

Agenda



AGENDA for a meeting of the CABINET in COMMITTEE ROOM B, County Hall, Hertford on MONDAY, 9 JULY 2018 AT 2.00PM

MEMBERS OF THE CABINET (Executive responsibilities are as indicated).

(Quorum = 3)

D A Ashley	Growth, Infrastructure, Planning & the Economy
P Bibby	Highways & Environment
T L F Douris	Education, Libraries & Localism
T C Heritage	Children, Young People & Families
T W Hone	Community Safety & Waste Management
R M Roberts	Public Health & Prevention
R Sangster	Resources & Performance
J D Williams	Leader of the Council
C B Wyatt-Lowe	Adult Care & Health

AGENDA

Meetings of the Cabinet are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed under "Part II ('closed') agenda".

The Committee Room is fitted with an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact main (front) reception.

Members are reminded that all equalities implications and equalities impact assessments undertaken in relation to any matter on this agenda must be rigorously considered prior to any decision being reached on that matter.

Members are reminded that:

- (1) if they consider that they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting they must declare that interest and must not participate in or vote on that matter unless a dispensation has been granted by the Standards Committee;
- (2) if they consider that they have a Declarable Interest (as defined in paragraph 5.3 of the Code of Conduct for Members) in any matter to be considered at the meeting they must declare the existence and nature of that interest. If a member has a Declarable Interest they should consider whether they should participate in consideration and vote on the matter.

PART I (PUBLIC) AGENDA

1. MINUTES

To confirm the Minutes of the Cabinet meeting held on 18 June 2018 (*attached*).

2. QUESTIONS FROM MEMBERS OF THE COUNCIL TO EXECUTIVE MEMBERS

To deal with any questions directed to the Leader of the Council and Executive Members. All such questions shall have been notified to the Chief Legal Officer at least 5 clear days before the meeting.

Questions will be answered at the meeting in the order in which notice was received. At the end of each reply the questioner may ask one supplementary question to the person to whom the original question was put, who may reply orally or may undertake to reply in writing within 7 days.

The period allocated to questions shall not exceed 15 minutes. Any remaining after that period has elapsed shall be answered in writing within 7 days.

[No questions had been received at the time of agenda despatch.]

3. PUBLIC PETITIONS

The opportunity for any member of the public, being resident in Hertfordshire, to present a petition relating only to a matter on the Cabinet Agenda which has not been considered by a Cabinet Panel and which contains 250 or more signatories who are either resident in or who work in Hertfordshire.

If you have any queries about the petitions procedure for this meeting please contact Deborah Jeffery, Assistant Democratic Services Manager, by telephone on (01992) 555563 or by email to deborah.jeffery@hertfordshire.gov.uk.

4. ADDITIONAL SCHOOL PLACES – STATUTORY PROPOSAL TO ENLARGE ST PETER’S SCHOOL, ST ALBANS

[Forward Plan Ref: A040/18]

Report of the Director of Children’s Services

5. **HERTFORDSHIRE'S STRATEGIC PLAN FOR CHILDREN AND YOUNG PEOPLE 2018-21**
[Forward Plan Ref: A020/18]

Report of the Director of Children's Services

6. **PROPOSAL TO CHANGE THE CATEGORY OF BARLEY (VC) C OF E SCHOOL, ROYSTON FROM VOLUNTARY CONTROLLED TO VOLUNTARY AIDED**
[Forward Plan Ref: A041/18]

Report of the Director of Children's Services

Local Member: Fiona Hill, Royston East & Ermine

7. **PREVENTION INVEST TO TRANSFORM: CHILDREN'S SERVICES SPECIAL EDUCATIONAL NEEDS/DISABILITIES TRANSFORMATION**
[Forward Plan Ref: A030/18]

Joint Report of the Director of Children's Services and the Director of Resources

8. **REGULATION OF INVESTIGATORY POWERS (RIPA): ANNUAL REPORT AND ADOPTION OF NEW POLICY ON THE USE OF SOCIAL MEDIA IN INVESTIGATIONS**
[Forward Plan Ref: A042/18]

Report of the Chief Legal Officer

9. **WELWYN-HATFIELD BOROUGH COUNCIL LOCAL PLAN: AMENDMENT TO STATEMENT OF COMMON GROUND AND HEARING STATEMENT (JANUARY 2018) IN RELATION TO NEW BARNFIELD, HATFIELD**
[Forward Plan Ref: A043/18]

Report of the Chief Executive

Local Member: Paul Zukowskyi, Hatfield South

10. **THE COUNTY COUNCIL OFFICE ACCOMMODATION STRATEGY**
[Forward Plan Ref: A033/18]

Report of the Director of Resources

**PART II ('CLOSED') AGENDA
EXCLUSION OF PRESS AND PUBLIC**

Part II business has been notified and the procedures set out in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 have been complied with. The Chairman will move:-

“That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item/s of business on the grounds that it/they involve/s the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

If you require further information about this agenda please contact Deborah Jeffery, Democratic and Statutory Services on telephone no. (01992) 555563 or email deborah.jeffery@hertfordshire.gov.uk

Agenda documents are also available on the internet at <https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings.aspx>

1. THE COUNTY COUNCIL OFFICE ACCOMMODATION STRATEGY
[Forward Plan Ref: A033/18]

Report of the Director of Resources

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

Minutes



To: All Members of the Cabinet,
Chief Executive, Chief Officers

From: Legal, Democratic & Statutory Services
Ask for: Deborah Jeffery
Ext: 25563

CABINET 18 June 2018

ATTENDANCE

MEMBERS OF THE CABINET

D A Ashley, P Bibby, T L F Douris, T C Heritage, T W Hone, R M Roberts, R Sangster,
J D Williams (Leader of the Council)

Deputy Executive Members attending on behalf of an Executive Member

F R G Hill (attending on behalf of C B Wyatt-Lowe)

Other Members in Attendance

D Andrews, J Billing, S B A F H Giles-Medhurst

Upon consideration of the agenda for the Cabinet meeting on 18 June 2018 as
circulated, copy annexed, conclusions were reached and are recorded below:

*Note: No conflicts of interest were declared by any member of the Cabinet in relation to the
matters on which decisions were reached at this meeting.*

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Cabinet meeting held on 25 May 2018 were confirmed as a
correct record and signed by the Chairman.

2. QUESTIONS FROM MEMBERS OF THE COUNCIL TO EXECUTIVE MEMBERS

- 2.1 There were no questions from Members of the Council to Executive Members.

CHAIRMAN'S INITIALS

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3. PUBLIC PETITIONS

3.1 There were no public petitions.

4. OUTCOME OF THE PUBLIC CONSULTATIONS ON THE PROPOSAL TO RECONFIGURE EXISTING SERVICES TO SCHOOLS TO SUPPORT THEM TO MEET THE NEEDS OF PRIMARY-AGED CHILDREN WITH SPECIFIC LEARNING DIFFICULTIES (SpLD) BY 31 MARCH 2019

[Forward Plan Ref: A069/17]

Decision

4.1 Cabinet accepted the amended proposals as detailed within the report and agreed to publish a statutory notice to close the 10 primary Specific Learning Difficulties (SpLD) bases, with effect from 31 March 2019.

Reasons for the decision

4.2 Hertfordshire's Special Educational Needs and Disability (SEND) Strategy 2015-18 has established a number of reviews to ensure services and provision are fit for purpose and can meet current and future needs. The work of the SEND Executive, along with the School Forum, is focused on the effective and equitable use of Hertfordshire's high needs funding. The work is not about making savings to SEND services but about reshaping out-dated provision and redirecting resources to new areas of need so as to improve the Council's overall provision.

4.3 The SEND Executive (a collective stakeholder Board) steers this work and prioritised SpLD services for review. The SEND Executive has recommended that specialist SpLD provision should be maintained but should be reconfigured and focused on children with high level needs corresponding to Tier 2 and Tier 3 work. Tier 1 work is considered to be universal provision and is covered within the quality first teaching offer within all schools. This would bring the SpLD service into line with the other SEND support services that are funded from the High Needs Block. The proposals are intended to improve the overall offer of services to children across all 3 tiers.

4.4 SEND legislation and statutory guidance has significantly changed over the years. It is the responsibility of schools for meeting the needs of pupils with SEND and they are now required to support the majority of pupils with all categories of special educational needs and/or disabilities from their own resources. There is now far greater knowledge and understanding about SpLD and over time schools have increased their capacity to identify and meet the needs of these pupils.

- 4.5 Cabinet considered the above in reaching its decision, together with the results from the public consultation; the financial implications; the equalities implications; and the recommendations of the Education, Libraries & Localism Cabinet Panel.

Any alternative options considered and rejected

None.

5. RELOCATION OF THE PRIMARY SUPPORT BASE AT SPRINGMEAD PRIMARY SCHOOL, WELWYN GARDEN CITY

[Forward Plan Ref: A034/18]

Decision

- 5.1 Cabinet approved the relocation of the Primary Support Base from Springmead Primary School, Welwyn Garden City to Swallow Dell Primary and Nursery School, Welwyn Garden City, with effect from 1 September 2018.

Reasons for the decision

- 5.2 Springmead Primary School, Welwyn Garden City, when in the process of converting to an Academy, indicated that it would no longer be able to support the Primary Support Base, which serves the Welwyn and Hatfield area; it was therefore necessary to relocate it. The Head and Governing Body of Swallow Dell Primary and Nursery School, Welwyn Garden City, supported in principle the relocation of the PSB to their school and the Director of Children's Services therefore initiated consultation on the proposal.
- 5.3 Cabinet considered the above in reaching its decision, together with the results from the public consultation; the positive response from the governing body; the financial implications; the equalities implications; and the recommendations of the Education, Libraries & Localism Cabinet Panel.

Any alternative options considered and rejected

None.

6. ENLARGEMENT AND RELOCATION OF WESTFIELD PRIMARY SCHOOL, HODDESDON, OUTCOME OF PUBLIC CONSULTATION

[Forward Plan Ref: A018/18]

Decision

- 6.1 Cabinet authorised the Director of Children's Services to publish a statutory notice to enlarge Westfield Community Primary School, Hoddesdon by

relocating it to a school building located within the housing development at High Leigh, Hoddesdon from 1 September 2022.

Reasons for the decision

- 6.2 On 18 December 2017, Cabinet gave approval to pursue the proposal to relocate and enlarge Westfield Community Primary School and agreed that the Director of Children’s Services was authorised to proceed with a statutory consultation, commencing in January 2018. The Consultation ended on 27 February 2018, with relatively low responses being received.
- 6.3 In arriving at its decision to authorise the Director of Children’s Services to publish a statutory notice to enlarge Westfield Community Primary School, Hoddesdon by relocating it to a school building located within the housing development at High Leigh, Hoddesdon, Cabinet considered the outcome of the consultation, the positive response from the Governing Body, the financial implications; the equalities implications of the proposal; and the recommendation of the Education, Libraries and Localism Cabinet Panel.

Any alternative options considered and rejected

None.

7. DEVELOPER CONTRIBUTIONS TO NEW SCHOOLS

[Forward Plan Ref: A031/18]

Decision

- 7.1 Cabinet agreed a change in approach to developer sought contributions to the cost of school buildings as set out in paragraph 5.1 of the report as follows:

A new approach is taken to securing developers contributions adopting:

- the bottom end of the BB103 building space standards
- the upper quartile build costs (to be kept under review by officers subject to prevailing market conditions)
- the potential to reduce costs by 10% where risks are contained

Reasons for the decision

- 7.2 In April 2016, Cabinet approved a report which endorsed the Council’s adoption of the upper end of the Department for Education’s (DfE) Building Bulletin 103 (BB103) space standards.
- 7.3 Due to the Education and Skills Funding Agency’s policy and practice to build schools at the lower end of the BB103 range, officers consider that the high-level costs associated with the Council’s approach is no longer considered sustainable in the context of seeking developer contributions to school buildings. A change in the Council’s current approach to seeking developer’s

contributions for new and expanded school buildings is therefore being recommended by officers to support 'Good Growth' in Hertfordshire, whilst maintaining good and collaborative relationships with Local Planning Authorities and developers.

- 7.4 It is proposed that whilst the Council continues to seek new school sites in line with its current policy (i.e. the top of BB103) the Council will use the lower end of BB103 when it comes to quantifying the value of developer contributions to the cost of the school buildings. A further reduction in price (by up to 10%) will be available on the basis of robust evidence of quality of site.
- 7.5 Cabinet's decision was reached following consideration of the Council's statutory responsibilities, the financial implications of the proposal, the outcome of the equalities impact assessment undertaken, and the recommendation of the Education, Libraries and Localism Cabinet Panel.

Any alternative options considered and rejected

None.

8. A CARERS STRATEGY FOR HERTFORDSHIRE 2018-2021
[Forward Plan Ref: A023/18]

Decision

- 8.1 Cabinet approved the proposed Carers Strategy for Hertfordshire 2018-21.

Reasons for the decision

- 8.2 The current Hertfordshire Carers Strategy 2015-2018 has been reviewed and refreshed and sets out the Council's commitment to carers which describes the actions that will be taken to support them in their caring role. Carers should be seen as a significant element of the care workforce in Hertfordshire, playing an important role in supporting people to stay at home, reducing hospital and care home admissions and supporting hospital discharges. The revised strategy reflects growing awareness of the impact of stress on carers through plans to evaluate which interventions are most effective in improving carer wellbeing, and then promote those interventions.
- 8.3 In approving the refreshed Strategy, Cabinet noted it had been co-produced with a wide range of stakeholders and that both Hertfordshire's CCGs had endorsed the Strategy. Cabinet also considered the financial implications; the equalities impact assessment carried out on the Strategy and the recommendation of the Adult Care and Health Cabinet Panel.

Any alternative options considered and rejected

None.

- 9. HERTFORDSHIRE ADULT SOCIAL CARE WORKFORCE STRATEGY 2018-2021**
[Forward Plan Ref: A024/18]

Decision

- 9.1 Cabinet approved the Hertfordshire Adult Social Care Workforce Strategy 2018-21.

Reasons for the decision

- 9.2 Under the Care Act 2014, the County Council has a duty to manage the care markets and to ensure a sustainable and vibrant care market. An adequate supply of workforce is therefore critical to ensuring the County Council can fulfil its Care Act duties and has plans in place to address workforce challenges. This new strategy replaces the previous Adult Social Care Workforce Strategy that was published in 2015.
- 9.3 The Strategy sets out Hertfordshire's key workforce ambitions, explores the challenges and is underpinned by a three year Implementation Plan that details the activity that will be undertaken to achieve the goals set out within this Strategy. Adult Care Services will take this forward in partnership with care providers, and where it adds value, in collaboration with our partners within the NHS.
- 9.4 In approving the Strategy, Cabinet considered the financial implications; the equalities impact assessment carried out on the Strategy and the recommendation of the Adult Care and Health Cabinet Panel.

Any alternative options considered and rejected

None.

- 10. SUB NATIONAL TRANSPORT BOARDS – HERTFORDSHIRE COUNTY COUNCIL'S POSITION AND MEMBERSHIP**
[Forward Plan Ref: A006/18]

Decision

- 10.1 Cabinet agreed that the County Council joins England's Economic Heartland and its emerging Sub National Transport Board as a full member and joins Transport for the East as an Associate Member.

Reasons for the decision

- 10.1 The Government is encouraging Local Transport Authorities (County and Unitary) to come together to create strategic groupings to lead on the development of regional transport strategies to support economic growth, advise on local priorities for future infrastructure planning and investment and coordinate the delivery of cross border transport functions. The exact role and function of each Strategic Transport Body (STB) will vary from region to region and could include a bid for devolved powers and funding from Government. A number of these groupings are beginning to emerge nationally with some planning to seek full powers to create a statutory STB within the next 2-3 years.
- 10.2 Hertfordshire's economic growth and strategic transport concerns are varied and governed by our unique location in the Oxford London Cambridge Golden Triangle, our proximity to and relationship with London and the main transport corridors that run through the county. There are two emerging STB's adjoining Hertfordshire and it is now timely to consider whether the County Council should formally join one of these to ensure we are able to get our strategic transport issues on the table and begin to influence Government on our future investment priorities and needs.
- 10.3 In reaching its decision, Cabinet considered the above, together with the financial implications and the recommendation of the Growth, Infrastructure, Planning and the Economy Cabinet Panel.

Any alternative options considered and rejected

None.

11. HERTFORDSHIRE COUNTY COUNCIL FINANCE REPORT – OUTTURN MONITOR, 2017/18

[Forward Plan Ref: A035/18]

Decision

- 11.1 Cabinet approved:
- a) That £11.031m of Carry Forwards outlined in Appendix A, be transferred to specific reserves as carry forward of 2017/18 revenue underspends to 2018/19.
 - b) That £5.425m grants relating to 2018/19 which were received in 2017/18 be carried forward to 2018/19.
 - c) That new reserves be created from carry forwards of underspends as outlined in appendix A, of £0.290m for a Property Revenue Reserve, to fund revenue costs of preparing sites for disposal and of £1.103m to be transferred to a new Business Rates equalisation reserve to smooth

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variation in business rates income in future years.

- d) That £3.000m of the revenue underspend be transferred to the Transition Reserve to support the management of the identified savings gap between 2019/20 and 2021/22, recognising the risk to the Council of the implementation of a new local government financing model.
- e) That the remaining £2.582m of revenue underspend be transferred to the Bad Debt Reserve, recognising that current provision is at the lower end of expectation and that enhanced provision would be prudent.
- f) That £36.676m capital budget set out in appendix B is reprogrammed from 2017/18 to future years.

Reasons for the decision

11.2 As set out above.

Any alternative options considered and rejected

None.

12. THE POTENTIAL TRANSFER OF HERTFORDSHIRE FIRE & RESCUE SERVICE FROM HERTFORDSHIRE COUNTY COUNCIL TO THE POLICE & CRIME COMMISSIONER – CONSIDERATION OF LOCAL BUSINESS CASE ADDENDUM

Decision

12.1 Cabinet:

- (i) Agreed that the County Council should not change the previously stated position of the Council in opposing the Police & Crime Commissioner’s Local Business Case; and
- (ii) Delegated to the Director of Resources, in consultation with the Leader of the Council and the Executive Member for Community Safety and Waste Management, authority to finalise a submission to the Home Office in response to the Local Business Case addendum.

Reasons for the decision

12.2 The Hertfordshire Police and Crime Commissioner (PCC) submitted a ‘Local Business Case’ (LBC) to the Home Office in August 2017 that proposed that the PCC should become the Fire and Rescue Authority for Hertfordshire. This submission followed a public consultation during which Cabinet, drawing on the unanimous position of all 78 County Councillors, made clear its strong objection to this proposal.

- 12.3 The Home Office subsequently commissioned CIPFA to perform an independent analysis of the LBC. Whilst the Council has not been given sight of CIPFA's analysis, the Minister of State for Policing and the Fire Service wrote to the Hertfordshire PCC in mid-April seeking further information, including greater clarity on the savings proposed in the LBC, in order to make a proper assessment of the proposal. The Minister also wrote to the Leader of the Council asking the Council to work with the PCC and provide appropriate information as requested by the PCC.
- 12.4 The PCC submitted an addendum to the LBC to the Policing and Fire Minister on 8 June 2018. It is not yet clear what process the Home Office may follow to consider the information provided in the addendum. The Minister's letter to the PCC indicated that the Minister would take a view on the potential need for further independent assessment on receipt of the revised proposal.
- 12.5 In reaching its decision Cabinet considered the above, together with the views of the Group Leader for the Liberal Democrats that his Group's view had not changed and they remained opposed to the proposal and the views of the Group Leader for Labour that her Group opposed to the proposal.

Any alternative options considered and rejected

None.

13. HERTS FULLSTOP – INVEST TO TRANSFORM BID
[Forward Plan Ref: A029/18]

Decision

- 13.1 That Cabinet:
- (i) approved an Invest to Transform Allocation to enable investment of £1.967m in the infrastructure of Herts FullStop (HFS);
 - (ii) delegated to the Director of Resources authority to determine and carry out the required procurement processes in relation to any contract for services, goods or works required in accordance with the agreed HFS infrastructure investment, referred to in (i);
 - (iii) delegated to the Director of Resources authority to award any contract for services, goods or works required in accordance with the agreed HFS infrastructure investment, referred to in (i);
 - (iv) noted the continued use of Surecare Supplies Limited as the trading vehicle for HFS.

Reasons for the decision

- 13.2 The investment of £1.967m in the infrastructure of Herts FullStop (HFS) will ensure the operational viability of HFS moving forward and support delivery of the business plan, leading to increased returns for the County Council.
- 13.3 The HFS business plan is focused on growing sustainable income in the near to medium term for the County Council with a managed risk exposure, while developing the foundations of the business to create an asset that can be favourably realised should the County Council wish to sell or merge the business in the future.
- 13.4 In reaching its decision, Cabinet considered the above, together with the information within the Part II Business Plan; the financial implications; and the recommendations of the Resources & Performance Cabinet Panel.

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

CHAIRMAN _____

**CHAIRMAN'S
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HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY, 9 JULY 2018 AT 2.00PM

Agenda Item

No:

4

ADDITIONAL SCHOOL PLACES - STATUTORY PROPOSAL TO ENLARGE ST PETER'S SCHOOL, ST ALBANS

Report of the Director of Children's Services

Report Author: Pauline Davis, Head of School Planning
(Tel: 01992 555865)
Dan Hardy, Senior Planning Officer (West)
(Tel: 01992 588923)

Executive Member: Terry Douris, Education, Libraries & Localism

Local Members: Sandy Walkington; Chris White; Anthony Rowlands

1. Purpose of report

1.1 To update Cabinet on proposals for the enlargement of the premises of Belswains Primary School, Hemel Hempstead and St. Peter's Primary School, St. Albans.

2. Summary

2.1 On 23 April 2018 Cabinet authorised the publication of statutory proposals to enlarge the premises of two primary schools to enable additional places to meet a rising and local demand. The statutory notice period ended on 31 May 2018 after a 4 week notice period.

2.2 No objections have been received to the proposals for the enlargement of Belswains School and so the Director of Children's Services has determined that proposal using delegated authority. Four comments were received on the proposed expansion of St. Peter's Primary school, which are identified and responded to in section 4.4 of this report. It includes a response from the chair of governors of the school, concerned about the perceived reduction of facilities available to the school post implementation.

2.3 The implementation of each of the proposals is/would be conditional on the receipt of town planning permission.

3. Recommendations

- 3.1 That Cabinet agrees to the proposal to enlarge the premises of St. Peter's Primary School, St. Albans, to 2 f.e. from September 2020.

4. Background

Primary Expansion Programme (PEP8)

- 4.1 On 18 February 2018, Cabinet was advised of the scale of the next primary expansion programme and that the Director of Children's Services was consulting on proposals for the permanent expansions of two schools to form the eighth primary expansion programme. [CMIS > Calendar of council meetings](#)
- 4.2 Cabinet on 23 April 2018 [Link to Report](#) considered the outcome of the consultation and approved the publication of statutory proposals for the following schools

School name	Area	Date of expansion	Expansion by form of entry (FE)	Increase in admission number
Belswains	Hemel Hempstead	01.09.2019	1.0 f.e (to 2 f.e.)	30
St Peter's	St. Albans	01.09.2020	1.0 f.e (to 2 f.e.)	30

- 4.3 The statutory notice period for those proposals ended on 31 May 2018. No objections were received to the proposals to enlarge the premises of Belswains Primary school. The Director of Children's Services has determined that proposal under delegated authority, and having considered the EQIA, referenced in section 6, which has been updated.
- 4.4 Four responses have been received to the proposal to expand St. Peter's Primary School, including the chair of governors of the school. The issues they raise, and an officer response to them, are as follows:

Concern over increased levels of traffic, road safety and congestion problems (2 respondents)

An independent highways assessment carried out at the initial feasibility stage indicates that the highways network would cope sufficiently with the additional journeys that result from this proposed expansion. It is noted that the additional pupils who would be admitted as a result of the proposed expansion would live within walking distance of the school.

The physical enlargement scheme and any associated traffic measures will be the subject of a separate town planning process. A detailed transport assessment will form part of this town planning application, and part of this process will be formal consultation with the local community and the highways authority.

The school is reviewing its school travel plan as part of the proposals. The travel plan will proactively promote safe and sustainable travel to school. Officers are working with the school to ensure that the school travel plan takes account of the additional pupils that would result from the proposed expansion. The school travel plan will include a commitment to ensuring parents are encouraged to park safely and considerately in the surrounding areas thereby minimising inconvenience to local residents and other road users.

Loss of amenity/ lack of accommodation for the school to expand to 2fe (3 respondents)

The Chair of Governors at the school has sent an email that expresses concern that the school will lose facilities that it currently has access to and therefore that they cannot support the expansion of the school. The school feel that the proposed scheme would be a step backwards for the school when considering the additional pupils that will go on roll at the school. Other responses received from local residents express their concerns with regards to the proposed expansion, the accommodation/facilities to be provided and the current accommodation at the school.

A scheme has been produced over a number of meetings that has solved many of the issues brought up by the school and provided the school with an enhanced scheme that provides all facilities necessary for an effective 2FE school. However, the school still feel they cannot support the expansion. The scheme that has been proposed, when considering the high level cost plan, seems affordable and this supplies additional space and enhanced accommodation over and above the principles and design brief applied to other primary expansions. The scheme would improve the organisation and operation of existing accommodation and meet the school's ambitions for improved facilities. Every effort will be made to continue the work with the governing body to optimise the scheme design within budget.

Difficulty for local children in obtaining places at the school and not enough local places for forthcoming housing developments (1 respondent)

The reason for the expansion of St Peter's School from 1fe to 2fe is to try and provide additional high quality school places within the local area. These places at the school will enable more children to obtain a place in the local area. Hertfordshire County Council will also be making representations in local plans with regards to potential new school sites to meet any future need for school places in the area.

No need for expansion (1 respondent)

The case for expansion has been set out in previous reports and will also form part of the town planning application. There has been significant support for the expansion from local parents and parents groups, while the need for additional places in the area has been the subject of two recent well-supported petitions presented to the Education Panel.

It is worth noting that over 78% of respondents to the earlier public consultation agreed with the proposal.

Not enough information available on the proposal (1 respondent)

One respondent expressed concerns that there was not sufficient information available on the proposal, particularly around the scheme of accommodation.

The new accommodation provided to the school will be part of a detailed planning application on which members of the public will be able to comment. Public engagements will also be held to share designs and hear feedback, before a planning application is submitted. The accommodation proposals are currently in development through engagement with the school and relevant consultees such as the Lead Local Flood Authority, Sport England and the Highway Authority.

Reduction in the quality of education (1 respondent)

There is not a direct relationship between the size of a school, the standards it achieves and its overall effectiveness. Schools of differing sizes can, and do, perform very well. The key factors which contribute to school standards and effectiveness are the quality of leadership and management, and of learning and teaching. Where these factors are equal, larger schools have some significant benefits. The larger budget provides greater flexibility in terms of staffing and resources (including SEN provision and school clubs); there is a better distribution of management responsibilities; there are improved opportunities for staff promotion within the school leading to better capacity to sustain leadership; and consequently the school is less vulnerable to turbulence.

The County Council is confident that St Peter's School will maintain its ethos and standards.

5. Financial Implications

Revenue and capital funding

- 5.1 There are no new financial implications since the last report to Cabinet on 23 April 2018, at which it approved the capital funding for the two PEP8 schemes.

6. Equalities

- 6.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the Equality implications of the decision that they are making.
- 6.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EIA) produced by officers.
- 6.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 6.4 An Equalities Impact Assessments (EqIA), attached at Appendix A, has been carried out and updated on the proposed school expansion contained within this report. It will be made available in the Members' Lounge prior to, and at the Cabinet meeting in order that Members are fully aware of any equality issues arising from the proposals. Consideration has been given to the likely impact of the proposal, and the current assessment concludes that it is not anticipated that people with protected characteristics will be affected disproportionately. The EqIA will be continued to be reviewed and updated as necessary.
- 6.5 The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect.
- 6.6 The expansion of these school premises will enable additional school places to be made available as close as possible to the demand for them. In that way it will improve access to school places to all sectors of the community in which it is located, and avoid very young children having to travel longer distances to access education.
- 6.7 The expansion of existing schools provides for enhanced education opportunities and an enriched curriculum offer which has a positive impact on the whole school community.
- 6.8 School expansion schemes provide positive impacts, offering the opportunity for improved facilities for disabled access in new buildings.

7. Conclusions

- 7.1 The concerns expressed in relation to the expansion of St. Peter's Primary School, St. Albans have been addressed in section 4 above. The school will benefit from improved facilities which meet the recommended guidelines of government building bulletin guidance (BB103) and offer additional space and enhanced accommodation over and above the principles applied to other primary expansions and design brief. In those circumstances, given the clear and demonstrable support for these additional local places, officers would recommend that the proposal is approved. Every effort will be made to continue the work with the governing body to optimise the scheme design within budget.

