

Notice of a public meeting of Executive

To: Councillors Douglas (Chair), Kilbane (Vice-Chair), Coles, Kent, Lomas, Pavlovic, Ravilious and Webb

Date: Thursday, 12 October 2023

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any decisions made on items* on this agenda, notice must be given to Democratic Services by **4:00 pm on Monday, 16 October 2023**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

1. Declarations of Interest

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

(1) *Members must consider their interests, and act according to the following:*

Type of Interest	You must
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Directly Related)</i> OR <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only</u> if the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Affects)</i> OR <i>Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being:</i> <i>(a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and</i> <i>(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.</i> <i>In which case, speak on the item <u>only</u> if the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.</i>

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*

2. Minutes (Pages 1 - 10)

To approve and sign the minutes of the Executive meeting held on 14 September 2023.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Executive.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 10 October 2023.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Forward Plan (Pages 11 - 14)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

5. Development of a new York Local Transport (Pages 15 - 52) Strategy

City of York Council needs to prepare a new Local Transport Plan (LTP). The new LTP will inform transport decisions to be made by the future devolved York and North Yorkshire Mayoral Combined Authority and comply with anticipated Department for Transport guidance on new LTPs and preparation of “pipelines of major future transport schemes”.

6. Delivering the Vision for the City Centre (Pages 53 - 82)

The purpose of this report is to re-launch the Vision for the City Centre, signifying a strong commitment from the council to the overarching aims in the existing Vision.

7. Consideration of changes to the City Centre Traffic Regulation Order (Footstreets) (Pages 83 - 180)

This report seeks the Executive to consider changes to the City Centre Traffic Regulation Order (Footstreets).

8. UK Shared Prosperity Fund (Pages 181 - 218)

This report sets out the conclusions of a light touch officer review that has been undertaken, looking at progress/implementation of the investment. The report makes recommendations that a number of non-material changes be made to the investment plan to ensure the efficient and effective use of the remaining funds and to maximise alignment with current priorities.

9. Establishing a York Community Fund (Pages 219 - 242)

This report seeks approval for City of York Council to work with a Community Foundation to establish the York Community Fund (YCF), to fund priority city funded work including community-based projects and to deliver funding for a Universal Free School Meals (UFSM) pilot.

10. Biodiversity Net Gain (including information on Local Nature Recovery Strategy) (Pages 243 - 254)

This report intends to brief Members on the approach to prepare for Biodiversity Net Gain and the implementation of Local Nature Recovery Strategies. It also sets recommendations for enhanced actions to further proactively address Biodiversity Net Gain and

seeks approval for relevant governance arrangements for Local Nature Recovery Strategies.

11. Capital Projects 2024/25 (Pages 255 - 286)

This report seeks the Executives approval of the overall budget of £7,200,000 to enable the schemes in the Education Capital Programme, 2024/25 (the “Programme”) to take place.

12. Youth Justice Plan (Pages 287 - 380)

This report seeks agreement from the Executive for the Youth Justice Plan.

13. Approved Provider List (“APL”) Dynamic Purchasing System (Pages 381 - 442)

This Paper seeks for Executive to approve the procurement of the following APL for the following services on a phased approach:

- a) Care at Home (Domiciliary care) (APL 1)
- b) Residential care with and without nursing (APL 2)
- c) Community Based Support (APL 3)
- d) Supported Living (APL 4)

14. Recommission of the current York Reablement service (Pages 443 - 516)

this report seeks approval to go out to the market and commence a competitive tender process to reprocure the Reablement Service in York.

15. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer:

Name: Robert Flintoft

Contact details:

- Telephone – (01904) 555704
- E-mail – robert.flintoft@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

(Urdu) یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جا سکتی ہیں۔

 (01904) 551550

City of York Council	Committee Minutes
Meeting	Executive
Date	14 September 2023
Present	Councillors Douglas (Chair), Kilbane (Vice-Chair), Coles, Kent, Lomas, Pavlovic and Webb
Apologies	Councillor Ravilious
In Attendance	Councillor Ayre
Officers in Attendance	Ian Floyd – Chief Operating Officer Debbie Mitchell – Chief Finance Officer Frances Harrison – Head of Legal Jamaila Hussain - Corporate Director Adults and Integration Martin Kelly - Corporate Director, Children's and Education Neil Ferris - Corporate Director of Place Abid Mumtaz - Head of All Age Strategic Commissioning, Contracts and Quality Ruth Hine - Public Health Specialist Practitioner - Advanced

PART A - MATTER DEALT WITH UNDER DELEGATED POWERS

20. Declarations of Interest (17:31)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

21. Minutes (17:31)

Resolved: That the minutes of the Executive meeting held on 13 July 2023 be approved and then signed by the Chair as a correct record.

22. Public Participation (17:31)

It was reported that there had been 4 registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn asked for amendments to provide greater information and clarity regarding the Council's forward plan, annexes to reports, and the equalities impact assessment reports. She asked that strategies which feed into the Council plan be published together and requested that calculations for the allocations of ward funding budgets be published.

Flick Williams raised issues that the delivery of new electric buses in the city had not come with improved accessibility for those with disabilities. She highlighted that only one space for wheelchair users created barriers to travelling on public transport in the city. She also raised concern that the new Haxby railway station has not had level boarding confirmed and that with no guarantee of staff being at the station this would be another barrier to disabled users being able to travel.

Cllr Hollyer raised concerns relating to the formula used to allocate ward funding. He noted that areas with similar levels of deprivation but larger populations in the city were to receive lower levels of funding than wards with smaller populations. He also raised concerns over the process of approving the ward funding budget at Full Council and asked the decision be brought forward again to a future meeting.

Denise Craghill recommended that the Council introduce charges for green waste collections. She noted that other councils had introduced charges which had not reduced uptake and suggested the scheme could be opened up to areas which currently don't have access to green waste collections. She also requested additional information on housing provision for people with multiple complex needs and what impact if any there will be to general repairs and housing services with the increase in capital revenue spending on housing.

23. Forward Plan (17:46)

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

24. Approval of the Council Plan 2023-2027 (17:47)

Executive considered the *One City, For All* draft City of York Council's corporate strategy for 2023-2027 which they were asked to approve and

recommend to Full Council for final approval. The Chief Operating Officer outlined the role of the strategy in how the Council operates.

The Executive Leader noted the collaborative work between officers and Executive Members to bring the strategy together. She outlined the key priorities within the strategy including equalities, affordability climate, and health. The Executive Leader noted that the Executive wanted to be ambitious for the city but would be challenged by the current financial challenges to the Council.

Resolved:

- i. Approved the Council Plan and recommended it to Council for final approval on 21 September 2023.

Reason: Approving the Council Plan will mean Executive has, through the Council Plan, made a clear statement of the council's vision and purpose and as a result, the Council Plan will guide the council's priorities, providing a framework for financial and performance management, including dealing with competing demands and defining a programme to ensure best-value for residents.

25. Building Lease for Drug and Alcohol Service (18:06)

The Public Health Specialist Practitioner outlined the requirement for lease arrangements to be regulated for premises from which the York Drug and Alcohol Service currently operates. She verified that there was no change proposed which would substantially affect the delivery of the service. It was confirmed that new lease arrangements would be sought because existing ones have lapsed and that it was necessary to provide assurances, that premises will be provided for service delivery to potential bidders for this year's Invitation to Tender for the York Drug and Alcohol Treatment and Recovery Service contract due to start from 1 July 2024.

The Executive Member for Health, Wellbeing and Adult Social Care welcomed the report and noted that despite budget pressures it was vital that these services continue. The Executive Member acknowledged the importance of providing a location for drug and alcohol services to operate from. The Leader of the Liberal Democrat group enquired about a reduction to funding of substance misuse support and the Executive Member confirmed that they would write to the Leader of the Liberal Democrat group regarding funding of substance misuse support.

Resolved:

- i. That the negotiation and completion of the Bowes Morrell lease with York Conservation Trust pursuant to the Heads of Terms outlined the executive paper, and otherwise on substantively the same terms as the Previous Lease be approved;
- ii. That the grant of a proposed sub-lease of Bowes Morrell House at a peppercorn rent to any and each of the existing service provider or any service provider appointed pursuant to the proposed tender for the appropriate term of the associated service contract be approved;
- iii. That the grant of a proposed lease of 3 Blossom Street at a peppercorn rent to any of the existing service provider or any service provider appointed pursuant to the tender for the appropriate term of the associated service contract be approved;
- iv. That the Director of Public Health in consultation with the Director of Governance is authorised, to:
 - (i) decide the provisions of the new headlease and of the necessary sub-leases; including the amount of any rents payable by or to the Council pursuant to the headlease and sub-leases; and
 - (ii) conclude and effect entry into of the new headlease and the necessary sub- leases

Reason: The rationale for the recommendations is to enable drugs and alcohol treatment and recovery services to operate effectively from suitable buildings.

26. All Age Commissioning Strategy (18:11)

The Corporate Director of Adults and Integration noted that York had not had an All Age Commissioning strategy before. She confirmed that the strategy would work to support objectives within the Council Plan and highlights the Council's focus on supporting people to remain at home independently for longer, supporting young people preparing for adulthood to have access to services that are personalised to their needs as well as reducing the reliance on crisis care.

The Executive Member for Health, Wellbeing and Adult Social Care welcomed the strategy and noted the importance to ensure the Council was

commissioning care effectively. She noted the financial challenges faced by the Council and the importance to spend effectively. Funding for supporting people with disabilities and in community care was discussed and the Corporate Director of Adults and Integration outlined that the Council had previously had an expensive practice in relation to commissioning. The Corporate Director confirmed that practice related to work during the pandemic had been expensive and that the new strategy would provide better outcomes while being more cost effective.

Resolved:

- i. Approved the all age commissioning strategy and delegate any changes to the strategy to Executive Member for Health, Wellbeing and Adult Social Care and the Corporate Director of Adult services and Integration (DASS).

Reason: The Commissioning Strategy form part of the core requirements under the Care Act 2014 and the Children's Act 2004. This Strategy underpins the current Market Position Statement as well as conforming to the expectations of the CQC assurance framework.

27. Finance & performance monitor 1 (18:24)

The Chief Finance Officer outlined the financial challenges to the Council particularly in Childrens and Adults social care. She confirmed that these challenges were not unique to York and were effecting local authorities around the country. She outlined that the Council currently had a projected £11.4 million overspend which would require immediate action to reduce. She also confirmed that the York Museums Trust had asked for a further extension of credit to March 2025. The Chief Finance Officer clarified the decision regarding Council's decision on Ward Committee funding could be found at paragraph 30 of the report. Finally a correction was also noted, the table at paragraph 20 of the report refers to 2023/24 not 2022/23.

Members discussed the use of spot purchasing of care home beds which were used particularly during the pandemic. The Corporate Director Adults and Integration confirmed that spot purchasing had been ended but that there was legacy costs associated with spot purchasing. She confirmed that there had been a reduction in individuals going into residential beds since ending spot purchasing and that this had not resulted in a delay in care, instead she noted that the Council had undertaken a greater consideration of care that was required.

The Executive Member for Finance, Performance, Major Projects and Equalities confirmed that the Executive aimed to manage the Council's finances to ensure it does not have to declare bankruptcy. The Executive Member confirmed that they were working alongside officers to identify budget savings while aiming to deliver on statutory services. She noted the request during public participation to consider options such as charging for green waste collections and confirmed that a report would be brought on this topic to explore options.

Addressing the Council's current and previous projected overspends were discussed. The Chief Finance Officer confirmed that in previous years access to largely one of funds, such as reserves relating to addressing costs from the pandemic had supported the Council in addressing overspends.

The Executive Leader invited the Leader of the Liberal Democrat group to co-sign a letter to central government for a fair funding deal for the Council. He agreed to co-sign the letter and encouraged the Executive Leader to continue engagement from the previous administration with F20 group of lowest funded local authorities to add weight to the Council's request.

Resolved:

- i. Noted the finance and performance information;
- ii. Noted that management actions have already been implemented to exercise budget management but that further controls are now needed;
- iii. Noted that there will be a negative impact on the Council's medium term financial position should the proposed mitigations not be delivered;
- iv. Noted that further work and savings will be needed to fully mitigate the forecast overspend;
- v. Noted that further work will be undertaken to explore the potential for generating income through provision of some non-statutory services such as green waste collection.
- vi. Approved officers to take the actions needed to manage the financial position as outlined in paragraphs 14 and 15 of the report.
- vii. Approved increase in car parking charges by 10p per hour as set out in paragraphs 81 and 82 of the report to be implemented as soon as practicably possible. The Corporate Director of Place will liaise with the Executive Member for Economy & Transport to determine the exact date.

- viii. Approved a further extension to March 2025 for the letter of credit to York Museums Trust as outlined in paragraphs 26 to 28 of the report.
- ix. Noted the potential requirement for match funding in respect of the YMT grant bid as set out in paragraph 29 of the report.
- x. Confirmed that the officer decision around ward funding allocations is implemented as planned (see paragraphs 30 to 31 of the report).

Reason: to ensure expenditure is kept within the approved budget.

28. Capital Programme Monitor 1 (18:55)

The Chief Finance Officer outlined the funding assigned to the delivery of Council projects. She noted that there had been slippage in the capital programme resulting in a decrease of £135.903 million as detailed in this monitor resulting in a revised capital programme for 2023/24 of £148.745 million.

This is mainly due to a thorough review of the timings of the capital programme to reflect latest timescales.

The Executive Member for Finance, Performance, Major Projects and Equalities confirmed that they would be reviewing all capital projects. The Executive Member noted that slippage in the programme meant that the Council would not need to borrow additional capital this year for the capital programme.

Resolved:

- i. Noted the 2023/24 revised budget of £148.745m as set out in paragraph 6 and Table 1 of the report.
- ii. Noted the restated capital programme for 2023/24 – 2027/28 as set.

Reason: to enable the effective management and monitoring of the Council's capital programme.

29. Treasury Management Quarter 1 Prudential Indicators (19:02)

Chief Finance Officer introduced the report and noted that there would now be quarterly Treasury Management Prudential Indicators reports.

Resolved:

- i. Noted the performance of treasury management activity for the quarter ended 30 June 2023;
- ii. Noted the latest Prudential Indicators set out at Annex A.

Reason: To enable the continued effective operation of the treasury management function and ensure that all Council treasury activity is prudent, affordable and sustainable and complies with policies set.

PART B - MATTERS REFERRED TO COUNCIL

30. Approval of the Council Plan 2023-2027 (17:47)

Executive considered the *One City, For All* draft City of York Council's corporate strategy for 2023-2027 which they were asked to approve and recommend to Full Council for final approval. The Chief Operating Officer outlined the role of the strategy in how the Council operates.

The Executive Leader noted the collaborative work between officers and Executive Members to bring the strategy together. She outlined the key priorities within the strategy including equalities, affordability climate, and health. The Executive Leader noted that the Executive wanted to be ambitious for the city but would be challenged by the current financial challenges to the Council.

Recommended:

- i. That Council consider the Council Plan for final approval on 21 September 2023.

Reason: The Council Plan guide the council's priorities, providing a framework for financial and performance management, including dealing with competing demands and defining a programme to ensure best-value for residents.

31. Capital Programme – Monitor 1 2023/24 (18:55)

The Chief Finance Officer outlined the funding assigned to the delivery of Council projects. She noted that there had been slippage in the capital programme resulting in a decrease of £135.903 million as detailed in this

monitor resulting in a revised capital programme for 2023/24 of £148.745 million.

