertainty on whether a legal contract can be concluded without a committee decision.
10. An alternative option is to provide officers with delegated powers on routine estate decisions. This would require a significant change in the Council's constitutional arrangements and brings few added benefits beyond a clear and functioning operational decision process.

Reason/s for Recommendation/s

11. The changes, it is suggested have, provided an important and continuing degree of governance relating to Estate Management decisions enabling Committee members to concentrate on those cases of significance, while more routine transactions are more efficiently progressed.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That Members confirm their continued support for the amendments to the authorising of operational decisions as originally approved by the Committee on 20 January 2014.
- 2) That the information set out in this report is noted.

Councillor Mrs Kay Cutts MBE
Leader of The Council

For any enquiries about this report please contact: Mona Walsh Tel: 0115 804 3286

Constitutional Comments (SSR 27/04/2018)

13. The recommendations fall within the scope of decisions which may be approved by Policy Committee.

Financial Comments (RWK 25/04/2018)

14. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

15. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

16. Ward(s): All
Member(s): All

File ref.: /SB/SB/
SP: 3332
Properties affected: 09998 - Various NCC Properties/non-property item

REPORT OF THE LEADER OF THE COUNTY COUNCIL**ROYAL AIR FORCE CENTENARY (RAF100) - BOMBER COMMAND
MEMORIAL****Purpose of the Report**

1. To consider the County Council's proposals to commemorate the centenary of the Royal Air Force (RAF100) in 2018/19.
2. To seek in principle approval to commit up to £10,000 as a contribution towards an RAF memorial being planned and delivered north of Newark during 2018/19.

Information

3. The Royal Airforce was formed on 1 April 1918 as a separate Service, independent of the British Army and Royal Navy; the first time that any country had formed an entirely separate and independent air force. The new Service had its own ministry under a Secretary of State for Air.
4. Nottinghamshire was the home to fifteen major military airfields during World War Two, several with a strong connection to Bomber Command, and the Battle of Britain.
5. Bomber Command crews suffered a high casualty rate: 55,573 were killed out of a total of 125,000 aircrew, a further 8,403 were wounded in action, and 9,838 became prisoners of war.

Bomber County Gateway Trust

6. The tribute to RAF bomber crews who served in World War Two will stand next to the A46 between Newark and Lincoln at Norton Disney. The sculpture of an Avro Lancaster in flight will have a wingspan of 31m and will be mounted on a 10-12m stand, and will reach a height of 30m (98ft) above ground. A ground-breaking ceremony attended by veterans of Bomber Command, including Dam buster George "Johnny" Johnson, is planned to take place in May 2018.
7. The Bomber County Gateway Trust hope to have the memorial ready by Armistice Day in November 2018. However this might be unrealistic and the Trust have been advised to have a contingency in place.
8. Planning permission has been granted by North Kesteven District Council.

9. The County Council has received a request from the Bomber County Gateway Trust for a contribution towards the cost of building and installing the proposed memorial.
10. Members' approval is also requested for appropriate publicity for the project.

Other Options Considered

11. That the County Council make no contribution.
12. That the County Council contribute up to £25,000

Reason/s for Recommendation/s

13. The County Council will commemorate the 100th anniversary of the Great War, including RAF100 through a range of events and community projects during 2018. This report outlines and commemorates RAF100 and the impact on, and sacrifices made by, Nottinghamshire Airfields, service personnel and the surrounding communities.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

15. The direct cost to the County Council associated with activities detailed in the report will be £10,000. It is anticipated that the costs will be met from the Contingency Budget. A request for contingency funding will be made to Finance & Major Contracts Management Committee.

RECOMMENDATION/S

- 1) To make a request to Finance & Major Contracts Committee to approve up to £10,000 to fund a memorial to Bomber Command.
- 2) That a final report on this area of work is made to the Communities and Place Committee.
- 3) That appropriate publicity be undertaken as part of the programme of events.

Councillor Mrs Kay Cutts MBE
Leader of the Council

For any enquiries about this report please contact: Cathy Harvey, Community and Voluntary Sector Team Manager, T: 0115 977 3415, E: cathy.harvey@nottsc.gov.uk

Constitutional Comments [SLB 08/05/2018]

12. It is appropriate for Policy Committee to consider the content of this report.

Financial Comments [RWK 02/05/2018]

13. The financial implications are set out in the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 'None'

Electoral Division(s) and Member(s) Affected

- 'All'

REPORT OF THE LEADER OF THE COUNCIL**ATTENDANCE AT LOCAL GOVERNMENT ASSOCIATION ANNUAL
CONFERENCE AND EXHIBITION 2018****Purpose of the Report**

1. To seek approval for the attendance of three Members and the Chief Executive at the Local Government Association (LGA) Annual Conference & Exhibition in Birmingham in July 2018.

Information and Advice

2. The LGA covers every part of England and Wales, and is the voice of local government. The LGA's annual conference is the largest event in the local government calendar, regularly attracting over 1,200 delegates. This year's event is being held on 3-5 July at the International Convention Centre in Birmingham.
3. The programme will consist of a mix of cross-party political addresses and other significant plenary sessions by key players throughout the local government community, taking in private and voluntary perspectives. There will also be the opportunity to take part in a variety of workshop and fringe sessions.
4. It is proposed that the Leader and Deputy Leader attend the conference along with the Chief Executive. The remaining place will be offered to the main Opposition group.