Background Information

Hyperlinks within the report.

Equality Impact Assessment (EqIA)

STEP 1: Responsibility and involvement

Title of proposal/ project/strategy/ procurement/policy	Enlargement of the premises of St Peter's (St Albans) Primary School, from 1FE to 2FE from September 2019.	Head of Service or Business Manager	Pauline Davis
Names of those involved in completing the EqIA:	Tom Stacey	Lead officer contact details:	Dan Hardy/Michael Dunnage
Date completed:	05/06/2018	Reviewed: Review date:	05 June 2018 July 2018

STEP 2: Objectives of proposal and scope of assessment – what do you want to achieve?

<p>Proposal objectives:</p> <ul style="list-style-type: none"> –what you want to achieve –intended outcomes –purpose and need 	<p>To identify the impact of the proposed enlargement of the premises of St Peter's School, Cottonmill Lane, St. Albans Hertfordshire, AL1 1HL to support an increase in the intake of the school from 30 to 60 places (1FE to 2FE) for September 2019.</p> <p>The proposed enlargement of the premises of St Peter's Primary School is part of the Primary Expansion Programme Phase 8 (PEP8) set up to identify and implement primary school expansion schemes to meet the need for additional school places as of September 2020. This need is based on current pupil forecasts.</p> <p>The eight-week public consultation was concluded on 19 March 2018 and Statutory Notices were published for 4 weeks ending on 31 May 2018</p> <p>Consultation letters were provided to staff, parents, pupils and governing bodies of the affected schools and local residents and other key stakeholders, including neighbouring local authorities, MP's, local members, parish councils, local schools and nurseries, the Roman Catholic and Church of England Dioceses, community groups and relevant staff at Hertfordshire County Council.</p> <p>Posters were displayed in local libraries and other selected public places. The consultation documents were also available on the Hertfordshire County Council</p>
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Template updated February 2014

Please email completed EqIA to EqIA@hertfordshire.gov.uk

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Equality Impact Assessment (EqIA)

	<p>website, Hertfordshire.gov.uk. The consultation documents were made available in other formats on request, including large print, braille and other languages.</p> <p>At the conclusion of the consultation all responses have been carefully considered and no issues have been raised that further impact any of the protected characteristics considered as part of this EqIA.</p> <p>Cabinet therefore decided to go ahead and issue Statutory Notices for 4 weeks ending on 31 May 2018. These were duly displayed on the main entrances to the school as well as being published in the Public Notices section of the Herts Advertiser as well as Hertfordshire County Councils website.</p> <p>At the conclusion of the Statutory Notice period all responses have been carefully considered and no issues have been raised that further impact any of the protected characteristics considered as part of this EqIA.</p>
<p><u>Stakeholders:</u> Who will be affected: the public, partners, staff, service users, local Member etc.</p>	<p>Parents/carers/pupils, staff and governors at the school concerned; Residents local to the school concerned; Local Pre-Schools, Nursery, Primary, Secondary and Special schools; MPs, County Councillors, District Councillors, Parish and Town Councils and Local Authority Chief Executives; Trade Union representatives; Church Diocese representatives; NHS representatives; Parent Governor representatives on the Overview and Scrutiny Committee at Hertfordshire County Council; Further Education establishments, pre-schools, playgroups, Children’s Centres, toddler groups and day nurseries; Libraries and Citizen’s Advice Bureaux; Senior officers in Hertfordshire County Council’s Children’s Services department and in Herts Property Services</p>

Equality Impact Assessment (EqIA)

STEP 3: Available data and monitoring information

Relevant equality information	What the data tells us about equalities		
<p>January 2018 school census data on gender split, English as an additional language (EAL), ethnicity, free school meal (FSM) eligibility, number of children with SEN Statements (S), Education & Health Care Plans (E) or SEN Support (K). <i>Countywide data includes pupils at special schools.</i></p>	January 2018 school census data		
		St Peter's School	Primary Countywide
	Students (Years R to 6)	201	101019
	Number Minority Ethnic Students (not White British and excluding Refused and Not Obtained)	65	31683
	% Minority Ethnic Students (not White British and excluding Refused and Not Obtained)	32.34%	31.36%
	Number EAL (English as an alternative Language) (First language Not English or believed not to be English excluding Refused and Not Obtained)	43	17053
	% EAL (English as an alternative Language) (First language Not English or believed not to be English)	21.39%	16.88%
	Number with Statement (or EHCP (S or E))	5	2050
	% with Statement (or EHCP (S or E))	2.49%	2.03%
	Number SEN Provision (K)	17	12147
	% SEN Provision (K)	8.46%	12.02%
	Number Eligible for FSM (at date of Census)	9	8761
	% FSM (Free School Meals) (at date of Census)	4.48%	8.67%
	Number of Male Students	109	51668
	% of Male Students	54.23%	51.15%
	Number of Female Students	92	49351
% of Female Students	45.77%	48.85%	
<p>The percentage of Minority Ethnic pupils, pupils with EAL and those with statements or EHCPs is higher than the County average whilst those eligible for free school meals and SEN is lower than the County Average.</p>			

Equality Impact Assessment (EqIA)

STEP 4: Impact Assessment – Service Users, communities and partners (where relevant)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
Age	It is not anticipated that the proposals will affect people disproportionately because of their age. We are aware that some groups may require information in a different format.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Disability Including Learning Disability	<p>School planning officers have liaised with the Headteacher and identified 2 children currently at the school, one who is a permanent wheelchair user and the other who has occasional use of a wheel chair. If so, we will liaise with the Headteacher and their staff to identify any potential negative impacts and take them into account accordingly.</p> <p>Should the proposals proceed, appropriate advice will be sought in respect of any changes that are made to the school.</p> <p>It is not currently anticipated that the proposals will affect people disproportionately because of their disability.</p>	<p>The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.</p> <p>Any issues identified or known, as well as the duties found within Part 6, Section 149 and Schedules 10 and 13 of the Equality Act 2010 concerning disability will be factored into the individual scheme designs. Any building scheme will also meet the requirements to avoid Disability Discrimination under Section 15 of the Equality Act 2010.</p>
Race	<p>The expansion of existing schools provides for enhanced education opportunities and an enriched curriculum offer which has a positive impact on the whole school community.</p> <p>It is not anticipated that the proposals will affect people</p>	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.

Equality Impact Assessment (EqIA)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
	disproportionately because of their race. However, school planning officers will liaise with the Headteacher and their staff to identify any potential negative impacts upon children from specific ethnic groups arising from the proposal related to their school, and these will be taken into account accordingly.	
Gender reassignment	It is not currently anticipated that the proposals will affect people with this characteristic disproportionately.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Pregnancy and maternity	It is not currently anticipated that the proposals will affect people with this characteristic disproportionately.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Religion or belief	<p>The expansion of existing schools provides for enhanced education opportunities and an enriched curriculum offer which has a positive impact on the whole school community.</p> <p>It is not anticipated that the proposals will affect people disproportionately because of their religion or belief.</p>	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Sex	It is not anticipated that the proposals will affect people disproportionately because of issues around sex.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.

Equality Impact Assessment (EqIA)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
Sexual orientation	It is not anticipated that the proposals will affect people disproportionately because of issues around sexual orientation.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Marriage & civil partnership	It is not anticipated that the proposals will affect people disproportionately because of issues around marriage and civil partnership.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Carers (by association with any of the above)	Should the expansion proposals go ahead it is anticipated that it will allow more children to attend a school in their locality and extend the range of successful preferences available to parents/carers. Currently it does not appear that there are any disproportionate negative impacts concerning this protected characteristic.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.

Opportunity to advance equality of opportunity and/or foster good relations

Should the enlargement proposal for St Peter's Primary School (St Albans) go ahead it is anticipated that it will allow more children to attend a school in their locality and extend the range of successful preferences available to parents/carers. It will also provide for enhanced education opportunities and an enriched curriculum offer which has a positive impact on the whole school community.

We will ensure that all new accommodation provided to the school as part of enlargement works will be fully accessible to disabled pupils and staff. Any building scheme will be compliant with DDA regulations.

Impact Assessment – Staff (where relevant)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigation can you propose?
Age	It is not anticipated that the	The position will continue to be

Equality Impact Assessment (EqIA)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigation can you propose?
	proposals will affect people disproportionately because of their age. We are aware that some groups may require information in a different format.	monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Disability Including Learning Disability	<p>It is not anticipated at this stage that the proposals will affect people disproportionately because of the issues of disability. In addition should the proposals proceed, appropriate professional advice will be sought in respect of any changes that are made to the School.</p> <p>We are aware that some groups may require information in a different format.</p>	<p>The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.</p> <p>Any issues identified or known as well as the duties found within Part 6, Section 149 and Schedules 10 and 13 of the Equality Act 2010 concerning disability will be factored into the individual scheme designs. Any building scheme will also meet the requirements to avoid Disability Discrimination under Section 15 of the Equality Act 2010.</p>
Race	It is not anticipated that the proposals will affect people disproportionately because of their race.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Gender reassignment	It is not anticipated that the proposals will affect people disproportionately because of their gender reassignment.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Pregnancy and maternity	It is not anticipated that the proposals will affect people disproportionately because of their pregnancy and maternity.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Religion or belief	It is not anticipated that the proposals will affect people disproportionately because of their religion/belief.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be

Equality Impact Assessment (EqIA)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigation can you propose?
		amended accordingly.
Sex	It is not anticipated that the proposals will affect people disproportionately because of issues around sex.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Sexual orientation	It is not anticipated that the proposals will affect people disproportionately because of issues around sexual orientation	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Marriage & civil partnership	It is not anticipated that the proposals will affect people disproportionately because of issues around marriage and civil partnership	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Carers (by association with any of the above)	It is not anticipated that the proposals will affect people disproportionately because of issues around caring responsibilities.	The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
Opportunity to advance equality of opportunity and/or foster good relations		
<p>Enlargement of the school will provide staff with more opportunities for career development.</p> <p>We will ensure that all new accommodation provided to schools as part of enlargement works will be fully accessible to disabled pupils and staff. Any building scheme will be compliant with DDA regulations.</p>		

STEP 5: Gaps identified

<p>Gaps identified Do you need to collect more data/information or carry out consultation? (A 'How to engage' consultation guide is</p>	<p>We have now completed our eight-week public consultation on 19 March 2018 and the four-week Statutory Notice Period ending on 31 May 2018. Consultation letters were provided to staff, parents, pupils and governing bodies of the affected schools and local residents and other key stakeholders, including the MP, neighbouring local authorities, local members, parish councils, local schools and nurseries, the</p>
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Equality Impact Assessment (EqIA)

<p>on Compass). How will you make sure your consultation is accessible to those affected?</p>	<p>RC and Church of England Dioceses, community groups and relevant staff at Hertfordshire County Council.</p> <p>Posters were displayed in local libraries and other selected public places. The consultation documents were also available on the Hertfordshire County Council website: https://www.hertfordshire.gov.uk/home.aspx</p> <p>Consultation Notices displayed on the main entrances to the school as well as being published in the Public Notices section of the Hemel Gazette as well as Hertfordshire County Councils website.</p>
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STEP 6: Other impacts

STEP 7: Conclusion of your analysis

Select one conclusion of your analysis	Give details
<input type="checkbox"/> No equality impacts identified – No change required to proposal.	
<input type="checkbox"/> Minimal equality impacts identified – Adverse impacts have been identified, but have been objectively justified (provided you do not unlawfully discriminate). – Ensure decision makers consider the cumulative effect of how a number of decisions impact on equality.	
<input checked="" type="checkbox"/> Potential equality impacts identified – Take ‘mitigating action’ to remove barriers or better advance equality. – Complete the action plan in the next section.	Ensure that the proposals do not impact adversely upon pupils with disabilities and ensure that the communications strategy takes into account the differing needs of the local community including staff.
<input type="checkbox"/> Major equality impacts identified – Stop and remove the policy. – The adverse effects are not justified, cannot be mitigated or show unlawful discrimination. – Ensure decision makers understand the equality impact.	

Equality Impact Assessment (EqIA)

Select one conclusion of your analysis	Give details

STEP 8: Action Plan

Issue or opportunity identified relating to: <ul style="list-style-type: none"> – Mitigation measures – Further research – Consultation proposal – Monitor and review 	Action proposed	Officer Responsible and target date
Explore ways of supporting parents, carers, governors and staff through the change process.	Ensure the communication strategy recognises that some groups may require information in a different format for example if they have a disability or do not speak English as a first language. We are aware that the school may have its own communication strategy.	Dan Hardy July 2018
Catering for disabled pupils.	Ensure that any known issues around disability are factored into the individual scheme designs and that all building schemes are DDA compliant. Obtain information around individual needs of children with disabilities.	Dan Hardy July 2018 Dan Hardy July 2018

This EqIA has been reviewed and signed off by:

Head of Service or Business Manager: P. Davis

Date: 05 June 2018

Equality Action Group Chair:

Date:

HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY, 9 JULY 2018 AT 2.00PM

Agenda Item
No.

5

**HERTFORDSHIRE'S STRATEGIC PLAN FOR CHILDREN AND YOUNG PEOPLE
2018-21**

Report of the Director of Children's Services

Author: Karen Noble, Performance Improvement Manager;
Tel: (01992) 588394

Executive Member: Terry Douris, Education, Libraries and Localism
Teresa Heritage, Children, Young People and Families

1. Purpose of report

1.1 To present Hertfordshire's Strategic Plan for Children and Young People 2018-21, as attached at Appendix A.

2. Summary

2.1 Hertfordshire's Strategic Plan for Children and Young People 2018-21 ("the Plan") outlines our vision of giving every child, young person and their family the opportunity to live happy and fulfilling lives. It has been developed through discussions with staff, young people and partners and highlights the Council's ambition for children and young people in relation to Children's Services '[Outcome Bees](#)'.

2.2 If adopted by the Council, a web based version of the Plan will be created which will include video clips of young people and staff talking about support provided and the difference it's made. The aim is that the on-line pages will be 'live' during the life of the plan to enable a refresh of video clips and links to relevant strategies and performance information.

3. Recommendation

3.1 The Children, Young People and Families Cabinet Panel considered a report on this item of business at its meeting on 20 June 2018. The Panel recommended to Cabinet that it recommends to Council that the Hertfordshire's Strategic Plan for Children and Young People 2018-21, as attached at Appendix A to the report, be adopted.

4. Background and Context

- 4.1 This Plan articulates more specifically the County Council's priorities for Hertfordshire's children and young people captured within the [Corporate Plan](#).
- 4.2 This three year plan will build on what the County Council is already doing well to target our resources on those children, young people and families that really need our help and guidance. The County Council is committed to meeting its statutory duties to protect children and young people effectively and ensuring that no child, family or community is left behind.

5. Financial Implications

- 5.1 There are no anticipated financial implications with regard to the publication of the Plan. The strategies referred to in the plan underpin the savings targets identified for Children's Services in the Integrated Plan.

6. Equality Implications

- 6.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 6.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 6.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 6.4 Issues of equality and diversity are considered throughout the strategic focus, priorities and performance indicators in the Plan. This is illustrated, for example, in the focus on enhancing access to employment for young people with additional needs, or with low functional skills
- 6.5 Individual Equality Impact Assessments have been and will be completed for activity to deliver the priorities in the Plan.

Background Information

'Outcome Bees' - <https://www.hertfordshire.gov.uk/services/childrens-social-care/child-protection/hertfordshire-safeguarding-children-board/professionals-and-volunteers/hertfordshires-6-outcome-bees.aspx>

Coporate Plan - <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/what-our-priorities-are-and-how-were-doing/corporate-plan-2017-21.aspx>

Foreword

Key
Hertfordshire
Facts

Vision

BE
SAFE

BE
HEALTHY

BE
AMBITIOUS

BE
INDEPENDENT

BE
RESILIENT



Hertfordshire
County of Opportunity

Hertfordshire County Council's

Plan for Children & Young People 2018 - 21



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A county that works for children, young people and families



BE SAFE

BE HEALTHY

BE AMBITIOUS

BE INDEPENDENT

BE RESILIENT



Foreword

Hertfordshire’s Plan for Children and Young People presents more detail about the priorities for children, young people and their families outlined in Hertfordshire County Council’s Corporate Plan.

Part of the vision for Hertfordshire is to give every child, young person and their family the opportunity to live happy and fulfilling lives. This is underpinned by four ambitions which shape the work of the whole County Council, the: Opportunity to Thrive; Opportunity to Prosper; Opportunity to be Healthy and Safe; and Opportunity to Take Part. More specifically, the County Council in its role as a Corporate Parent for those children and young people who are in care or recently left care is committed to ensuring they feel safe, well cared for and supported to achieve their full potential.

These ambitions define the work of Children’s Services. The Service is part of the Hertfordshire system working for the benefit of children, young people, their families and communities.

We are supported by other departments within the County Council and partners such as the local district and borough councils, the health service, schools, police and the voluntary and community sector. Partnership working is essential in delivering effective services to all communities across Hertfordshire.

To achieve the Hertfordshire vision and ambitions for children, young people and their families, the County Council will work in a way that:

- Is open, honest and ethical;
- Identifies and addresses issues early;
- Values diversity, addresses inequality and supports the most vulnerable;
- Encourages commercial thinking and embraces digital opportunities to deliver services even more innovatively.

High quality schools and settings in Hertfordshire provide a high level of teaching from an early age which equip our children and young people for the future whatever their aspirations. However, whilst Hertfordshire is indeed a ‘county of opportunity’ for many, for some families and communities faced with generational issues and special educational needs and disabilities, accessing those opportunities is often hard to achieve.

This three year plan will build on what we are already doing well, it will evolve and develop our policies, procedures and the way that we work, but will target our resources on those children, young people and families that really need our help and guidance. The County Council is committed to ensuring that no child, family or community is left behind. In particular it is committed to meeting its statutory duties to protect children and young people effectively.

Financial pressures across the public sector; an increase in demography; the improvement of health care leading to the survival rate of children with complex medical conditions; an increase in the number of children with recognized complex behavioural difficulties; and an increase in the number of children and young people affected by intergenerational and societal pressures are placing extraordinary demands on Children’s Services. As a result, we are continually searching for new and innovative ways to deliver services to our communities to ensure we deliver the best services we can with the funding we have available.

Foreword

Key Hertfordshire Facts

Vision

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SAFE

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HEALTHY

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AMBITIOUS

BE
INDEPENDENT

BE
RESILIENT



Prevention is at the heart of all that we do. It is the basis of the Families First approach which focuses on providing support as problems emerge so families become more resilient and the challenges they face do not escalate. By helping families to sustain improvements, demand for more costly support is reduced. Success is dependent on partners and communities working effectively together to deliver early help to families, minimising the impact on the lives of children, the family and the communities around them. Our Family Safeguarding programme has changed the way child protection services are delivered leading to positive changes for families in terms of reducing crime, substance misuse, neglect, and health improvements and increasing attendance at school which in turn will be reflected in reduced demand on public services and a better prepared and skilled workforce across Hertfordshire.

To keep us focused on supporting families in a way that makes a positive difference to their lives, we are continuing to develop mechanisms to ensure we can evidence what works, share the learning across the services and develop and support our workforce to provide effective support to families.

For example, Children's Services has developed a new Outcomes Framework, known as the 'Six Outcome Bees' <http://www.hertfordshire.gov.uk/outcomebees> to enable us to assess and evidence our impact. This framework has been developed with the involvement of young people and partner organisations to ensure those things which are most important things to young people are identified and our performance against these are measured. The outcomes are inter-linked with all the 'bees' being important for the child or young person. Each outcome area means many different things depending on the individual or family we are working with. This framework enables us to set clear and measurable targets across the six domains that are agreed with service users, their families and our partners.

Hertfordshire is developing services in co-production with young people, families, carers and partner organisations to provide services which meet the needs of our communities and provide value for money in a time of scarce resources. The voice of children, young people and families spans our work as feedback is gathered about the services they receive and trained young commissioners are involved in the specification of services being commissioned.

Young people involved in 'Take Over Day' in November 2017 were asked what they consider are the two most important things to help them to live a happy and fulfilling life. Whilst these differ according to each young person, friends, family and being supported were commonly recurring themes. Hertfordshire relies on a skilled and dedicated workforce within the County Council, partner organisations and on staff and volunteers within the Voluntary and Community Sector. Together we will continue to work to improve all the outcomes for children, young people and families within Hertfordshire.



Gill Britage
Executive Member for
Children's Services



Terry Douris
Executive Member for
Education, Libraries
and Localism



Jenny Coles
Director of
Children's Services

Foreword

Key Hertfordshire Facts

Vision

BE SAFE

BE HEALTHY

BE AMBITIOUS

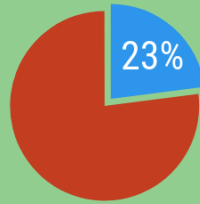
BE INDEPENDENT

BE RESILIENT

Population

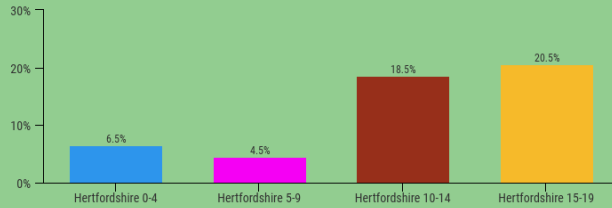


Hertfordshire population 1,166,000



23% of Hertfordshire's population are children and young people

% increase in population by age group between 2017 and 2026 based on ONS 2014 population projections



The overall 0-19 projected increase is 11.9% in Hertfordshire and 6.3% in England

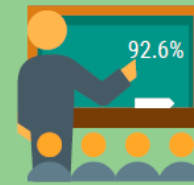
Hertfordshire A Place in Which to Grow

Early Years Foundation Stage

72.2% achieving a good level of development. (England average 70.7%)



Inequality gap 31.9% (England average 31.7%)



92.6% of Hertfordshire's schools rated as good or outstanding as at 31st March 2017 (England average 88.9%)

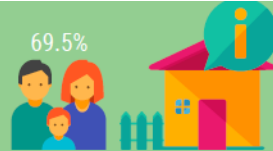
Referrals



6,360

referrals to children's social care received during 2016-17

Families in need reached at any children's centre 2016-17



69.5%

68.3% Children under 1 reached at any children's centre 2016-17



Children in Need

Hertfordshire	England
193.1 children in need per 10,000 under 18 population	330.4 children in need per 10,000 under 18 population

Percentage of young people in Hertfordshire who are NEET as at March 2017

3.26%



6.2%

Percentage of young people in England who are NEET as at March 2017



Attainment 8 average score per pupil at Key Stage 4 2017

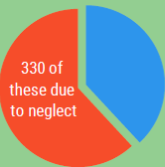


- Hertfordshire: 49.7
- England: 44.6
- Hertfordshire disadvantaged: 35.8
- England disadvantaged: 37.1
- Hertfordshire non-disadvantaged: 52.6
- England non-disadvantaged: 49.9
- Achievement gap between disadvantaged and non-disadvantaged pupils: 16.8



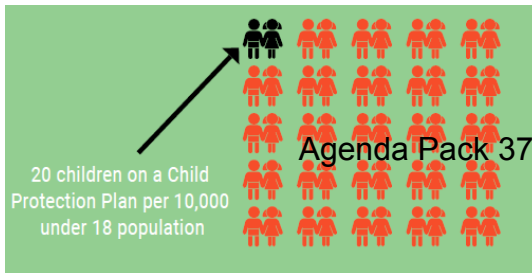
Child Protection

533 children on a Child Protection Plan as at 31/03/2017



330 of these due to neglect

701 children became subject to a Child Protection Plan during 2016-17



20 children on a Child Protection Plan per 10,000 under 18 population

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Children Looked After

905

Children looked after by Hertfordshire County Council as at 31/03/2017

100 CLA were adopted during 2016-17



75

CLA were Unaccompanied Asylum Seeking Children

That is 20% of those who left care

Strategic Focus

BE
SAFEBE
HEALTHYBE
AMBITIOUSBE
INDEPENDENTBE
RESILIENT

- Hertfordshire is striving for continuous improvement to provide the right support in the right place at the right time. Hertfordshire's Plan for Children and Young People over the next three years is driven by a number of key strategies and approaches which are dependent on integrated multi-agency work with partners taking a holistic approach to meet the needs of families and improve outcomes for children and young people, these include:
 - A co-produced **Education, Skills & Training Strategy** will encompass school improvement and SEND priorities within schools and further education settings. The aim of partners in the education sector is to raise aspirations for all children and young people, enhance opportunities into higher education, training and employment by closing the gap in attainment and inspire young people to develop the skills to flourish in the workplace in their future lives.
 - The **Skills Strategy** aims to increase and develop Hertfordshire's workforce to ensure we can support a strong economy within which businesses can thrive, whilst enabling all residents of Hertfordshire to maximise their own individual potential and share in Hertfordshire's prosperity.
- The **Health & Wellbeing Strategy** aims to tackle health inequalities to make life better for everyone living in Hertfordshire with priorities based on the four life stages of Starting Well, Developing Well, Living and Working Well and Ageing Well. The strategy will shape the commissioning of services across the health and care system to develop more detailed action plans to improve the health and wellbeing of people who live and work in Hertfordshire. The importance of mental health and emotional wellbeing for children and young people, their parents and carers is reflected in the development and implementation of the **Mental Health and Wellbeing Transformation Plan** for children and young people in Hertfordshire.
- The focus of the **Families First Strategy** is early help and prevention. The needs of vulnerable children, young people and their families are identified at the earliest opportunity, are well assessed and met by families and agencies working effectively together. Improved and sustainable outcomes are achieved through building a family's resilience to, and increasing their capacity to manage, challenging circumstances.



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- **Keeping young people safe in their community**, or contextual safeguarding, is an increasing priority in Hertfordshire. This means protecting children and young people who are at risk because of factors outside of their family, such as child sexual exploitation, increasing levels of violence or gangs and the threats posed by radicalisation. A key focus for partners working together is to develop resilient communities where children and young people feel safe and part of a supportive community.
- The **0-25 Integrated SEND Commissioning Strategy** brings together SEND commissioning activity across the health and social care partnership to develop a more integrated approach with other services including Integrated Services for Learning, Early Help Services, Early Years Services, Learning and Housing support and Adult Care Services. The strategy reflects Hertfordshire's commitment to transform our support for children and young people with SEND to improve their journey from childhood into adulthood by increasing inclusivity and equity and reducing marginalisation thereby enabling young adults to have more fulfilled lives through better planning and preparation. The focus is to give families access to a wider range of support, self-directed wherever possible and deliver a more joined up response so that families receive a single, personalised, coherent offer of support.



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- **Family Safeguarding** is a whole-system approach within Children's Services to improve the quality of work undertaken with families, and thereby outcomes for children and parents. It brings together a partnership including the police, health (including mental health), probation and substance misuse services to tackle issues of domestic abuse, substance misuse and mental health within families.
- When children and young people come into care our **CLA Strategy** outlines our commitment to creating opportunities for our looked after children, young people and care leavers to reach their potential and have created a shared vision to promote positive outcomes. As Corporate Parents we want our looked after children to be given the same positive childhood experiences and opportunities that any parent would wish for their own child.
- These key areas of focus are reflected in Hertfordshire's Outcome Bees framework.

The Vision

Our Vision

Hertfordshire County of Opportunity:
A county that works for children and families

Hertfordshire gives every child, young person and their family the opportunity to live happy and fulfilling lives

Corporate Ambitions

Opportunity to be **HEALTHY & SAFE**

Opportunity to **PROSPER**

Opportunity to **TAKE PART**

Opportunity to **THRIVE**

Children's Services Outcomes

BE HAPPY

BE SAFE



BE HEALTHY



BE AMBITIOUS

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www.hertfordshire.gov.uk/outcomebees

Priorities

Developing safe communities
Providing early help to build resilience
Protecting vulnerable children and young people

Providing children with a healthy start
Communities make healthy choices
Good mental health and emotional well-being

Narrowing the gap for underachieving groups
Raising aspirations for all children
Local integrated SEND support

Skills and Jobs for young people
Housing and accommodation choices
Employment for vulnerable young people

Empowered children making positive choices
Self-reliant families able to help themselves
Resilient children and young people



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Hertfordshire's Ambition for Be Safe

Our ambition to keep Hertfordshire's children, young people and families safe is everybody's business, not just the responsibility of statutory authorities.

Hertfordshire's focus is on early intervention and prevention to reduce the need for protection. To achieve this we are working with communities, enabling them to take responsibility for their own safety and the safety of those around them.