This is mainly due to a thorough review of the timings of the capital programme to reflect latest timescales.

The Executive Member for Finance, Performance, Major Projects and Equalities confirmed that they would be reviewing all capital projects. The Executive Member noted that slippage in the programme meant that the Council would not need to borrow additional capital this year for the capital programme.

Recommend:

- i. To Full Council the adjustments resulting in a decrease in the 2023/24 budget of £135.903m as detailed in the report and contained in the Abbreviated Monitor 1 Annex.

Reason: to enable the effective management and monitoring of the Council's capital programme.

Cllr Douglas, Chair

[The meeting started at 5.31 pm and finished at 7.07 pm].

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Forward Plan: Executive Meeting: 14 September 2023

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 16 November 2023

Title and Description	Author	Portfolio Holder
<p>Capital Programme Monitor 2</p> <p>Purpose of report:</p> <p>To provide members with an update on the capital programme.</p> <p>Members will be asked:</p> <p>To note the issues;</p> <p>Recommend to Full Council any changes as appropriate.</p>	Emma Audrain, Accountant - Customer & Business Support Services	Executive Member for Finance, Performance, Major Projects and Equalities
<p>Finance & performance monitor 2</p> <p>Purpose of report:</p> <p>To present details of the overall finance and performance position.</p> <p>Members will be asked: To note the report.</p>	Debbie Mitchell, Chief Finance Officer Ian Cunningham, Head of Business Intelligence Hub	Executive Member for Finance, Performance, Major Projects and Equalities

Title and Description	Author	Portfolio Holder
<p>Medium Term Financial Strategy Update</p> <p>Purpose of report:</p> <p>To outline the high level Medium Term Financial Strategy (MTFS) 2024/25 to 2027/28 to reflect the updated Council Plan. The MTFS supports the Council Plan and will ensure that resources are prioritised to deliver Council priorities but will ensure that it only delivers those schemes that it can afford.</p> <p>Members will be asked: To approve the Medium-Term Financial Strategy.</p>	Debbie Mitchell, Chief Finance Officer	Executive Member for Finance, Performance, Major Projects and Equalities
<p>Treasury Management and Prudential Indicators 2023/24 Mid-Year Review and Quarter 2 Prudential Indicators</p> <p>Purpose of report:</p> <p>To provide members with an update on the treasury management position.</p> <p>Members will be asked:</p> <p>To note the issues;</p> <p>Approve any adjustments as required to the prudential indicators or strategy.</p>	Debbie Mitchell, Chief Finance Officer	Executive Member for Finance, Performance, Major Projects and Equalities

Title and Description	Author	Portfolio Holder
<p>Castle Gateway Update</p> <p>Purpose of Report: To provide an update on the Castle Gateway Regeneration and seek approval for the next steps on the various project components.</p> <p>The report will explain what has changed since the last decision report in June 2022 and what this means for the Castle Gateway projects, as well as setting out a series of recommended next steps.</p> <p>Executive will be asked to consider what has changed on the Castle Gateway Regeneration since the last decision report in June 2022, and agree the way forward on the various project components.</p>	Sally Cawthorn, Regeneration Project Officer	Executive Member for Finance, Performance, Major Projects and Equalities

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 14 December 2023

None currently listed.

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Meeting:	Executive
Meeting date:	12/10/2023
Report of:	James Gilchrist and Julian Ridge
Portfolio of:	Cllr Pete Kilbane, Executive Member for Transport and Economy

Decision Report: York's new Local Transport Strategy and Plan

Consultation on York's new Local Transport Strategy and Plan

1. City of York Council needs to prepare a new Local Transport Plan (LTP). The new LTP will inform transport decisions to be made by the future devolved York and North Yorkshire Mayoral Combined Authority and comply with anticipated Department for Transport guidance on new LTPs and preparation of “pipelines of major future transport schemes”.
2. In order to prepare the new LTP in timely fashion for input into devolution negotiations, Executive is asked to (a) endorse a new set of “transport principles” - which reflect the transport priorities expressed in the new Council Plan - as the basis for public consultation – delegating approval of detailed policies to the Executive Member for Transport and Economy’s Decision Session on November 14th; (b) approve the programme, method and budget for the proposed consultation plan (Annex A) (c) approve establishment of an Expert Group to cost-effectively guide further development of York’s LTP and formulation of a York “Movement and Place Plan”, including in specialist areas such as business case formulation where CYC has insufficient in-house capability in relation to the challenge ahead (Annex C). If the proposals set out in this paper are agreed, then consultation can commence in November to allow a Strategy to be put before Full Council in March 2024 and adopted by City of York Council for presentation to a new elected mayor at the start of their term of office.

3. The Strategy presented in this paper follows on from scoping work approved by Executive in February 2023 where a paper setting out the key transport challenges in York, and consultation findings on transport to date were outlined and potential strategy options set out for consideration by the new Council Administration post the May 2023 Council Elections.

Benefits and Challenges

4. Key benefits of making the decisions outlined in (a) to (c) above are that beginning consultation on the LTP in November will:
 - Allow a very wide consultation – across York - on the proposals to take place
 - Align transport proposals for York with the new Council Plan
 - Give the best mesh with the anticipated decision-making processes of the new devolved authority
 - Establish an expert group who will be able to assist in policy development at a critical time for York

Policy Basis for Decision

5. In December 2022, Full Council approved a 10 Year Plan and 10-year strategies covering climate, health and wellbeing and economic growth which all recognised the critical role transport plays in delivering city wide ambitions.
6. The Climate Change Strategy 2022-2032 notes that emissions from transport represent 27.9% of York's emissions and of this, 88% of emissions come from car travel or public transport, the strategy sets an objective to increase the share of vehicles on the road that are electric or hybrid. The strategy sets an objective to reduce carbon emissions from transport by 71% and reduce car miles travelled by 20%.
7. Improving York's transport networks responds to the Council Plan 2023-2027 - One York for all, which sets a vision for the Council that over the next four years we will "establish the conditions that would make the city of York a healthier, fairer, more affordable, more sustainable and more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations." Approval of the new Council Plan has set a new policy context for the council with four

core commitments being embedded throughout all decision making and being key to achieve the vision set in the plan.

8. In addition, the City of York Council's Constitution sets a requirement for Council to approve the Local Transport Plan (Background Paper: Scheme of Delegation), which the proposed work set out in this report will contribute to.

Financial Strategy Implications

9. The consultation process set out in this report is estimated to require a financial commitment of approximately £125,000 for consultation, establishment of the Expert Group, technical work and CYC staffing costs. This is entirely funded by remaining grant funding from £178,000 provided to City of York Council by the Department for Transport in 2022 – ringfenced for preparation of Local Transport Plans. Consequently, there is no implication on CYC's Financial Strategy from adopting the recommendations made in this report because the work is supported by external funding.

Recommendation and Reasons

10. Executive is asked to (a) endorse the proposed new Transport Strategy as the basis for the consultation (b) approve the proposed consultation process (Annex A to this report); (c) approve establishing an Expert Group to advise the Council, the terms of reference for which are attached as Annex C to this report.
11. If the proposals set out in this paper are agreed, then consultation can commence in November to allow a Strategy to be put before Full Council in March 2024 and adopted by City of York Council for presentation to the Mayoral Combined Authority and the newly elected mayor at the start of their term of office.

Background

12. The new Council Plan, which was adopted in September 2023, contains a number of specific objectives and measures for transport in York, which are shown in the box opposite. Overall there is a commitment to “Sustainable accessible transport for all” underpinned by the Four Core Commitments - Equalities, Affordability, Climate and Health and Wellbeing.
13. Some of the measures (for example, 1.4 – “Deliver the Bus Service Improvement Plan...” or 2.5, which relates to rail projects) set out the completion of existing projects or programmes. Other measures relate to new policies developed to reflect the Administration’s priorities, as set out in the Council Plan, which must now be incorporated into consultation for the new Local Transport Plan.
14. In particular, Proposals 1.2 and 1.3 set out development of the new Local Transport Plan for York, whilst proposal 1.1 seeks to develop a city-wide “Movement and Place Plan”. This will inevitably be the focus of much transport policy-making and will likely define future major transport schemes as pre-requirement of delivering the Movement Plan (for example, improvements to bus and rail services and facilities for pedestrians and cyclists).

2023-2027 Council Plan Transport Commitments:

1. Deliver bold and ambitious proposals:

- 1.1. Develop a city-wide Movement Plan as a statement of intent for discussion with the new Mayor, to mitigate the carbon impact of upgrading and dualling the A1237, reducing congestion and enabling active travel.
- 1.2. Develop Local Transport Plan 4 and the Local Cycling, Walking and Infrastructure Plan (in line with government guidance and aligned to the Air Quality Action Plan) to help people travel easily in a sustainable, safe, and healthy way.
- 1.3. Launch an inclusive and accessible draft Local Transport Strategy consultation programme.
- 1.4. Deliver the Bus Service Improvement Plan, including a new provider of bus shelters with real-time information and lobbying for improvements in York's bus services.
- 1.5. Launch and deliver Air Quality Improvement Plan 4, taking bold action to reduce air pollution beyond national regulations and aim to meet World Health Organisation targets.

2. Reduce carbon, enable residents to choose alternatives to petrol or diesel cars:

- 2.1. Seek to extend the Clean Air Zone to include freight and taxis, covering York Central and responding to the need for freight deliveries, considering additional action such as taxi licensing.
- 2.2. Promote subsidised upcycled bike schemes and seek to expand e-bikes to connect villages to the city centre.
- 2.3. Become a fully electrified bus city, refresh the EV strategy including e-bikes & e-scooters.
- 2.4. Introduce traffic calming and anti-idling patrols around schools to reduce traffic and remove harmful pollutants.
- 2.5. Improve York's access to rail, completing the Station Frontage scheme and continue to support a station at Haxby.

3. Make the city accessible for all:

- 3.1. Listen to the disabled community and review Blue Badge access to the city, refreshing the access plan.
- 3.2. Co-design a plan for Our City Centre to make foot street more welcoming and accessible, including management of freight deliveries as part of the Movement Plan.
- 3.3. Provide concessionary bus fares for age up to 25 years old.
- 3.4. Promote sustainable transport routes to York Community Woodland.

4. Improve the condition of highways and infrastructure:

- 4.1. Improve streets, cycleways and footpaths for walkers and wheelers, as part of the Highways Improvement Asset Management Plan.
- 4.2. Review the business model for transport enforcement including local regulations, such as yellow-hatched boxes and illegal parking and anti-idling enforcement to improve air quality.

Transport Vision and Policy Focus Areas

15. A “Transport Vision” has been developed to encapsulate the priorities set out in the Council Plan, as follows:

“Our vision for transport stems from our Council Plan and our four key priorities: Equality, Affordability, Climate and Health. Over the coming decades our city and its villages will need to accommodate a growing population whilst also adapting to a changing climate. Our local transport strategy will play a crucial role in addressing these challenges, both in defining how we move around, but also shaping the way that we use our streets and public spaces.

We want to create a York that is open and accessible to everyone, with affordable and healthy transport options no matter where you live. We also want our transport networks to enhance our wonderful city and its villages by actively improving the health of residents, supporting a thriving economy and respecting York’s heritage. And all of this needs to happen with an eye to the future; ensuring that our transport systems are resilient to the changes ahead and help to tackle climate change.

These challenges present us with an opportunity to reshape our transport system and shape a network that meets the needs of the people of York for decades to come.

In 2030 York residents will benefit from an accessible, affordable, sustainable and resilient transport network that continues to actively improve health and support a thriving economy for decades to come.”

16. The Vision then feeds into ten objectives, each of which will be linked to targets to be achieved by particular years (to be brought to an Executive Member for Transport decision session) and nine “Policy Focus Areas”, each of which will be underpinned by a number of detailed policies (to be brought to an Executive Member for Transport decision session). The final Strategy will develop the policies into a series of implementation plans, with the first of these being announced following consultation on this Strategy. Crucial to this will be effective monitoring and evaluation to chart the progress of the Strategy, and finance to meet capital and revenue costs of individual projects. The ten objectives and nine Policy Focus Areas will form the basis of consultation over the coming 3 months. The objectives and Policy Focus Areas are set out in the boxes opposite.

Proposed Local Transport Plan objectives:

1. Support an inclusive, accessible, affordable city
2. Support delivery of the Climate Change Strategy
3. Support delivery of the Economic Development Strategy
4. Improve health and wellbeing through healthy place shaping
5. Enhance safety and personal security
6. Improve the local environment by reducing air pollution and noise
7. Enhance the reliability of the transport system
8. Protect the city's heritage and enhance public spaces.
9. Accommodate the envisaged growth of the city in the most sustainable way
10. Future-proof our city

17. The ten objectives then feed into nine "Policy Focus Areas", as shown in the boxes below:

- 1. Shape a city that is accessible to everyone** – so that everyone, including young people, women, disabled people and anyone with a protected characteristic, is able to access all the facilities which they need, and all areas of the city, and its villages, have accessible, reliable and affordable bus services to key destinations.
- 2. Improve walking, wheeling and cycling** – so that cycling, walking and wheeling become more attractive and offer better alternatives to the car. Key to this will be creating a continuous network of safe and high-quality cycle, walking and wheeling routes, and giving all active travel users greater priority on roads and at junctions. Effectively integrating new modes like e-bikes into York's transport network will also be important. These changes will achieve a doubling of active travel journeys by 2030.

- 3. Shape healthy places** – to encourage physical activity by ensuring that all communities in York are inclusive, feel safe and offer all the facilities which people need on a daily basis within easy reach whether walking, wheeling, cycling or travelling by public transport. We will improve district centres so that people can meet more of their shopping, work and leisure needs locally, without having to travel by car. We will improve streets and spaces in York to help us adapt to future climate change and for the benefits of all users, including people who have limited mobility, hearing or sight loss. We will focus on planting, lighting, surfaces and the quality and feel of streets and spaces in York. We will improve broadband connectivity to enable people to work, study and shop from home.
- 4. Improve public transport** – so that all areas of the city have good and reliable public transport access. Key to this will be extending the bus network, ensuring effective and reliable early and late services when people need them, and upgrading high frequency bus services – in some cases into bus rapid transit services or possibly light rail transit systems. We will also work to upgrade heavy rail services where they play a local role or support our other policies. Not only will this result in a 50% or greater increase in bus patronage by 2030, it will also enhance the viability of public transport and protect its future.
- 5. Safeguard our environment by cutting carbon, air pollution and noise** - we will encourage the take-up of electric vehicles because they have no tailpipe emissions. However, we know that simply converting existing internal combustion-engine trips to electric vehicle trips will not be enough to meet Climate Change targets, reduce congestion, or improve air quality and health sufficiently. We must achieve reductions in the absolute number of car miles travelled too.