Other Options Considered

5. To not send any delegates to the event but this would mean the Council missing out on a valuable opportunity to share best practice and utilise valuable networking opportunities.

Reasons for Recommendation

6. To enable the County Council to be appropriately represented at this year's annual conference.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below.

Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

9. The cost of each conference place remains at £545 this year (which reflects a reduced rate for LGA Members). The costs for Member attendance and related travel and accommodation will be met from the Democratic Services budget for Member conference fees and will be in accordance with the requirements and rules within the Travel and Accommodation Policy.

RECOMMENDATION

That approval be given for the attendance of the Leader, Deputy Leader, a member of the main Opposition group and the Chief Executive at the Local Government Association Annual Conference and Exhibition.

COUNCILLOR Mrs Kay Cutts MBE
Leader of the Council

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services T: (0115) 9772590 E-mail: keith.ford@nottsc.gov.uk

Constitutional Comments (SLB 3/5/2018)

The recommendation falls within the remit of Policy Committee by virtue of its terms of reference.

Financial Comments (

The financial implications are set out in the report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The local Government Association's dedicated website for the event –

<https://lgaevents.local.gov.uk/lga/frontend/reg/thome.csp?pageID=127655&eventID=389&traceRedir=2>

Electoral Division(s) and Member(s) Affected

All

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

WORK PROGRAMME

Purpose of the Report

- 1). To review the Committee's work programme for 2018.

Information

- 2). The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
- 3). The attached work programme includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.
- 4). The Policy Committee will be asked to determine policies, strategies and statutory plans developed or reviewed by other Committees of the Council. Committee Chairmen are invited to advise the Policy Committee of any additional policy reviews that are being considered.
- 5). The following changes have been made since the work programme was published in the agenda for the last meeting.
 - 5.1. The following items were added to the agenda for May 2018:-
 - Local Government Association Conference July 2018 and County Council Network Conference November 2018
 - Corporate Risk Management Policy
 - 5.2. The following items were deferred from May 2018 to June 2018 to enable further work to be undertaken:-
 - Developers' Contribution Strategy
 - Gedling Access Route – acquisition of Glebe Farm
 - 5.3. The following item was deferred from September 2018 to November 2018 to move to a six monthly reporting cycle in future:-
 - Update on the work of East Midlands Councils
 - 5.4. The following item was added to June 2018 and December 2018
 - Safer Nottinghamshire Board update

5.5. The following items were deferred from May 2018 to July 2018 to enable further work to be undertaken:-

- Direct Payment Policy
- Report from Improvement and Change Sub Committee on performance

Other Options Considered

- None.

Reason for Recommendation

- To assist the Committee in preparing and managing its work programme.

Statutory and Policy Implications

6) This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

1) That the Committee considers whether any amendments are required to the Work Programme.

Jayne Francis-Ward

Corporate Director - Resources

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services, Tel: 0115 9772590

Constitutional Comments (SLB)

7) The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

8) There are no financial implications arising directly from this report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

Electoral Division(s) and Member(s) Affected

All

POLICY COMMITTEE - WORK PROGRAMME (AS AT 8 MAY 2018)

| <u>Report Title</u> | <u>Brief summary of agenda item</u> | <u>Lead Officer</u> | <u>Report Author</u> |
|---|---|----------------------------|-----------------------------|
| 20 June 2018 | | | |
| Developer Contributions Strategy | To approve the strategy | Adrian Smith | Sally Gill |
| Gedling Access Route – acquisition of Glebe Farm | Acquisition of land and buildings along proposed Gedling Access Route | Adrian Smith | Mona Walsh |
| Safer Nottinghamshire Board Update | To provide a six monthly update on the work of the Safer Nottinghamshire Board | Anthony May | Anthony May |
| 18 July 2018 | | | |
| Direct Payment Policy | To approve the revised Direct Payment Policy, updated in line with Internal Audit recommendations. | David Pearson | Cath Cameron-Jones. |
| Report from Improvement and Change Sub Committee on performance | Feedback report from the sub-committee. | Jayne Francis-Ward | Celia Morris |
| 12 September 2018 | | | |
| Use of Urgency Procedures | To provide the latest 6 monthly monitoring report on the use of the Council's Urgency Procedures. | Anthony May | Keith Ford |
| 17 October 2018 | | | |
| | | | |
| | | | |
| 14 November 2018 | | | |
| Update on City of Nottingham and Nottinghamshire Economic Prosperity Committee and the Local Enterprise Partnership | 6 Monthly Update report from Matthew Wheatley, Interim Chief Executive of the Local Enterprise Partnership. | Adrian Smith | Nicola McCoy-Brown |
| Update on the work of East Midlands Councils | Quarterly Update from Stuart Young, Executive Director. | Anthony May | Stuart Young |
| 19 December 2018 | | | |
| Safer Nottinghamshire Board Update | To provide a six monthly update on the work of the Safer Nottinghamshire Board | Anthony May | Anthony May |
| | | | |