Our aim is to work in partnership with other organisations to deliver the right services at the right time to prevent problems escalating. Partner agencies throughout Hertfordshire are enabling self-help by sign-posting to information enabling families to access the right support as their needs arise.

Our Top Priorities

1. Develop safe communities by focusing on prevention.
2. Intervene early to address problems and build resilience.
3. Tackle domestic abuse and violence to protect and empower children, young people and families.



For more details you can visit:

[Families First Portal](#)

[Community Protection Plans](#)

[Domestic Abuse Strategy](#)

[Hertfordshire Safeguarding Children Board](#)

[Preventing Child Sexual Exploitation](#)

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Hertfordshire's Priorities for the Future

- Protecting children from abuse and neglect and supporting their recovery from any resulting trauma.
- Keeping children safe through our multi-disciplinary Family Safeguarding approach working in a holistic and integrated way to meet the needs of families.
- Helping young people and families experiencing mental health, substance misuse issues or domestic abuse to improve their ability to protect themselves and their children.
- Providing young people and families with early help to prevent problems from escalating, such as school attendance.
- Working to safeguard and promote the welfare of Unaccompanied Asylum Seeking Children.

How will we monitor our performance?

- Number of referrals to Children's Services
- Number of Families First Assessments closed due to needs met
- Number of children subject to a child protection plan
- Number of Children Looked After by the Local Authority
- Number of Children and Young People at risk of CSE being supported
- Number of children killed or seriously injured in road traffic accidents

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- Working in partnership to raise awareness of the risks of going missing and child sexual exploitation and help prevent it happening to young people in Hertfordshire.
- Working with partners to disrupt and tackle young people involved in violent activity which is closely related to the supply of drugs in Hertfordshire and child criminal or sexual exploitation and support victims.
- Working together with partner agencies and schools to reduce the threat from extremism.
- Using the wider resources of the Council, such as firefighters, to develop and promote community based prevention programmes.
- Targeting Road Safety campaigns to young people and newly qualified drivers between 17 and 25 years of age working towards the aim of zero road deaths in Hertfordshire.

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Hertfordshire's Ambition for Be Healthy

We are committed to improving the health and wellbeing of Hertfordshire's population and reduce the impacts of poor physical and mental health on children and families which can negatively affect educational achievement, income levels and quality of life.

Hertfordshire's focus on early intervention means working with partner organisations and schools to improve public health, key in preventing ill-health and disability saving the cost of future NHS treatment and social care.

Our aim is to ensure all children have a healthy start in life and are equipped with the knowledge and skills at an early age to make healthy and positive choices as they move into adulthood and throughout their lives.

Our Top Priorities

1. Ensure children have a healthy start and can make healthy choices.
2. Promote healthy lifestyles and healthy relationships so that people are able to participate to, and contribute to their community.
3. Provide information and a range of support for mental health and emotional wellbeing.

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For more details you can visit:

[Hertfordshire Health & Wellbeing Board](#)

[Health in Herts](#)

[Healthy Young Minds in Herts](#)

[Transformation Plan for Mental Health and Wellbeing](#)

[Hertfordshire Sustainability and Transformation Plan](#)

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Hertfordshire's Priorities For The Future

- Delivering the Healthy Child Programme for 0-19 year olds through Family Centres and nurseries to promote, demonstrate and educate parents and carers about healthy eating so that children are a healthy weight from the earliest years.
- Delivering the National Child Measurement Programme to inform parents and carers about their child's weight and direct them to advice and support to help their children to reach and maintain a healthy weight.
- Schools are encouraging physical activity as part of the normal daily routine to keep children fit, help their mental wellbeing and resilience and help them do better at school.
- Improving early access to a continuum of mental health support and emotional wellbeing services delivered through a range of settings including schools.
- Supporting parents, carers, schools and services working with children and young people to provide good quality education about sex, healthy relationships and good sexual health.
- Commissioning services that provide personalised support and flexible responses that best meet the needs of individuals and families.

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How will we monitor our performance?

- Percentage of children in reception and year 6 who are overweight or obese
- Percentage of immunisations up-to-date for Children Looked After
- Proportion of young people with a learning disability receiving an annual health check
- Number of young people accessing sexual health information
- Number of children and young people accessing targeted support through CAMHS

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Hertfordshire's Ambition for Be Ambitious

Our aim is to provide every child with a good start in life by supporting parents and early years settings to develop the skills and learning to ensure children across Hertfordshire begin school ready to thrive.

Hertfordshire's focus to provide 'A good school for every child in every district' has positively impacted outcomes at the end of Key Stages 1, 2, 4 and 5 and we wish to see these improve further.

Our aim is to improve outcomes for disadvantaged children who are not doing as well as their peers. Vulnerable children and those with challenging behaviour, those who are excluded from school or who otherwise miss elements of formal education need, and will receive, greater support. We wish to see disadvantaged children achieving well in line with their peers, locally and nationally, and aspiring to good future careers, higher and further education.

Our Top Priorities

1. Narrow the gap between our most vulnerable children and general society by supporting them to overcome adverse childhood experiences and recent trauma.
2. Raise standards, attainment and aspirations for all children.
3. Transform SEND provision by providing more local integrated support.



For more details you can visit:

[All Age Autism Strategy](#)

[Herts for Learning](#)

[Integrated Services for Learning](#)

[SEND Strategy](#)

[SEND Local Offer](#)

[YC Hertfordshire](#)

[Youth Justice](#)

[DfE Unlocking Talent Report](#)

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Hertfordshire's Priorities For The Future

- Bringing services together in Family Centres to provide local support to families.
- Working with our schools as key partners to produce and implement the School Improvement Strategy to improve the proportion of schools and settings which are Good and Outstanding and raise attainment across the county.
- Providing sufficient school places to meet needs and working with planners and developers to ensure new developments include community resources such as schools and green spaces.
- Inspiring and supporting young people to achieve their potential including progressing to apprenticeships or higher education and helping people with autism in education, transition to adulthood, training and work; developing skills and independence.
- Strengthening relationships with Multi-Academy Trusts, other school partnerships and Further Education colleges with a focus on supporting disadvantaged students.
- Developing our Special Education Needs and Disability (SEND) services to equip families and those that work with them to understand and address the underlying needs that result in behaviour difficulties.
- Supporting vulnerable young people, including young offenders and those who have disengaged, to stay in learning.
- Supporting families, enabling each child and young person to fulfil their potential both in childhood and as they move into adulthood.

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How will we monitor our performance?

- Percentage of eligible 2 year olds accessing free early education
- Proportion of schools and settings judged as Good or Outstanding by Ofsted
- The attainment of disadvantage children and young people at the Early Years Foundation Stage and each subsequent Key Stage
- Percentage of 16-17 year olds in learning
- The number of home educated children

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Hertfordshire's Ambition for Be Independent

Our aim is for all vulnerable young people to move successfully through training into sustainable employment and independent living within our communities.

Hertfordshire's focus is on increasing opportunities, particularly for those who have been in care or are disadvantaged, to access further or higher education, apprenticeships and to develop the skills needed for employment and a life of independence in their own homes.

Our aims are to work with partners to increase the number of young people in education, employment and training. Through partnership working with employers, housing providers and local authorities, to provide people with access to a range of suitable jobs and accommodation options and reduce their risk of homelessness.

Our Top Priorities

1. Develop the skills of young people to flourish in the workplace.
2. Improve access to a wider choice of accommodation options and reduce homelessness.
3. Work with local economic partners to develop a broader offer of work experience and employment opportunities for our more vulnerable young people, including those with learning difficulties and disabilities.



For more details you can visit:

[Corporate Parenting Strategy](#)

[Hertfordshire Skills Strategy](#)

[SEND Local Offer](#)

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Hertfordshire's Priorities For The Future

- Working with partners to deliver the Skills Strategy to support, schools, colleges and other services to provide impartial careers guidance.
- Working with Hertfordshire Local Enterprise Partnership, education providers and employers to ensure all young people have the skills and experience to flourish in the workplace and contribute to the local economy.
- Identifying young people at risk of not being in education, employment or training and providing opportunities for additional support through volunteer mentors, work experience or employer mentoring to inspire them to achieve.
- Working with local employers to provide a wide range of opportunities for work experience, apprenticeships and workplace training including for young people with additional needs.
- Improving access to a range of accommodation choices for care leavers and young people with additional needs and developing their independent living skills.

How will we monitor our performance?

- Numbers of children receiving 30 Hours Free Childcare
- The proportion of young people aged 18-25 with a learning disability who are in employment
- Number of 18-25 year olds living in an independent setting
- Percentage of care leavers in suitable accommodation
- Percentage of young people, including care leavers in education, employment & training



- Helping vulnerable young adults, carers and those with disabilities to develop the confidence and skills to enable them to find work, build careers and be independent.
- Providing low cost courses to improve functional skills such as speaking & listening, reading & writing or courses which can help with gaining employment such as maths, computing and ICT skills or with finance, employment and skills mentoring.
- Providing 30 hours free childcare to support a move into employment for families where adults are not working.
- Providing good, reliable and accessible transport for young people, increasing their confidence and independence in making individual travel choices and promoting their physical and mental health.



Hertfordshire's Ambition for Be Resilient

Hertfordshire aims to increase self-reliance and peer support for children, young people and their families so they can access the information and support they need as soon as problems arise.

Our focus is on the development of self-help tools and information portals via the internet as an accessible and cost-effective way for us to provide advice and information to as much of Hertfordshire's population as possible. We support children in care and care leavers to establish their own support networks to help them transition to adulthood.

Our aim is to build community resilience enabling our children, young people and families to flourish and cope with the pressures faced in today's world.

Our Top Priorities

1. Ensure children have the best start in life and are equipped with the skills to make positive life choices.
2. Provide children and young people with the skills and information they need take responsibility for their own decisions.
3. Increase the resilience of families by providing them with the information, tools and services they need to help themselves.



For more details you can visit:

[Community First Strategy](#)

[Families First Portal](#)

[SEND Local Offer](#)

[YC Hertfordshire](#)

[Young Carers](#)



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Hertfordshire's Priorities For The Future

- Continue to develop the Families First Portal to provide information for families about organisations, services and groups in Hertfordshire where they can find support for themselves to help with problems they face.
- Provide support and solutions through local multi-agency co-ordinated working that involves a range of partner agencies, offering different services to meet the needs of each family in a more personalised way.
- Supporting the Community First Approach with the aim of preventing, reducing and/or delaying statutory intervention through community involvement which includes families, friends and community support groups to aid the most vulnerable in our society.

How will we monitor our performance?

- The number of children aged 3 & 4 benefitting from the Early Years Pupil Premium (EYPP) in addition to their free early education
- Numbers of children for whom Life Long Link networks have been created
- Sufficient local placements to increase choice for CLA
- Percentage of CLA in foster care who turn 18 in the year and stay put in their placement post 18
- Percentage of couples showing improved parental relationship following mediation or counselling



- Providing information to young people through YC Hertfordshire about local services and signposting to useful websites including job vacancies, advice drop in centres, travel services, youth projects, events and opportunities, music, media, games, performing arts and much more.
- Working with partners in the community, to ensure youth work projects and programmes provide information, guidance, work related learning and other positive experiences for young people which increase confidence, promote positive peer networks and build resilience.
- Providing stable placements for children in care and working with them and care leavers to build relationships with family members and establish their own ongoing support networks.
- Working with young carers and their families to provide support and prevent caring roles impacting on a child's ability to thrive, achieve and enjoy their childhood.

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HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY, 9 JULY 2018 AT 2.00PM**

<u>Agenda Item</u> <u>No</u> 6

PROPOSAL TO CHANGE THE CATEGORY OF BARLEY (VC) C OF E FIRST SCHOOL, ROYSTON, FROM VOLUNTARY CONTROLLED TO VOLUNTARY AIDED FROM SEPTEMBER 2018

Report of the Director of Children's Services

Author: Alice Bearton, Planning Officer, Tel: 01992-555725

Executive Member: Terry Douris, Education, Libraries & Localism

Local Member: Fiona Hill

1. Purpose of report

1.1 For Cabinet to consider the change of school category proposed by the governing body of the Barley/Barkway First Schools Federation following the statutory notice period which ran 4 May 2018 to 31 May 2018.

2. Summary

2.1 Governing bodies of maintained schools may propose to change category by following the statutory process as set down in The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and its associated Guidance. The Local Authority is the final decision maker.

2.2 On 29 March 2018, the governing body of the Barley/Barkway First Schools Federation authorised the publication of statutory proposals to change the category of Barley (VC) Church of England First School from Voluntary Controlled (VC) to Voluntary Aided (VA) from September 2018. The 4-week statutory notice period ended on 31 May 2018.

2.3 No responses have been received to the statutory notice.

3. Recommendations

- 3.1 That Cabinet approve the change of category of Barley (VC) Church of England First School, Royston, from Voluntary Controlled to Voluntary Aided from September 2018.

4. Background to the published statutory proposals

- 4.1 The governing body of the Barley/Barkway First Schools Federation carried out a public consultation on their proposal to change the category of Barley (VC) Church of England First School to VA between 20 January 2018 and 8 March 2018. A copy of Barley School's consultation letter is attached at Appendix A.
- 4.2 Although the governing body of the Barley/Barkway First Schools Federation initiated the consultation on this proposal, following the publication of a statutory notice, due to the relevant legislative framework, it is for Hertfordshire County Council as decision-maker to make the final decision.
- 4.3 If the proposal is implemented it will change the category of Barley (VC) C of E First School ("the School") to VA and the School will then have the same category as Barkway VA (C of E) First School. Having a school category in common would allow both schools within the Federation to have the same legal responsibilities and it is felt that it would be strategically beneficial for the two schools to be aligned in terms of their category. It had been the intention to alter the category of Barley (VC) C of E First School prior to the Federation process but due to an administrative error this had not occurred.

5. Response to the statutory proposals.

- 5.1 No responses have been received to the statutory proposals.

6. Financial Implications

Capital

- 6.1 There will be no capital cost to the County Council.

Revenue

- 6.2 There are no identified revenue implications.
- 6.3 All employees are due to transfer to the employment of the governing body in accordance with the relevant regulations (Transfer of Undertakings (Protection of Employment) Regulations). Governors have not identified any measures regarding changes they wish to make in connection with the transfer, meaning that employees will not experience any changes other than to the natural alignment of policies and governance arrangements connected to the transfer. The schools will continue to receive their budgets in the usual way.
- 6.4 The County Council has no on-going maintenance responsibility for Voluntary Aided Schools.

7. Property Implications

- 7.1 There are no property implications in this particular instance in relation to the proposal.

8. Equality Act Implications

- 8.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the Equality implications of the decision that they are making.
- 8.2 Rigorous consideration will ensure proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA).
- 8.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 8.4 An Equalities Impact Assessment (EqIA) has been prepared for this school proposal by the School Governing Body. No equalities issues have been identified since the start of this consultation. A copy of the EqIA is attached at Appendix B.

Background Information
None

Appendix A

Church End, Barley, Royston, Hertfordshire, SG8 8JW
T: 01763 848281 | E: admin@barley.herts.sch.uk



**Appendage consultation on change of status from
Barley Voluntary Controlled First school to
Barley Voluntary Aided First School
To be completed by Thursday 8th March, 2018**

The federated governing board of Barley and Barkway First Schools Federation is seeking to consult with all stakeholders on the change of status for Barley First School from a Voluntary Controlled (VC) to a Voluntary Aided (VA) school. During our original proposal for Federation consultation in September/October 2016, this step was overlooked due to an administrative error. Barkway is already a Voluntary Aided school and in order for the Federation process to be complete the governing body would like Barley to change its status to Voluntary Aided.

Why should this happen?

The governing body believes that it is strategically beneficial for the 2 schools to be aligned in terms of their status (VC/VA). In order to federate the new governing body had to be a VA structure and therefore the governing body believes that it makes sense for both schools to have VA status.

What is the difference between a voluntary aided and a voluntary controlled school?

1. In a Voluntary Aided school Foundation Governors exceed any other category of governor by 2 . This is already in place in the new federation governing body. Besides foundation governors, our governing board has parent, local authority, co-opted and staff governors as before.
2. Staff are employed by the governing board of the school rather than the local authority. As part of the original consultation staff have already been made aware of the change in employment details through meetings held last academic year.
3. Voluntary aided schools are the admissions authority for their school.

Will it make a difference to the education of the children?

No. Both schools are Church schools and come under the direction of the Diocese of St. Albans and have a distinctive Christian ethos. The schools follow the National Curriculum as prescribed by the Department for Education

Further information

There will be a drop in afternoon session for all stakeholders on 7th March, 2018 at 2pm

A copy of this consultation is available from either school website and will be circulated to all stakeholders as before.

Response form to Appendage Consultation on change of status of Barley First School from Voluntary Controlled (VC) to Voluntary Aided (VA) status

Responses to be received by mid-day on Thursday 22nd February

Name:

Address: (Optional)

Postcode: (Optional)

1. I am a: (please tick box as appropriate)

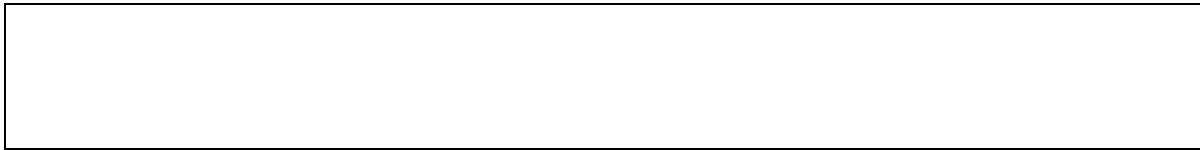
Parent/Carer of a pupil at Barley First School	
Member of staff at Barley First School	
Governor at Barley/Barkway Federation	
Other interested party (Please state)	

2. What is your view of the proposal to change the status of Barley First School from a Voluntary Controlled (VC) to Voluntary Aided (VA) school? (please tick as appropriate)

I support the proposal	
I do not support the proposal	
I am not sure	

3. Would you like to provide more detail on your view? Do you have any further comments? (please continue on reverse of page if required)

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Please return to

Barley VC Church of England First School,
Church End, Barley, Herts. SG8 8JW

Appendix B

Equality Impact Assessment (EqIA)

School governing body proposal to change the category of Barley (VC) C of E First School from Voluntary Controlled to Voluntary Aided.

1. Who is completing the EqIA and why is it being done?

Title of service / proposal / project / strategy / procurement you are assessing	School governing body proposal to change the category of Barley (VC) C of E First School (“the School”) from Voluntary Controlled (VC) to Voluntary Aided (VA).
Names of those involved in completing the EqIA	Adrian Bentley, Alice Carrington
Head of Service or Business Manager	Pauline Davis
Team/Department	School Planning Team
Lead officer contact details	Ruth Pyke, Chair of Governors, Barley/Barkway First Schools Federation Tel: 01763 848281
Focus of EqIA – what are you assessing?	If the proposal is implemented it will make the category of the School the same as the category of Barkway VA (C of E) First School, 84 High Street, Barkway, Royston, Hertfordshire, SG8 8EF, a Voluntary Aided school. If enacted, the proposal would be implemented in full in September 2018. Having a school category in common would allow both schools within the Federation to have the same legal responsibilities and it is felt that it would be strategically beneficial for the two schools to be aligned in terms of their category. It had been the intention to alter the category of the School prior to the Federation process but due to an administrative error this had not occurred.

<p>Stakeholders</p>	<p>The School carried out a public consultation which began on 20 January 2018 and ran until 8 March 2018. A consultation letter was sent to the stakeholders listed below:</p> <p>Parents/carers of pupils, staff and governors - at both the School and Barkway VA (C of E) First School; Anglican Diocese, St Albans; Barley Parish Council; Barley Church Council; Barley Surgery (Medical Practice); Local MP; School Planning Team, Hertfordshire County Council; Ministerial and Public Communications Division, Department for Education (DfE);</p> <p>The consultation letter was also published on the websites of both the School and Barkway VA (C of E) First School.</p>
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2. List of data sources used for this EqIA *(include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, EqIAs from other projects or other local authorities, etc.)*

A range of useful local data on our communities can be found on [Herts Insight](#) and on the [Equalities Hub](#)

Title and brief description	Date	Gaps in data
The School carried out a public consultation which began on 20 January 2018 and ran until 8 March 2018 on the proposal to change the category of the School from Voluntary Controlled (VC) to Voluntary Aided (VA).	20 January 2018 until 8 March 2018	No gaps have been identified at this stage.

One response was received from a parent, who thought that by changing to a Voluntary Aided category, the School would become “more Christian”. The chair of governors responded to the parents who subsequently agreed that they had completely misunderstood the reasons behind the proposal and as a result they withdrew their objection. No other responses were received.

Therefore, the outcome of the consultation had no impact on any of the protected characteristics considered as part of this EqIA.

January 2018 school census data on gender split, English as an additional language (EAL), ethnicity, free school meal (FSM) eligibility, number of children with SEN Statements (S), Education and Health Care Plans (E) or SEN Support (K).
Countywide data includes pupils at special schools.

Spring 2018 School Census data	Barley VC C of E First School	Primary Countywide
Students (Years R to 6)	35	101019
Number Minority Ethnic Students (not White British and excluding Refused and Not Obtained)	2	31683
% Minority Ethnic Students (not White British and excluding Refused and Not Obtained)	5.71%	31.36%
Number EAL (English as an alternative Language) (First language Not English or believed not to be English excluding Refused and Not Obtained)	2	17053
% EAL (English as an alternative Language) (First language Not English or believed not to be English)	5.71%	16.88%
Number with Statement (or EHCP (S or E))	1	2050

		% with Statement (or EHCP (S or E))	2.86%	2.03%
		Number SEN Provision (K)	1	12147
		% SEN Provision (K)	2.86%	12.02%
		Number Eligible for FSM (at date of Census)	0	8761
		% FSM (Free School Meals) (at date of Census)	0.00%	8.67%
		Number of Male Students	15	51668
		% of Male Students	42.86%	51.15%
		Number of Female Students	20	49351
		% of Female Students	57.14%	48.85%
		<p><u>Summary of data in the table above:</u></p> <p>At the School, the percentage of Minority Ethnic Students and students with EAL is significantly less than the countywide average for primary schools. The percentage of students with a Statement or EHCP (S or E) is more than the countywide average. The percentage of students with SEN Provision (K) is significantly less than the countywide average. There are no students at the School who are eligible for FSM. The percentage of male students is significantly less than the countywide average and the percentage of female students is correspondingly higher than the countywide average.</p>		

3. Analysis and assessment: review of information, impact analysis and mitigating actions

Protected characteristic group	What do you know? What do people tell you?	What does this mean – what are the potential impacts of the proposal(s)?	What can you do?
Age		It is not anticipated at this stage that the proposals will affect people disproportionately because of their age.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Disability		It is not anticipated at this stage that the proposals will affect people disproportionately because of their disability.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Gender reassignment		It is not anticipated at this stage that the proposals will affect people disproportionately because of their gender reassignment.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Pregnancy and maternity		It is not anticipated at this stage that the proposals will affect people disproportionately because of their pregnancy or maternity.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Race		It is not anticipated at this stage that the proposals will affect people disproportionately because of their race.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Religion or belief		It is not anticipated at this stage that the proposals will affect people disproportionately because of their religion or belief.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action

Protected characteristic group	What do you know? What do people tell you?	What does this mean – what are the potential impacts of the proposal(s)?	What can you do?
			Plan below will be completed accordingly.
Sex/Gender		It is not anticipated at this stage that the proposals will affect people disproportionately because of their sex/gender.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Sexual orientation		It is not anticipated at this stage that the proposals will affect people disproportionately because of their sexual orientation.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Marriage and civil partnership		It is not anticipated at this stage that the proposals will affect people disproportionately because of their marriage or civil partnership.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Carers		It is not anticipated at this stage that the proposals will affect people disproportionately because of their caring responsibility.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan below will be completed accordingly.
Other relevant groups Consider if there is a potential impact (positive or negative) on areas such as health and wellbeing, crime and disorder,		It is not anticipated at this stage that the proposals will affect people in other relevant groups disproportionately. Agenda Pack 64 of 153	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of people in other relevant groups are identified then the Action Plan below will be completed accordingly.

Protected characteristic group	What do you know? What do people tell you?	What does this mean – what are the potential impacts of the proposal(s)?	What can you do?
Armed Forces community.			

Opportunity to advance equality of opportunity and/or foster good relations

The School and Barkway VA (C of E) First School are both village schools, around 4 miles apart. Pupil numbers on roll are small; 35* at Barley and 25* at Barkway. Both communities want to retain their village schools and by working together the two schools are able to be more cost effective, saving on staff budgets, training, and services. Collaboration between the two schools allows for larger class sizes, thereby enhancing teaching opportunities, for example through improved group dynamics. Collaboration also brings benefits for staff, in that they can enjoy working professionally with an increased number of colleagues. Ensuring that the schools are of the same category will assist in achieving these aims.

It had been the intention to alter the category of the School prior to the Federation process but due to an administrative error this had not occurred.

**Reception to Year 4 pupils on roll (data: School Census January 2018)*

Conclusion of your analysis and assessment -

OUTCOME AND NEXT STEPS	SUMMARY
i. No equality impacts identified - No major change required to proposal	YES
ii. Minimal equality impacts identified - Adverse impacts have been identified, but have been objectively justified (provided you do not unlawfully discriminate) - Ensure decision makers consider the cumulative effect of how a number of decisions impact on equality - No major change required to proposal	Agenda Pack 65 of 153

<p>iii. Potential equality impacts identified</p> <ul style="list-style-type: none"> - Take 'mitigating action' to change the original policy/proposal, remove barriers or better advance equality - Set out clear actions in the action plan in section 4. 	
<p>iv. Major equality impacts identified</p> <ul style="list-style-type: none"> - The adverse effects are not justified, cannot be mitigated or show unlawful discrimination - You must stop and remove the policy [you should consult with Legal Services] - Ensure decision makers understand the equality impact 	

4. Prioritised Action Plan

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Lead officer and timeframe

This EqIA has been signed off by:

Lead Equality Impact Assessment officer: Ruth Pyke, Chair of Governors, Barley/Barkway First Schools Federation

Date: 22 May 2018

Head of Service or Business Manager:

Review date: 22 June 2018

Date:

PREVENTION INVEST TO TRANSFORM: CHILDREN'S SERVICES SPECIAL EDUCATIONAL NEEDS/DISABILITIES TRANSFORMATION

Joint Report of the Director of Children's Services and the Director of Resources

Authors: - Sally Orr, Head of Family Services Commissioning
(Tel: 01992 555680)
Karen Noble, Performance Improvement Manager
(Tel: 01992 588394)

Executive Member/s: - Ralph Sangster, Resources and Performance
Teresa Heritage, Children, Young People and Families

1. Purpose of report

1.1 For Cabinet to consider the business case, attached at Appendix 1, for Prevention Invest to Transform funding.

2. Summary

- 2.1 The County Council is responsible for a range of services for children and young people with Special Educational Needs and/or Disabilities (SEND). There are already financial pressures on these services, and the increasing demography and complexity of need means the demand for high cost specialist services will significantly increase these pressures over the next five years.
- 2.2 In addition, the support and services currently offered have developed over a number of years and parents/carers, schools and professionals have fed back that the system is complex and difficult to navigate.
- 2.3 The rationale and proposals within the business case have been developed at a series of focus group meetings which included representatives from parent forums, schools, Adult Care Services, leads for current services, commissioners, Clinical Commissioning Groups and an external advisor from a neighbouring local authority.
- 2.4 Three priority areas for transformation have been identified:
- Develop local multi-disciplinary teams and community support networks
 - Maximise the benefits of digital technology
 - Improve access to independent living, employment and training.
- 2.5 The business case sets out the current barriers to success, context and data, required business changes, resources needed for transformation, outcomes for children, young people and their families. It also includes the anticipated savings and cost avoidance from the transformation.

- 2.6 The business case seeks two years funding (from September 2018) to deliver the transformation programme, attached at Appendix 2, alongside the ‘business as usual’ work needed to meet the County Council’s statutory responsibilities.
- 2.7 The outcomes from the transformation programme will ensure services for children and young people with SEND and their families provide effective intervention, manage the increasing demand and make efficient use of resources. Families will be able to access support in their local communities, be connected and more independent of public sector services, and this will reduce pressure across the SEND system in the local authority and the local health economy.

3. Recommendation

- 3.1 The Resources & Performance Cabinet Panel and the Children, Young People & Families Cabinet Panel both considered a report on this item of business at their respective meetings on 6 June 2018 and 20 June 2018. The Panels recommended to Cabinet that Cabinet approves the proposed approach of Children’s Services to transforming the system, services and approach to support children and young people with Special Educational Needs and/or Disabilities (SEND), and their families and agrees to the investment of £3,012,357 from the Prevention Invest to Transform funding.