- 6. Manage York's transport networks for Movement and Place** – we will develop a Movement and Place Plan which reallocates road-space to create safe and connected networks for walking, wheeling, cycling, public transport, cars and freight for residents, businesses and visitors alike – helping deliver York's economic and environmental strategies and draft Local Plan by making walking, wheeling and cycling more attractive and buses more reliable. The Movement and Place Plan will also identify how best to balance the needs of streets as travel corridors and as places where people live, shop, go to school and enjoy their leisure. It will facilitate all kinds of journey including trips to and from outside of the city, and will recognise York's place in the wider region. A key to the Movement and Place Plan will be using York's new traffic models to minimise congestion, along with new ways to manage and construct highways to minimise their environmental impacts and work with partners to deliver any required interventions and schemes.
- 7. Reduce car dependency** – we will provide safe and comprehensive networks so that alternatives to the car are the obvious choice for a growing proportion of transport users, whilst enabling those who have to use motorised vehicles to get about more easily. We will manage parking to provide access for shops and business, while discouraging car use for journeys which could be made by sustainable modes. New developments will be planned so that active travel and public transport are the obvious choice. We will also promote behavioural change by supporting people as they switch travel modes, for example, through travel planning. Together these changes will reduce the number of miles travelled on York's roads by at least 20% by 2030.
- 8. Improving freight and logistics** – so that York's businesses have efficient access for their supplies, goods and services, while at the same time reducing the impact of heavy lorries and light goods vehicles on carbon emissions, air pollution, safety and damage to heritage.
- 9. Effective maintenance and enforcement and management of streetworks** – so that the condition of York's transport networks enables the transition to greater use of sustainable transport. Enforcement of traffic rules and effective management of street-works will be a key tool in achieving our stated objectives.

18. Executive is asked to approve the use of these objectives and policy focus areas as bases for developing a range of targets and detailed policies for York's Local Transport Plan. It is proposed that approval of this detailed work is delegated to the Executive Member for Transport and Economy. Once the detailed policies have been approved, then consultation on the Local Transport Plan can begin.

Consultation Analysis

19. An initial consultation on transport in York took place in Spring 2021, where residents were asked about what they considered to be the economic, climate change and transport priorities for York. The objectives and policy focuses presented in this report are in line with the findings from that consultation.
20. Following presentation of a Transport Plan scoping document to Executive in February 2023, a further stage of consultation included a series of webinars and face to face discussions/ workshops with eight community or representative groups to help develop the consultation strategy, including a discussion about activities that would best engage residents and community groups.
21. The Council's approach to resident consultation and engagement was discussed at Scrutiny on 25 September, including lessons learned from previous consultations such as Our Big Conversation and the Blue Badge consultation.
22. The first stage of the Local Transport Strategy consultation together with the lessons learned and discussion at Scrutiny have all contributed to the Consultation Strategy (Annex B) that will, if approved, launch mid-November, following the Executive Member Decisions Session that will be invited to approve the detailed policies.
23. In tandem, a partner engagement plan will be initiated to invite key city leaders, statutory partners and expert community groups to share their thoughts via a combination of face-to-face discussions and a separate consultation process that will ensure the council can identify organisational feedback as separate to individual feedback.

24. This report requests in principle permission to commence a new consultation process on the Local Transport Strategy. The results of this consultation will be reported back to Full Council in March, alongside the Strategy developed through the consultation process.

Options Analysis and Evidential Basis

25. Executive are requested to approve the consultation process set out in the report (Annex A), which is assessed to provide an approach to consultation which is proportionate to the need to develop a new Local Transport Strategy. Executive are asked to approve establishment of the “Expert Group” for further development of transport policy and the Movement and Place Plan (Annex C). Executive are asked to approve delegation of further work on individual policies to the Executive Member for Transport and Economy. This is the only option presented in this report.

Organisational Impact and Implications

Financial: The work outlined in this paper, including consultation, establishment of the Expert Group, technical work and CYC staffing costs, can be accommodated within the DfT grant awarded to CYC for preparation of a Local Transport Plan.

Human Resources (HR): Should there be additional resources required to support the Transport Vision, these will follow HR policies and procedures and further HR advice can be sought when required.

Legal: Governance: In accordance with the Local Government Act 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 and the City of York Council Constitution, Full Council must approve, adopt, amend, monitor and /or review the plans, strategies and policies which together make up the Council’s Policy Framework, including the Local Transport Plan. The recommendations in this report are in accordance with that requirement.

Legal principles on consultation: The approach to consultation recommended for approval is consistent with the requirements for a lawful consultation set out in the Gunning case and subsequently endorsed by the Supreme Court as a “prescription for fairness”. These can be summarised as follows: (i) consultation must be undertaken at a time when proposals are still at a formative stage; (ii) it must include sufficient reasons for particular proposals to allow those consulted to

give intelligent consideration and an intelligent response; (iii) adequate time must be given for this purpose; and (iv) the product of consultation must be conscientiously taken into account when the ultimate decision is taken.

Procurement: Whilst there are no direct procurement implications relating to this report, should any procurement arise following the Local Transport Plan, all works and/or services must be procured via a compliant, open, transparent, and fair process in accordance with the council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015.

Health and Wellbeing: the Health and Wellbeing implications of the LTP will be substantial, with strong evidence that cities which support greater use of active travel methods and lower use of cars see health gains across a wide range of disease areas, including respiratory and heart health and cancers, as well as generalised mental health and wellbeing. When these shifts are achieved by equitable means, health inequalities are also reduced. The 'Objectives' and 'Policy Focus Areas' proposed in this report have been developed with extensive public health input and reflect the goals of the York Health and Wellbeing Strategy 2022-32.

Affordability: The Local Transport Strategy will address Affordability as it is one of the key components of the Council Plan which the LTS will support.

Equalities and Human Rights: An Equalities Impact Assessment will be presented alongside the detailed consultation material which will be brought to the Executive Member Decision Session in November.

Data Protection and Privacy, Data Protection and Privacy matters will be taken to the Executive Member Decision Session in November 2023.

Communications: Appendix A of this paper sets out a clear communications, engagement and consultation strategy for preparation of York's new The Local Transport Strategy.

Economy: The Local Transport Strategy will support York's economy as it is one of the key components of the Council Plan which the LTS will support.

Risks and Mitigations

26. The course of action set out in the paper commits the Council to undertake a consultation on Local Transport. Risks around data collection will be assessed in the Data Protection and Privacy Statement which will be brought to the November 2023 Executive Member Decision Session. Equalities and Human Rights risks will be addressed in the EIA which will be brought to the same session.

Wards Impacted

27. All wards are impacted by this decision.

Contact details

For further information please contact the authors of this Decision Report.

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Report approved:	Yes/No
Date:	05/10/2023

Background papers

Constitution appendix 1: Scheme of Delegation [Appendix 1- Scheme of Delegation.pdf \(york.gov.uk\)](#)

Council approve 10-Year Plan (York 2032) Agenda for Council on Thursday, 15 December 2022, 6.30 pm (york.gov.uk) item 36

Draft Local Transport Strategy, February 2023

[https://www.york.gov.uk/LocalTransportStrategy#:~:text=The%20Local%20Transport%20Strategy%20will,14%20February%202023%20\(item%204\)](https://www.york.gov.uk/LocalTransportStrategy#:~:text=The%20Local%20Transport%20Strategy%20will,14%20February%202023%20(item%204))

Council approve the Council Plan 2023-2027 [Agenda for Council on Thursday, 21 September 2023, 6.30 pm \(york.gov.uk\)](#) item 6

Executive approve Climate Change Strategy 2022-2032 [Agenda for Executive on Tuesday, 22 November 2022, 5.30 pm \(york.gov.uk\)](#) item 46

CCCSM Scrutiny discussion about Resident Consultation and Engagement [Agenda for Corporate Services, Climate Change and Scrutiny Management Committee on Monday, 25 September 2023, 5.30 pm \(york.gov.uk\)](#) item 5

Annexes

- Annex A: *York's new Local Transport Plan Consultation Strategy*
- Annex B: York's new Local Transport Plan Consultation checklist
- Annex C: Expert Group Terms of Reference



Draft Local Transport Strategy Consultation and Engagement Plan

**Ensuring consultation is inclusive and
accessible for all**

Draft – September 2023



Contents

1. Background and timeline
2. Aims and objectives
3. Stakeholder mapping
4. Engagement objectives
5. Delivery & methods of engagement
6. Promotion
7. Timeframe
8. Roadmap



1. Background and timeline

In 2021, City of York council launched a new way to deliver public engagement, called Our Big Conversation. Since then, Our Big Conversation has become the recognisable brand for residents and businesses to engage in and be involved with strategies for the city including climate change, health and wellbeing, economy and experiences of living and moving in the city.

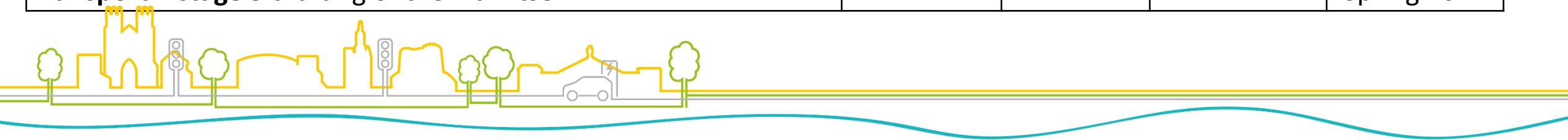
Our Big Conversation has already helped us explore different aspects of transport issues and opportunities in York as part of previous consultations, and will now be used in the latest strategy to be developed - transport.

This new public consultation will help us explore the overarching ambition for the future of transport in York, with themes reflecting the 2023 Council Plan and our four key priorities; Equality, Affordability, Climate and Health. The consultation will allow us to better understand how the transport networks in York work – and could work – as a whole, rather than addressing individual aspects of transport in York in isolation.

This Consultation & Engagement Plan will also be supported by a proactive and inclusive Communications Strategy and Stakeholder Mapping, to make sure the consultation reaches as wide an audience as possible, and that we gather the varied voices of York.



Our Big Conversation consultations	2021	2022	2023	2024
Resident engagement strategy and transport consultation approved	April / May			
My City Centre	Mar - June			
Attitudinal survey (“Our Big Conversation”)	June - Aug			
Targeted focus groups		July		
10 Year strategies consultation (inc. survey, climate corner, etc)		June - Aug		
Budget 2023		Nov -	Jan	
Transport – stage 1 build audience understanding, develop EIA			Feb +	
Transport – stage 2 targeted engagement			March +	
Transport – stage 3 full stakeholder mapping, explore strategy and policy themes, plus proposals for particular measures/projects			July/Aug/Sep	
Transport – stage 4 Launch the consultation, setting out overarching goals and specific proposed projects, plus those already funded			15 November	Closing 31 January
Analysis & reporting				February & March
Transport – stage 5 drafting of the Plan itself				Spring 2024



2. Aims

- Ensure consultation materials are fully inclusive and accessible and adhere to the Gunning Principles of sharing proposals at a formative stage; offering sufficient information; allowing time for consideration & feedback by consultees and by CYC, and encouraging diverse voices to share their views and experiences
- Builds on feedback from previous consultation activity
- Actively encourage participation from the widest possible audience; individuals, groups and organisations who currently do not engage with conversations about transport, as well as those groups which already take an active interest
- Understand more about how people currently travel, and how we can offer alternatives to create a cleaner, greener York
- Offer a range of ways for people to tell us what they think; from in-person events to an online platform, with fully accessible maps, images, plans and text, to make sure no voice is missed out
- Identify and proactively engage with individuals and groups, including those who traditionally haven't taken part in consultations, and going out to them, rather than anticipating they will come to us
- Be responsive; demonstrate that we are listening, sharing feedback and answering queries
- Create a toolkit for groups to generate their own discussions and feed back to the Council
- Inform development of the LTP4 Strategy and pipeline of future major schemes



3. Stakeholder mapping

A full refresh of stakeholder mapping is underway and will be provided as a separate document. As well as the refreshed research, the stakeholder mapping document will make use of the workshops and engagement which took place in early 2023, which has helped inform the ways we work with community groups and individuals.

During the live consultation period, demographic data will be collected and if gaps are identified in respondents during the consultation process, we will go back and further promote the consultation to those specific audiences.

As a broad summary, we will map and reach:

- Residents – across all characteristics, including age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
- Businesses
- Visitors
- Commuters
- Business representatives & internal comms teams
- Community & interest groups
- Partners
- Major employers; Hospital, University
- Statutory consultees; police, fire etc



4. Engagement Objectives

- 1. To create a transport strategy for York which is fit for the future, absorbing views from a wide and diverse population, we will:**
 - Use the engagement process as a learning *and* a teaching tool; ensure CYC understands issues faced by residents and business, as well as explaining to residents how funding, policy and national guidance work
 - Demonstrate to all that different people have different experiences on our transport network and that use of the networks is likely to change over time
- 2. To ensure the consultation is inclusive and accessible, we will:**
 - Actively promote and offer interesting, engaging information to every resident, business and interest group, making transport relevant to all
 - Ensure that no matter how a comment is collected – in person, by email, via an online platform – that every comment is read and documented
 - Ensure that the villages and rural areas surrounding the city centre are proactively engaged with to better understand the public transport issues faced by people living there



Engagement Objectives - 2

3. Develop and deliver an engagement programme of on and offline activities, so that we can:

- Offer a wide range of mechanisms for people to take part, ensuring that online tools and in-person events are accessible and engaging, as well as in accessible formats including Braille & Easy Read, for example.
- Facilitate 'deep dives' within each theme, for those particularly interested in a topic to share their detailed thoughts

4. Raise awareness of the different stages and opportunities, by promoting:

- Through council and partner channels and networks, as well as a proactive media campaign at launch and during the consultation period, clearly setting out the timeframes of the consultation and what happens next



Engagement Objectives - 3

5. Facilitate targeted opportunities, so that we can:

- Promote co-creation to develop targeted measures in specific areas
- Tailor our outreach work to ensure that individuals and groups who traditionally do not take part in consultations know that their views are valid. This will include library drop-in sessions; visiting schools and care homes
- Utilise a range of engagement tools, adapting to each audience (for example in-person workshops at schools or for older residents; drop-in sessions for commuters; info screens at GP surgeries; focussed sessions for interest groups)

6. Create universal opportunities, to ensure that we:

- Provide feedback and structure to the on- and offline engagement activities. We will do this by monitoring responses to check inclusivity during the consultation period and target additional marketing work accordingly



Engagement Objectives - 4

7. Publish the decision-making schedule:

- Relating to the Local Transport Strategy development allowing participants to influence through open democracy, sharing feedback at key moments

8. Deliver all engagement through Our Big Conversation:

- We will utilise 'Our Big Conversation' building on the brand's recognition, as residents and businesses associate it with engagement and consultation. This will also assist in future consultations on all council matters and creates an identity for engagement

9. Deliver all engagement through 'Our Big Conversation'

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10. To ensure that all delivery partners and enforcement agencies take part in the conversation

- To ensure that proposals are developed in collaboration



5. Delivery & methods of engagement

- Early in 2023 a series of workshops were held between CYC and groups representing York's older population, disability, historic and diversity groups, as well as the Youth Council
- These sessions were highly productive and helped to inform the nature of engagement and the delivery programme for the consultation. The recommendations from the discussions were clear;
 - Make the content interesting, engaging, informative and jargon-free
 - Go out and visit communities, host workshops and informal discussions; don't assume everyone will see online materials
 - Make the materials fully accessible, including maps, and offer alternative ways for people to view materials (eg different languages, large font, Easy Read)
 - Tailor materials to each demographic and geographical audience: we heard "make it relevant to me" but also help each group understand that different people have different experiences on our transport network



Methods of engagement

We will use a wide range of engagement tools, both online and offline, to reach the widest possible number of residents, stakeholders, businesses and groups. All methods of engagement, including focus groups and drop-in sessions, will be fully accessible and inclusive, designed to reach a wide audience and providing toolkits for particular interest groups.