4. Background information

- 4.1 The case for change (section 1) the rationale (section 2) the current context in Hertfordshire (section 3) are set out in the business case (attached at appendix 1).

5. Financial implications

- 5.1 The business case sets out the current budget pressures (section 4), and the cost of doing nothing (section 5).
- 5.2 The business case seeks an investment of £3,012,357 from Prevention Invest to Transform funding:

	18/19	19/20	20/21	21/22	22/23
Local networks and support	146,593	1,039,311	289,311	0	0
Maximising the benefits of digitalisation	65,782	280,107	130,107	0	0
Independent living and access to employment	127,330	248,615	248,615	0	0
Programme implementation	174,109	174,109	88,368	0	0
TOTALS:	513,814	1,742,142	756,401	0	0

	18/19	19/20	20/21	21/22	22/23
TOTAL INVESTMENT:	3,012,357				

5.3 Sections 6.10 and 8.10 in the business case also set out the detail behind the expected savings of £1.74M and the expected cost avoidance of £3.23M from the transformation programme.

6. Equalities Implications

6.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equality implications of the decision that they are making.

6.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EQIA) produced by officers.

6.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

6.4 A full Equalities Impact Assessment will be completed during the model development phase of the transformation programme if the application for Invest to Transform funding is successful.

Background Information

None



PREVENTION INVEST TO TRANSFORM: CHILDREN SERVICES SPECIAL EDUCATIONAL NEEDS/DISABILITIES TRANSFORMATION

1. The business case for change

- 1.1 Parents/carers have told us that the needs of children and young people are not always identified early and well enough; so often children have to struggle before they can access more support. The County Council's corporate plan sets out its desire to be a 'Council of Opportunity' for all Hertfordshire residents, and Hertfordshire's Health and Wellbeing Board aims to improve the health and wellbeing of the residents across their life course. In order to support these ambitions and ensure all children and young people can access their opportunities and be active within their community, the current models of support for children, young people with Special Educational Needs and/or Disabilities (SEND) and their families requires wholesale transformation, from the start of a child's life through into adulthood.

A child or young person has SEND if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, (sometimes referred to as Special Educational Needs: SEN) or
- has a disability which prevents or impacts upon him or her from making use of educational facilities, generally provided for others of the same age in mainstream educational settings

- 1.2 Parents/carer views on the current services and support are summarised in this statement from a Hertfordshire parent of two boys with additional needs, who is also part of the Hertfordshire's parent/ carer forum, runs a Hertfordshire SEND charity and therefore knows first-hand the struggles families face day to day as they try to navigate the system:

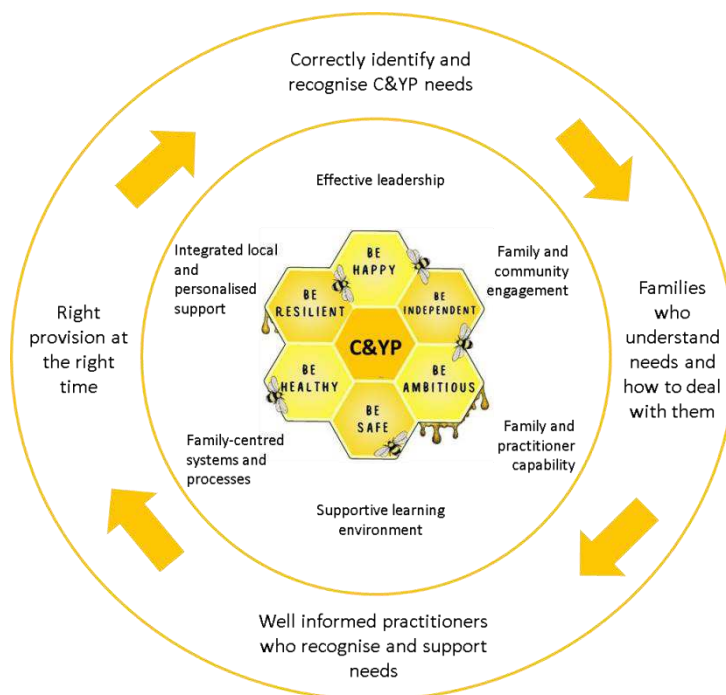
"Parents know their children best. They understand how their child's difficulties interact with their personality. They learn from experience what will happen if you don't prepare correctly, don't plan ahead, and don't ensure every possible need is catered for. They know if their child enjoys a play scheme, or their school day, even if they can't tell their parent, because they know it in the tiny nuances of behaviour, the changes in interaction, however subtle. Parents have all this knowledge, and they don't necessarily realise, and they have to be very assertive for the most part to get anyone to listen.

They are the people who see their children as a whole – not just the contents of an Education, Health and Care Plan (EHCP) or an assessment or a Paediatrician's report. They are the people that think about their child's needs, now and in the future, not just while they are at school or on the

case load of a particular professional. They know their whole history – why it might not be a good idea to go to that place, or why that strategy might need adjusting.

We need to work at partnership between parents and professionals to make sure we can do the best for our children. Parents might need to be supported with this for many reasons, and they certainly need to be met half way, be respected for their knowledge.”

- 1.3 Parents and schools have told us that the current system of support is complex and this creates barriers. The diagram below summarises the outcomes they believe would benefit children with SEND and what could be achieved if this transformation is successful in addressing the barriers that have been identified.



2. The rationale for our approach to transforming the current model

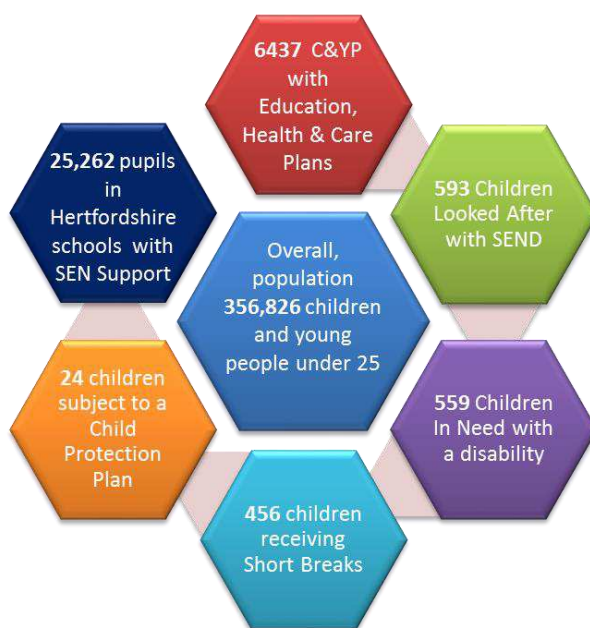
- 2.1 This Prevention Invest to Transform bid is based on the building blocks of prevention:
- 2.1.1 Providing the early support to enable individuals and families to **look after themselves** and develop the **sustainable skills** to manage their needs where possible
 - 2.1.2 **Mainstreaming prevention** throughout local communities by establishing local networks of integrated support and clearer pathways for parents and young people to access effective and equitable help when needed.
 - 2.1.3 **Developing the workforce** to ensure there is a focus on identifying issues early and preventing escalation at all levels of need to manage demand for more costly provision.
- 2.2 The concept of enablement is central to this bid. Enabling children, young people, and families to access their own communities and lead connected lives prevents long-term dependence on services. If we can prevent unnecessary journeys through services and assessments, we will better

support families to be independent, and will reduce pressure on services across the SEND system.

- 2.3 The strategic objectives of the transformation programme are to:
- Provide effective intervention
 - Manage demand
 - Make efficient use of resources
- 2.4 This will be achieved through the following areas of activity:
- Develop local multi-disciplinary teams and community support networks
 - Maximise the benefits of digital technology
 - Improve access to independent living, employment and training
- 2.5 Funding for two years is requested to provide the capacity to establish these building blocks and ensure they are embedded and sustainable whilst maintaining effective provision of current statutory services.

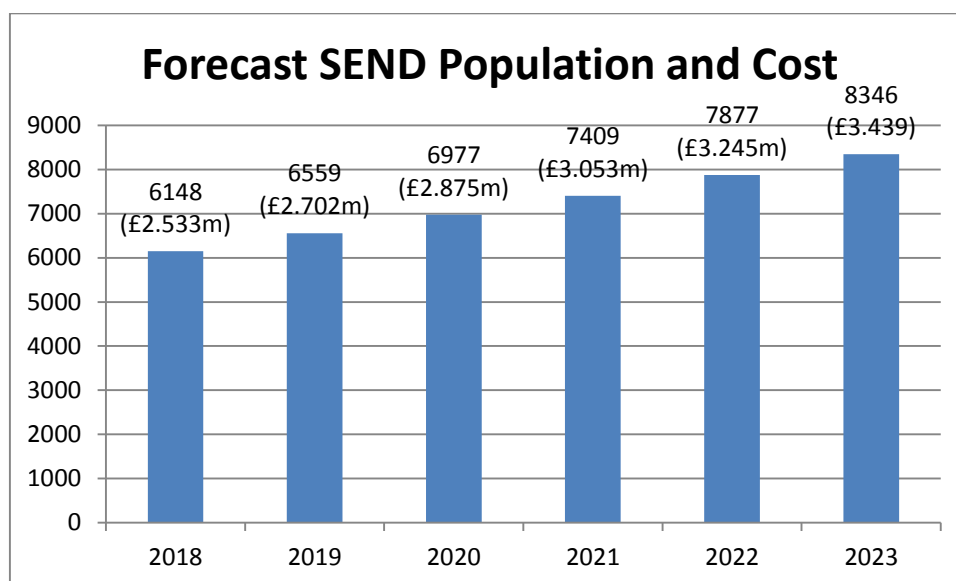
3. Hertfordshire's SEND population

- 3.1 The current SEND population receives support through a range of services in Hertfordshire. Children and young people may access support from more than one service:



- 3.2 **Rising demographic pressures**
Between 2018 and 2023 it is projected that there will be a considerable increase in the overall under 19 population (11.3%), with particular growth in 10-19 age group, (18.5%).
- 3.3 In Hertfordshire, as at 31 March 2016, 58.8% (593) of children looked after had a Special Educational Need including 24.4% with an Education, Health and Care Plan (EHCP).
- 3.4 Furthermore, within that context, the number of children and young people in Hertfordshire with a recognised SEND condition is forecast to grow by 36% between 2018 and 2023, which is an additional 2,198 children.

- 3.5 The projected annual cost of Education, Health and Care Plan assessments (EHCP: previously known as Statements of Special Educational Need) this increase is £905,576 (based on average cost of £412 per EHCP and excluding inflation related costs).



- 3.6 In addition, the high cost of provision for children and young people with complex needs adds further financial pressures as this cohort is expected to increase by 80 children over the next five years.

4. Current budget pressures

- 4.1 The proposals in this business case will prevent current levels of demand from escalating as well as reducing high cost support and provision by assessing needs more effectively and providing the right support earlier so that the services and support are sustainable within the financial envelope.

4.2 Service budget pressures

Currently, SEND budgets across Children's Services are experiencing significant pressures with the largest overspend against 2017/18 budgets being shown in the table below:

Service area	2017/18 £'000	Forecast Outturn £'000	Variance £'000
0-25 Together Under 18 Direct Spend	8,184	8,468	284
Mainstream Transport & SEN Transport	17,600	19,251	1,651
Independent Placements	22,498	23,648	1,149
0-25 Together Staffing	2,683	2,934	251

4.3 Integrated Plan pressures

In addition, a number of new pressures were identified in the current year's Integrated Plan (IP) in order to fund both current overspends and expected future years' pressures as a result of both demographic change and increasing complexity, as shown in the following table.

Description	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
Special Needs Home To School Transport – agreed as part of prior year IP	450	450	450	450
SEN Home to School Transport – additional pressure	1,530	1,890	2,250	2,610
SEND reform programme implementation	0	838	1,017	1,017
Independent Placement Costs	919	919	919	919
Children Looked After (CLA) Demographic Pressure	803	1,746	2,780	3,936

The transformation programme will reduce these pressures (as demonstrated in section 6.10).

4.4 Health Economy Pressures

The inter-relationship between health and social care costs has been nationally acknowledged. The Hertfordshire and West Essex Sustainability and Transformation Partnership (STP) is working to align services in order to make best use of resources, particularly in adult services. The proposals in this business case will reduce pressure on primary health care services by providing local services for children and young people, and community and peer support for parents/carers thus reducing their stress and anxiety. It will also set a framework for integrating children's health, education and social care commissioning in Hertfordshire.

4.5 Adult Care Pressures

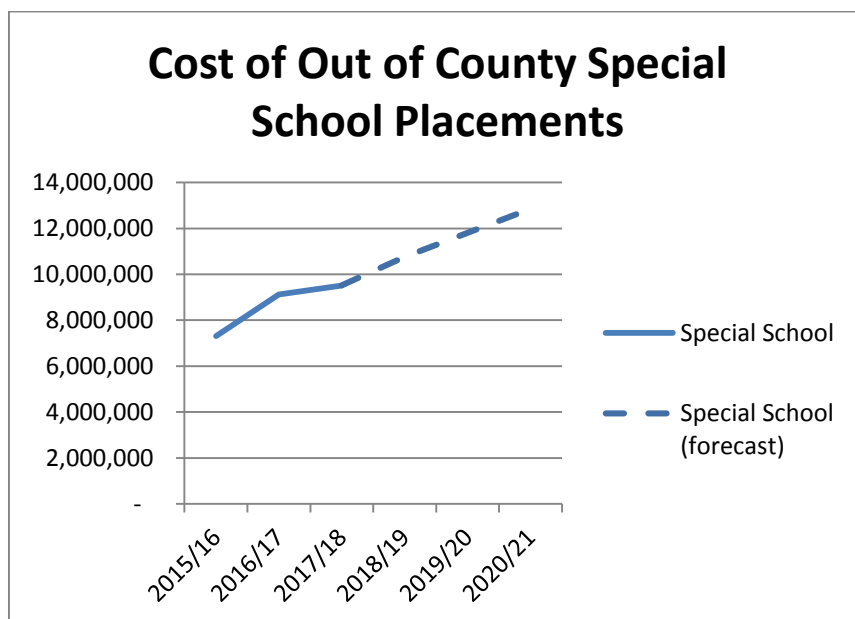
Adult Care Services (ACS) budgets have experienced significant pressure over the last seven years. As a result the service has developed an Invest To Transform programme of activity to generate savings of over £40m in the next four years, £15m of which is linked to the Learning Disabilities strategy incorporating services for young adults provided and commissioned through the 0-25 Together team. The detail of how this programme will contribute to the achievement of this efficiency will be detailed later in the Business Case. It is clear that the outcomes of this programme will prevent needs from escalating and improve resilience and independence which are the foundation for sustainable demand reduction for both Children's and Adult services in the future.

4.6 Maximising the use of Dedicated Schools Grant (DSG): High Needs Funding

Hertfordshire receives £107m of High Needs Block funding through the DSG allocation. This has specific criteria for its use, but there may be opportunities to transfer some current County Council Revenue costs into High Needs Block budgets. This will release funding for savings or to re-invest in services to ensure the Council are maximising all available funding streams.

5. Cost of doing nothing

5.1 Predicting the impact of prevention activity is notoriously difficult to quantify. The range of support for children and young people is extensive across the local authority and partners. Consequently, increases in this cohort will have a far reaching effect and pressure, as demonstrated in the graph in section 3.4 above. However, a range of factors are contributing to the predicted increase in the SEND. There has been an increase in the number of SEN Tribunal decisions ordering residential out of county placements for young people with the most complex set of needs. This not only places additional and immediate pressures on Children's Services budgets, but will result, for many of this cohort, in the need for residential provision into adulthood.



5.2 Furthermore, research elsewhere shows a continuing correlation between children with SEND and exclusions, low attainment, not being in education, employment or training (NEET) which can then have a negative impact long into adulthood.

5.3 In Hertfordshire we are also seeing examples of the impact of such issues in adoption breakdowns. During the period 2012-2017, 11 of the 20 cases of adoption breakdown involved children and young people with SEND. Since coming into care, packages of support for these children have amounted to £4.4m. Whilst a number of these children have very complex needs which may mean their adoptive families feel unable to cope as the

child gets older, earlier and more personalised support may have avoided the difficult decision for some of the 11 cases.

- 5.4 Failure to address challenges caused by SEND and to prevent them from escalating has a significant impact not only on the lives of this group of children and their families but also on the long term demands for public services. For example, special educational needs are almost twice as common within the prison population as those from the general population. In addition there is a growing evidence to indicate a correlation between learning difficulties and mental health issues at all stages of life. Nearly 40% of those with a learning disability requiring specialist service during childhood will experience significant psychiatric disorder in comparison to less than 10% of those without (Emerson & Hatton, 2008).

6. Meeting the strategic objectives

DEVELOP LOCAL MULTI-DISCIPLINARY TEAMS AND COMMUNITY SUPPORT NETWORKS

6.1 Barriers to Success

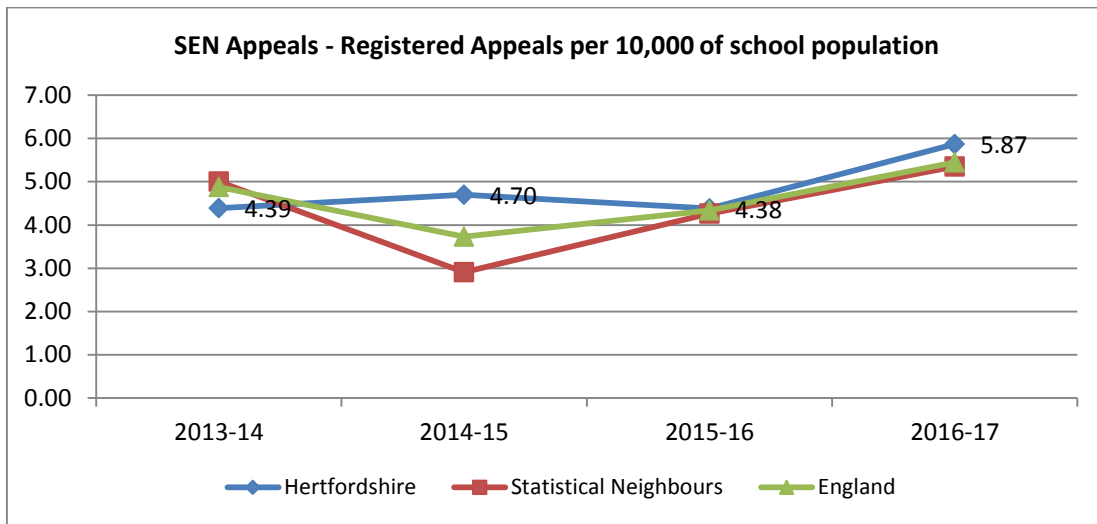
Parents and young people have told us that:

- 6.1.1 The needs of children and young people are not always identified early and well enough so often children have to struggle before they can access more support.
- 6.1.2 Communication amongst professionals in different services is insufficient particularly at transition points during their child's life
- 6.1.3 Services are designed and operate in a way that meets the needs of the service rather than those of the child or parents and often in isolation from each other. As a result, support is often disjointed and inconsistent and the views of the child and parent carer are not heard or respected.
- 6.1.4 The SEND world is inherently complex and many families find it hard to navigate on their own particularly alongside dealing with the complex challenges they experience on a daily basis.

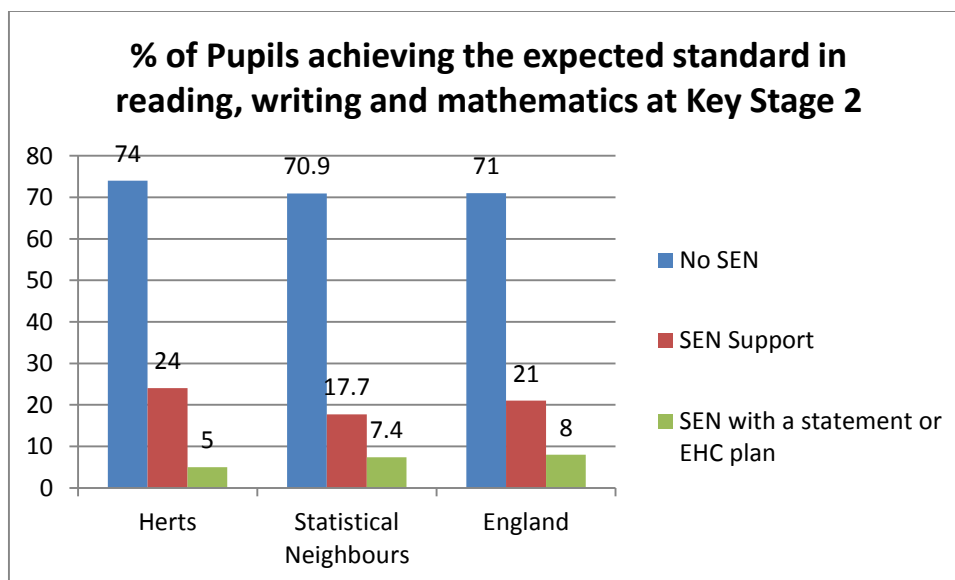
6.2 Context and data

The number of EHCPs/statements where the pupil is educated outside Hertfordshire has increased every year since 2015 from 92 up to 122. A 33% increase in four years.

- 6.3 The number of registered SEN appeals in Hertfordshire reduced in 2015-16 against a national trend of increases bringing it into line with national and stat neighbours. However, the number in 2016-17 increased and is on an upward trajectory, now higher than national and statistical neighbour averages.

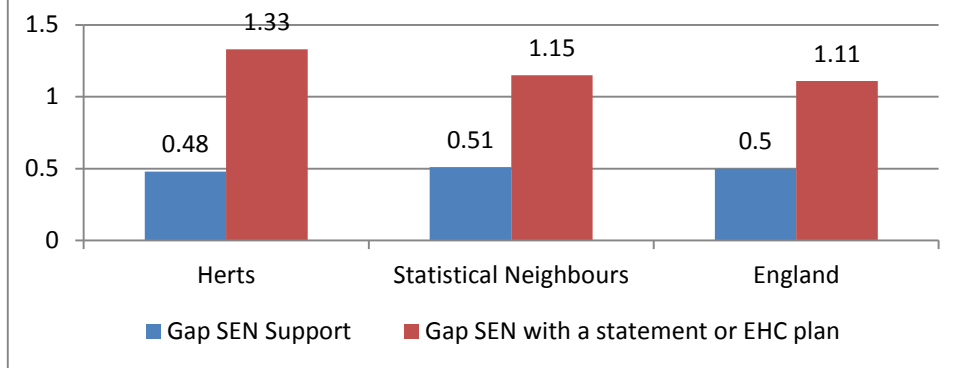


6.4 Hertfordshire performs better than national and statistical neighbour averages for children with lower levels of SEND, classed by schools as needing SEN support at both Early Years Foundation Stage and Key Stage 2, but lower for those with the higher level of need who require an EHCP.

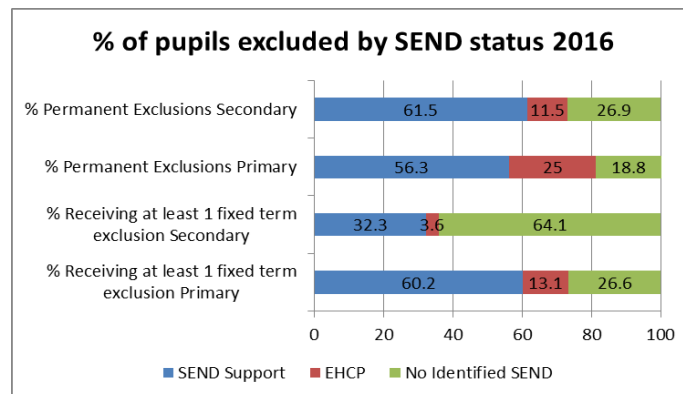


6.5 Pupils with SEN (whose needs mean they need support to access the curriculum) perform better than national and statistical neighbour averages for 'Progress 8'. This measures a student's progress between Key Stage 2 (end of primary school) and Key Stage 4 (GCSE) across eight key subjects. However those with an EHCP perform worse than national and statistical neighbour average. The gap between those with no educational need and those with an EHCP is also a greater at 1.33 compared with 1.15 for statistical neighbours and 1.11 nationally.

Attainment Gap for Progress 8 compared against those with no SEN



6.6 The most recent available data about school exclusions highlights the prevalence of SEND amongst this cohort.



6.7 A review into the supply side of home to school transport was recently commissioned by Children's Services, and the final report identified that Hertfordshire spends almost £14m transporting 2421 pupils with SEND. The average cost more than doubles when transporting a pupil to an out of county provision.

	No. of children transported	Total Cost	Average cost per student per annum
SEN Out of County Travel	115	1,597,545	13,892
SEN In County Travel	2306	12,310,947	5,339
All SEN Travel	2421	13,908,492	5,745

6.8 The Business Change

The transformation programme will address these issues by undertaking the following activity through co-production with staff, parents, young people and partners.

- 6.8.1 Fundamentally re-designing services to provide seamless support to families that work across home and school boundaries. This will include; hubs in Family Centres to identify SEND early, co-located teams with the further aspiration of further joint commissioning with Health, extend the team around the family approach with an element of rapid response (practitioners who can support during a crisis to reduce escalation and exclusions) and an effective keyworker role to guide families through the 'system'.
- 6.8.2 Work with practitioners, parents/carers, the community sector and local partners to build local networks for sharing support, expertise and understanding of the needs of children and young people with SEND and their families and identify opportunities to improve accessibility to that support.
- 6.8.3 Implement the review of high needs education including the reconfiguration of in-county special schools and outreach.
- 6.8.4 Commission services so that children and young people with SEND are able to access social, leisure and community services independently from their primary carer.
- 6.8.5 Clarify the access to specialist provision that addresses the needs of children and young people with complex needs, such as behaviour support, across services.
- 6.8.6 Explore the potential to implement a 'valuing care' approach to assessing need and support requirements, currently being piloted for children looked after, which ensures there is a transparent and consistent method of allocating cost effective provision.
- 6.8.7 Identify training needs, develop and deliver joint training and development for practitioners, schools and parents/carers.

6.9 Transformation programme resources

Capacity Requirement	18/19 (£) (6 months costs)	19/20 (£)	20/21 (£)
M5 SEND Transformation Manager x 1	33,307	65,405	65,405
M3 transformation Manager x 2	58,948	115,478	115,478
H8 Transformation Officer x 2	36,308	72,368	72,368
Commission development and delivery of training programme, (including training the trainer for sustainability)	150,000		
Provide pump priming	600,000		

Capacity Requirement	18/19 (£) (6 months costs)	19/20 (£)	20/21 (£)
funding to VCS* services to develop sustainable social and community activities during the transformation period			
Transformation training co-ordinator	18,030	36,060	36,060
Totals:	146,593	1,039,311	289,311
TOTAL:	1,475,215		

* VCS: voluntary and community sector

6.10 Outcomes

- ✓ Meeting right needs at the right time in the right way – building resilience across the system.
- ✓ Stronger co-ordination of local delivery so families and practitioners have confidence in the system
- ✓ Peer support to schools and families provides self-confidence and ability to manage needs with the help of local expertise when needed.
- ✓ Families are supported early in their journey to consider how they can support themselves, build their confidence to cope
- ✓ Professionals are empowered to work together and have a proactive approach to helping families including taking a long term approach to planning
- ✓ Practitioners and schools supporting families are equipped with the right skills to understand and support the needs of children and their families,

6.11 Cost avoidance and savings

Area	Saving or avoidance ?	Proposal	Saving/Avoidance Proposed (cumulative)					Impacts HCC Core/ DSG
			2018/19	2019/20	2020/21	2021/22	2022/23	
Service Efficiencies	Saving	10% reduction in service costs		£410,530	£410,530	£410,530	£410,530	HCC Core
Demography	Avoidance	Maintain the current level of EHCPs in line with 18/19 forecast		£169,332	£341,548	£519,532	£712,348	HCC Core
Complexity	Avoidance	10% avoidance of year on year projected increase of OOC special schools costs, estimated at £1m pa.		£100,000	£200,000	£300,000	£400,000	HCC Core/DSG 30:70
Adoption	Avoidance	Reduce number of adoption breakdowns by 1 each year over the next 5 years	£80,000	£160,000	£240,000	£320,000	£400,000	HCC Core
SEN Transport – in County	Savings	Reduce number of child journeys by 10% by reconfiguring Special School provision		£1,231,095	£1,231,095	£1,231,095	£1,231,095	HCC Core
*SEN Transport – out of county	Savings	Transfer 10% of children transported OOC to in-county provision		£98,360	£98,360	£98,360	£98,360	HCC Core
SEN Reform Grant	Avoidance			£838,000	£1,017,000	£1,017,000	£1,017,000	HCC Core
Total Saving			£80,000	£3,007,317	£3,538,533	£3,896,517	£4,269,333	

*The total average annual cost per SEN student travelling out of County was taken from the Edge report 2017 (£13,892). The rationale is that the council could reduce the number of SEN students travelling out of County by 10% by transporting these students within county. Therefore the difference was taken between the average cost of an Out of County SEN student (£13,892) and a in County SEN student (£5,339) and multiplied by the number of students a 10% reduction would be (11.5 students)

7. MAXIMISING THE BENEFITS OF DIGITAL TECHNOLOGY

7.1 Barriers to Success

Parents and young people have told us:

- 7.1.1 They are tired of having to repeat their story at every meeting
- 7.1.2 They would like consistent, timely and more transparent information
- 7.1.3 We are not making the most of on-line processes to keep them informed or enable them to participate in decisions in a way and at a time that works for them.

7.2 Context and Data

Increasingly parents/carers and service users expect to engage with Children's Services in a similar way to other aspects of their daily life, at times that suit them, and access support and tools to help them manage the needs and often resulting challenging behaviours of their child.

- 7.3 The way in which the population accesses information and uses technology to support their needs is changing all the time. Recent research suggests that voice searches (Siri, Alexa etc, and on phones) are between 0%-20% of current searches and this will rise to 50% by 2020.

- 7.4 Robust quantitative data is limited in this area, but we know from the Council's SMART Digital project that by maximising the use of technology we can:

- 7.4.1 Improve customer service and so build trust with parents/carers
- 7.4.2 Improve our online services and the Local Offer website so parents/carers choose to use them
- 7.4.3 Improve our data collection and analysis so we understand the needs and can plan and forecast effectively
- 7.4.4 Improve and streamline our back office processes

7.5 The Business Change

- 7.5.1 Build on the development of the Children's Portal to enable families to contribute online to their child's EHCP.
- 7.5.2 Set up an online tracker and review alert system for EHCPs
- 7.5.3 Enable self-help techniques through improving online resources, establishing a single point of access telephone line and commissioning a secure text chat app as well as voice activated content to provide access to high quality information and advice.
- 7.5.4 Establish an online 'My child' record that parents own and can amend, and can be sent securely to practitioners so that families don't have to retell their story
- 7.5.5 Work with Adult Care Services to ensure that children's and adult's information, advice and guidance (IAG) services are aligned, consistent and appropriate.

7.6 Transformation Programme resources

Capacity Requirement	18/19 (£) (6 months costs)	19/20 (£)	20/21 (£)
Commission VCS support with IAG	50,000		
H8 Officer x 2	36,308	72,368	72,368
M3 Data and information Manager x1	29,474	57,739	57,739
IT system and app development	100,000		
Totals	65,782	280,107	130,107
TOTAL:	475,996		

7.7 Outcomes

- ✓ Parents feel empowered and more resilient through successful self-service and communication about their child's support
- ✓ Families feel that there is a personalised offer and the system is designed around their needs and those of their child
- ✓ Practitioners have more capacity to work directly with families and address more complex issues
- ✓ Parents don't have to spend so much time navigating the information and system.

7.8 Cost avoidance and savings

Through streamlining and integrating teams we will realise service efficiencies. In addition, consistent, accessible and available information, advice and support will reduce pressures from responses to complaints, repeated contacts and escalations.

7.9 By way of an example, last year over 2,000 forms were downloaded through the Local Offer website alone. Once completed, each of those would require back office activity to process and manage that information. As shown by the development of the on-line school admissions process, transferring these processes to on-line completion would improve efficiency and reduce back office costs.

8. IMPROVE ACCESS TO INDEPENDENT LIVING, EMPLOYMENT AND TRAINING

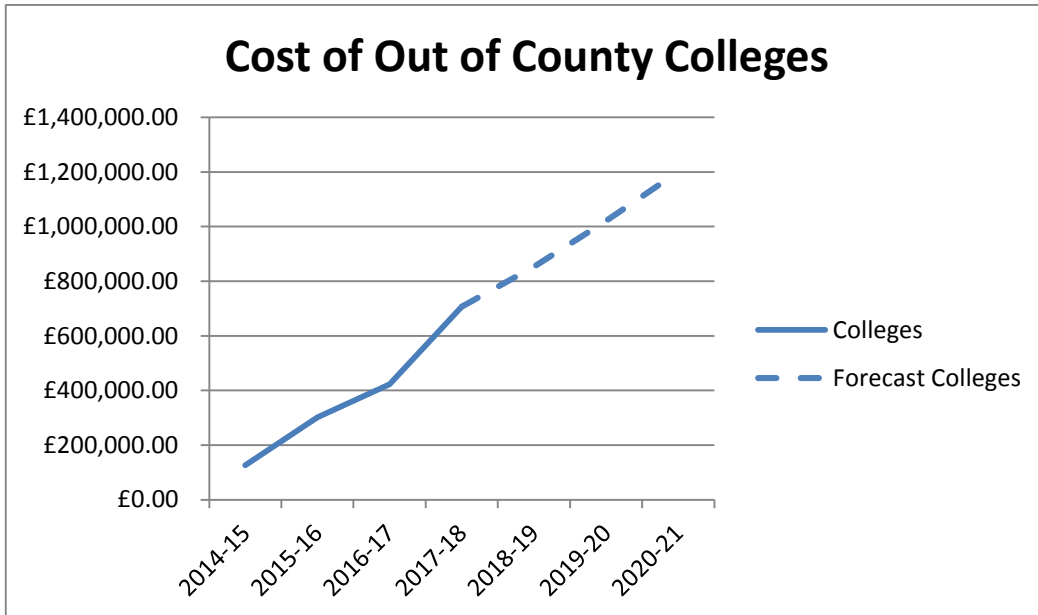
8.1 Barriers to Success

Parents and young people have told us:

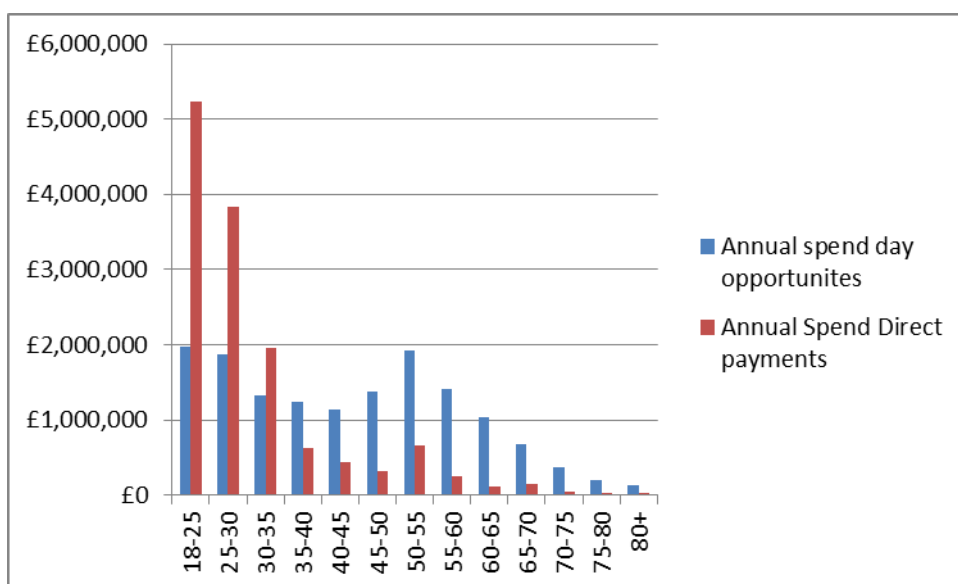
- 8.1.1 There is insufficient co-ordination of support and planning at the point of transition between social care, health and education settings
- 8.1.2 Children and young people need more effective support to build resilience and independence to face challenges in moving from one stage of life to the next.
- 8.1.3 Opportunities for young people with SEND moving into employment or training are too rigid and limited.
- 8.1.4 Parents and practitioners should focus on encouraging ambition amongst young people with SEND.

8.2 Context and Data

The cost of out of county college placements has increased significantly since 2014-15. Whilst it is difficult to evidence a direct correlation, this could be partly attributed to the introduction of the EHCP for this age group which provides parents with a stronger voice in terms of placement choice.



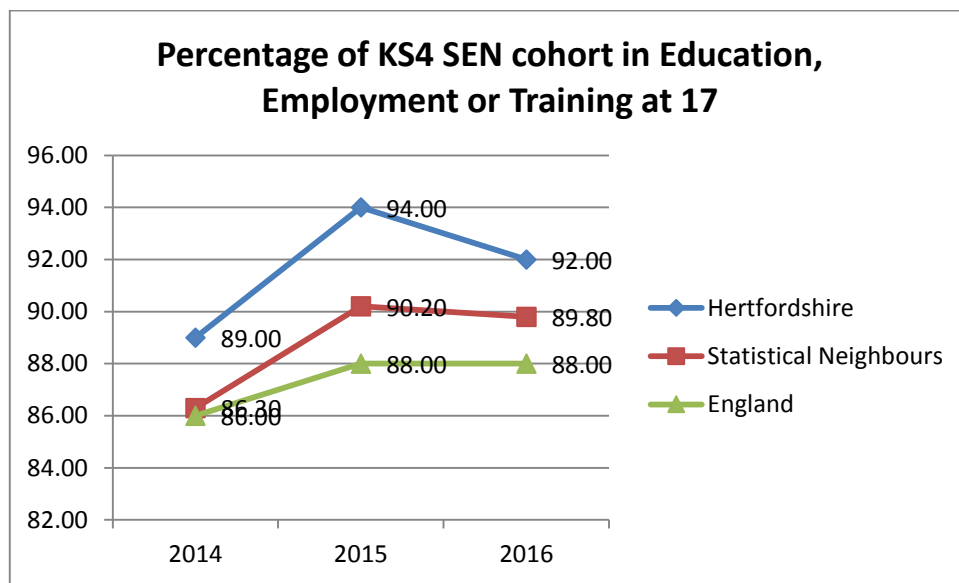
8.3 The cost of day opportunities for young adults, aged 18-25 amounts to over £7m and represents the largest proportion of adult learning disabilities expenditure for this age group. As part of a review by ACS into the efficiency of the adult disability service, ACS are exploring opportunities to provide this provision in a more cost effective way. By building independence and resilience earlier, this workstream will support the ACS supply management work by managing the demand for this type of provision.



8.4 An additional element of the ACS Invest To Transform bid is focused on addressing the issues relating to access to appropriate housing for young people. The aim is to engage them to access mainstream provision with

enablement rather than more costly supported accommodation. Currently, the Council spends £6.6m on providing supported living accommodation for 18-25 year olds. By increasing resilience and independence at an earlier stage, this programme of activity will reduce the pressure on this budget and release much needed capacity in this type of accommodation.

- 8.5 Currently, Children’s Services spends almost £2.8m on direct payments relating to social enablement. The intention of this programme is to reduce the average rates of this provision through smarter commissioning and maximising support from mainstream provision such as colleges.
- 8.6 Whilst the percentage of 17 year olds with SEN in education, employment or training is high and consistently better than statistical neighbours and the national average, there has been a sharp decline over the period of available data.



8.7 The Business Change

- 8.7.1 Transform our approach to transition planning to increase focus on enabling young people to achieve their outcomes.
- 8.7.2 Reduce out of county college placements by joining up post 16 offers across Hertfordshire schools, colleges and employers and YC Hertfordshire to produce meaningful post 16 training & work experience.
- 8.7.3 Re-configure the services provided by a range of ‘preparing for adulthood’ roles and review how the services can be strengthened to provide employment choices, supported employment, volunteering and life skills for young people.
- 8.7.4 Explore the potential for the new County Council property company to provide ‘student’ type shared accommodation to enable independent living with peer support within Hertfordshire, and commission independent living skills support.
- 8.7.5 Develop the existing relationship with employers including raising awareness of the benefits of employing young people with SEND, what to expect and how best to support them to enable them to fulfil their potential and to transition effectively to sustained employment, and to identify any barriers to employing/offering placements to young people with SEND

8.7.6 Pilot the use of technology, including Alexa, to support independent living by providing reminders of the daily routine, medication and functional activities previously provided by parents/semi-independent living.

8.8 Outcomes

- ✓ Families have confidence that transitions are well planned and personalised to enable children to move confidently through their life, enabling them to thrive.
- ✓ Young people make a fulfilling contribution to their local community and economy, supported by employers who are able to support them to fulfil their potential.
- ✓ More young people are able to access paid part-time or full-time employment and thus increase their self-confidence and self-worth.
- ✓ Children and young people with SEND feel included and empowered in their local community

8.9 Transformation Programme resources

Capacity Requirement	18/19 (£) (6 months costs)	19/20 (£)	20/21 (£)
4 x M1 Community Employment Advisers	97,856	190,876	190,876
1 x M3 Community Engagement Manager	29,474	57,739	57,739
Totals:	127,330	248,615	248,615
TOTAL:		624,560	

8.10 Cost avoidance and savings

Area	Saving or avoidance?	Proposal	Saving Proposed (cumulative)					Impacts HCC Core/DSG
			2018/19	2019/20	2020/21	2021/22	2022/23	
Day opportunities	Avoidance	10% reduction in cost as a result of reduction in demand for day opportunities		£700,000	£700,000	£700,000	£700,000	HCC Core (ACS)
Out of County Colleges	Avoidance	Maintain the current (2017/18) level of out of county college cost	£145,746	£313,914	£493,293	£493,293	£493,293	DSG
Direct Payments	Avoidance	Reduce the current cost of DPs by 10%		£280,000	£280,000	£280,000	£280,000	HCC Core
Total Saving			£145,746	£1,293,914	£1,473,293	£1,473,293	£1,473,293	

9. Programme Implementation

- 9.1 In order to deliver this transformational programme alongside statutory duties and responsibilities, this programme will require additional short-term capacity to protect business as usual whilst a holistic transformation of SEND services is undertaken.
- 9.2 If this bid is successful, Children’s Services will resource the ‘understand’ phase, undertaking robust engagement with staff, parents/carers and stakeholders, and recruiting to the fixed term posts in the proposal so that implementation can begin from September 2018.
- 9.3 It is anticipated that by September 2020 the transformation will be completed and there will be no ongoing additional costs. The future sustainability of the service at that point will be addressed through the existing financial envelope
- 9.4 Programme Timeline



- 9.5 Transforming services takes significant investment of time and focus to transform services and culture. This programme of activity will require dedicated resource to ensure it has:
- 9.5.1 Strong programme leadership including skills in project management, challenge and conflict resolution, co-production, voice of the child and family and engaging partners.
- 9.5.2 A robust evidence base on which to make informed decisions regarding the future delivery of support, during and post programme, and its impact both in terms of outcomes and financial benefits.
- 9.5.3 A systematic local collection of views to inform on-going effective service delivery and development.
- 9.5.4 Effective engagement with families and partners to ensure meaningful co-production.
- 9.5.5 Robust progress monitoring and risk management.
- 9.5.6 Management capacity for the transformation posts.

9.6 Transformation Programme resources

Capacity Requirement	18/19 (£)	19/20 (£)	20/21 (£) (6 months costs)
1 x PMC SEND Transformation Programme Manager	99,539	99,539	50,374
1 x M1 Programme Officer	46,719	46,719	23,464
1 x H5 Support Officer	27,851	27,851	14,530
Totals:	174,109	174,109	88,368
TOTAL:	436,586		

10. Financial Summary

10.1 This is a request for ITT funding to support a holistic transformation to the structure, delivery, systems and processes for SEND services and support in Children's Services. It builds on the Families First approach and embeds the redesign services in the community through Family Centres. The transformation will deliver significant efficiencies and cost prevention and no on-going additional funding will be required beyond 2020/21.

	18/19	19/20	20/21	21/22	22/23
Local networks and support	146,593	1,039,311	289,311	0	0
Maximising the benefits of digitalisation	65,782	280,107	130,107	0	0
Independent living and access to employment	127,330	248,615	248,615	0	0
Programme implementation	174,109	174,109	88,368	0	0
TOTALS:	513,814	1,742,142	756,401	0	0
TOTAL INVESTMENT:	3,012,357				

11. Risk analysis

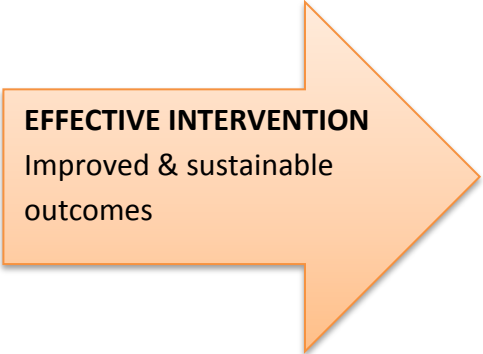
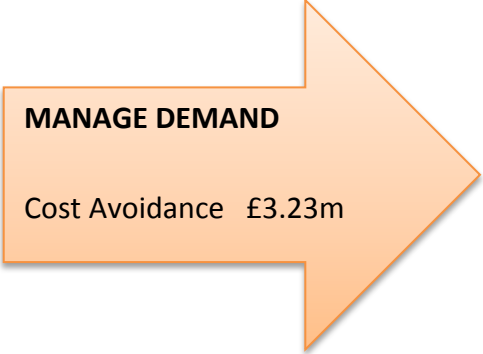
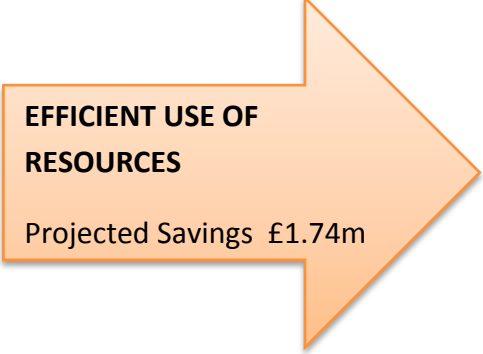
11.1 In terms of the individual proposals an initial risk analysis is set out below:

Summary of Key Risks	Probability	Impact	Containment
Scale of transformation is so ambitious that it's unachievable within the required timescales.	H	H	A robust project management structure will ensure clear goals; activity and timescales are established at the outset and then carefully monitored and reported during the programme.
Business as usual operates effectively during transformation period.	M	M	Additional short term capacity to implement the transformation together with effective communication with key stakeholders will minimise the impact of change during transformation.

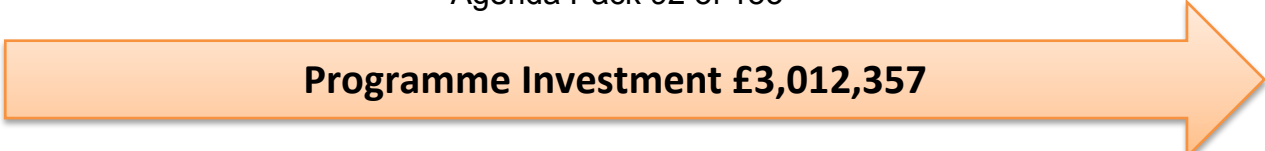
Engagement of stakeholders will be reduced as they feel this has been discussed and promised before without result.	M	H	As the project progresses and tangible positive changes are made along the way, these will be actively shared and communicated with all stakeholders to show that the project is moving forward. Open and honest communication is vital and stakeholders will be asked for regular feedback. These comments should ALL be looked at and addressed.
We could do all of the actions stated and parents/professionals may still not be positive about the outcomes.	M	H	Maintaining a close working relationship with all stakeholders (both parents and professionals) will mean any concerns can be quickly addressed before they escalate. This will ensure we reach a result that everybody is satisfied with.
There could be issues of staff retention as they have already been through restructures recently.	L	M	Open and honest communication with staff throughout the process is vital to ensure they feel confident in the changes.
Efficiencies may be difficult to identify and quantify due to complex funding streams.	L	M	We need to be clear where we are going to save money. This needs to be communicated and finance monitors will help to show where savings are being made (and what still needs to happen).

12. Equality Impact Assessment

To be completed during model development phase if business case is successful

PRIORITY AREAS	BARRIERS TO SUCCESS	BUSINESS CHANGE	END BENEFITS	STRATEGIC OBJECTIVES
<p>Develop local multi-disciplinary teams and community support networks</p>	<ul style="list-style-type: none"> • Current out of county special school placements have risen by 30% over the last 3 years and costs forecast to increase by £3.3m in the next 3 years • Support is disjointed and inconsistent particularly at transition points. • Services are designed around service need rather than those of families. • Attainment gap between those with SEND and those without is too large. • Average cost of home to school transport for out of county placements is more than double that of in-county. 	<ul style="list-style-type: none"> • Re-design services to improve efficiency and provide seamless support through the development of local integrated services and support networks for professionals and parents. • Re-configure Special School and outreach provision • Commission integrated provision to provide more personalised and flexible support so children and young people with SEND can participate in their community. • Develop a training programme for professionals and parent/ carers to enhance skills and expertise and create a positive, collaborative culture 	<ul style="list-style-type: none"> • More children with SEND are educated within a local school and participate in their local community • Streamlined provision resulting in efficiencies of £1.74m over 5 years. • Parents and partners are more confident to support needs without escalating to specialist services. • Demand for costly packages of support are contained at current levels through reducing the need for EHCPs and tribunals as earlier, local support is more effective. 	<p>EFFECTIVE INTERVENTION Improved & sustainable outcomes</p> 
<p>Maximise the benefits of digital technology</p>	<ul style="list-style-type: none"> • Unnecessary duplication in processes and insufficient communication amongst professionals and parents • Limited use of on-line processes to streamline back-office processes • Parents need more timely information accessed in a way and at a time that works for them 	<ul style="list-style-type: none"> • Pilot digital technology to assist young people to develop their independence • Develop on-line system to enable parents and professionals to track progress and contribute to EHC plans on-line • Establish a single on-line profile for each child and young person so that families don't have to retell their story • Establish a single point of access phone and on-line chat facility to provide families with 'real-time' advice and support. 	<ul style="list-style-type: none"> • More on-line processes increase efficiency and releases professionals capacity to work directly with families. • Families access personalised advice and support when needed which builds their confidence in early support and reduces the need to escalate to more costly provision. • Young people live more independently with support from digital technology, reducing the need for additional support. 	<p>MANAGE DEMAND Cost Avoidance £3.23m</p> 
<p>Improve access to independent living, employment and training</p>	<ul style="list-style-type: none"> • Supporting young people to become more independent begins too late in their lives often resulting in the need for high cost, long term accommodation. • Out of county college placement costs have risen by over 400% in the last four years and forecast to rise by a further 70% over the next three to £1.2m • Aspirations and employment opportunities are too limited for young people • Demand for 'day opportunities' for 18-25 year olds is high and costs £7m. 	<ul style="list-style-type: none"> • Join up post-16 offers across Hertfordshire schools, colleges, YC Hertfordshire and employers to provide more meaningful training and work experience • Consolidate the range of 'preparing for adulthood' type roles to provide a more cohesive and impactful offer. • Explore potential to provide student type accommodation for young adults to enable greater independence. 	<ul style="list-style-type: none"> • Reduction in the demand for out of county college placements by developing the in-county offer. • Reduce demand for 'day opportunities' provision in early adulthood by improving young people's independence and enabling them to engage in meaningful community activity and employment. • Less pressure on higher cost provision as people have the skills and confidence to remain more independent on into adulthood. 	<p>EFFICIENT USE OF RESOURCES Projected Savings £1.74m</p> 

Programme Investment £3,012,357

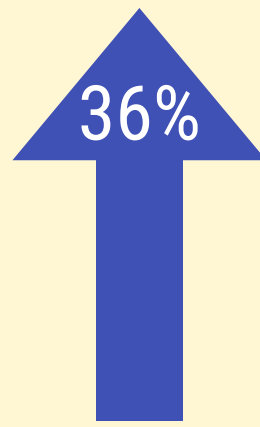


SEND Transformation Programme

Hertfordshire's SEND Population

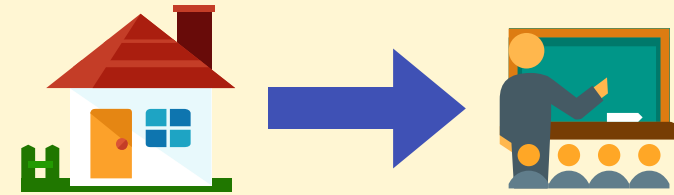


Demand Pressures



SEND population growth forecast by 2023

Spend £9.5 million on out of county special schools, forecast increase of £3.3 million in next 3 years

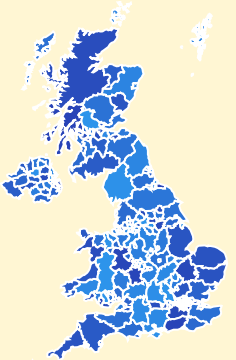


SEND Home To School additional IP pressures of £2.6 million by 2021/22



CLA IP pressures £3.9 million

Cost of out of county college placements increased by 400% to £707,000 in 2017/18



Our Vision

Children and Young People with SEND...

Are listened to, understood and valued

Receive the right support, at the right time, in the right place

Are supported by skilled staff who share information and work effectively together

Are able to access leisure activities, make friends and be part of their local community

Have choices, live independently and have a job

Have a keyworker who knows them and their needs. Who helps navigate the process

Have a single case file of information that they and relevant practitioners contribute to

Costs

Cost Avoided



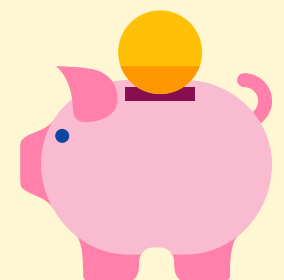
£3,230,000

Transformation programme investment



Agenda Pack 93 of 153
£3,012,357

Cost Savings



£1,739,985

HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY, 9 JULY 2018 AT 2.00PM**

Agenda Item
No.

8

**REGULATION OF INVESTIGATORY POWERS (RIPA): ANNUAL REPORT
AND ADOPTION OF NEW POLICY ON THE USE OF SOCIAL MEDIA IN
INVESTIGATIONS**

Report of the Chief Legal Officer

Author: Guy Pratt, Deputy Director Community Protection
(Tel: 01992 507501)

Executive Member:- Terry Hone, Community Safety & Waste
Management

1. Purpose of report

- 1.1 To inform Cabinet of the use of RIPA within the County Council over the past year; to highlight any deviations from policy; and to provide details of any internal and external inspections and audits.
- 1.2 To allow Cabinet to consider the Council's policies on (a) Directed Surveillance and Covert Human Intelligence Sources and (b) the Acquisition and Disclosure of Communications Data from communication service providers and proposed amendments to them.
- 1.3 To seek approval to a new policy on the Use of Social Media in Investigations.

2. Summary

- 2.1 This report sets out details of the use of RIPA in the Council during the period 1 April 2017 – 31 March 2018 and is the annual report required by guidance to be made to Members.
- 2.2 In September 2017, the Investigatory Powers Commissioner's Office undertook an inspection of the Council and the Fire & Rescue Service's use of RIPA. The report on the whole was positive. The recommendations made by the Inspector, His Honour Norman Jones QC, are being implemented by officers.
- 2.3 The Council's policies on Directed Surveillance and Covert Human Intelligence Sources and on Acquisition and Disclosure of Communications Data from communication service providers have

been reviewed and updated and Cabinet will be invited to approve the revised policies as set out at Appendices A and B to this Report.

- 2.4 A separate policy on the Use of Social Media in Investigations is attached as Appendix C to the Report. This is a new policy which Cabinet will be requested to approve.

3. Recommendations

- 3.1 The Community Safety and Waste Management Cabinet Panel considered a report on this item of business at its meeting on 21 June 2018. The Panel recommended to Cabinet that Cabinet approves the policies on:

- (a) Directed Surveillance and Covert Human Intelligence Sources (Appendix A);
- (b) Acquisition and Disclosure of Communications Data from communication service providers (Appendix B); and
- (c) Use of Social Media in Investigations (Appendix C).

4. Background

- 4.1 The Regulation of Investigatory Powers Act 2000 (the Act) regulates covert investigations and the acquisition and disclosure of communications data from communication service providers by a number of bodies, including local authorities. It was introduced to ensure that 'individuals' rights are protected, while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
- 4.2 The County Council has separate policies on covert investigations and the acquisition and disclosure of communications data. These require Members to consider internal reports on the use of RIPA on at least an annual basis, to ensure that it is being used consistently with the Council's policy and that the policy remains fit for purpose.
- 4.3 Given the increasing use of social media in society guidance is that authorities should have a policy on the use of social media in investigations. A policy has been developed and that is attached at Appendix C. This policy will also be brought to Members annually for review.
- 4.4 Following the coming into force of the relevant provisions of the Investigatory Powers Act 2016, the Investigatory Powers Commissioner's Office was established with effect from 1 September 2017 to oversee the use of investigatory powers by police, law

enforcement, intelligence agencies and local and other public authorities.