As a summary:

City wide

- To all households & across public spaces
- Via a mobile/online engagement platform
- Via social media and digital communications
- Via proactive media engagement
- Workshops and focus groups with a variety of groups to help others understand each other
- Drop-in information events at York Explore
- Visual surveys in public spaces e.g. supermarkets, GP surgeries, bus stops, etc

Reaching, for example:

- Residents – including seldom heard voices
- York Access Forum
- York Civic Trust Transport Forum
- Age Friendly York
- York Youth Council
- City partners – e.g. York Economic Partnership etc.
- Dementia Cafes
- Ward meetings
- Schools and colleges



Online engagement platform

Your suggestions for changes to the proposals

This is an example of using the Draw an Area map interaction.

4. Use the drawing tool to highlight the area you would change on the map. You will be able to give details about your suggested changes on the next page.



Key

- Speed hump and signage
- Pavement widened
- Parking spaces to be removed
- Whitefield Primary School site
- School buildings

Shape complete. Click your shape to edit.

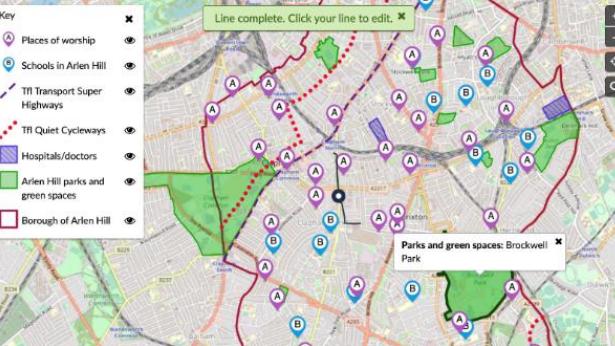
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Your cycle routes

We are looking to create improvements to cycling infrastructure in Arlen Hill. We'd like to understand more about the routes you take and what you use them for so we can determine which routes could be changed to a healthy route in the future.

Please draw your most common cycle route on the map below.



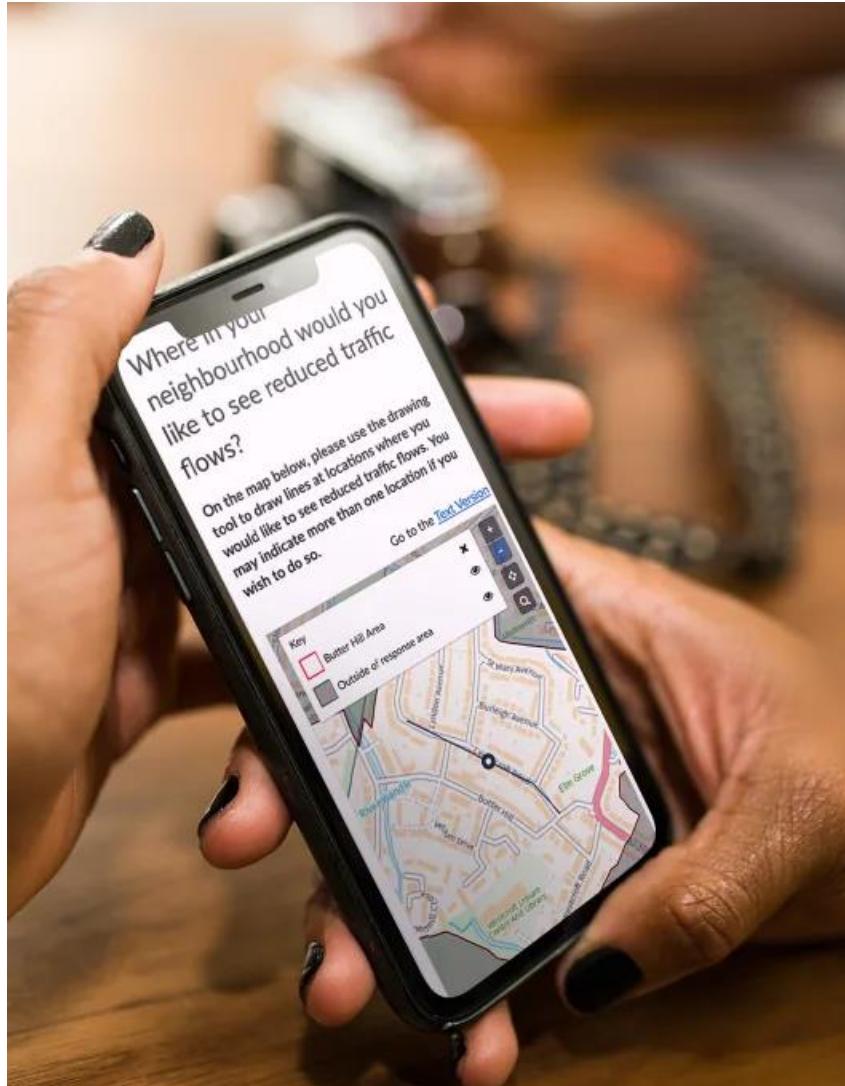
Key

- Places of worship
- Schools in Arlen Hill
- Tfl Transport Super Highways
- Tfl Quiet Cycleways
- Hospitals/doctors
- Arlen Hill parks and green spaces
- Borough of Arlen Hill

Line complete. Click your line to edit.

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- Accessibility – built to Web Content Accessibility Guidelines (WCAG) V2.1 AA standards & designed in collaboration with CYC Access team
- Will include contact information
- All materials will be visible; technical plans as well as more accessible versions
- No jargon – written in an accessible and engaging way
- Use of maps and being able to drop pins on areas of particular concern to individuals
- Fully GDPR compliant
- Analogue replies can be inputted
- Data can be exported for analysis and reporting

6. Promotion

- Running alongside this stakeholder engagement plan will be a communications strategy, setting out how we will reach each of the audiences identified through stakeholder mapping.
- This is not limited to but will include:
 - Media – press releases and engagement with ‘traditional’ media to reach a wide audience; print, tv, radio
 - Social media – through CYC channels and partnerships with other channels to increase reach (eg visitor attractions; schools; family guides to York)
 - Bus stop advertising campaign – explore the possibility of using digital options across the city
 - Advertising campaign in local media & sharing with networks to spread the word further
 - Internal comms – as one of the city’s largest employers, it is important to also engage with CYC employees direct but also engage with the other major employers in the city
 - Council networks – as transport is a part of every day lives, each team / department will be given info to share with residents they work with – for example families, schools, older people, disability groups
 - Utilising existing, trusted networks to reach those who do not traditionally take part in consultations (eg for older people and young people)

7. Draft LTS timeframe

Stage 1 – February 2023: Build audience understanding: Engage community groups to test the consultation approach described here, and develop the Equality Impact Assessment. Build understanding and interest in joining the Talkabout Panel to improve representation. Arrange additional webinars based on the audience response - evaluate responses to introduce new themes

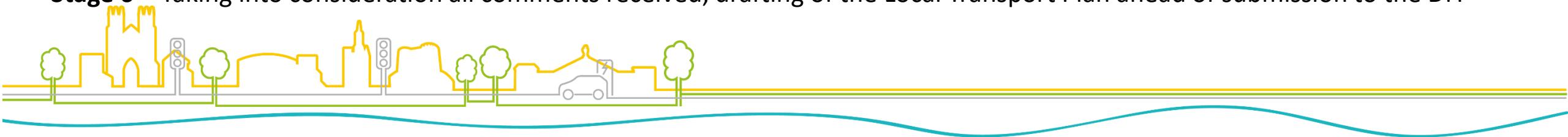
Stage 2 – March 2023: Targeted engagement activities (online and off-line): Share expertise in thematic webinars with BSL interpreters. Analyse participation and themes putting in place activities that collate feedback from the seldom heard. Commission and provide opportunities for a deeper thematic conversation

Stage 3 – July/Aug/Sept 2023: Explore the strategy, policy themes traffic issues. Full stakeholder mapping. Develop on- and off-line engagement activities to ensure inclusivity, and providing different ways to encourage participation

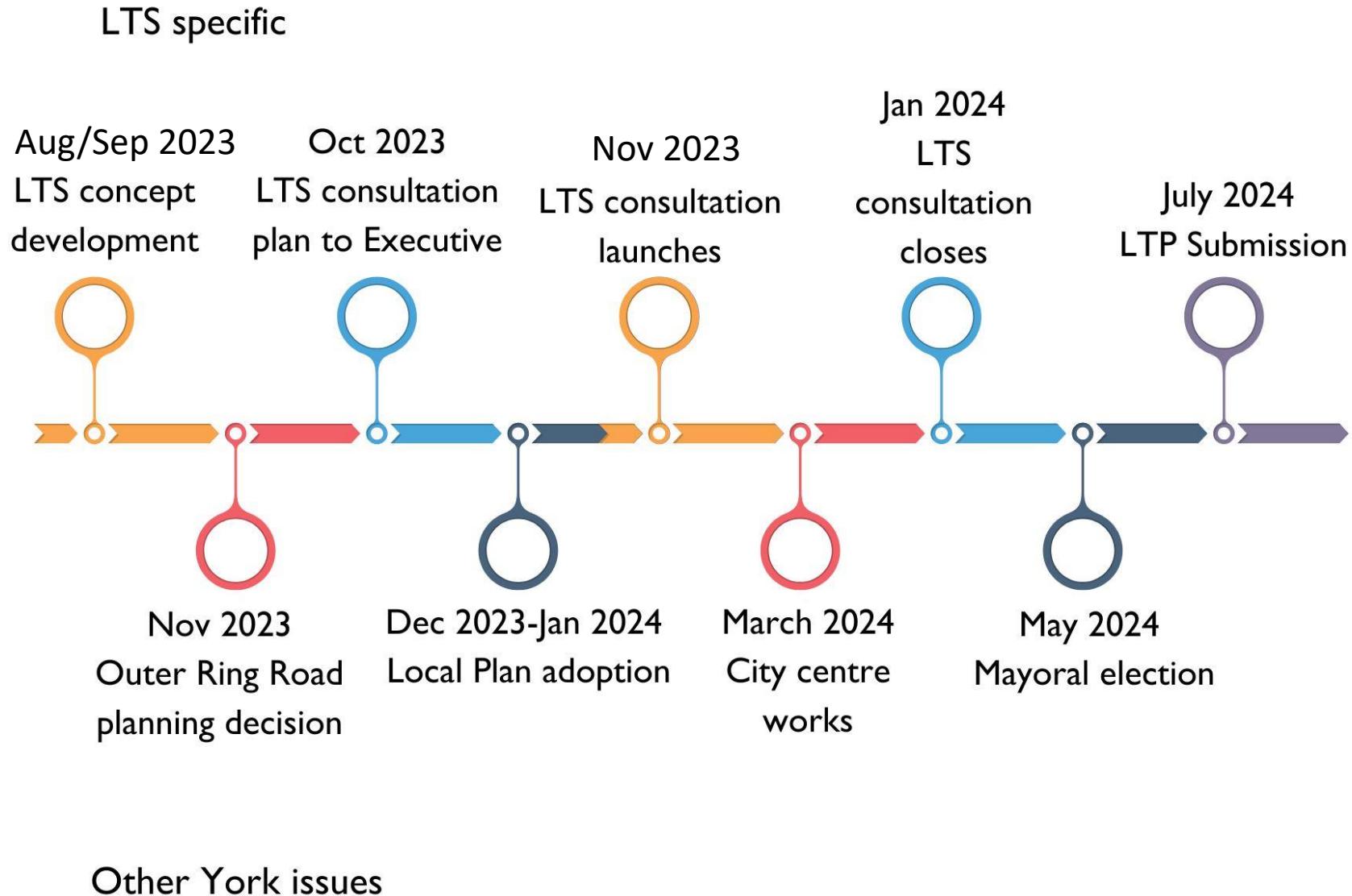
Stage 4 – November 2023: Launch a 10-week public consultation into the overarching proposals; funded schemes; and potential new schemes. Invitations will be sent to all groups and toolkits & school packs made available; officers will attend specialist interest groups' own meetings; proactive media & social media work; fully accessible materials available online & offline; drop-in sessions and information points; email helpline available. After 10 weeks, data will be analysed and a report produced.

Stage 5 – Spring 2024: Reporting. A summary & full verbatim comments received will be published and made available to the public.

Stage 6 – Taking into consideration all comments received, drafting of the Local Transport Plan ahead of submission to the DfT



8. Roadmap





Thank you

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Consultation checklist: draft - this checklist is to be completed as if you are writing to the resident to help inform how you approach your consultation and to consider the different aspects of an inclusive and engaging consultation.

Name of consultation

Start date xxx

End date xxx

What are we consulting on?

Overview of the proposal, purpose of the consultation, what's been already agreed, if resident feedback can influence the decision and / or implementation plan, how the consultation maps to the Engagement Framework *Contact Business Intelligence Team*

The benefits of the proposal

Include any reduced cost to the council, align benefits to the Four Core Commitments (Equalities, Affordability, Climate, Health)

What council policies impact on the proposal?

Are there council, regional or national policies that already cover an aspect of the proposal? Has resident feedback already informed a related proposal that you can use to inform this one? What other policy considerations are there?

Contact Policy Team

Is this consultation contributing to the development of a Human Rights and Equalities Impact Assessment?

If there is an impact on any of the protected characteristics then a HREIA will be needed to confirm how the different ways to provide feedback takes different needs into account. *Contact Equalities*

Who is the consultation for?

The audience - *Contact Communications Team*

Examples might include:

- Residents
- Businesses
- Different protected characteristics
- Visitors
- Community Organisations
- Councillors
- Public Transport Providers

If all residents, how will you ensure inclusive and accessible?

Contact Access Team

Consultation checklist: draft - this checklist is to be completed as if you are writing to the resident to help inform how you approach your consultation and to consider the different aspects of an inclusive and engaging consultation.

How are you designing your questionnaire?

Before you start writing your questionnaire it is important you are clear about the main aims and objectives. These should then help you to develop your questionnaire more easily and ensure that you are asking questions that will give you the information that you need.

Guidance is available on the intranet (Consultations and Engagement section).

All consultations that are city-wide should be discussed with, and approved by the relevant portfolio holder.

How to comment

Contact Communications Team for guidance **Prepare a comms plan**

List the different accessible ways of collating resident feedback, for example:

- Printed copies of the survey are available in ..., at the following locations ...
- Letters including the survey are being sent direct to ...
- Link to online survey
- Focus groups / 121 interviews
- Community group workshops
- Public space consultations eg. in high streets, parks, etc.

Accessible communications

Contact Communications Team for guidance

Thinking about the different audiences you have identified, what accessible communications and consultation documents will you provide? for example:

- Alternative language
- British Sign Language (BSL) instruction video
- Video with audio description and subtitles
- Easy Read
- Braille, large print and audio
- Video Relay Services (VRS)

What happens to my views?

Summarise from privacy statement **prepare the privacy statement**

How will you share the collated feedback and difference it's made?

Contact Information Compliance Team

Consultation checklist: draft - this checklist is to be completed as if you are writing to the resident to help inform how you approach your consultation and to consider the different aspects of an inclusive and engaging consultation.

What happens next?

When will the feedback be collated, analysed and published?