5. Use of RIPA for Covert Surveillance

In the year April 2017 to March 2018, Hertfordshire County Council's use of RIPA for surveillance purposes was as follows:

- (a) Directed Surveillance
The number of directed surveillance authorisations granted during the period was two. This was for a test purchasing exercise (of fireworks by underage persons) and covert surveillance (including test purchasing) of pre-configured devices for accessing copyrighted work, such as film and live sport via the internet.
- (b) Covert Human Intelligence Sources (CHIS)
The number of CHIS recruited during the period was 0 (zero); the number who ceased to be used during the period was 0 (zero); and the number of active CHIS at the end of the period was 0 (zero).
- (c) Breach in procedures
The number of breaches identified under each category of authorisation (Directed Surveillance and CHIS) was 0 (zero).

6. Use of RIPA for the Acquisition and Disclosure of Communications Data

6.1 In the year April 2017 to March 2018, Hertfordshire County Council's use of RIPA for obtaining communications data was as follows:

- (a) Applications for communications data: 2

These were in connection with an investigation into the activities of rogue traders.

- (b) Applications rejected: 0

6.2 The use of the National Anti-Fraud Network (NAFN), who process applications from Trading Standards for communications data, means that no inspections of the service in Hertfordshire, requesting communications data, are made. Our applications will form part of any audit made of NAFN.

7. The Benefits of RIPA to Hertfordshire County Council

- 7.1 RIPA authorisations form an essential tool for enforcement and any restriction in the use of RIPA would have a severe adverse impact on the work of Trading Standards. RIPA authorisations are an integral part of the authority's enforcement work, enabling the detection and prevention of crime, providing a cornerstone in building safer and stronger communities.
- 7.2 The other outcomes for the Council following RIPA authorisations in the year April to March 2017 / 2018 are that a prosecution, relating to copyright infringement, has been authorised for two traders, following the directed surveillance thereof and after confirmation of communications data. A separate investigation, involving an application for communications data is continuing.

8. Inspection by the Investigatory Powers Commissioner's Office

- 8.1 An inspection of the Council's use of RIPA in relation to directed surveillance and CHIS work was undertaken on 27 September 2017 by an Assistant Surveillance Commissioner, HH Norman Jones QC. The Assistant Surveillance Commissioner met with the deputy Executive Member for Community Safety and Waste, the Director of Community Protection (as responsible for the Fire & Rescue Service) the Chief Legal Officer (as Senior Responsible Officer for RIPA), the Assistant Director of Community Protection (as Senior Authorising Officer and RIPA Lead Officer) and officers from Trading Standards.
- 8.2 The Assistant Surveillance Commissioner concluded that:
- (a) the Council had highly experienced RIPA senior officers to ensure the Council retained its compliance with the legislation
 - (b) the Council had excellent policy and procedure documents which with some limited amendments should serve officers well in their use of RIPA
 - (c) there needed to be some improvement in the oversight of the system in practice and encouraged recognition of the applicability of RIPA throughout the Council and not just in Trading Standards

He was also encouraged that members were kept informed of the Council's RIPA activity and that Members paid interest in the Council's RIPA activity.

- 8.3 The Assistant Surveillance Commissioner made six recommendations as follows:
- (a) Amend the Central Record of Authorisations to include a column for self authorisation and delete the column for urgent authorisation as this no longer exists. These amendments have been made.
 - (b) Ensure the exercise of robust oversight at each stage of the authorisation process to ensure a good quality of authorisation. Consideration is being given to the appropriate review mechanism for applications and generic applications are to include consideration of individual premises.
 - (c) Adopt the Home Office Review Form
 - (d) Raise RIPA awareness throughout the Council
 - (e) Provide regular refresher training to ensure a high quality both of application and authorisation. Ensure that officers are trained to manage CHIS
 - (f) Amend the Policy and Procedure Documents, in relation to a summary of social media and the duty of care owed to a CHIS in the policies, as well as some minor, technical amendments in the procedures
- 8.4 All recommendations are being addressed, both in the re-draft of this year's policy and procedure documents and the uploading of the social media policy, but also as a part of staff training.
- 8.5 RIPA training continues to be made available accordingly and an e-learning package is in the process of being rolled out throughout the Council.

9. RIPA Policies

Directed Surveillance and Covert Human Intelligence Sources (Appendix A)

- 9.1 This document has been updated to reflect the comments made by the Assistant Surveillance Commissioner. It has also been updated to reflect the following:
- 9.1.1 The Chief Surveillance Commissioner has been replaced by the Investigatory Powers Commissioner's Office.
 - 9.1.2 Guidance for surveillance can now be found on the Investigatory Powers Commissioner's Office website and the <https://www.gov.uk/government/collections/ripa-codes>.

Acquisition and Disclosure of Communications Data from communication services providers (Appendix B)

- 9.2 This document has been updated as follows:
- 9.2.1 The Interception of Communications Commissioner have both been replaced by the Investigatory Powers Commissioner's Office.
 - 9.2.2 Guidance for communications data can be found at <https://www.gov.uk/government/collections/ripa-codes>
 - 9.2.3 The Designated Persons have changed to the Assistant Chief Legal Officer Environment and Dispute Resolution and the Assistant Chief Legal Officer Adult and Childrens' Law
 - 9.2.3 Section 5 Considerations has been updated to reflect the correct process.

Use of Social Media in Investigations (Appendix C)

- 9.3 This is a new policy which has been developed to support officers who may be using social media in their work. A draft of the proposed policy was shared with the Assistant Surveillance Commissioner when he undertook his inspection in September 2017. The Assistant Surveillance Commissioner expressed the opinion that the document was "excellent" and covered the subject as well as it can at this time.
- 9.3.1 This has been introduced as social media has become a significant part of many people's lives, with people regularly using and interacting with many different forms of social media. A sizable amount of information about a person's life, from daily routines to specific events, can be obtained by looking at their social media account. Their accessibility on mobile devices can also mean that a person's precise location at a given time may also be recorded.
 - 9.3.2 RIPA authorisation might be required for monitoring of social media accounts. Without the correct authorisation evidence obtained may be inadmissible and could lead to civil action against the Council.

10. Financial Implications

- 10.1 There are no financial implications resulting from this report.

11. Equal Opportunities

- 11.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 11.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 11.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 11.4 No Equalities Impact Assessment (EqIA) was undertaken in relation to this matter as the review and subsequent minor amendment of the Policies did not constitute the need.



**POLICY DOCUMENT ON THE
REGULATION OF INVESTIGATORY
POWERS ACT 2000 (RIPA)**

**DIRECTED SURVEILLANCE AND USE OF
COVERT HUMAN INTELLIGENCE
SOURCES**

**Policy approved by CABINET
on**

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REGULATION OF INVESTIGATORY POWERS ACT 2000 POLICY IN RELATION TO DIRECTED SURVEILLANCE AND USE OF COVERT HUMAN INTELLIGENCE SOURCES

1 INTRODUCTION

- 1.1 The Regulation of Investigatory Powers Act 2000 (the Act) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
- 1.2 Hertfordshire County Council (we, us) is included within the Act's framework with regard to the authorisation of both Directed Surveillance and of the use of Covert Human Intelligence Sources (CHIS).
- 1.3 Whilst the Act also regulates acquisition and disclosure of communications data, which are managed by the National Anti-Fraud Network (NAFN). Directed Surveillance and of the use of CHIS are only overseen by the Investigatory Powers Commissioner's Office (the Commissioner).
- 1.4 This policy applies to the both the authorisation of Directed Surveillance and of the use of Covert Human Intelligence Sources (CHIS).
- 1.5 The Home Office and the Commissioner publish codes of practice pursuant to section 71 of the Act for Directed Surveillance and of the use of Covert Human Intelligence Sources ("CHIS"). This policy should be read in conjunction with current guidance which can be found at <https://www.ipco.org.uk/docs/OSC%20Procedures%20&%20Guidance%20-%20%20July%202016.pdf> and <https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>
- 1.6 In summary the Act requires that when the Council undertakes "directed surveillance" or uses a "covert human intelligence source" these activities must only be authorised by an Officer with delegated powers when the relevant criteria are satisfied.
- 1.7 It must be noted that the Council cannot authorise "Intrusive Surveillance" which is defined in the legislation. That relates to surveillance in residential properties or private vehicles.
- 1.8 The Investigatory Powers Act received Royal assent on 29 November 2016 and is still not fully in force, when it is this Policy will be updated.

2 ROLES

- 2.1 The legislation creates a number of roles:
- 2.2 The Senior Responsible Officer ensures the integrity of the process within the Local Authority, compliance with the Act and the Code of Practice, oversight of the reporting of errors to the Commissioner, engagement with the inspectors when they conduct inspections and where necessary oversight of the implementation of post-inspection action plans. The Senior Responsible Officer is the Chief Legal Officer of Hertfordshire County Council.
- 2.3 The Senior Authorising Officer is the Deputy Director of Consumer Protection who has overall responsibility for RIPA issues across the Council and holds the Central Register of Authorisations.
- 2.4 Each of the Council Service's Scheme of Delegations can nominate at least one officer who can authorise "directed surveillance" and the use of "covert human intelligence sources" (Authorising Officers). The prescribed Local Authority officers who may be Authorising Officers must hold the rank of a director, head of service or service manager or equivalent. For Hertfordshire Fire and Rescue Service the prescribed officer is a group manager. The Authorising Officers are currently all officers within the Community Protection Directorate and the Senior Authorising Officer holds the current list.
- 2.5 The prescribed Local Authority officer who may authorise surveillance activity when knowledge of confidential information is likely to be acquired, or in the case of a CHIS when a vulnerable individual or juvenile is to be used as a source, is the Head of Paid Service or a person acting in their absence. The Head of Paid Service for Hertfordshire County Council is the Chief Executive.
- 2.6 Confidential Information relates to medical records or spiritual counselling, confidential journalistic material, confidential discussions between Members of Parliament and their constituents, or matters subject to legal privilege.

3 PURPOSE

- 3.1 The Act prescribes the purpose for which we can authorise Directed Surveillance and of the use of a CHIS. We will comply with those requirements.
- 3.2 The only purpose for which we can authorise Directed Surveillance or the use of a CHIS is for the purpose of preventing or detecting crime or of preventing disorder. For Directed Surveillance authorisation is restricted to investigation of offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco. The Fire and Rescue

service may also authorise directed surveillance in the interests of public safety.

- 3.3 Internal disciplinary investigations do not come within the scope of this policy unless we are investigating a criminal breach. If that is the case, the processes within this policy must be followed.

4 SCOPE

- 4.1 Definitions are given in the legislation and codes of practice. The following is a brief guide only and are not complete definitions.
- 4.2 If directed surveillance is undertaken then authorisation is required. Surveillance includes monitoring, observing or listening to persons, their movements, their conversations or their other activities or communication by recording anything monitored, observed or listened to in the course of surveillance
- 4.3 Covert surveillance is any surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place.
- 4.4 Directed surveillance is covert but not intrusive surveillance undertaken for the purposes of a specific investigation in such a manner as is likely to result in the obtaining of private information about a person (whether or not one is specifically identified for the purposes of the investigation or operation).
- 4.5 Directed surveillance does not include covert surveillance carried out by way of an immediate response to events or circumstances which, by their very nature, could not have been foreseen. For example, a Trading Standards Officer would not require an authorisation to conceal them self and observe a suspicious person that they came across in the course of a visit to a trader. However, if as a result of that a specific investigation subsequently takes place then it would be within the framework of the 2000 Act.
- 4.6 If a Covert Human Intelligence Source is used then authorisation is required.
- 4.7 A person is a Covert Human Intelligence Source if he/she establishes or maintains a personal or other relationship with a person for the covert purpose and they covertly uses such a relationship to obtain information or to provide access to any information to another person; or they covertly disclose information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.
- 4.8 A purpose is covert, in relation to the establishment or maintenance of a relationship, if and only if the relationship is conducted in a manner

that is calculated to ensure that the other party to the relationship is unaware of that purpose.

- 4.9 The use of a CHIS can include inducing, asking or assisting a person to engage in the conduct of a CHIS or obtain information by using that CHIS.
- 4.10 Where members of the public volunteer information to the Council, as part of their normal civic duties, they would not generally be regarded as a CHIS. However, a member of the public may become a CHIS if he provides information on more than one occasion or has been asked or assisted by a Council Officer to provide information.
- 4.11 The Council has a duty of care to a CHIS and as such if a CHIS is used then a suitably trained person will be asked to look after that person. A risk assessment must also be carried out.

5 CONSIDERATIONS

- 5.1 Authorisation and renewal is a 2 stage process. The first being the internal authorisation, which if successful then has to go before a court for judicial approval.
- 5.2 The Authorising Officer will need to be made aware of particular sensitivities in the local community with respect to the activities authorised and the purpose of the investigation. In addition, as required by the legislation they must have regard to whether the acquisition is necessary and proportionate and the degree, if any, of interference with the privacy of persons other than the direct subject(s) of the application.
- 5.3 No Authorising Officer shall grant an authorisation for the conduct or use of a CHIS unless he believes arrangements exist for ensuring:
 - 5.3.1 that there will at all times be a person who will have day-to-day responsibility for dealing with the CHIS on behalf of the Council, and for the CHIS's security and welfare which will normally be the investigating Officer
 - 5.3.2 that there will at all times be another person who will have general oversight of the use made of the CHIS which will normally be the Authorising Officer
 - 5.3.3 the investigating Officer will have responsibility for maintaining a record of the use made of the CHIS
 - 5.3.4 that the records that disclose the identity of the CHIS will only be available for access to those Officers deemed necessary
- 5.4 The Authorising Officer must consider the safety and welfare of a CHIS, and the foreseeable consequences to others of the tasks they are

asked to carry out. The Authorising Officer must ensure a risk assessment has been carried out before authorisation is given. Consideration from the start for the safety and welfare of the CHIS, even after cancellation of the authorisation, should also be considered. In practice this means that the authorisation of a CHIS by HCC will only take place in exceptional circumstances, or not at all. **The Senior Authorising Officer must be consulted before a CHIS authorisation is to take place.**

- 5.5 Additional safeguards contained in Regulation of Investigatory Powers (Juveniles) Order 2000 SI No. 2793 apply to a CHIS under the age of 18 years. Only Trading Standards investigations are likely to require the use of CHIS's under the age of 18. Such use must be authorised by the Head of Paid Service or a person acting in their absence.
- 5.6 Once the internal process is approved a duly authorised officer within HCC (usually an appropriate officer within Trading Standards) will request the judicial approval.
- 5.7 Further guidance is available from the procedure: Procedure Document on the Regulation of Investigatory Powers Act 2000 (RIPA) – Directed Surveillance and Use Of Covert Human Intelligence Sources. This document can be found on the intranet.

6 FORMS AND KEEPING OF RECORDS

- 6.1 The Senior Authorising Officer shall be responsible for ensuring the authority has the appropriate forms and records to comply with the requirements of the legislation and code. The Senior Authorising Officer is responsible for retaining and keeping secure the Central Register of Authorisations.
- 6.2 Whatever the nature of the decision taken by the Authorising Officer it should be confirmed in writing with reasons for the decision.
- 6.3 Authorising Officers must ensure that the relevant details of each authorisation are sent to the Senior Authorising Officer as soon as practicable and within 5 working days.
- 6.4 Authorising Officers are responsible for ensuring that authorisations undergo timely reviews and are cancelled promptly after the authorised activity is no longer necessary.

7 COMPLAINTS

- 7.1 The Authority's complaints procedure applies to complaints about activities within the scope of this policy.

7.2 The Act establishes an independent Tribunal, called the Investigatory Powers Tribunal that has full powers to investigate and decide on any case within its jurisdiction.

8 SCRUTINY

8.1 This policy must be examined by Members on a yearly basis and approved as fit for purpose.



**POLICY DOCUMENT ON THE
REGULATION OF INVESTIGATORY
POWERS ACT 2000 (RIPA)**

**ACQUISITION AND DISCLOSURE OF
COMMUNICATIONS DATA FROM
COMMUNICATION SERVICE PROVIDERS**

**Policy approved by CABINET
on**

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REGULATION OF INVESTIGATORY POWERS ACT 2000 POLICY IN RELATION TO ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA FROM COMMUNICATION SERVICE PROVIDERS

1 INTRODUCTION

- 1.1 The Regulation of Investigatory Powers Act 2000 (the Act) regulates the acquisition and disclosure of communications data from communication service providers by a number of bodies, including Local Authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
- 1.2 Whilst the Act also regulates directed surveillance and the use of Covert Human Intelligence Sources (CHIS), overseen by the Investigatory Powers Commissioner's Office, the acquisition of communications data is managed by the National Anti-Fraud Network (NAFN) and this is therefore a separate policy.
- 1.3 This policy applies to the acquisition and disclosure of communications data from communication service providers under the Act.
- 1.4 Hertfordshire County Council (Council, we, us) is included within the Act's framework with regard to the acquisition and disclosure of communications data but only for the purpose of the prevention and detection of crime. Hertfordshire Fire and Rescue Service may access communications data about the maker of an emergency call within one hour of its termination to enable the provision of emergency assistance. Such access is outside the provision of the Act as it is under the Communications Act 2003 and therefore outside the scope of this policy
- 1.5 In summary, the Act requires that when the Council undertakes the acquisition or disclosure of communication data, these activities must be authorised by a designated person when the relevant criteria are satisfied and the authorisation must be approved by a Justice of the Peace.
- 1.6 For the avoidance of doubt, Local Authorities such as Hertfordshire County Council cannot apply for the content of communications nor 'intercept' communications and therefore cannot apply to listen into telephone conversations or read emails. Local Authorities can only apply for communications data (see 4. below for an explanation of 'communications data').
- 1.7 The Home Office publish a code of practice (the code) pursuant to section 71 of RIPA, for the Acquisition and Disclosure of

Communications Data (Which can be found at <https://www.gov.uk/government/publications/code-of-practice-for-the-acquisition-and-disclosure-of-communications-data> This code applies to public authorities and the code and its principles will be followed by us. This policy should be read in conjunction with current guidance issued by the Home Office and can be found at <https://www.gov.uk/government/publications/interception-of-communications-code-of-practice-2016>

- 1.8 The Investigatory Powers Act received Royal assent on 29 November 2016 and is still not fully in force, when it comes in to force is this Policy will be updated.

2 ROLES

- 2.1 The legislation creates a number of roles:
- 2.2 The Senior Responsible Officer ensures the integrity of the process within the Local Authority, compliance with the Act and the Code of Practice, oversight of the reporting of errors to the Commissioner, engagement with the inspectors when they conduct inspections and where necessary oversight of the implementation of post-inspection action plans. The Senior Responsible Officer is the Chief Legal Officer of Hertfordshire County Council.
- 2.3 The Designated Person is a person holding a prescribed office who considers the application and either grants or rejects the application in accordance with the legislation and the code. The Designated Person(s) are the Assistant Chief Legal Officer Environment and Dispute Resolution and the Assistant Chief Legal Officer Adult and Childrens Law.
- 2.4 The single point of contact (SPoC) is a group of trained, externally accredited individuals who facilitate the effective co-operation between us and the communication service providers. We can use the services of an alternative SPoC facility and we use the SPoC facility of the National Anti-Fraud Network (NAFN) of which we are a member.
- 2.5 The applicant is the person involved in conducting the investigation.
- 2.6 The person within the Council with responsibility for RIPA is the Deputy Director of Consumer Protection.

3 PURPOSE

- 3.1 The Act prescribes the purpose for which we can access communications data. We will comply with those requirements.

- 3.2 The only purpose for which we can access such data is for the purpose of preventing or detecting crime or of preventing disorder. The exception is the Fire and Rescue Service who may also access such data in the interests of public safety.
- 3.3 Any postal or telecommunications operator is referred to as a communications service provider (CSP). All applications for communications data from a CSP must follow this policy.

4 COMMUNICATIONS DATA

- 4.1 Communications data is divided into three categories. Note that the content of communications is not communications data. The categories are defined in the legislation. Briefly:
- 4.2 Traffic data is information that identifies the person to or from whom the communication is transmitted or the location. Such information is not available to us.
- 4.3 Service use information is data relating to the use made by any person of a postal or telecommunications service, such as itemised phone bills. We may access such information in accordance with the legislation and code
- 4.4 Subscriber information is information about the person to whom the communications service provider has provided the service, so the name and address of someone who may own a specific mobile phone. We may access such information in accordance with the legislation and code.

5 CONSIDERATIONS

- 5.1 Authorisation and renewal is a multi-stage process. The last stage before the information can be obtained is judicial approval from the Magistrates Court, in a private meeting.
- 5.2 The applicant must first apply for the data on-line through the NAFN website. They must give the Designated Person notice that an application is in process, at the same time the applicant must forward a copy of the application to the Designated Person who will check the application and seek further information if required.
- 5.3 Once approved by NAFN and then subsequently by the Designated Person in Legal Services, who then confirms the approval to NAFN, judicial approval must be sought before the data can be obtained from NAFN. The judicial approval will be obtained either by the Designated Person or a person who is authorised to do so by the Chief Legal Officer's delegations.

- 5.4 The Designated Person will need to be made aware of particular sensitivities in the local community with respect to the data applied for and the purpose of the investigation. In addition, as required by the legislation they must have regard to whether the acquisition is necessary and proportionate and the degree, if any, of interference with the privacy of persons other than the direct subject(s) of the application.

6 FORMS AND KEEPING OF RECORDS

- 6.1 The Community Protection Directorate shall be responsible for ensuring the authority has the appropriate forms and records to comply with the requirements of the legislation and code. They are responsible for retaining and keeping secure the applications and product as detailed in the code.
- 6.2 Further guidance is available from the procedure : Procedure Document On The Regulation Of Investigatory Powers Act 2000 Communications Data, which can be found on the intranet [at link].

7 COMPLAINTS

- 7.1 The Authority's complaints procedure applies to complaints about activities within the scope of this policy.
- 7.2 The Act establishes an independent Tribunal, called the Investigatory Powers Tribunal that has full powers to investigate and decide on any case within its jurisdiction.

8 SCRUTINY

- 8.1 This policy must be examined by Members on a yearly basis to be approved as fit for purpose.



HERTFORDSHIRE COUNTY COUNCIL
USE OF SOCIAL MEDIA IN INVESTIGATIONS
POLICY

USE OF SOCIAL MEDIA IN INVESTIGATIONS

POLICY

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1 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

- 1.1 This policy should be read in conjunction with the council's RIPA policies and procedures, as well as the statutory codes of practice issued by the Secretary of State and the Office of Surveillance Commissioners Guidance.
- 1.2 It applies to any investigatory work undertaken by officers.
- 1.3 RIPA authorisation of the use of social media provides safeguards if a claim is made under Article 8 of the European Convention on Human Rights (Right to respect for private and family life)
- 1.4 For a criminal investigation, evidence obtained contrary to procedure may be inadmissible, as well leaving scope for a civil action against the County Council.
- 1.5 Social media has become a significant part of many people's lives, with people regularly using and interacting with many different forms of social media. By its very nature, social media accumulates a sizable amount of information about a person's life, from daily routines to specific events. Their accessibility on mobile devices can also mean that a person's precise location at a given time may also be recorded whenever they interact with a form of social media on their devices.
- 1.6 Social media can therefore be a very useful tool when investigating alleged offences with a view to bringing a prosecution in the courts or taking other action. The use of information gathered from the various different forms of social media available can go some way to proving or disproving such things as whether a statement made by a defendant, or an allegation made by a complainant, is truthful or not.
- 1.7 Not all information published on social media is true and care must be taken as to the validity of information recorded. The information obtained must only relate to the investigation being carried out and not for a general "fishing" expedition

2 'SOCIAL MEDIA' IN THIS POLICY

- 2.1 Social media encompasses a wide and dynamic range of web-based services typically facilitating individuals or businesses to construct a public or semi-public profile or creating a platform for sharing views or information. Typical characteristics include:

- The ability to show a list of other users with whom the primary user shares a connection, often termed "friends" or "followers"
- Hosting capabilities for audio, photographs and video content

It includes community based web sites, online discussion forums and chat rooms.

- 2.2 Current examples include:

- Facebook
- Twitter
- Instagram
- LinkedIn

- Pinterest
- Google+
- Vine
- Tumblr
- Flickr
- YouTube
- Reddit
- Yammer

2.3 This is not an exhaustive list and similar or new electronic communication systems are likely to be caught.

3 PRIVACY SETTINGS

3.1 The majority of social media services will allow its users to dictate who can view their activity, and to what degree, through the use of privacy settings.

3.2 The information publicly available is known as an individual's public profile.

3.3 Publishing content or information using a public, rather than a private setting, means that the individual publishing it is allowing everyone to access and use that information and to associate it with them. It should not be seen however as an authority to being monitored by the council. The information is still the property of that individual.

3.4 The opposite of a public profile is a private profile, where a user does not allow everyone to access and use their content, and respect should be shown to that person's right to privacy under Article 8.

3.5 Even though a user has set their profile to be private it might be shared by a third party who has a public profile. Care should be taken in such cases and if there is any doubt about the use of such information discuss it with your manager.

4 THE PRINCIPLES

4.1 The diversity of social media means that it is impracticable to prescribe the threshold for requiring authorisation under RIPA in all of the various scenarios that may exist. Ultimately any decision to make an application should be taken pragmatically and then actioned as per the relevant policies and procedures as referenced above.

4.2 Either authorisation for directed surveillance or for use of a Covert Human Intelligence Source (CHIS) may be required.

4.3 If in any doubt, the guiding principle is to refer to a line manager, with assistance from Legal Services, as necessary.

4.4 Reviewing open source sites does not require authorisation unless the review is carried out with some regularity.

4.5 Using social media for investigatory purposes, under statutory powers or otherwise, will meet the definition of "**directed surveillance**" if it is:

- (1) covert;
- (2) likely to reveal private information; and
- (3) done with some regularity.

The primary consideration is then the privacy setting and whether the person being monitored has a public or private profile. A public profile will allow anyone to see information whereas with a private profile you have to be a friend of the person to see information about them.

- 4.6 A “one-off” is one on-line visit or a series of three or four visits that are closely connected in purpose, time and stage of the investigation. For example 3 visits within 2 weeks of each other could be a “one-off” if they relate to the same investigation and are closely related. However if there is a visit once a week for several weeks that would not be a “one-off” as it would appear to be monitoring the activity of the person.
- 4.7 It follows that there is no real difference between information from a social media source with public settings and a public website. A “one-off” piece of surveillance therefore would be outside the remit of the RIPA authorisation process.
- 4.8 For any surveillance that is more than a one-off those involved in considering whether to seek a RIPA authorisation should consider the parallel situation: live, covert observance of a person in public places.
 - 4.8.1 A planned “one-off” drive-by, to establish a simple fact about a person, such as their place of abode, will also not require an authorisation, where there are no known other facts, such as a transaction occurring at the same time, likely to reveal private information.
 - 4.8.2 If there are repeated observances, constituting more than a one-off, then the investigator should consider the real life, parallel situation and relate the use of internet to following a person, covertly, but in public. If an authorisation would be required in the real world, one would also be required in the virtual world.
- 4.9 Continued covert visits are likely to be unjustifiable without formal consideration under RIPA. Further surveillance by an investigating officer looking to obtain potential evidence requires a review of the need for authorisation with a line manager.
- 4.10 Further considerations for all will then include the reason for the surveillance and collateral information that may reasonably be suspected of being detected, as a precursor to a procedural application. Generally, the more necessary and proportionate the surveillance, the more likely that a formal application will be required.
- 4.11 Where there is need to apply on-line to join a platform this may require authorisation for use of a CHIS. This will be dependent on the existence of a “relationship.”
- 4.12 If the application to join a site is a formality and there is no interaction with a suspect or their group, this will require a directed surveillance authorisation only.

- 4.13 The potential for a “relationship” to have been established or maintained must be considered formally with a line manager in such cases, obtaining advice from Legal Services as necessary.
- 4.14 Consideration must be given to the potential for the activity to constitute entrapment.
- 4.15 These rules apply to the use of any officer or agent of the council.
- 4.16 False identities are not unlawful, but real identities of others should not be adopted. However where there is need to penetrate someone’s privacy settings, by be-friending them by using a false identity or pseudonym, this must be discussed with your manager and a RIPA authorisation will always be required. This can be equated to using a disguise to obtain information about a person, which is directed surveillance and would require RIPA authorisation.
- 4.17 If you engage in any form of relationship with the account operator then s/he becomes a CHIS and will require RIPA authorisation as well as management by a Controller and Handler with a record being kept and a risk assessment created.