Which decision is it going to? (prepare forward plan entry)

Contact Democratic Service Team

Further information

- Link to service / decisions already made / reports that support
- Link to accessible formats of consultation documents (see above)

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Annex C: Terms of Reference: York Transport Expert Group

1. The objective of the group is that it should complement officer expertise and provide:
 - a. a sounding board for proposed CYC transport policy
 - b. specialist advice that may not be available within CYC (e.g. on scheme design, implementation and funding)
 - c. assistance with interpretation of public consultation data and information
 - d. the group will develop transport policy to reflect the unique nature of York's economy, transport infrastructure inheritance, carbon challenge, need to achieve the best balance between different modes as required in the proposed York "Movement and Place Plan".
2. It should meet on an as-and-when -required basis. The first group meeting will be to discuss a draft of the LTS document, with subsequent meetings to review the consultation strategy, then outputs, then feeding into the creation of finalised documents for Spring 2024. Generally the group will meet quarterly until submission of the LTP (expected to be in October 2024) and then will meet at least annually thereafter to monitor progress.
3. The group will have a Chair who will be appointed by the Council.
4. A key initial task for the group will be to assess targets and trajectories for York's new Local Transport Plan – particularly how to assess performance of the transport network against the carbon target.
5. Although the group can advise CYC on transport policy it will not have power of direction, which will remain with Council decision making processes.
6. The emphasis of the group is to add value to CYC capabilities – particularly horizon scanning, providing background on interventions followed elsewhere, insight into DfT and other funding processes and advanced advice on design for specific modes (e.g. bus/ cycle) and how to achieve the best balance between transport modes in York.
7. The emphasis of the group is on expert advice. It is assumed members will have significant and transport-specific professional experience in at least one of transport research, policy development/ consultation, scheme funding and business case development, scheme implementation/design, central government

transport policy definition, design for sensory/ mobility impairment, freight.

8. Membership of the group will be in a personal, not organisational capacity. Whilst members will be able to say that they, personally, are advising CYC, membership of the expert group does not imply that an organisation any member is employed by or a member of is represented on the group. This is to avoid conflicts of interest (e.g. if a group member works for a private-sector transport operator, then it must be clear that the group is not being advised by the transport operator, but by the individual who is representing that sector of the transport industry). The only exception to this will be the group members who are representing City of York Council.
9. Meetings will be held at West Offices on a face to face basis, although a hybrid option will be available.
10. There will be around 8-10 members of the group. It will be able to call other experts as and when required.
11. Reasonable expenses will be paid for attendance.
12. Members will not be expected to do any work, except reading, outside the meetings unless commissioned specifically to do so by the group. The agenda will be set by the council in advance of the meeting.
13. The council will act as Secretary to the group.



Meeting:	Executive
Meeting date:	12/10/2023
Report of:	Neil Ferris
Portfolio of:	Cllr Kilbane Executive Member for Economy and Transport

Decision Report: Delivering the Vision for the City Centre

Subject of Report

1. The purpose of this report is to re-launch the Vision for the City Centre, signifying a strong commitment from the council to the overarching aims in the existing Vision.
2. The Vision is to create “a vibrant city centre, where a wide range of people want to spend time in the day and night, which creates the right conditions for responsive businesses to grow and adapt, for city living to develop, and for cultural and social activity to flourish.”
3. The Vision was informed by extensive public and stakeholder engagement and is therefore owned by the city as a whole, its partners, businesses and communities. Although a 10-year vision, it was always intended to evolve to adapt to the changing environment.
4. The engagement and drafting of the Vision were undertaken at a time when the impact of the Covid pandemic on the city centre was a very live issue.
5. In the 2 years since the Vision was adopted, the city centre has continued to recover strongly from the impact of the pandemic, which has seen an evolving context, including regulatory change for accessibility and business activity.

6. In this period, the city has also adopted three significant 10-year strategies, which were the product of further city-wide engagement and are joint strategies across city partners. More recently the council has adopted a new Council Plan.
7. To reflect the current environment and align to the city strategies, this report proposes an evolution of the 8 themes of the Vision to draw out certain elements. To emphasise and highlight this progression, it is proposed that the Vision is re-launched as the “Our City Centre Vision”, with a stronger focus on accessibility, residents, affordability, equalities, climate resilience and carbon reduction.
8. Although work was paused on the drafting of a Delivery Strategy in summer 2022, there is still a significant appetite from partners and stakeholders in the city to collaborate in making the city centre the best it can be, recognising that a lot of really good work is already underway, but that further coordination and collaboration will ensure the greatest benefit for the city.

Benefits and Challenges

9. Re-launching the Vision for the city centre will encourage this further collaboration between partners and key stakeholders in the city, building on existing activity and creating new opportunities to achieve the shared Vision for the city.
10. This is also a particularly opportune moment for the city to come together behind this shared vision for the city, to ensure that where key transformational schemes are to be delivered, they deliver the best possible outcomes.
11. Mayoral Elections in May 2024 mean that York needs to be in the strongest possible position to influence and secure funding for priority schemes in the city centre, where the support of partners and stakeholders will be critical. Collaborating with partners and stakeholders to develop an investable project pipeline and Delivery Strategy is therefore really important at this time.
12. A shared Vision supported by partners, businesses and communities is a strong statement of what the city is and who it is for. Re-launching the Vision, provides a significant opportunity to

publicly reflect the this, further promoting the city centre as a welcoming and inclusive environment.

13. The Covid pandemic had a huge impact on all city centres, both in terms of immediate change, and also with the longer-term impacts still being felt. This was driven by a change in the way in which people used the city centre.
14. The Vision was adopted at a time of significant uncertainty, and when some specific Covid recovery measures were still in place, therefore reflecting a point in time. Consequently, it is important to ensure that the Vision remains a live document and evolves and adapts to both national and local issues and legislative change.
15. Significant collaboration and engagement was undertaken to inform the Vision. Time has already elapsed, and as acknowledged above there is an evolving context, resulting in a risk that the value of the previous work is lost.
16. Re-launching the Vision now addresses this risk, enables momentum to be maintained and builds on the work undertaken to date. Reinterpreting the engagement in responses in light of the evolving city centre context.
17. Re-establishing the co-ordination and collaboration channels with partners and stakeholders in the city, through the Economic Partnership, will ensure that a much greater overall impact is achieved and relevancy is maintained.

Policy Basis for Decision

18. Evolving and emphasising certain aspects of the “Our City Centre Vision” reflects the strategic priorities for the city, supported by city partners, as set out in the three 10-year Strategies.
19. The 10-year Strategies which were approved by Full Council in December 2022 comprise:
 - a) Climate Change Strategy 2022-2032
 - b) Health and Wellbeing Strategy 2022-2032
 - c) Economic Strategy 2022-2032

20. The overarching aim of all these strategies being to improve the quality of life for all York's residents.
21. The Health and Wellbeing Strategy aims to improve health and reduce the gap in healthy life expectancy between the richest and poorest communities in our city. It sets 10 measurable goals (for example reducing loneliness, halving smoking rates) for improved population health, but also emphasises the conditions which produce health, including economic, cultural, environmental, housing and educational factors. The city centre contains a huge number of assets such as these which can be harnessed to improve the health of our city, whilst also having a number of potential dangers to human health such as poor air quality in places. This Our City Centre Vision will enable us to build with partners a city centre which is health-generating for all of our residents.
22. York's Economic Strategy highlights the importance of the visitor and retail economy as an employment sector, the pivotal role of small businesses in driving growth, and the need to find new uses for underused space in the city centre. These themes are strongly represented in the Our City Centre Vision.
23. As a direct response to the adoption of the Climate Change Strategy and to reflect the critical importance of improving climate resilience and carbon reduction, a new theme has been created to focus on the specific actions that can be taken in the city centre that support the delivery of the overarching strategy. The creation of this theme will also promote the importance of considering how the other themes also support the carbon reduction, climate resilience and adapting to extreme weather events within the city centre.
24. The recently adopted Council Plan reflects the new administration's four key manifesto pledges: **Affordability; Environment; Equalities and Human Rights; and Health Inequalities**. These were already aligned to the Vision for the city centre, however, the wording of the themes has been refreshed to emphasise these within the existing themes. These are not fundamental changes, but highlight their importance, to inform the development of the Delivery Strategy.
25. The Vision is also aligned to the priorities in the **emerging** Tourism Strategy for the City "A vision for tourism in York: 2032", which is

being developed by the Tourism Advisory Board and Make It York. A separate report on the Tourism Strategy will be brought to Executive later in the year.

Financial Strategy Implications

26. The re-launch of the Our City Centre Vision in itself has no direct financial implications. There are, however, a number of improvements to the city centre proposed by the vision.
27. Whilst it is not necessarily the council's responsibility to deliver all these improvements there is likely to be an expectation that the council takes the lead on a number of the improvements.
28. As the Our City Centre Vision also reflects the key themes of the city's 10-year strategies, delivery of those strategies will involve investments in the city centre. Parts of the Vision will therefore be delivered without specific new investment.
29. It is therefore critical that the Delivery Strategy is fully costed considering the levels of budget available. There are a number of budgets that can be targeted to support improvements, specifically Combined Authority funds as highlighted above, and it will be important to set out how both internal and external (partner funding) can also be drawn down to secure delivery.

Recommendation and Reasons

Executive are asked to:

30. Support the overarching aims of the Vision for the city centre approved in November 2021, which set out an inclusive vision for residents and business.

Reason: To re-launch the Vision for the city centre and re-focus partner collaboration and drive delivery.

31. Approve the updated themes which set out the key aims of the Vision and emphasise the focus on residents and city centre businesses through the change in name to "Our" City Centre.

Reason: To reflect the current priorities for the city, emphasising the importance of the city's residents and of creating an inclusive city through the Vision and subsequent delivery strategy.

32. Instruct officers to work with the Economic Partnership to bring together key partners and stakeholders to promote effective collaboration on delivering the Vision for the city centre through the creation of a joint delivery strategy.

Reason: To ensure that the Our City Centre Vision is collectively owned by stakeholders and communities. A jointly owned delivery strategy is key to realising the Vision. Effective collaboration between partners and stakeholders will drive delivery and maximise benefits. The detailed “actions” within the themes were only aspirations to be explored further through the drafting of a delivery strategy.

Background

My City Centre Engagement and Vision

33. The My City Centre Project was commissioned by Executive in August 2019, with the aim:
“To engage the public and stakeholders to develop a long term social, environmental and economic strategic vision for a sustainable future for York city centre.”
34. Following project scoping, procurement of consultancy support and establishment of a project Stakeholder Group of key city partners to guide the process, a first round of engagement commenced on 2 March 2020. However, in response to Covid the project and engagement was paused in April 2020.
35. In April 2021, after a 12 month pause, the Executive Member for Economy and Strategic Planning approved the recommencement of the project, and engagement was re-launched in late May 2021.
36. As the culmination of this significant ‘conversation’ and engagement with city partners the Vision for the city centre was approved by Executive in November 2021. This set out an

aspirational 10-year Vision for the city centre, developed from the extensive public engagement and stakeholder involvement.

37. The Vision defined 'a long term social, environmental and economic strategic vision for a sustainable future for York city centre', responding to the changing use of the high-street by local residents and visitors, and immediate impacts of the Covid pandemic, which presented both challenges and opportunities for the city centre.
38. Local residents and families were seen as central to the future of the city centre, ensuring vibrant community use of the city centre throughout the day, on each day of the week and across the year, to support businesses and drive social and cultural activity. This would only be achieved by creating a place which is safe, attractive, inclusive and sustainable, and establishing the policy and regulatory environment to support this and enable businesses to thrive.
39. The My City Centre Vision proposed a range of actions designed to improve the city centre; however, these actions were only aspirations as opposed to firm commitments. When the Vision was approved in November 2021, it was intended that a Delivery Strategy, owned by key stakeholders, would set out the next steps to realising the Vision.
40. Having a clear Delivery Strategy is critical to ensuring delivery and seeing the Vision translated into tangible outcomes to support the success of the city centre. The approval of the Vision highlighted the need for a Delivery Strategy to drive delivery and measure progress and success. It also acknowledged that it was essential that the Vision remained a live document, which would evolve, and be reviewed in response to changing circumstances.

Our City Centre – Re-Launching the Vision

41. In the two years since the My City Centre Vision was adopted, the city centre has continued to recover strongly from the impact of the pandemic, and there has been an evolving context, including; changing patterns in the use of city centres across the country, reflecting increased use of online retail, increased demand for leisure and hospitality, ever greater emphasis on the overall

experience of a place and the role of public space, and regulatory change impacting accessibility and business activity.

- 42. Over this period, the city has also adopted three significant 10-year strategies, which were the product of further city-wide engagement and are joint strategies across city partners. Most recently the council has adopted a new Council Plan.
- 43. To reflect these changes, the current environment and to align to these city strategies, this report proposes an evolution of the 8 themes of the Vision to draw out certain elements. To emphasise and highlight this progression, it is proposed that the Vision is re-launched as the “Our City Centre Vision” (Annex 1), with a stronger focus on accessibility, residents, climate resilience and carbon reduction.

Figure 1: Our City Centre Vision Themes



- 44. The most significant change is the creation of a new theme focused on the implementation of the Climate Change Strategy in the City Centre: Theme 3 A sustainable city fit for the future.
- 45. There is significant opportunity for city centre partners to contribute to the delivery of the Climate Change Strategy and support the city's ambition to be Net Zero by 2030.

46. As our Economic Strategy highlights, the city centre plays a vital role for our retail and visitor economies, with changing consumer habits post-Covid demanding a rebalancing of the use of space, including better use of fallow spaces such as empty premises and unused floors. We need to support our retail and visitor economies to increase their productivity, and this can be achieved by making the city centre more flexible and attractive, and focussing on the unique experience that York can offer.
47. In parallel with the consultation and development of the Vision, a review of the pedestrianised area of the city centre was undertaken which included the geographical extent and hours of operation. Some elements of the vision assumed the footstreet hours were to be extended to 7pm. This was particularly the case for the theme "*An attractive city centre offer at all times - supporting outdoor eating and café culture and creating a family friendly environment in the early evening*". This change was never made, and the footstreets now reopen to vehicles at 5pm. This does not make the theme obsolete, because creating an attractive offer at all times in the city centre and utilising the space available are still important to the vibrancy of the city centre. However, it does mean is that city centre partners need to think differently about how this can be achieved.
48. One of the main restrictions during the Covid pandemic was usable space for businesses, particularly the additional space hospitality businesses could make available. There were restrictions on the number of people allowed inside venues and social distancing requirements. This led to a surge in the desirability of, and demand for, outdoor eating and café culture. To support the survival of many city centre businesses this use of the space was prioritised, with emergency legislation to facilitate additional highway licences.
49. Since then, there has been a wider consideration of the impacts the Covid measures had, and steps have been taken to ensure that these measures, which were aimed at supporting businesses and creating a vibrant city centre, are not to the detriment of creating an inclusive and accessible city.

Partner Engagement and Delivery Strategy

50. The Vision is not a council document, it is owned by the city as a whole – its partners, businesses and communities. Some of the measures, particularly creating the right environment for success through regulation, sit with the council, but there are significant strands which will need to be delivered in partnership or directly by other key stakeholders.
51. To focus this activity and ensure the Vision becomes a reality it is proposed to develop a shared Delivery Strategy with partners and stakeholders, which will be brought back to Executive for endorsement at a future meeting.
52. Working with the Economic Partnership, officers will engage with previous City Centre Stakeholder Group membership, to establish a productive task and finish group to co-ordinate activity in the city through the creation of a Delivery Strategy.
53. The Delivery Strategy will be co-designed and establish clear and realistic routes to realising the Vision aims. It will:
 - Provide additional detail on achieving the Vision aims.
 - Define a delivery route for individual actions including: quantifying resource requirements at high level; setting out potential funding sources; identifying approvals and consents, and establishing the future engagement approach.
 - Set out the priority actions, early wins and longer term projects within the strategy as a whole, and establish broad timescales for delivery, sequencing of activity where relevant, and relationships with wider strategies and projects.
 - Outline the roles and responsibilities of the council and existing partners across the suite of actions, identify potential additional partners where appropriate.
 - Outline governance structures for projects related to individual actions, and for the programme as a whole.
 - Identify cross-cutting actions from elsewhere in the Economic Partnership which will support the delivery of the Our City

Centre vision - for example in business support, city promotion and climate change action.

- Establish an approach to the marketing and dissemination of the Vision as whole to the public, stakeholders and potential city investors/occupiers.

54. The Delivery Strategy will also include a monitoring and evaluation approach, defining measurable outcomes for the actions, methods and frequency of monitoring, and establishing in more detail the overall vision review mechanism (nominally envisaged to be undertaken around 3 years from inception).

55. As already noted, the Vision represents a bold ambition with significant resource requirement and a need for co-ordinated efforts with partners to deliver. Given the scope of the Vision, external funding will be essential to deliver the full ambition. Although there are elements of the Vision which will be delivered as secondary impacts of other investments and will thus not require separate funding.

56. Officers will continue to explore funding opportunities for specific elements of the Vision, including any future rounds of Levelling Up Funding and through the regional devolution settlement discussions.

57. Following adoption of the Delivery Strategy, and where individual projects flowing from the Vision are council led, they will be managed through the corporate project management approach, and have resources allocated to them, through further Executive approvals.

58. The Council has a significant role to play in shaping a number of transformational city centre projects, but there are also a number of significant schemes being brought forward for delivery by partners. Across the Council and partners, major city centre schemes which are key to delivering the Vision include: the Castle Gateway, Parliament Street and St Sampsons Square, and Coney Street and the Riverside Walkway.

59. **Castle Gateway** - the schemes within the Castle Gateway masterplan align to the Our City Centre Vision across a number of

the themes, including; the opportunity to better celebrate the nationally significantly heritage assets, embrace the riverside with a new pedestrian walkway and greening of the river (Foss) edge, and also offer the potential for family friendly space including play space and open space in the city centre.

60. **Parliament Street and St Sampson Square** - present a significant opportunity at the heart of the city centre. The existing public realm is worn and tired, and in desperate need of investment. Securing investment to revamp Parliament Street is key to realising the Vision for the city centre, improving accessibility, creating a more family friendly space, and increasing the suitability for the widest possible range of uses.
61. **Coney Street and Riverside Walkway** - this private sector led project is important to realising the Vision aim of opening up and celebrating the cities rivers in a way that is not impacted by flooding. The opportunity to create a new riverside walkway link has been a city ambition over many years and its delivery linked to the wider Coney Street regeneration would be a key benefit of this scheme.
62. Further work is required, working in collaboration with partners in the city to further develop a prospectus of priority schemes which can be used as a focus for future funding bids. This work will be a key element of the partner collaboration under the Economic Partnership and sit alongside the Delivery Strategy.

Consultation Analysis

63. The My City Centre project was shaped through extensive public and stakeholder consultation throughout its lifetime. This has followed the innovative 'My' approach to engagement developed at Castle Gateway and continued at other development projects such as York Central. The approach seeks to broaden and deepen project involvement through staged activity:

1 Build a brief: Use a variety of engagement tools to gain an understanding of a diverse range of people's needs and ideas. Make these ideas and differing perspectives visible.

2 Explore Challenges: Cultivate an open public debate about complex issues. Share and explain challenges, decisions and compromises throughout.

3 Make change together: Build ongoing networks to retain involvement, as well as long term community influence in decision-making, design and delivery.

64. Over 5,000 contributions to the Vision development were made over the three rounds of engagement, including almost 1,000 questionnaire responses final stage to test the draft vision. We have engaged with the public across a wide range of platforms, from pop-up events and interactive consultation stands in early stages, through use of the council's Our City publication (received by all households) and interest group attendance, to social media videos and animations, wide press coverage and the interactive Facebook live Q&A event.
65. Further detail on the engagement, including the approach and findings can be found in the November 2021 Executive report and its supporting annexes.
66. The project Stakeholder Group (see Figure 1 below for composition) were instrumental in the development of the Vision.

Figure 2: My City Centre Stakeholder Group Composition



Options Analysis and Evidential Basis

67. **Option 1** – To accept the recommendations in the report, adopt the Vision aims / themes and instruct the additional work with the Economic Partnership to produce a Delivery Strategy.
68. **Option 2** – To request further work from officers on the Vision document, including additional engagement activity and receive a future report on a revised Vision and delivery approach.
69. **Option 3** – To adopt the vision but not instruct officers to prepare the associated delivery strategy.

Analysis

70. **Option 1** is the officer recommendation – the Vision was prepared through extensive engagement, is strongly supported by the public, and is considered to represent the best approach to ensuring the ongoing vibrancy and vitality of the city centre. The proposed delivery strategy is an essential step in ensuring that we are able to realise the actions within the vision.
71. **Option 2** – the Vision has been informed by extensive engagement and shaped by a strong stakeholder group, with the technical expertise of council officers. Further consultation and engagement was undertaken to inform the three key 10 year strategies, which we have drawn on to inform the amends to the Vision. It is considered unlikely that there would be significant benefit from further work, and there is a risk that this would result in over-consultation. There is a pressing need to implement the recommendations of the Vision given the ongoing changes to our highstreets and communities, and the vision will ensure we are well placed in forthcoming funding opportunities and programmes. Additionally, there is a review mechanism built into the vision approach, to deal with future change and circumstances.
72. **Option 3** – the Vision sets out a complex and extensive suite of ideas to improve the city centre, and requiring the input and involvement of a wide range of partners. It is considered unlikely that key elements of the vision content would be realised without the coordinating influence of a Delivery Strategy, and therefore this option would ultimately result in a reduction in overall project

benefits, and undermine the resource already committed to the project to date.

Organisational Impact and Implications

- ***Financial***
As stated in the Financial Strategy Implications the recommendations do not have direct financial implications. There will be costs in the delivery of the vision and future interventions. These need to be considered by Executive including fully costed schemes and proposed funding options. There are no revenue budgets supporting the city centre vision and only limited capital funding available. There may be opportunities for external funding but that will need to be the subject of business cases considered by Executive.
- ***Human Resources (HR)***
Realising the Vision and associated ambitions in this paper will require resources. Whilst resources will not all be from City of York Council employees, where there are, and this requires a change to an employee's work and possible impacts on grade or new recruitment; all employee impacts will follow HR processes and further specific advice can be sought when further details are known.
- ***Legal***
There are no legal implications at this stage. Legal Services will advise on detailed implications if a Delivery Strategy is developed.
- ***Procurement***
No procurement implications
- ***Health and Wellbeing***
The Our City Centre Vision includes significant commitment to the 'healthier and fairer' ambitions of the York Health and Wellbeing Strategy, and therefore the Health and Wellbeing implications of this strategy are positive.
- ***Environment and Climate action***
The vision for the city centre sets the policy context in which the regulatory framework for decisions on how the city centre operates. Therefore, as the vision is developed into a delivery

strategy, work with the teams responsible for the city centre is key to delivery of the vision.

The inclusion of the new theme within Our City Centre Vision for 'A sustainable city fit for the future', reflects the ambition within the York Climate Change Strategy. The city centre will play a vital role in contributing to the decarbonisation of York and adapting to a changing climate. Within this theme, consideration should be given to the energy efficiency of new and existing buildings, low carbon heating systems and renewable energy generation, while also considering the impacts of flooding, overheating and natural ecosystems.

- ***Affordability***

The themes around family friendly, affordable city centre and thriving businesses and productive buildings, will contribute to the council's Affordability core commitment by providing affordable access to the city centre for residents giving them access to affordable cultural experiences for example and good quality jobs for people in the city to help improve household incomes.

- ***Equalities and Human Rights***

The Equalities Impact Assessment was scoped out when the vision was adopted by the Council (Exec in Nov 21). This report is about tweaking/updating the vision, it is not introducing any new commitments at this stage.

The Equalities Impact Assessment(s) will therefore be fully revisited when we report back the Delivery Strategy.

- ***Data Protection and Privacy***

Please see Annex B

- ***Communications***

Communications have been engaged by the regeneration team, having supported the initial work around the Vision. Stakeholders are being updated about this report and a communications strategy will be needed around the delivery plan to raise awareness of the vision across the city as well as highlight the projects that are being delivered and the impact they are having.

- **Economy**

York city centre is home to around a quarter of York's businesses and is a key attractor of inward investment and business growth. This report builds on key elements of the York Economic Strategy 2022-2032 and the involvement of the York Economic Partnership in shaping future delivery of the Our City Centre Vision will ensure continued close alignment with city and business priorities.

Risks and Mitigations

73. The principal risks associate with the project at this stage are reputational and 'non-delivery' or 'opportunity cost' related, given the project stage, which is the re-launch of the Vision.
74. There is a risk that having engaged extensively and raised expectations amongst the public, the vision is not ultimately realised. This would also result in the decline of the city centre as a hub for commercial social and cultural activity. The risk of not delivering the vision is mitigated by the strong partnerships and relationships formed throughout the project's development, and the detailed and robust delivery strategy which is proposed to be brought back to the Executive.
75. Other specific risks need to be considered through the development of the Delivery Strategy – and that document will be expected to highlight key risks and mitigations, specifically including those relating to the implications above.

Wards Impacted

76. Guildhall and Micklegate Wards

Contact details

For further information please contact the authors of this Decision Report.

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Date:	02/10/2023

Background papers

29.08.2019 Executive Committee. Agenda Item 29: My City Centre Project - Establishing a Strategic Vision for York City Centre

27.4.21 Decision Session of the Executive Member for Economy & Strategic Planning. Agenda Item 44: Engagement Strategy - Economic Strategy, Skills Plan and My City Centre

18.11.2021 Executive Committee. Agenda Item 52: My City Centre Strategic Vision – Adoption of Vision and Next Steps

Annexes

Annex A: Our City Centre Vision

Annex B: Data Protection Impact Assessment DPIA

As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a DPIA.

This is evidenced by completion of DPIA screening questions
CGT20733



Our City Centre Vision



Main Changes

Strategic Position

Adoption of the 10-year strategies:

- Council Plan 2023-2027
- Climate Change Strategy 2022-2032
- Economic Strategy 2022-2032
- Health and Wellbeing Strategy 2022-2032
- Tourism Strategy: A Vision for Tourism in York 2032

Current issues to respond to

- Cost of living crisis
- Climate crisis
- Councils financial position
- Accessibility of the city centre



Working together to improve and make a difference

Vision “a vibrant city centre, which a wide range of people want to spend time in across the day and night, will create the right conditions for responsive businesses to grow and adapt, for city living to develop, and for cultural and social activity to flourish.”

1. Family friendly and affordable city centre

2. An attractive, active and healthy city centre

3. NEW A sustainable city fit for the future

4. Making tourism work for York

5. Embracing our riversides

6. A safe city centre which is welcoming and accessible to all

7. Thriving businesses and productive buildings

8. Celebrating heritage and making modern history

Families of all types are a key component of a vibrant and well-balanced city centre, bringing footfall, activity, social interaction and spend. Feedback tells us that whilst the city is a popular destination for visiting families, it is less well used by local residents, with issues cited around:

- affordability
- ease of access
- suitable facilities
- appropriate attractions
- threatening or unwelcoming atmosphere at certain times

Our proposed response incorporates more to attract local families into the centre, as well as improving the basic facilities in town. This will also benefit visitors to the centre.

1. Family friendly and affordable city centre

Explore and Encourage:

- A. Exciting new play spaces in the city centre
- B. Using open space for cultural & family activities
- C. Venues and spaces that are used by people of all ages
- D. Improving toilet provision and facilities
- E. Improving information on city events for residents
- F. More covered and indoor spaces to spend time in all weather
- G. New experience-based attractions in the centre
- H. Supporting family-friendly activity in the early evening

Our ambition is to manage the city better at its busiest times, whilst encouraging residents and visitors to also visit in quieter periods through providing a family-friendly and welcoming environment with plenty to do.

A focus on making the city centre attractive with a broad and inclusive offer including increasing green spaces and promoting opportunities to support the health and wellbeing of the city's residents and visitors.

The squares and streets in York city centre frame an astonishing wealth of heritage and activity but are in need of improvement in many places with poor physical appearance, accessibility and usability flagged in engagement.



2. An attractive, active and healthy city centre

Explore and Encourage:

- A. Investment in public space, squares and our shopping areas
- B. Spreading the location of events better throughout the city's spaces
- C. Focusing the city's events programme across a wide range of offers that have broad & inclusive appeal
- D. Improving digital & physical signposting of events
- E. Making it simpler, cheaper and less disruptive to put on events in the city, and support more community led events
- F. Opportunities to support and improve our thriving permanent and temporary markets
- G. Active travel options for getting into and around the centre of York
- H. A healthy food and drink culture in the city
- I. Outdoor eating and café culture in the city centre

In 2019, the City of York Council declared a climate emergency, set an ambition for York to be net zero carbon and established an independent Climate Commission for the city. Reducing our carbon emissions and adapting to a changing climate are crucial to ensure that York is a city fit for the future.

The York Climate Change Strategy was approved in 2022 setting out a Net Zero Carbon Pathway for York to 2030.



3. NEW A sustainable city fit for the future

Explore and Encourage:

- A. The implementation of the Climate Change Strategy in the city centre and surrounding area
- B. Adapt the city centre for extreme weather events
- C. Increasing green space and planting to increase biodiversity and support carbon sequestration when investing in the city centre public spaces and squares
- D. Maximising the use of city centre roof spaces to increase biodiversity
- E. Sustainable transport and deliveries to improve air quality and congestion in the city centre and surrounding area

Tourism is a core part of the York's economy, supporting many businesses and jobs, particularly for those who are more deprived, and those who rely on the flexibility of part time employment.

Without visitors to the city we would also struggle to sustain the wide variety of shops and facilities which we benefit from. Tourism does create impacts too though - the sector tends to be less well paid, and there is a sentiment in feedback that more facilities and amenities are directed to visitors than to residents.

We want to:

- rebalance our relationship with tourism
- bring greater benefits from tourism
- reduce some of the negative impacts of tourism, caused by a minority who don't respect our city

4. Making tourism work for York

Explore and Encourage:

- A. Adopting and implementing of the York Tourism Strategy
- B. A mechanism for visitors to make voluntary financial contributions which offset their impact and support our communities
- C. Improving the quality of jobs in the tourism sector
- D. Providing targeted priority measures for residents

The River Ouse and the River Foss are a defining characteristic of York's city centre, being a determining factor in the founding of the city; they have had a formative influence on the urban form throughout its development. The function of York's rivers has changed over time, from commerce and servicing, to currently being principally amenity and recreation related use.

Climate change is affecting how our rivers are managed and how they interact with the city.

The constrained city centre turns its back on, and presents a poor environment to the rivers in many places – a huge lost opportunity to celebrate and enjoy these spaces.

Our ambition is to redefine York's rivers to create high quality spaces and routes which contribute fully to the city's unique sense of place, whilst also ensuring river safety and protecting ecology.