5 WHAT ISN'T PERMITTED UNDER THIS POLICY

- 5.1 When it is discovered that an individual under investigation has set their social media account to private, officers should not attempt to circumvent those settings under any circumstances. Such attempts would include, but are not limited to;
- sending “friend” or “follow” requests to the individual,
 - setting up or using bogus social media profiles in an attempt to gain access to the individual’s private profile,
 - contacting the individual through any form of instant messaging or chat function requesting access or information,
 - asking family, friends, colleagues or any other third party to gain access on their behalf, or otherwise using the Social Media accounts of such people to gain access, or
 - any other method which relies on the use of subterfuge or deception.

Officers should keep in mind that simply using profiles belonging to others, or indeed fake profiles, in order to carry out investigations does not provide them with any form of true anonymity. The location and identity of an officer carrying out a search can be easily traced through tracking of IP Addresses, and other electronic identifying markers.

- 5.2 Regardless of whether the social media profile belonging to a suspected offender is set to public or private, it should only ever be used for the purposes of evidence gathering. Interaction or conversation of any kind should be avoided at all costs, and at no stage should an officer seek to make contact with the individual through the medium of social media. Any contact that is made may lead to accusations of harassment or, where a level of deception is employed by the officer, entrapment, either of which would be detrimental and potentially fatal to any future prosecution that may be considered.

- 5.3 If an officer needs to carry out any of the above then this must be discussed with their manager and if necessary be approved by legal services and the Deputy Director of Community Protection before an RIPA authorisation is raised.

6 CAPTURING EVIDENCE

- 6.1 Once content available from an individual's social media profile has been identified as being relevant to the investigation being undertaken, it needs to be recorded and captured for the purposes of producing as evidence at any potential prosecution. Depending on the nature of the evidence, there are a number of ways in which this may be done.
- 6.2 Where evidence takes the form of a readable or otherwise observable content, such as text, status updates or photographs, it is acceptable for this to be copied directly from the site, or captured via a screenshot, onto a hard drive or some other form of storage device, and subsequently printed to a hard copy. The hard copy evidence should then be exhibited to a suitably prepared witness statement in the normal way.
- 6.3 Where evidence takes the form of audio or video content, then efforts should be made to download that content onto a hard drive or some other form of storage device such as a CD or DVD. Those CD's and/or DVD's should then be exhibited to a suitably prepared witness statement in the normal way. Any difficulties in downloading this kind of evidence should be brought to the attention of Serco who should be able to assist in capturing it.
- 6.4 When capturing evidence from an individual's public social media profile, steps should be taken to ensure that all relevant aspects of that evidence are recorded effectively. For example, when taking a screenshot of a person's social media profile, the officer doing so should make sure that the time and date are visible on the screenshot in order to prove when the evidence was captured. Likewise, if the evidence being captured is a specific status update or post published on the person's profile, steps should be taken to make sure that the date and time of that status update or post is visible within the screenshot. Without this information, the effectiveness of the evidence is potentially lost as it may not be admissible in court.
- 6.5 Due to the nature of social media, there is a significant risk of collateral damage in the form of other, innocent parties' information being inadvertently captured alongside that of the suspected offender's. When capturing evidence from a social media profile, steps should be taken to minimise this collateral damage either before capturing the evidence, or subsequently through redaction. This might be particularly prevalent on social media profiles promoting certain events, where users are encouraged to interact with each other by posting messages or on photographs where other users may be making comments.

7 General

7.1 Social media accounts must only be accessed on devices belonging to the council. If there is a need to access an account on one not belonging to the council this must be discussed and approved in writing by your manager.

7.2 A log must be kept of the use social media in any investigation detailing the reasons why it was necessary to use it, the results found and any collateral damage

to other parties.. This must be approved by your manager if it will be used in evidence.

Examples

1. An officer is suspected of undertaking additional employment in breach of their contract of employment. The HR department wish to look at the officer's social media accounts to find out if they show anything that to prove this is true. The officer has their profile set to public and HR only look at the accounts once.

Such activity does not constitute directed surveillance for the purposes of the RIPA as it the officer's profile is set to public and the accounts are only looked at once. If however the accounts continued to be monitored over a period of time then a directed surveillance RIPA authorisation would not be required as the employee is not committing a criminal offence. The HR department should take advice from legal services in such a case.

2. An officer claiming compensation for injuries allegedly sustained at work is suspected of fraudulently exaggerating the nature of those injuries. The officer's manager wishes to look at the officer's social media accounts to see if posts can prove or disprove the exaggeration of the claim. The manager is intending to monitor the accounts over a period of time. The account settings are public.

The proposed surveillance is likely to result in the obtaining of private information and, as the alleged misconduct amounts to the criminal offence of fraud, a directed surveillance RIPA authorisation must be considered. Full notes of the surveillance must be kept. If the officer then changes their account settings to private the manager should not send a friend request to the officer but should discuss the next steps with their manager as their might be other ways of obtaining the required information.

3. An individual is suspected of not living at the address they have put down on their child's school admission form to try and get into an excellent school. It is suggested that by looking at their social media accounts it might be possible to find out their true address.

If it is likely that no criminal offence committed then RIPA cannot be used. RIPA cannot be used for civil action. It is unlikely that by looking at social media accounts the information required would be found. Other methods of obtaining the information should be used.

4. Officers seek to conduct directed surveillance against an individual on the grounds that this is necessary and proportionate for the collection of a tax as they have been claiming various housing and council tax rebates. They wish to monitor social media accounts on an ongoing basis to assist in the evidence gathering. The accounts have a public profile.

Such surveillance could also result in the obtaining of some information about members of the individual's family, who are not the intended subjects of the surveillance. The authorising officer should consider the proportionality of this collateral intrusion, and whether sufficient measures are to be taken to limit it, when granting the authorisation. This may include not recording or retaining any material obtained through such collateral intrusion.

8 LEGISLATIVE OVERVIEW – LINKS

8.1 The following are relevant to this area and the subject of RIPA authorisations overall:

- Secretary of State and the Office of Surveillance Commissioners Guidance

<https://osc.independent.gov.uk/>

- Regulation of Investigatory Powers Act 2000

<http://www.legislation.gov.uk/ukpga/2000/23/contents>

- The Home Office Guidance to Local Authorities on the Protection of Freedoms Act 2012 - Changes to Provisions under RIPA

<https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>

- Investigatory Powers Act 2016

<http://www.legislation.gov.uk/ukpga/2016/25/contents/enacted>

- The CHIS/covert surveillance codes of practice

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

CABINET
MONDAY, 9 JULY 2018 AT 2.00PM

**WELWYN-HATFIELD BOROUGH COUNCIL LOCAL PLAN:
AMENDMENT TO STATEMENT OF COMMON GROUND AND HEARING
STATEMENT (JANUARY 2018) IN RELATION TO NEW BARNFIELD,
HATFIELD.**

Report of the Chief Executive

Author: Sarah McLaughlin, Head of Growth and Infrastructure
Unit Tel: (01992) 588110

Executive Member: Derrick Ashley, Growth, Infrastructure, Planning & the
Economy

Local Member: Paul Zukowskyi, Hatfield South

1. Purpose of report

1.1 To inform Members of the discussion surrounding the site at New Barnfield in the Welwyn Hatfield Borough Council (WHBC) Local Plan Examination in Public.

2. Summary

2.1 The County Council has provided advice and feedback on a wide range of infrastructure matters throughout the Local Plan preparation process, including all consultation stages of the Local Plan and various versions of WHBC's Infrastructure Delivery Plan (IDP). The information provided has been used by WHBC to inform the site selection and evaluation process, which has formed the basis for allocation of land within the Local Plan.

2.2 Through representations submitted on behalf of County Council services, the need for 20 forms of entry (FE) of secondary education provision was identified to meet existing and new demand. It was anticipated that the need would be met via school expansions and through the identification of three new secondary school sites.

2.3 The emerging Local Plan identified two sites at North West Hatfield and Birchall Garden Suburb, the latter of which is located in East Hertfordshire but will also meet the need from the WHBC Local Plan. The County Council then commissioned a site search to identify a third site in the identified area of need. The assessment resulted in a shortlist of seven potential sites. The County Council owned site at New Barnfield was one of these shortlisted sites. Six of the sites were located, either wholly or

partially, in the Green Belt (including New Barnfield) and one of the sites was promoted for an alternative use, and has since been developed.

- 2.3 Through a Statement of Common Ground (SoCG) signed in October 2017) between the County Council, WHBC and Gascoyne Cecil Estates (GCE) it was agreed that up to 10FE of provision could be accommodated at a strategic housing site at North West Hatfield in addition to the already agreed 8FE school site as part of the strategic allocation for Birchall Garden Suburb. This agreement enabled the County Council to secure a secondary education strategy with only two new secondary schools, avoiding the need for a third. This SoCG was supported by a Hearing Statement (HS) submitted to the Inspector at the Local Plan Examination in Public in January 2018.
- 2.4 Further to the County Council's submissions, it was noted that any increase in housing numbers would necessitate the need for further secondary school site allocation(s). The Inspector has since directed Welwyn Hatfield to revisit their housing numbers and this will require a review of the education strategy for the WHBC area.
- 2.5 The New Barnfield site is currently a waste site allocation in the County Council Waste Local Plan. Following the unsuccessful application for a Recycling and Energy Recovery Facility, the site remains an unused brownfield site in the Green Belt.
- 2.6 The Inspector has sought direct confirmation from the County Council that, if housing numbers were to increase, the site at New Barnfield would be made available for secondary education. Officers continue to work collaboratively with officers at Welwyn Hatfield Borough Council to seek an alternative allocated site for waste uses.
- 2.7 Given the knowledge of sites being promoted within the Local Plan process, and which may now come forward, it is the opinion of officers that the site at New Barnfield would form part of a revised strategy for secondary education in Welwyn-Hatfield. However, as an allocated waste site in the County Council's Waste Local Plan any submission that the site would be used for education is not in line with County Council policy and so would require the agreement of full Council. As such, a report will be presented to County Council to seek approval to amend the January 2018 SoCG and Hearing Statement (HS).

3. Recommendation

- 3.1 The Growth, Infrastructure, Planning & the Economy Cabinet Panel will consider a report on this item of business at its meeting on 5 July 2018. The Panel will be invited recommend to Cabinet that Cabinet recommends that County Council approves the revision to the Statement of Common Ground (SoCG) and Hearing Statement for Welwyn Hatfield Borough Council Policy SP14 in relation to the land at New Barnfield as set out in para 6.7 of the Report .

- 3.2 The Panel's recommendation to Cabinet will be reported orally at the Cabinet meeting and circulated to Members in the Order of Business sheet.

4. Background

The Welwyn Hatfield Local Plan

- 4.1 County Council officers have engaged with WHBC officers on the development of the WHBC Local Plan. At an earlier stage of the Plan making process (March 2015) County Council officers identified the need for in excess of 20 forms of entry (FE) for secondary education provision to meet secondary need arising from the projected housing delivery target alongside existing demand.
- 4.2 At the next stage of the Plan making process (October 2016), WHBC had identified the allocation of two new secondary schools, a 6-8FE allocation south east of Welwyn Garden City at Birchall Garden Suburb (Site SDS2) and a 6-8 FE allocation at North West Hatfield (Site SDS5). The County Council objected to the plan, identifying it as unsound, due to the under-provision of secondary school places.
- 4.3 Continuous engagement between the County Council and WHBC resulted in the County Council agreeing (in January 2017) that a solution to providing secondary capacity involving an 8FE school at North West Hatfield, with potential to expand the school to 10FE would overcome any objection but would provide little flexibility and not support additional housing growth in the area.
- 4.4 Welwyn Hatfield Borough Council submitted their Local Plan on 15 May 2017. The submitted Plan does not provide enough housing allocations to meet the full Objectively Assessed Need (OAN), constraining allocations in significant part due to a lack of secondary education solutions.
- 4.5 On 17 October 2017, a Statement of Common Ground was agreed between WHBC, the County Council and Gascoyne Cecil Estates, (GCE) confirming that the secondary school which would be made available at North West Hatfield would be 8FE with the capability of expansion to 10FE. WHBC and promoters (GCE) agreed that the County Council should re-evaluate the availability of other sites in the area, specifically New Barnfield, should housing numbers increase, requiring further secondary education capacity.
- 4.6 The Plan is now under examination by a Government appointed Inspector. Land promoters for sites which were not included in the submitted Local Plan have challenged the reasonableness of the constrained approach, raising further questions regarding the availability of New Barnfield to deliver a solution to additional secondary school capacity.
- 4.7 Following a meeting with WHBC in early January 2018, County Council officers submitted a further Statement of Common Ground to the Examination process, identifying that if the plan proposed additional

housing, the County Council would make the New Barnfield site available for a secondary school “and as and when it does so it would ensure that the capacity of adjacent lands to contribute to the future needs of the District is not prejudiced. In the event that it becomes necessary, WHBC and the County Council would work together to consider appropriate revision to the Infrastructure Delivery Plan to set out the approach to funding/planning obligations and or/Community Infrastructure Levy (CIL)”. The Statement of Common Ground is supported by a Hearing Statement submitted by the County Council in January 2018.

- 4.8 As part of the Local Plan process, the Inspector has challenged WHBC to review their ability to meet their OAN, and as part of this work, WHBC are currently undertaking a further Green Belt Review to inform the capacity of the District to accommodate the additional 4000 houses to achieve full OAN. The results of that review are due from the mid-July 2018. The probable result of that work is an increase in housing numbers, some of which is highly likely to be in the area south of the Borough, requiring the County Council to identify a new education strategy and consider the future of the site at New Barnfield and it’s suitability to meet secondary education need from an increase in local housing projections.
- 4.9 Any increase in housing numbers may determine that additional strategic allocations are promoted through the Plan making process, although any request for a secondary school site would inevitably impact on the land available for new homes in an area where Green Belt constraints already exist.
- 4.10 The hearing sessions are due to re-convene for one week from 26 June 2018, with further sessions due from September. It is envisaged that the Green Belt Review will feed into the September sessions though whether that relates to just those existing sites in the plan, or to additional sites which might be necessary to achieve the full OAN of 16000 houses is not yet clear.
- 4.11 County Council officers continue to proactively engage with WHBC officers. As part of those ongoing discussions there may be potential for the identification of a new allocation for waste use as part of additional employment land proposed through the Local Plan process, subject to the outcome of the Green Belt review. Officers will pursue this point with their WHBC colleagues in forthcoming meetings.

Site history

- 4.12 A former secondary school and central resources library, the New Barnfield site was allocated as a waste site (Site AS048) in the County Council’s Waste Site Allocations Development Plan Document (DPD), adopted in 2014. This document forms part of the current Waste Local Plan, and is a statutory document that is a material consideration in the WHBC Local Plan process and in relation to the determination of future planning applications on this site.
- 4.13 In 2011, Veolia Environmental Services (Hertfordshire) Limited submitted a planning application to enable the demolition of the existing buildings at

New Barnfield and construction of a Recycling and Energy Recovery Facility (RERF) for the treatment of Municipal, Commercial and Industrial Wastes together with ancillary infrastructure.

- 4.14 In January 2013, the Secretary of State directed that the application be called-in for determination because the proposal involved matters giving rise to substantial cross boundary or national controversy.
- 4.15 On 8 July 2014, the Secretary of State for the Department of Communities and Local Government (“SoS”) refused to grant planning permission for the RERF at new Barnfield. Veolia successfully challenged his refusal in the High Court. The SoS re-determined the planning application and on 16 July 2015 issued a notice refusing the application. Since that date the site has not been subject of any further planning application.
- 4.16 Assuming retention of the existing Green Belt boundary and assuming all woodland areas are retained there is approximately 9ha available for a new school within the current site boundary.

The Waste Local Plan (WLP)

- 4.17 There have been a number of changes to the overall picture for waste within the County since adoption of the Waste Core Strategy & Development Management Policies Development Plan Document (in November 2012) and the Waste Site Allocations Development Plan Document (in July 2014). New waste facilities have added to the capacity to manage certain waste streams and some facilities have closed down.
- 4.18 As the economy has recovered out of recession, the government has promoted a growth agenda which is being implemented through the district and borough Local Plans in Hertfordshire. An increase in development means there is an increase in waste production from construction projects and domestic waste from occupiers of new developments.
- 4.19 The Initial Consultation Draft Capacity Gap Report November 2017, completed as evidence to support the review of the WLP, identifies a significant shortfall in capacity for the management of the two largest waste streams: Non-Hazardous and Construction, Demolition and Excavation waste and the recycling and composting of non-hazardous waste, from the start of the Plan period. This gap is set to increase as Hertfordshire grows.
- 4.20 The County Council is currently progressing work on a review of the WLP, with the first consultation concluding in March this year.
- 4.21 The emerging WLP provides an opportunity to review the number, location and principles of waste site allocation, including the potential removal of New Barnfield from the WLP and the allocation of an alternative.

The County Council as the Waste Disposal Authority (WDA)

- 4.22 The infrastructure requirements of the WDA are detailed in the authority’s Local Authority Collected Waste (LACW) Spatial Strategy (November
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2016) and its Annex document on the provision of a Household Waste Recycling Centre (HWRC) service (November 2017). It is recognised by the WDA that the New Barnfield site could meet a wide range of waste needs that may emerge over the course of the plan period but that the most urgent need as a minimum is for a replacement HWRC to serve the Welwyn-Hatfield area.

- 4.23 The nearest HWRC, serving the Welwyn-Hatfield area, is located at Cole Green, off the A414. The site is currently running over-capacity (at 112%). This assessment assumes an equal distribution of residential visits during operational hours, which is not an accurate representation of the site use. The centre operates above capacity and queues back on to the primary road network during peak times.
- 4.24 The Cole Green HWRC is identified by the WDA as unsuitable¹. It is not feasible to adequately expand the existing centre and a short term rental agreement is in place. Leased from Tarmac Lafarge Aggregates, the lease commands a significantly higher fee than others in the network and is due to come to an end in 2021.
- 4.25 Consideration of the concentration of planned housing growth within the A414 corridor and existing population is a significant factor contributing to the unsuitability of the Cole Green HWRC. The provision of two super sites along this corridor, potentially distributed close to the A414 and A1(M) and one near the A414/A41 corridor could better serve the Welwyn-Hatfield area, alongside Potters Bar, St Albans, Hemel Hempstead Berkhamsted and Tring.
- 4.26 The needs of the Waste Management Service are acute and the identification of an alternative HWRC (to replace Cole Green) is a priority.

The County Council as the Local Education Authority

- 4.27 As previously outlined, alongside the met need for primary education, the County Council has identified the need for in excess of 20FE of secondary education to meet the demand proposed within the WHBC Local Plan alongside that from existing demand. This need can be met through expansions to existing schools and across two new sites at the two strategic site allocations at Birchall Garden Suburb and North West Hatfield.
- 4.28 Additional demand arising from any alternative growth scenarios will result in the need to identify options for meeting this additional need which cannot be met from existing identified capacity. It is considered that pressures would be greatest in the south of the Borough.
- 4.29 The allocation of sites included within the Local Plan is now under re-assessment due to a direction by the Inspector at the Examination in Public, and a Green Belt review is currently underway by WHBC. Any

¹ For further information see the Local Authority Collected Waste Spatial Strategy at: <https://www.hertfordshire.gov.uk/media-library/documents/waste/spatial-strategy/hwrc-annex-to-the-lacw-spatial-strategy-2017.pdf>

increase to housing numbers as part of the Local Plan process will require the identification of a further secondary school site. With no other current options available to the County Council, the site at New Barnfield is considered to be the most suitable and most preferred option (in spatial distribution terms) to meet this additional demand.

4.30 A 9ha site is capable of delivering a new secondary school.

5. Financial Implications

5.1 The development of New Barnfield as a secondary school is likely to require, as a minimum, the acquisition of an alternative 1ha site for a HWRC.

5.2 There are a number of strategic developments coming forward in the Borough of Welwyn Hatfield which could contribute to the cost of the site and its development as a HWRC. However, those developments can only reasonably contribute a proportionate amount of funding through the S106 process – proportionate to their impact. Due to the wider strategic benefits of a HWRC it is likely that the majority of cost would need to be borne by the County Council.

5.3 The retention of the site at New Barnfield for waste may require the County Council to acquire an alternative secondary school site. The area available for a new school at New Barnfield is estimated to be approximately 9ha.

5.4 The strategic developments coming forward in the Borough could contribute towards the cost of the site and its development. Given the major impact of those sites on secondary education, the County Council would expect those sites to proportionality contribute towards the cost of the school. However, given the pooling restrictions surrounding S106, and with no adopted CIL at Welwyn Hatfield, the County Council would inevitably be faced with a funding gap.

5.5 Any proposal to acquire new land would need to be the subject of a capital bid with a full business case in due course. Inevitably this decision requires a trade-off between the potential acquisition of a new waste site or the potential acquisition of a new school site. Either scenario would be partially offset by S106 or CIL contributions towards costs.

6. Issues for Consideration

6.1 Any decision to make the land at New Barnfield available for secondary education purposes puts the needs of the WDA at risk. The service has a priority need for a new HWRC, and a wider need for a 'super site' along the A414 corridor.

6.2 Balanced alongside this is the need for secondary education which would require a larger site allocation. Site search work has identified this site as a potential option for delivery, alongside the two new schools identified at the strategic development locations.

- 6.3 The site at New Barnfield is still within the Green Belt, but was formerly a secondary school. Should the Green Belt review by WHBC consider this section of the Green Belt, between south Hatfield and Welham Green, to be of significant importance then returning the site to educational use will be a relatively straightforward process in town planning terms.
- 6.4 Assuming retention of the existing Green Belt boundary and assuming all woodland areas are retained, the New Barnfield site totals 9ha. Owing to a possible lack of compatibility between school uses and a HWRC, an area of buffer may be required which would limit the amount of land available and may limit functionality. It is therefore not considered feasible to co-locate a secondary school and HWRC on the 9ha site. The potential to identify a 1ha HWRC site would be considered comparatively easier than a 9ha site for a new school. WHBC officers have indicated that they are committed to working with the County Council to identify a site, and will consider any opportunities that might present themselves through the new Green Belt review.
- 6.5 Finally, without the availability of the site at New Barnfield for secondary education, WHBC will be unable to meet demand for secondary education places to meet the growth expected to be identified in the Local Plan process. The Plan would likely fail at Examination and the authority could be at risk of speculative development applications requiring County Council services to forward plan in a piecemeal fashion.
- 6.6 Officers recommend that Members agree that the land at New Barnfield would be made available for education purposes, on the condition that, as a minimum, an alternative HWRC site can be identified.
- 6.7 It is further recommended that the January 2018 Statement of Common Ground and the County Council Hearing Statement are revised, as highlighted below, and resubmitted as part of the Local Plan process:
- If additional housing is proposed, and an alternative HWRC site is identified in a mutually agreeable location elsewhere in the Welwyn-Hatfield area, the County Council would make the New Barnfield site available for a secondary school as part of a review of the education strategy and as and when it does so it would ensure that capacity of adjacent lands to contribute to the future needs of the District is not prejudiced. In the event that the use of the site as a school becomes necessary WHBC and HCC would work together to secure an alternative location for an HWRC and consider appropriate revision to the Infrastructure Delivery Plan to set out the approach to funding/planning obligations and/or CIL.*
- 6.8 The Statement of Common Ground (dated 23/01/18) is attached at Appendix 1 and the relevant paragraph is shown at 6.2.
- 6.9 The Hearing Statement (dated 25/01/18) is attached at Appendix 2 and the relevant paragraph is shown at 2.13.

7. Equalities Implications

- 7.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum, this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 7.4 This report is concerned with Hertfordshire County Council's amendment to an existing Statement of Common Ground and Hearing Statement. There are no direct or indirect implications for any persons with protected characteristics of this decision.
- 7.5 No EqIA was undertaken in relation to this matter.

STATEMENT OF COMMON GROUND

Between

Welwyn Hatfield Borough Council and Hertfordshire County Council in relation to Policy SP 14 New Schools

1. Scope of this Statement

- 1.1 This Statement of Common Ground (SoCG) has been prepared to confirm the extent of co-operation and understanding between Welwyn Hatfield Borough Council (WHBC) and Hertfordshire County Council (HCC).
- 1.2 This SoCG confirms the shared and common objective between the above parties of delivery of new school infrastructure within Welwyn Hatfield throughout the plan period and in particular of the commitment to provision of additional education capacity as set out in Policy SP 14 of the Draft Local Plan Proposed Submission (DLPPS).

2. The Need for Secondary Education Provision

- 2.1 This SoCG has been prepared in response to WHBC's DLPPS, which will cover the period up to 2032 or 2033. As drafted Policy SP14 of the Plan states that there is "*a requirement for additional secondary education capacity equivalent to three new secondary schools*" to cater for the housing growth planned in the Borough (part i of Policy SP14), and suggests that a sequential approach will be applied to identifying further school capacity required as a result of any additional housing growth, (part ii of Policy SP14).
- 2.2 Part i of Policy SP14 in the DLPPS is open to the misinterpretation that three new secondary schools are required to cater for the growth identified in the DLPPS, whereas in fact new capacity for 18 forms of entry (fe) is required, and a strategy agreed between WHBC and HCC exists for providing this capacity in two new secondary schools (see also the Statement of Common Ground at Examination Document EX23).
- 2.3 The views expressed by the Inspector at the Local Plan examination to date, suggest that there is a strong likelihood that additional housing sites will need to be included to make the plan sound, over and above those in the DLPPS. If this were to be the case, then a third new secondary school would be likely to be required.

3. The Need for Primary Education Provision

- 3.1 All parties agree that it is necessary to meet education needs to support growth in the Local Plan. At paragraph 11.34 to 11.36 of its Regulation 19 consultation response, HCC objected to the soundness of the DLPPS. This was because;
 - i) Paragraph 11.34 and 11.35 identified that there was a 2fe primary shortfall identified in Hatfield and a new 2fe primary is required to serve the south of the town;

- ii) Paragraph 11.36 indicated that in HCC's view the approach to provision of additional primary capacity was considered unsound as it would not ensure that additional school capacity would be provided in locations well-related to the communities in which they are needed.

4. Detailed Statement

- 4.1 The issue of additional primary school capacity to serve South Hatfield (3.1 i) above) has been resolved in the separate Statement of Common Ground agreed between WHBC, HCC, Mrs C Horton 1974 Discretionary Settlement and Ptarmigan Land in connection with Housing Site HS11. In relation to the issue of planning additional education capacity to meet needs arising from further additional housing growth over and above that set out in the plan (3.1 ii) above), WHBC and HCC are committed to further ongoing proactive, collaborative joint working to ensure that new school places are provided in locations well-related to any additional housing growth that is proposed in the plan. The successful resolution of all other outstanding Duty to Co-operate and soundness issues between WHBC and HCC provides ample evidence that the two authorities will work co-operatively to ensure this is the case.
- 4.2 Policy SP14 will be amended to reflect the fact that the reference to three secondary schools actually means 18 forms of entry (fe) of additional secondary school capacity to meet the needs arising from the DLPPS. The second criterion will be amended to acknowledge that further housing growth will lead to the requirement for further primary as well as secondary education capacity. WHBC and HCC will work together to ensure that appropriate additional school places are provided alongside additional housing growth.

5. Changes to Submission Plan (DLPPS)

- 5.1 Policy SP14 sub-paragraph i. will be modified so that the first sentence reads: *"The Council's housing target for the plan period leads to a requirement for additional secondary education capacity equivalent to 18 forms of entry."*
- 5.2 Policy SP14 sub-paragraph ii. Will be modified to add a new sentence before the penultimate sentence, as follows: *"A new primary school site is also identified within housing site HS11"* also so that the penultimate sentence reads: *"Additional identified housing growth, however, may lead to the requirement for further primary education capacity."*
- 5.3 In the event that Council subsequently proposes changes to the housing target in the DLPPS through modifications, for example to include additional housing sites, then further modifications may need to be made to Policy SP14 to reflect a revised strategy for providing new education capacity.

6. Future Co-operation

- 6.1 WHBC and HCC agree to continue to work together to ensure that the impacts on requirements for education are factored in to the identification of any additional housing allocations in the Local Plan.
- 6.2 If additional housing is proposed (as per 5.3 above), the County Council would make the New Barnfield site available for a secondary school and as and when it does so it would ensure that capacity of adjacent lands to contribute to the future needs of the District is not prejudiced. In the event that this becomes necessary WHBC and HCC would work together to consider appropriate revision to the Infrastructure Delivery Plan to set out the approach to funding/planning obligations and/or CIL.

Signed on behalf of Hertfordshire County Council

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Date: January 2018

Name: Trevor Mose

Position: Assistant Director Resources (Property)

Signed on behalf of Welwyn Hatfield Borough Council

.....