5. Embracing our riversides

Explore and Encourage:

- A. Celebrating the historic, cultural and environmental benefits of our two rivers, providing riverside spaces and links for local communities
- B. The creation of new accessible riverside walkways at Coney Street and Castle Gateway, and progress a new Ouse footbridge
- C. Improving river corridors as sustainable travel routes to and through the centre
- D. Living well with water to manage flooding impacts & ensure river safety

As sustainable city living continues to be supported and to grow, we must ensure that these residents have the resources and facilities to live happy successful lives.

We must also 'invest in place' to ensure that the city centre is a safe, welcoming, and accessible space for all - to ensure its continued vibrancy.



6. A safe city centre, which is welcoming and accessible to all

Explore and Encourage:

- A. A city centre where residents can live in diverse and affordable communities
- B. Improving services, open spaces and facilities for residents
- C. Creating a welcoming and accepting city centre for all
- D. Improving the safety of the city centre for all users
- E. Improving accessibility for disabled people through a wide range of measures
- F. Embedding dementia and autism friendly standards into public spaces
- G. Creating an age friendly city
- H. Managing and minimising issues caused by the important nighttime economy, including through the securing of purple flag status

The nature of commerce in the high street is changing fundamentally and rapidly, and it takes significant investment in time and resource (and exposure to risk) for landowners and businesses to adapt their assets in response to this change.

We want to create a city centre where:

- vibrant mixed-use buildings can co-exist
- innovation and growth can happen
- the goods and services on offer can respond dynamically to consumer demand

We want to do this in a way which uses the city's existing buildings to best advantage. To achieve all of this, we need to ensure that our processes are sufficiently flexible, facilitative and responsive, whilst maintaining appropriate controls where necessary.

7. Thriving businesses and productive buildings

Explore and Encourage:

- A. City centre businesses to thrive & adapt through a supportive regulatory environment & creating a city centre people want to visit
- B. Businesses to improve operational sustainability
- C. Our independent businesses
- D. Temporary uses in empty buildings & spaces
- E. Re-use of the under-used upper floors of buildings
- F. Tours and experiences to explore historic buildings

The historic nature of York is a key factor in why it is cherished by so many, and a major driver of the city economy - through its role in our identity as a place to live and do business, to the visitors it attracts.

Adapting the historic environment to change comes with more complexity, cost and risk than usual, and as the city centre enters a period of significant upheaval, we must ensure that our processes are responsive, and the right balance is struck, between preserving what is most important and allowing new life to be breathed into the city.

8. Celebrating heritage and making modern history

Explore and Encourage:

- A. The role of planning in allowing buildings to adapt for modern uses, recognising the significant changes facing city centres
- B. The re-use and re-purposing of historic buildings and spaces to avoid them becoming redundant or under-used
- C. Better integration of the wide range of channels that allow the public to engage with the historic city around them

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Meeting:	Executive
Meeting date:	12/10/2023
Report of:	James Gilchrist - Director of Environment, Transport and Planning / James Gilchrist
Portfolio of:	Cllr. P. Kilbane – Deputy Leader and Economy & Transport

Decision Report: Consideration of changes to the City Centre Traffic Regulation order (Footstreets)

Subject of Report

1. In November 2021 the Council's Executive made the decision to permanently remove the exemption which had allowed Blue Badge holders vehicular access to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, King's Square and Colliergate.
2. The lived experience in a post-COVID19 world has evidenced the significant impact on disabled people. In response, a coalition of charities, associations, action groups and other organisations have worked together to campaign for a reversal of the ban on Blue Badge holders' access to York's pedestrian streets.
3. The York Labour Group's Pledge and Policy List pledges to "reverse the Blue Badge ban".
4. This report is in response to the Labour Group Pledge and sets out options of how that can be delivered in the context of the New Council Plan, Counter Terrorism Policing advice, the impacts, and the next steps to inform a decision to permit Blue Badge access be made.

5. This report considers the recent consultation responses to the proposed principles that Members will take into consideration to decide the basis on which Blue Badge access can be permitted in the pedestrianised streets.
6. It sets out options of how blue badge access may be permitted and the way this changes the risks and the mitigations that can be considered.
7. The report sets out targeted engagement and workshops to ensure the pedestrianised streets are as accessible as possible for the option chosen.

Benefits and Challenges

8. This decision is challenging as it requires the Executive to balance the security advice from the Counter Terrorism Police, public safety, and the rights of all users of the pedestrianised streets (footstreets) (including users with protected characteristics under the Equality Act 2010) against the rights of Blue Badge holders requiring vehicular access to the footstreets (a protected group under the Equality Act 2010).
9. This report does not seek to put those interests and those of other groups in conflict but rather to help the Executive establish the policy context for how that balance is struck.
10. This report invites the Executive to consider the requirements for public space, which are exacerbated in York by the constraints of narrow footpaths and pedestrianised streets. The fundamental issue is one of balancing the human rights and equalities impacts against the security advice. However, the Executive should be aware there are additional impacts for instance on pavement cafes.

Policy Basis for Decision

11. The 10-year plan sets a vision that everyone can benefit from and take pride in the city with the Council Plan setting a priority that the

council will set the conditions for a healthier, fairer, more affordable, more sustainable, and more accessible place where everyone can feel valued.

12. This vision sets a clear policy that an accessible place is a priority for the Executive. The Executive has set out Four Core Commitments in the Council Plan which are those outcomes they believe will most support the delivery of their vision. One of which is:

“Equalities and Human Rights - Equality of opportunity - We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities”.

13. Previous reports have identified the impact on Blue Badge holders of restricting access and parking of their vehicles in the city centre. Reports advised decision makers of the need to weigh up the negative impact in terms of equalities and human rights for a group with a protected characteristic in the context of a wider human right of the general public to health and safety and protection of life, reflected in the Counter Terrorism Policing advice.
14. In deciding, the Executive are again asked to weigh up and consider the balance and consider the impact of any decision on Equalities and Human Rights issues, whilst recognising that this decision is made under a different policy context particularly one of the Executive's four core commitments.
15. The [draft Terrorism \(Protection of Premises\) Bill](https://www.gov.uk/government/publications/terrorism-protection-of-premises-draft-bill-overarching-document), <https://www.gov.uk/government/publications/terrorism-protection-of-premises-draft-bill-overarching-document> also known as 'Martyn's Law' in tribute to Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017, will ensure that security preparedness is delivered consistently across the UK, ensuring better protection of the public.

16. The bill was developed with security partners, business, and victims' groups, including Figen Murray (Martyn's mother) and the Martyn's Law Campaign Team, and Survivors Against Terror. If enacted, the proposed new legislation will require venues and public spaces to take steps to improve public safety.
17. This will also likely see the introduction of legislation and/or guidance to strengthen the current legislation placing duties upon public authorities in relation to predictably crowded places.
18. Under the Equality Act 2010, the Council must in the exercise of its functions have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This is referred to as the Public Sector Equality Duty. The protected characteristics in the Equality Act 2010 are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty is to have "*due regard*", it is not to achieve a specific outcome.
19. The Human Rights Act 1998 states that it is unlawful for a public authority to act in a way which is incompatible with a right or freedom under the European Convention on Human Rights. The provisions of Article 8 (right to respect for private and family life) and Article 14 (protection from discrimination) contained in Schedule 1 of the Human Rights Act 1998 have been considered and taken into account. These rights can lawfully be interfered with where the interference is proportionate, necessary, and has a legitimate aim. For example, where it is necessary in the interests of other concerns including public safety and health or where it is necessary in the wider public interest, and it is proportionate.
20. The Executive are asked to consider both the right to life and the protection from discrimination. Neither of these duties take precedence and the Executive will need to make a decision proportionately, having regard to all impacts, to reach a balanced

decision including the Council's responsibilities under the Public Sector Equalities Duty.

Financial Strategy Implications

21. It is estimated that to permit Blue Badge access will increase costs to the Council by £200,000 per annum, this covers the additional cost of staffing and monitoring at the access points.
22. These additional costs cannot be covered from within existing budgets and therefore, should the Executive commit to this recommendation, additional budgets would need to be identified. For a full financial year budget, the Executive can commit to the additional budget being a priority growth commitment in the 2024/25 budget.
23. Should the decision be made to implement the access from January 2024 there will be additional costs of £50k in the financial year. Whilst the Place Directorate is forecasting an underspend in 2023/24 (£1.2m reported to September Executive) and therefore could meet these costs in year, there is a significant forecast overspend across the council in year. Executive agreed a plan to mitigate spending in the financial year at its meeting in September and Members should consider the financial impact when making its decision.
24. Potential automation of the access points (subject to suitable appropriate technology being available and being installed) could help reduce ongoing costs in the future, this forms part of future engagement with blue badge holders see below.

Recommendation and Reasons

25. **Recommendations:** The Executive are asked to:
 - a) Consider the revised policy position of a new council plan, and how this changes decision making.

- b) Consider the updated Our City Centre Strategy (to be considered at the same meeting)
- c) Consider the advice of Counter Terrorism Policing contained within **Annexes A and B** attached to this report. At Economy, Place, Access and Transport Scrutiny Committee on the 26th of September, Counter Terrorism Policing Northeast confirmed their advice contained within **Annex B** remained their advice. The Executive have had a private briefing by Counter Terrorism Policing before making this decision and the information provided should also be considered.
- d) Consider the responses to the consultation on the principles for restoring Blue Badge access to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, King Square, and Colliergate during pedestrianised hours, contained with **Annex C** attached to this report.
- e) Consider the positive impact of restoring Blue Badge access for disabled people.
- f) Consider the impacts of increased risk of accidents between pedestrians and vehicles linked to additional vehicles within the pedestrianised streets, (including the potential negative impacts on some groups with protected characteristics under the Equality Act 2010) and the technical and practical challenges in administering an access regime.
- g) Decide to pursue either:
 - **Option 1** - revert to two separate phases of HVM. This would allow the highest risk area focusing on Parliament Street to be emergency/blue light vehicle access only, Blue Badge access could then be permitted to the outer area as it existed immediately prior to the COVID19 Pandemic as this area was defined as a lower risk area by the original risk assessment.

NB – Option 1 is NOT recommended for the reasons set out in this report.

OR

- **Option 2** - As detailed in the report and not permit Blue Badge holders access to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, Kings' Square and Colliergate;

OR

- **Option 3** - The Hostile Vehicle Mitigation Measures will continue to operate but the Executive determine that Blue Badge access will be permitted to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, Kings' Square and Colliergate through the Hostile Vehicle Mitigation Measures during pedestrianised hours as shown in **Annex H** to this report from January 2024. To start the process and consultation of developing an Anti-Terrorism Traffic Regulation Order and recognise some events may mean access is restricted for the event.

h) Agree that any additional ongoing costs, currently estimated at £200k, will need to be classed as priority growth as part of the 2024/25 budget process.

Reason(s): Executive are required to consider if the option to restore Blue Badge access is reasonable and proportionate having fully considered the Equalities Impact Assessment. Executive therefore need to weigh up the equalities and human rights benefits to Blue Badge holders of restoring access and if the proposed mitigation of introducing an Anti-Terrorism Traffic Regulation Order balances the wider public interest, including the right to life, the duty to protect life, and the potential negative impact that additional vehicular traffic in the pedestrianised area could have on some groups with protected characteristics under the Equality Act 2010.

Background

26. The York Protect and Prepare Group was established in 2017 following a number of terrorist attacks that had taken place during that year. The group is multi-agency, involving all blue light

services, Counter Terrorism Police, Relevant Council Services, Make It York, York BID and representation from across the business, leisure and tourism sector. The group has a detailed action plan comprised of six strategic priorities each with a range of detailed actions designed to mitigate the risks to the city associated with a potential terrorist attack and prepare key stakeholders to be able to cope in the event of an attack taking place. These priorities include the consideration and installation of both temporary and permanent HVM measures to increase security for events and areas within the city which attract large crowds and pose the greatest risk from attack. Alongside physical protective measures, the action plan also includes a suite of tactical activity (both overt and covert) training and support to those with responsibility for public safety. York has previously been cited by Government as best practice in terms of its Protect and Prepare Group.

27. The decision taken by the Executive in November 2021 was the culmination of a series of decisions made by the previous Executive. Therefore, in terms of reviewing the decision it is important to consider all the advice and rationale behind those previous decisions. The key points are summarised below with a link to the detailed reports for a full history.
 - a. In February 2018, the Executive considered the first report which alerted the Executive to the risks around terrorism, particularly for those areas of the city with high numbers of people. Areas where people congregate, and predictably crowded places are defined as targets. The report recognised that the existing vehicular access controls were not an absolute control and relied on people being law abiding, the inference being that terrorists were not law abiding. Executive therefore instigated a scheme of engineering measures to give effect to the traffic regulation orders and a review of who could access the pedestrian area. The report recognised the potential impact on Blue Badge holders and requested engagement with disabled people's organisations.
<https://democracy.york.gov.uk/documents/g10196/Public%20reports%20pack%20Thursday%2008-Feb-2018%2017.30%20Executive.pdf?T=10>

b. In September 2018, the Executive considered a report which proposed a phased approach to security measures within the city centre pedestrianised zone. The Council having received advice from the Counter Terrorism Unit and the Centre for the Protection for National Infrastructure appointed industry experts to risk assess the streets that posed the greatest risk from a Hostile Vehicle Attack, this was attached as an annex. The report was accompanied by a letter from the Police urging action as they considered the lack of suitable vehicle mitigation measures in York an unacceptable risk for the city. It identified Article 2 of the European Convention of Human Rights (also described as The Right to Life) and how it places a positive duty on the state (i.e., public bodies) to protect life. A scheme was proposed to protect the priority one area including Parliament Street, High Ousegate, Spurriergate, Coney Street, Daveygate, Finkle Street, Church Street and Jubbergate. This was identified as a first phase, taking an onion skin approach, with future phases of protection to a much wider area identified as priority/phase 2. The report recognised that some people would be disadvantaged as a consequence of making the city safer by reducing the risk of attack, but presented means to mitigate these impacts. The Executive approved an Experimental Traffic Regulation Order adding St Sampson Square to the phase 1 / priority 1 area see map at **Annex D** attached to this report.

<https://democracy.york.gov.uk/documents/g10472/Public%20reports%20pack%20Thursday%2027-Sep-2018%2017.30%20Executive.pdf?T=10>

c. At Executive in August 2019, the Executive considered a further report. This updated on the engagement with disabled people and disabled people's organisations and made the Experimental Traffic Regulation Order permanent removing the access from St Sampson Square. The My City Centre Project was commissioned by Executive.

<https://democracy.york.gov.uk/documents/g11108/Public%20reports%20pack%20Thursday%2029-Aug-2019%2017.30%20Executive.pdf?T=10>

- d. In February 2020, the Executive approved the anticipated revenue and capital allocations for the Hostile Vehicle Mitigation measures and authorised a procurement process to progress the phase 1/priority 1 area.
<https://democracy.york.gov.uk/documents/g11116/Public%20reports%20pack%20Thursday%2013-Feb-2020%2017.30%20Executive.pdf?T=10>
- e. In response to the COVID19 Pandemic and the requirement to queue outside shops, the exemption which allowed Blue Badge holders to park on some pedestrianised streets outside the phase 1/priority area was temporarily removed. In June 2020 the Executive approved a One Year Transport and Place Plan as part of its COVID19 Recovery and Renewal Strategy. The Executive decided to extend the removal of Blue Badge access in footstreets as part of the economic recovery to create increased public spaces that can be used by local businesses to adapt their operating models with outdoor seating. In response, some areas for Blue Badge parking were provided on the outskirts of the pedestrian area and linked to shop mobility and a temporary shuttle service. A temporary extension to footstreet hours later into the evening during COVID19 was also extended through the recovery phase.
<https://democracy.york.gov.uk/documents/g12293/Public%20reports%20pack%20Thursday%2025-Jun-2020%2017.30%20Executive.pdf?T=10>
- f. In November 2020 whilst the pandemic restrictions continued, a decision was taken by Executive to extend the arrangements which excluded Blue Badge access until September 2021 and also to initiate the process of making these changes permanent. This allowed the Hostile Vehicle Mitigation Measures project to be brought forward in a single stage/phase see map at **Annex D** attached to this report. The Executive commissioned a Strategic Review of City Centre Access and Council Car Parking.