Date: January 2018

Name: Councillor Mandy Perkins

Position: Executive Member for Planning, Housing and Community

**EXAMINATION OF THE WELWYN HATFIELD BOROUGH COUNCIL LOCAL
PLAN**

**STATEMENT OF HERTFORDSHIRE COUNTY COUNCIL PROPERTY
DEVELOPMENT SERVICES ON BEHALF OF HCC SERVICES**

REPRESENTOR ID 904332

**TOPIC SPECIFIC POLICIES
HEARING SESSION 12 POLICY SP14 NEW SCHOOLS**



1.0 Introduction

1.1 This statement updates the position of Hertfordshire County Council (HCC) from a property and service provision perspective in relation to objections made in connection with Policy SP14 of the Plan regarding;

- The provision of sufficient secondary school capacity to cater for the education requirements arising out of the Draft Local Plan Proposed Submission (DLPPS). (HCC was identifying a need for a new school of 8fe with expansion potential to 10fe in Hatfield in paragraph 11.14 of its Regulation 19 representations).
- Consequently, HCC was identifying that the quantum of secondary school capacity in Policy SP14 of the Plan was insufficient to address secondary education needs.
- The provision of sufficient primary school capacity to serve South Hatfield, where HCC identified a shortfall of 2 forms of entry (fe) in provision in its regulation 19 representations. (See 11.35 and 11.36 of the HCC Regulation 19 representations).

2.0 The Inspector's Question Relevant to Policy SP14 New Schools

2.1 The Inspector has posed the question, in relation to policy SP14:

(138) Does the plan make adequate provision for the increased education capacity required to service the additional school population generated by the proposed development?

2.2 Aside from the three bullet points identified at 1.1 above, HCC were satisfied that the DLPPS as submitted makes appropriate provision to mitigate education impacts.

2.3 The HCC objection in relation to the soundness of the plan in terms of the adequacy of secondary school provision being made has been overcome. A Statement of Common Ground (SoCG) has been agreed with Welwyn Hatfield Borough Council (WHBC) and Gascoyne Cecil Estates (document EX23), which confirms that the strategic site north of Hatfield (SDS5 or Hat 1) will provide an 8fe secondary school with residual land for expansion to 10fe. As part of that SoCG, WHBC and HCC have agreed that the need for the additional 2fe expansion land will be reviewed in the event that housing numbers increase and a third secondary school site is required in order to support delivery of additional housing through the Plan.

2.4 The approach in EX23 therefore addresses the concern identified in the first two bullet points set out in 1.1 above.

2.5 HCC raised concerns regarding primary school capacity, (third bullet at 1.1 above), and specifically the failure of the DLPPS to identify 2fe of new primary capacity to address education needs in Hatfield.

2.6 A SoCG has been agreed between WHBC, the landowners/ promoters of Housing Site HS 11, and HCC. It has recently been submitted by the LPA to

the Programme Officer. This commits to the delivery of a 2fe primary school site as part of site HS 11. This provision overcomes HCC's concerns in relation to primary school provision associated with the submitted DLPPS.

- 2.7 In addition to the SoCG relating to Housing Site HS 11 and in order to provide further clarity WHBC have identified proposed amended wording to Policy SP14. This amended wording would ensure that explicit reference is made to the fact that:

“a new primary school site is identified within housing site HS11”

- 2.8 The proposed rewording of Policy SP14 is the subject of a separate Statement of Common Ground which has been agreed between WHBC and HCC. It has recently been submitted by the LPA to the Programme Officer.
- 2.9 In addition, the SoCG relating to Policy SP14, which has been agreed between WHBC and HCC, anticipates the requirement that additional housing sites may need to be factored in to the Plan. Paragraph 2.3 of the SP14 SoCG contains the Planning Authority's identification of the fact that the views expressed by the Inspector at the examination suggest that there is a strong likelihood that additional housing sites will need to be included in order to make the plan sound.
- 2.10 Paragraph 5.2 of the SP14 SoCG which has been agreed with WHBC acknowledges that:

“Additional identified housing growth, however, may lead to the requirement for further primary education capacity”

- 2.11 And para 5.3 continues that

“In the event that the Council subsequently proposes changes to the housing target in the DLPPS through modifications, for example to include additional housing sites, then further modifications may need to be made to Policy SP14 to reflect a revised strategy for providing new education capacity”.

- 2.12 At the Local Plan Examination session with the Council on 27th October 2017, the Inspector explicitly asked whether a third secondary school could be provided. Paragraph 2.3 of the SP14 SoCG agreed between WHBC and HCC, acknowledges the fact that the views expressed by the Inspector at the Local Plan examination to date, suggest that there is a strong likelihood that additional housing sites, over and above those in the submitted document will need to be included by WHBC in order to make the DLPPS sound. It again suggests that if this were to be the case then a third new secondary school is likely to be required.
- 2.13 HCC can confirm that if additional housing is proposed, the County Council would make the New Barnfield site available for a secondary school and as and when it does so it would ensure that capacity of adjacent lands to contribute to the future needs of the District is not prejudiced. In the event that this becomes necessary, WHBC and HCC would work together to

consider appropriate revision to the Infrastructure Delivery Plan to set out the approach to funding/planning obligations and/or CIL.

- 2.14 In summary, since HCC's original Regulation 18 and Regulation 19 representations, significant progress has been made in resolving education issues with WHBC and the relevant landowners/promoters. In the event that additional housing is proposed to make the plan sound then HCC and WHBC remain committed to working together to mitigate education impacts and collaboratively and constructively plan for additional school places. In so doing HCC and WHBC are positively embracing and putting into practice the advice contained at paragraph 162, first bullet, of the NPPF.
- 2.15 Taking into account the SoCG and proposed modifications referred to in this Hearing Statement, the plan is clearly making appropriate and adequate provision for the additional school population generated by the DLPPS, and clearly signals the joint approach which will be adopted if additional housing sites need to be considered in order to make the plan sound.

Matt Wood 25/01/18

HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY, 9 JULY 2018 AT 2.00PM**

THE COUNTY COUNCIL OFFICE ACCOMMODATION STRATEGY

Agenda Item

No.

10

Report of the Director of Resources

Author: Trevor Mose (01992 556658)

Executive Member: Ralph Sangster– Executive Member (Resources, and Performance)

1. Purpose of report

- 1.1 To seek Cabinet approval of the revised Office Accommodation Strategy and the consequential recommendations relating to properties in Hemel Hempstead and Welwyn Garden City.

2. Summary

- 2.1 The County Council has embarked on journey towards changing its working culture and methods to achieve a more flexible and cost effective way of working. Under the auspices of the Smart Working Programme a number of work streams have been identified including, culture change, communications, digital, commercial, prevention and property. This report concerns the property work stream and has been brought to members in advance of main smart working strategy for two reasons. The first is that an opportunity has arisen, due to lease break points, to affect significant savings in accommodation costs. The second reason is that a significant amount of preparatory work is required to fully map out the smart work programme design and therefore early work must be commissioned to inform a subsequent full Smart Working report.
- 2.2 The revised Office Accommodation Strategy will support the continued delivery of high quality services to Hertfordshire by providing staff with a range of fit for purpose locations where they can work. Modern work places are both necessary and expected and will help attract and recruit staff and enable Smart Working.
- 2.3 The strategy is consistent with the Asset Management Plan principles and will deliver significant financial savings to the authority which are part of the current Integrated Plan.

3. Recommendations

- 3.1 Cabinet is invited to agree the Office Accommodation Strategy set out in the report, and also:
- (i) to delegate to the Director of Resources in consultation with the Executive Member for Resources and Performance authority to conclude the negotiation of a new lease on Apsley 1, agree final financial terms, as set out in Part II of the report, and enter into the required legal documents, in a form approved by the Chief Legal Officer;
 - (ii) to delegate to the Director of Resources in consultation with the Executive Member for Resources and Performance authority to conclude the negotiation of revised lease terms at Mundells, agree final financial terms as set out in Part II of the report and enter into the required legal documents, in a form approved by the Chief Legal Officer;
 - (iii) that the Director of Resources shall undertake feasibility assessing of the development options at County Hall;
 - (iv) approve the allocation of £0.5m from the Invest to Transform fund to meet the costs of the preparatory work at Apsley and Mundells;
 - (v) to delegate to the Director of Resources, in consultation with the Executive Member for Resources and Performance authority to agree the final financing arrangements for a budget of up to £2m to cover refurbishment works at Apsley 1 and enabling works for Apsley 2; and
 - (vi) approve the inclusion of dilapidations costs for the Apsley 2 lease surrender in the next Integrated Plan.

4. Background

- 4.1 The Office Accommodation forms a significant part of the County Council's property portfolio and has a significant role to play in the way staff perform their daily work. Changing the way staff use accommodation has the potential to deliver significant savings to the organisation. Property was set the target of achieving 25% saving by 2020 as part of the smart working programme and, whilst the numbers were inexact, this reflected the level of ambition that was desired. Overall analysis showed that 25% of the costs of the office portfolio were £2.7m.
- 4.2 An assessment of strategic options suggested that the level of savings were achievable subject to a review of the office accommodation strategy and the County Council utilising the opportunity presented by lease breaks.

- 4.3 The key principles of an Office Accommodation Strategy form part of the overall County Council Asset Management Plan. These are:
- Provide office accommodation to enable staff at the County Council to deliver services to the people of Hertfordshire.
 - Provide flexible, strategically located working spaces that support staff to deliver high quality services, in accordance with our Smart Working principles.
 - To support a reduced reliance on main offices to deliver resilient services and offer location flexibility.
- 4.4 The Asset Management Plan sets out a presumption in favour of ownership (over leasing) to increase control and reduce risk in relation to the financial impact of rising market rents. This presumption remains in place.

The Vision for the County Council's office accommodation strategy

- 4.5 Hertfordshire County Council will provide staff with access to flexible, modern office space at a range of sites across the county for the purposes of delivering the Council's work for the citizens of Hertfordshire. Accommodation will form part of a holistic offer supported by technology that will enable modern working practices and culture and effective and efficient service delivery.

In The Right Location

- 4.6 Locations will reflect the spread of population across multiple population centres that characterises Hertfordshire and the need for flexibility in the long term.
- 4.7 The County Council will provide three main office sites in three key geographical areas: Apsley (west), Hertford (south east) and Stevenage (north). This will enable all staff operating within Hertfordshire to be able to access customers or service delivery sites within a reasonable time and distance of a touchdown or main office site. These offices will ultimately have redesigned office spaces modernised and fitted out to an agreed countywide design specification.
- 4.8 Each main office location will provide a range of working options to reflect the full range of activity expected to be undertaken by staff including:
- Democratic functions and public meetings
 - Team working space
 - Meeting space
 - Areas for collaboration
 - Quiet working space

- 4.9 The County Council will continue to work with local authority and other public sector partners to extend the range of options which can be supported through the continued roll out of technology to support Smart Working.
- 4.10 In addition, touch down hubs will be provided in Hemel Hempstead (Jarman), Potters Bar (Cranbourne Centre), Letchworth (Centenary House) and Hoddesdon to provide alternative office locations as well as a network of smaller touchdown facilities in a variety of locations around the county to prevent staff needing to travel across county to find a work space.

With The Right Environment & Technology

- 4.11 Offices will be modern and flexible to adapt to a range of staff needs. Spaces will be fitted with appropriate technology to enable staff to work anywhere in a range of ways from:
- Quiet working
 - Collaborative team space
 - Meeting spaces fitted with conference technology and collaborative working tools
- 4.12 A design principle will be developed by the Director of Resources and implemented across all sites to ensure a uniform technology and office accommodation offer.
- 4.13 With an agreed and unified office design, staff will know what to expect at each of our sites:
- Appropriate space for them to work in the style their work requires
 - A high level of collaborative areas
 - A variety of different types of desk spaces
 - Working technology in meeting rooms and collaborative spaces
 - A visually modern environment
- 4.14 The speed with which this can be achieved will largely depend on the availability of funding for new layouts and capacity to manage the works. Capital funding has been allocated to support office accommodation on a rolling programme rather than a wholesale change. Similarly, capital funding for the roll out of technology has been increased in order to speed up the delivery of technology to support the cultural change required.

Maximise Effectiveness and Efficiency of Service Delivery

- 4.15 The provision of the right working environments and equipment are key enablers for staff to deliver efficient services to citizens. The Smart Working programme will support Property in delivering this strategy and

recognises that whilst many members of staff have embraced smart working, there is more to be done. The Smart Working Programme will aim to bring about the cultural shift required to fully maximise the potential of this strategy and foster a flexible working environment that focuses on work as a thing we do, not a location we go to.

4.16 The Smart Board will take a lead role in driving the cultural change including behaviours, technology, staff travel and management culture. Staff will be encouraged to:

- Work flexibly in a variety of locations not at a fixed desk (unless profiles dictate otherwise)
- Use technology to reduce the need to travel for meetings
- Embrace the use of touch down locations to prevent unnecessary additional travel

What will the office portfolio look like in.....?

0-5 years

4.17 The County Council's office accommodation needs will be provided based on a multi-site model utilising the existing three main sites, Stevenage, Hertford and Apsley. By capacity Stevenage would be the largest however both Apsley and Hertford play significant parts in supporting service delivery in south, west and east Herts. In this respect they will all be considered as main offices and will provide staff with modern suitable accommodation. Hertford will remain the democratic hub. Location flexibility will be provided through a network of touchdowns as well as through the roll out of technology that enables flexible working outside of County Council accommodation.

4.18 Each location will be fully equipped as a modern office utilising modern space standards including facilities to purchase hot and cold food. Limited parking will continue to be available on a first come first basis with a range of interventions and incentives to manage demand and promote alternatives put forward through a staff travel plan.

4.19 Office design will be in accordance with the latest national TW3 (The Way We Work) office design standards, currently being signed off by Smart Working Board, and these will set out a high level of workplace flexibility with a significant proportion of collaborative space designed to support interaction and information exchange. Office designs will be rolled out as and when staff and teams are relocated.

4.20 Key activities:

- County Hall – continued refurbishment of County Hall offices to new modern standards and support for relocating teams to ensure most effective use of spaces. Long term investment in old block and

Registry Office Block (ROB); feasibility of development potential progressed and ongoing

- Stevenage – gradual roll out of modern workplace environment as and when teams change; active marketing / leasing of Abel Smith House to third parties – on going
- Apsley – formal decision to stay at Apsley in one building only which will be redesigned and modernised – decision May / June 2018 – implementation to lease expiry in 2020
- Mundells – negotiate deferred break in lease and flexibility to sub-lease; re-location of core County Council staff from Mundells in favour of paying third parties (to off-set holding costs) – decision May / June 2018 – fully traded by 2020

5-10 years

- 4.21 Future accommodation needs remain uncertain in a complex local government and wider public sector landscape. Potential NHS and or local government reorganisation cannot be ruled out. Further discussion with One Public Estate partners and central government will be needed.
- 4.22 The County Council's office accommodation can continue to be provided from three locations with a gradual shift in emphasis from Hertford to Stevenage. The Council's accommodation at County Hall will be reduced in order to realise development potential of the new block and wider site and retain a smaller office supporting democratic hub and local service delivery.
- 4.23 County Council retains flexibility at Apsley with the ability to exit the lease.
- 4.24 The Stevenage campus has the capacity for further consolidation by not renewing leases with third parties at Abel Smith House.
- 4.25 The following sections set out the basis of the individual recommendations.

5. Apsley

- 5.1 The County Council currently leases two office properties in the south west of the County. The properties comprise two self-contained office buildings:
- Apsley One (Meadowside House) is a two storey building located on the southern side of the site. Apsley One benefits from tarmac-covered surface car parking around the perimeter of the building with approximately 174 car parking spaces.

- Apsley Two (Network House) has two storeys above ground plus a basement and is located in the north east corner of the site. Apsley Two benefits from basement parking and tarmac-covered surface car parking around the perimeter of the building with approximately 236 car parking spaces.

5.2 The current leasehold position is as follows:

Apsley 1 - Meadowside House (4,036sqm / 43,452sqft net)
 Passing rent £607,068 pax (£14 per sqft)
 Lease expiring 11th Oct 2020

Apsley 2 - Network House (6,330sqm / 68,137sqft net)
 Passing rent £956,000 pax (£14 per sqft)
 Lease expiring 11th Oct 2021

Total site area: 2.821ha (6.971acre).

- 5.3 The expiry of the current leases in 2020 and 2021 provide the County Council with a window of opportunity to review whether Apsley is the best place to provide the accommodation needs of the Council. A 12 month notice period is required in the event that the County Council wish to extend or renegotiate the lease. An early decision will be advantageous in any negotiation.
- 5.4 The current accommodation at Apsley has not been modernised since 2005 and includes significant void space which will increase when existing NHS teams vacate later in 2018. Modelling the accommodation to current space standards would suggest that the same number of staff could be accommodated within half the floor area currently available at Apsley (i.e. c. 40-50k sq. ft).
- 5.5 The accommodation serves primarily Children's Services and Adult Care Teams. Initial consultation with staff in Apsley has been undertaken and further work will need to be undertaken as part of any move.
- 5.6 Recent property searches identify very few freehold or leasehold alternatives in the Hemel Hempstead area. Those sites that might be available for lease are attracting rental values up to 30% higher than our current lease. Other locations that could serve the west of the county, like Watford, are generally more expensive still. An active eye is being kept on the market for relevant property.
- 5.7 The costs of building a new office of the required size have been estimated at £7m plus the costs of fitting out and land acquisition. There is no County Council land in the area considered suitable. Other potential land, for example Kings Langley, would be reliant on the completion of the local plan process before it could be considered for commercial use and could be considered at a suitable point in the longer term.

- 5.8 A new site will incur significant costs for the County Council and disruption for staff, particularly if this was in a new location. Whilst a new office could be smaller, and therefore cheaper, the likely increased cost per sq ft (outlined above) and the costs of moving / displacement would undermine the case to relocate. The current travel time data suggests that Apsley is well placed for the area it serves. In addition, there are currently no feasible alternative locations and there is a real risk that no suitable accommodation can be found regardless of the cost. It is recommended that this option is not pursued.
- 5.9 Similarly a review with public sector partners has not identified any opportunity to share accommodation or join up to provide future needs. Dacorum Borough Council has recently reopened a renewed civic centre, Hertsmere and Watford have insufficient space and no plans for moving. Three Rivers is considered to be in the wrong location (i.e. wrong side of Watford) to serve West Herts.
- 5.10 Overall it was concluded that the County Council should seek to secure continued accommodation of the office at Apsley but to reduce its footprint to one building.
- 5.11 Options to acquire the freehold have been explored, although the landlord is only willing to concede the freehold of both offices in one transaction. In order to review the viability of this option, advice has been sought from Herts Living and Chalkdene Developments. This has concluded that whilst a case could be made it introduces significant risk and complicates implementation of the strategy. Apsley is not seen as an investment opportunity and therefore a simpler renegotiation of the lease is recommended.
- 5.12 Heads of terms have been reached with the Landlord for a favourable outcome that will deliver significant financial benefit to the authority.

6. **Mundells, Welwyn Garden City**

- 6.1 The premises at Mundells comprise a detached warehouse and office building on a self-contained site. The building was constructed in circa 2005 and was purpose-built for the County Council. It comprises a triple bay warehouse building with three-storey integral offices. There is a staff canteen and print room within the warehouse with mezzanine storage and plant room above.

Approximate Floor areas

	Sq ft (GIA)	Sq m (GIA)
Warehouse	100,000	9,300
Offices and Ancillary Areas	22,500	2,100

Current Total occupation costs (disregarding contract income and internal rent):

Financial Year	Rent	Rates	Outgoings	FM Costs	Total
2017/18	£1,029,979	£440,227	£301,000	£299,964	£2,071,170

6.2 The current lease arrangements are as follows:

- 25 years from 25 Dec 2005
- For the purposes of the rent review the total gross internal floor area is specified as £123,731sqft
- Revised rent effective 24 February 2016 of £989,850, (£8 per sq ft) plus an additional rent of £40,129.05 (to reflect capitalisation of additional works) – total £1,029,979.05 per annum (£8.32 per sqft)
- Full repairing obligation - 5 year internal and 3 year external redecoration
- Permitted use is flexible – B1, B2 & B8
- Assignment of the whole is permitted
- Subletting of the whole or ‘permitted parts’ at market rent
- A ‘permitted part’ - any part of the warehouse and/or a whole floor of the offices, subject to a maximum of two under leases being created
- Internal non-structural alterations permitted without landlord’s consent, to be reinstated upon termination of the lease at the Landlords request
- Break clause 25 December 2020 operable by formal notice of not less than 12mths (time being of the essence). The break is conditional upon rent having been paid up to the Determination Date (may require payment of the full December quarter’s rent)

6.3 The opportunity to renegotiate the lease ahead of a lease break in December 2020 provides the County Council with a limited window of opportunity to negotiate. A minimum of 12 months’ notice is required however it is advisable that the County Council determines its position sooner to enhance its negotiating position with the landlord. There are also related decisions that can be made if terms are agreed by June 2018 and therefore a decision is needed now to secure the most favourable offer.

6.4 Mundells is primarily a warehouse and was acquired to support Herts Business Services in 2005. The 2017-2021 Business Plan for what is now known as Herts Full Stop (HFS) sets out the challenges presented by the current building and the likely future needs of the business. This can be summarised as:

“Staying at Mundells adds a complication and potential liability for the County Council should they choose to realise HFS as an asset. A standalone building (developed/purchased or leased (subject to terms)) supports the creation of strategic options for the County Council in respect HFS.” HFS Business Plan Section 5.

- 6.5 The office accommodation at Mundells is large compared with similar warehouse units. As a result it was always too big for HFS and is occupied by the County Council service teams and Herts Catering. Although it was never formally part of the office portfolio its use has grown organically in order to utilise the space. The revised office accommodation strategy re-confirms that Mundells is not needed as part of the office portfolio and instead any decision should be based on the ongoing need for the warehouse and the ability of the office space to generate income to offset the lease cost through sub-leases to partners and third parties.
- 6.6 In essence the building is too large for HFS's current requirements and hence why it has been appropriate to share the accommodation with other users and services. Current occupants are:
- Herts Business Services
 - Herts Equipment Services
 - Hertfordshire Catering Limited
 - Childrens Services (Services for Young People)
 - Community Protection
- 6.7 If the lease break were to be exercised all the above services would be displaced. A number of options have therefore been explored to inform whether it would be appropriate to exercise the 2020 lease break:
- A. Exiting and constructing a new facility on County Council land – the potential to construct a new warehouse was modelled on the former Kodak site in Stevenage. The local planning authority is not supportive of this approach and outstanding risks associated with the acquisition make this unlikely. The ability to deliver a new scheme in another location within the necessary timescales would also now be remote. Evaluation of the return on investment would be needed and is not currently part of the HFS business plan. This option is therefore ruled out.
- B. Exiting and purchasing or leasing a new facility – There are no suitable freehold warehouse premises currently available elsewhere in Hertfordshire and there is a reluctance amongst developers and investors to sell existing given the current strength of the market – which is in turn being driven by a lack of stock. Costs would be slightly cheaper due to the smaller footprint however the costs to move, as well as pay exit costs (dilapidations etc.) at Mundells would offset this for the first 4-5 years of occupation (est. £250k). This option could be considered but lack of availability means it is not currently viable and is therefore ruled out.
- C. Staying, sub-dividing and sub-letting - Reconfiguration of current operations could free up sufficient space in the warehouse to reduce the costs for HFS and enable formal (but minimal)

subdivision and letting to a third party (approximately 3,158sqm / 34,000sqft). It is estimated that this could attract circa £500,000pa via an 'all in one' quarterly payment (rather than rent, rates, service charge etc. individually). As there remains little available warehouse stock within the immediate surrounding area of this size (30 – 50,000sq ft) a good level of interest in short-term sub-letting could be expected. The downside of short term flexible arrangements is that they will inevitably give rise to periodic income voids. In addition the potential to maximise rental income must be balanced against finding an occupier that is broadly compatible with the other service uses on site - to avoid creating additional pressures on parking and service access in particular as these could otherwise significantly hinder service delivery. We would look to target a single occupier as more than one would cause a management issue. This option would generate income to offset costs and is preferred.

D. Staying and alternative use by the County Council - the potential to utilise any void space for other storage such as archives, equipment, and document storage is being considered. Potential demand across the County Council and other public sector partners is being assessed and due to completed prior to commencing marketing of the surplus warehouse space. Although it would be unlikely to offer as favourable returns as option C. it could offer a means to offset costs incurred elsewhere in the event that the lease break was not exercised.

6.8 Option C is the recommended approach and therefore initial negotiations are underway with the landlord to secure a favourable position. Financial Terms are set out in Part II.

6.9 In either case existing County Council teams will be relocated to other main office sites in order to sub-let space at Mundells on commercial terms to traded partners and third parties.

7. County Hall, Hertford

7.1 Consultants have been commissioned to review the development potential and other issues associated with the County Hall site to inform long term planning. Initial conversations have indicated support for exploring their recommendations further. These include:

- To assess the long term development potential of the new block and multi storey car park, its viability and implications
- To assess the capacity of the old block to continue to provide office accommodation for the authority

7.2 Officers would like to undertake consultation with staff and members on a range of scenarios to inform future decisions. Detailed feasibility needs to be undertaken to inform future recommendations.

8. Financial Considerations

- 8.1 The Office Accommodation Strategy will support the delivery of existing Integrated Plan targets for Property Review & Rationalisation which set out £1.487m of savings by 2020 (of this total £1.1m related to the areas covered in this report. The recommendations will however deliver further savings beyond this which will support the Council in managing the budget gap. This is expected to deliver nearly £1.6m per annum from 2022 – which exceeds the IP target and will help close the budget gap the Council faces. There are shortfalls against the IP target in the next two financial years – but it is expected that income from Mundells will help close that gap (and increase savings further in later years). Specific savings attributable to individual decisions are commercially sensitive and contained within Part II.
- 8.2 In order to deliver this accommodation strategy, a significant amount of preparatory work will need to be done. The work includes building services design, smart working interior design work, information technology temporary installations, lease negotiation and legal fees together with significant project management and communications cost for all work streams. A budget of approximately £500,000 is needed to design and plan the property projects and the Smart working work streams that inform the project design. As such, approval is sought from invest to transform funding to meet these costs. This funding will be non-repayable, as all savings will be included in the Integrated Plan. This preparatory work will also help support the outline business case for the Smart Working invest to transform bid that will be presented to Cabinet at a later date (see 8.5 below).
- 8.3 In addition to the initial work streams, there will be a refurbishment cost for Apsley 1 and costs involved in re-configuring Mundells to allow 3rd party lettings. The total cost of this work cannot be fully quantified until the initial work is carried out, however, early estimate indicate that the work should cost between £1m and £2m. A capital budget for this work was included in the Integrated Plan approved by Council in February 2018. Until the actual work to be undertaken is known, it is not clear whether this would be classed as capital or revenue. If any elements are deemed to be revenue, then it will be necessary to revisit the financing at that point, and consider options including the Invest to Transform fund or the Investment Reserve. It is recommended that delegated authority is provided to the Director of Resources, in consultation with the Executive Member for Resources and Performance, authority to agree the final financing arrangements when plans are known
- 8.4 The changes to the lease arrangements at Apsley (the reduction from two buildings to one) will commit the Council to meeting dilapidations costs on the unit it relinquishes. These costs are not currently

budgeted, and are likely to be incurred in 2021. It will be necessary to include these costs in the next Integrated Plan (noting that the Integrated Plan ultimately needs Council approval). Approving the recommendations in this report will commit the Council to these costs.

- 8.5 The Council is also working on how the working practices established at Apsley can be rolled out across the Council. This is likely to need Invest to Transform funding and the business case development will be led by the Smart Working programme. This bid will articulate in greater detail the resource requirements of the full Smart Working Programme including significant investment in culture change, project management, investment in technology and equipment, delivery of redesigned County Hall offices and resource to support staff through the changes. Again it should be stressed that this is about a county wide roll out of the practices, and not specific to this accommodation strategy.

9. Equalities Implications

- 9.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 9.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum, this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 9.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 9.4 The proposed Office Accommodation Strategy will continue to ensure the staff have access to a range of workplaces to deliver their roles. Consideration of the need of individuals will continue to be made to ensure the requirements of the Equality Act 2010 are taken in to account to:
- (a) eliminate discrimination, harassment, and victimisation
 - (b) advance equality of opportunity
 - (c) foster good relations between staff.

- 9.5 An Equality Impact Assessment (EqIA) has not been undertaken as the proposals do not fundamentally change the availability of office space. The new office design principles are consistent with Cabinet Office design principles (The Way We Work).