<https://democracy.york.gov.uk/documents/g12407/Public%20reports%20pack%20Thursday%2026-Nov-2020%202017.30%20Executive.pdf?T=10>

g. In June 2021, the Executive Member for Transport approved a number of further changes to add additional Blue Badge parking bays to the city centre outside the footstreets zone, following engagement with disabled people and disabled people's organisations. They also approved the formal advertising of the proposed Traffic Regulation Order, to remove the exemptions on vehicles with a Blue Badge from permitted access to Blake Street, Castlegate, Church Street, Colliergate, Goodramgate (between Deangate and King's Square), King's Square, St Helen's Square, Lendal.

<https://democracy.york.gov.uk/documents/g12726/Public%20reports%20pack%20Tuesday%202022-Jun-2021%2010.00%20Decision%20Session%20%20Executive%20Member%20for%20Transport.pdf?T=10>

28. The Executive considered a number of linked reports in November 2021; My City Centre Strategic Vision - Adoption of Vision and Next Steps, Strategic Reviews of City Centre Access and Council Car Parking and finally the report on Consideration of Changes to the City Centre Traffic Regulation Order.

29. These documents and annexes can be found in full <https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%202018-Nov-2021%202017.30%20Executive.pdf?T=10>

but rather than repeat all the information here the key points are summarised below:

a) My City Centre Strategic Vision – Adoption of Vision and Next Steps

The Executive adopted the My City Centre Strategic Vision as a guide to investment in the city centre, to inform policy decision and as a material consideration in planning. The

report outlined how the My City Centre project has been shaped through extensive public and stakeholder consultation. Eight individual themes emerged:

- i. Family Friendly City Centre - putting families at the heart of a reimagined city centre.
- ii. Events Experiences & Investment in Public Spaces - focus new investment on improving existing city spaces and improving the market offers in the city.
- iii. An Attractive City Offer at All Times – creating an early evening economy and encourage new home workers to visit the city after work and build on the popularity of outdoor café culture that has developed during the pandemic and post restrictions.
- iv. Making Tourism Work for York - Acknowledging the huge benefits that tourism brings in supporting our economy and sustaining our city centre, harness the positive benefits for our residents and communities and reduce, offset and mitigate any negative impacts.
- v. Embracing Our Riversides – making the rivers part of everyday life in the city, opening up new access routes and riverside environments and exploring their use as transport corridors, whilst also focusing on river safety.
- vi. City Centre Community which is Welcoming for All - create new city living and ensure the facilities and services that our city centre communities need to thrive exist.
- vii. Thriving Businesses and No Empty Buildings - support businesses in the centre, allow them to grow and adapt, whilst also promoting more temporary uses and making better use of vacant buildings.
- viii. Celebrating Heritage and Making Modern History - balancing the heritage environment with the needs of a successful 21st century city that supports the modern lifestyles of our communities.

b) Strategic Review of City Centre Access Executive approved several separate documents and action plans. Within the annexes were a number of reports including the Martin Higgett report which can all be found at: <https://democracy.york.gov.uk/mgAi.aspx?ID=60464#mgDocuments>

- i. Approved the Strategic Review of City Centre Access and an Action Plan to improve access, including the creation of an Access Officer post, improving toilet facilities, further Blue Badge parking, investment in Dial a Ride and Shop Mobility. This has since been reviewed and updates on progress provided to several scrutiny committees (include as an **Annex E** to this report).
- ii. Approved the Strategic Review of Council Car Parking which established the criteria by which Car Parks should be evaluated and scored and produced an associated Action Plan, which covered a range of issues such as improving the management information available about usage, working with disabled people and disabled people's organisations to identify what makes a good car park and diversifying the park and ride sites, most of which is either delivered or in progress.

c) Consideration of Changes to the City Centre Traffic Regulation Order

In the context of the My City Centre Vision previously approved on the agenda and the approved action plans as part of the Strategic Review of City Centre Access to further improve access to the city centre. Executive:

- i. considered the responses to the statutory consultation on the removal of Blue Badge exemptions permitting access to footstreets during pedestrianised hours;
- ii. considered the impact of the proposals on Blue Badge holders and the disabled community, as identified through the statutory consultation and the wider engagement work the council has undertaken. Some of this community made clear that removal of the exemption will remove their ability to access the

footstreets which was set out and considered within the Equalities Impact Assessment (“**EIA**”);

- iii. made the decision to remove the exemption which allowed vehicles displaying a Blue Badge to access Blake Street, Church Street, Colliergate, Goodramgate between Deangate and Church Street, King’s Square, Lendal, St Andrewgate between its junction with King’s Square and a point 50 metres northeast and St Helen’s Square during the pedestrian hours;
- iv. made the decision to not proceed with a permanent change to remove Blue Badge access to Castlegate, as it was not in the hostile vehicle mitigation zone and therefore not affected by the Counter Terrorism Policing advice;
- v. approved the implementation of the additional Blue Badge parking that formed part of the statutory consultation, with the exception of the two bays on St Andrewgate nearest to its junction with Bartle Garth (recognising the consultation relating to St Andrewgate); and
- vi. decided to commence a statutory consultation on a permanent change to footstreet hours to be 10:30 am to 7:00pm. To give effect to the My City Centre Vision which has an aspiration for long term footstreet hours that run until 7:00pm.

30. Based upon those decisions, the bollards that will secure the city centre from a hostile vehicle attack have now begun to be installed. The Council have ordered the bespoke equipment and is in contract with an installer. Where these have been installed it will remove the requirement for most temporary measures this Christmas.

31. In July 2022, Executive decided that they would postpone any decision to undertake the statutory traffic regulation order consultation on a permanent change in footstreet hours to 7:00 pm until new pavement café guidance could be developed.

<https://democracy.york.gov.uk/documents/g13288/Public%20reports%20pack%20Thursday%2028-Jul-2022%2017.30%20Executive.pdf?T=10>

32. In November 2022, Executive considered a report on the deregulated approach to Pavement Café Licenses <https://democracy.york.gov.uk/documents/g13292/Public%20reports%20pack%20Tuesday%2022-Nov-2022%2017.30%20Executive.pdf?T=10>
33. Pavement cafes were initially a response to COVID19 under emergency government legislation as part of immediate economic support and the “Eat out to help out” scheme. Government has since announced that a deregulated approach would become permanent change. As the City had returned to more normal post COVID19, the impact that emergency pavement cafes had on specific access issues became more apparent. The report recognised that pavement cafes are here to stay in some form in the future but are no longer part of an emergency response. Therefore, new guidance and conditions around when and where cafes are acceptable was developed with an external access consultant with the input of disabled residents.
34. Recognising the impact that current temporary arrangements have had on residents and visitors, particularly on people with health conditions or impairments, Executive decided that café licences issued under the fast-track approach would only be allowed on footways if 1.5m width remains for people to get past (with the exception of pedestrianised streets with level access between the footway and the carriageway).
35. This had a significant impact in the city centre where many of the pedestrianised streets do not have room for a pavement café, emergency access and a clear footway of 1.5 metres so the number of pavement cafes reduced.

Summary of Position to date

The Counter Terrorism Policing advice is contained within **Annexes A and B** attached to this report.

36. The original hostile vehicle mitigation scheme foresaw a first phase secure zone, focused on Parliament Street, with very little impact on Blue Badge holders except for the removal of access to St Sampson Square, which was well used by Blue Badge holders.
37. A second phase of hostile vehicle mitigation was envisaged at a future date to protect a larger area around the first phase, this could have been operated in a more flexible way without necessarily impacting on Blue Badge access, except for events with specific risks, as the initial risk assessment identified this area as a lower risk.
38. The Executive acknowledged/accepted the Counter Terrorism Policing advice that only Emergency Blue Light Vehicles should be allowed in the protected area.
39. In response to COVID19, Blue Badge access was removed to allow room for queuing on street and later to support pavement cafes as part of economic recovery. The café culture, extended early evening economy aspiration, and car free City Centre became part of the My City Centre Vision and Executive determined that it should be a permanent change. Therefore phases 1 and 2 of the City Centre Security Project were merged into a single phase.
40. As the city moved into a post covid world the real-life impact of pavement cafes in the City's narrow streets, with aging highway infrastructure, has been considered by Members who have determined that their impact is too great on disabled residents in many locations, so the local rules on pavement cafes evolved and the number of cafes has reduced.
41. The new Council Plan sets out Four Core Commitments in the Council Plan which are those outcomes they believe will most support the delivery of their vision. One of which is "*Equalities and Human Rights*".
42. The City Centre Vision has been reviewed in light of the new Council and the new Council Plan needs to be applied in reviewing this decision.

43. The advice in November 2021 was that the impact would be so extreme that disabled people would have difficulty in accessing or could not access the footstreets, this is the lived experience.
44. In response, a coalition of charities, associations, action groups and other organisations have worked together to reverse the ban on Blue Badge holders' access to York's pedestrian streets.
45. In October 2022 a Reverse the Ban Post Card Campaign was submitted to the council. This can be summarised as follows:
 - 2,734 cards received,
 - 2,074 were residents,
 - 660 were visitors including people who work in York or visit York regularly from the surrounding areas and tourists
 - 677 responses contained additional written comments of which
 - 231 of which reference to the rights of disabled people under the Human Rights Act / disability discrimination,
 - 141 sight personal experiences including how the change has affected them emotionally,
 - 86 references to no longer being able to get into the city centre,
 - 15 references to political parties,
 - 4 references to terrorist activities,

Consultation Analysis

46. To inform this decision Executive have requested an initial consultation on the principles of permitting Blue Badge access within the Hostile Vehicle Mitigation measures.
47. This report considers those consultation responses, outlines options for considering how Blue Badge access could be reinstated and the evaluation of the impacts of such a decision.

48. A report of the consultation is contained within **Annex C** attached to this report. In summary the total number of responses was 3,126 with approximately 500 paper copies received.

49. The principles and levels of support are as follows:

- **Principle 1 - Return to previous access** – This principle aims, subject to full consultation, to revert to the Blue Badge accessibility measures that were in place before the emergency COVID measures and the Council's decision of November 2021 to make them permanent.
83% Agree, 12% Disagree, 5% Don't know
Total responses = 2867
- **Principle 2 - City centre events** – Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets).
61% Agree, 32% Disagree, 7% Don't know,
Total responses = 2870
- **Principle 3 - Recognising Security Risks** – In light of any security risk intelligence, the Police will have the power to lock down all access to the City Centre under an Anti-Terrorism Traffic Regulation Order, a counter-terrorism measure under the Civil Contingencies Act 2004.
88% Agree, 7% Disagree, 5% Don't know
Total responses = 2866
- **Principle 4 - Finding solutions** – the Council Executive agrees to restore Blue Badge access through the new hostile vehicle barriers, then the council will work with Blue Badge holders on the detailed ways to achieve this
90% Agree, 5% Disagree, 4% Don't know
Total responses = 2858
- **Principle 5 - Longer term improvements** – The Council is committed to considering and implementing longer-term improvements to accessibility in the city, taking into consideration the needs and opinions of the community on an ongoing basis, including in the development of its Transport Strategy
89% Agree, 4% Disagree, 7% Don't know
Total responses = 2861

50. There were 1223 detailed comments many of which contain personal data, but 188 provided a personal experience because of the restrictions, 125 provide suggestions on how things can be improved. (access and general ideas), 93 commented on the consultation (81 negative).
51. Due to the way the comments were provided using freetext we could identify the following groups:

Unknown	=	754	(unable to identify)
Disabled	=	319	
Elderly	=	12	
Business	=	7	
Family	=	2	
52. Comments for disagreeing with Principle 1 came from businesses, people who felt the streets would become unsafe and those who either thought the whole of the city centre would be opening up and not enough information to be able to make a decision
53. Although the majority agreed with principle 2 (and the requirement for restrictions for some city centre events) there were more comments against this principle than there were for it.
54. Most responses were in favour of principle 3, however there was concern that the ATTRO could be used to close the city centre whenever the council decided it wanted to.
55. A small number of comments were around deliberately delaying tactics to give the council time to find excuses to change its mind on the commitment to reverse the ban.
56. The biggest message of all was – just get on with it and stop delaying by wasting money on unnecessary consultations.

57. This shows strong support for the principles but only 61% supported the principle “Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets).” and 32% did not support this principle.
58. Officers recognise the lower levels of support for Principle 2: City centre events, that some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets). In response client officers will open discussions with Make It York to explore how future Christmas Markets may be able to be organised and be designed to permit Blue Badge access.
59. An Economy, Place and Transport Scrutiny Committee considered the options outlined in this report and heard from key stakeholders. Scrutiny made the following resolutions:
 - i. That the Committee would recommend, based on the information available to the Scrutiny Committee, that the Executive do not support Option B within the report;
 - ii. That the Scrutiny Committee would recommend to the Executive that the primary focus on any decision in relation to the *Consideration of changes to the City Centre Traffic Regulation Order (Footstreets)* report, to be considered by the Executive on 12 October 2023, be made in relation to the security of the city centre weighted against the access requirements of individuals;
 - iii. That the Committee would request that the Executive engage with Make it York, about whether there were alternative arrangements which could be put in place to run the city’s Christmas market. With a focus for alternative arrangements to enable blue badge access
 - iv. That the Committee would request that officers include the following within the *Consideration of changes to the City Centre Traffic Regulation Order (Footstreets)* report:
 - a) Reference to both the Martin Higgitt report and the report produced by the University of York;

- b) Reference to the number of signatures to the Reverse the Ban petition;
 - c) Further detailed information regarding the financial impact of different options presented within the report, including the impact on York's economy by the loss of any spending from blue badge holders;
 - d) Any relevant information available to the Council regarding decisions made and or considered in relation to access to the footstreets from 2011;
 - e) Whether the Care Act 2014 had been considered in determining the options presented in the report;
- v. That the Committee would request that officers engage with the Counter Terrorism Police and any other relevant bodies to explore any further briefings to Councillors regarding the risk of terrorist attacks and the role of hostile vehicle measures in preventing or limiting the impact of said attacks.

60. Advice has been received from the Monitoring Officer, that whilst members are welcome to read the academic submission it cannot purport to provide legal advice, since that is reserved to the Monitoring Officer and Legal Services Team, and it cannot be taken as overriding the advice provided by security services.

61. The Monitoring Officer has advised that Members are entitled to take decisions which fall within the range of reasonable options open to them. The decision taken in 2021 was one such decision, as it was within the range of options available based on the information and advice presented to the decision-maker; however, that does not mean that no other decisions are possible, and a new decision-maker may consider the same, or the same and additional, information and advice and come to a different decision. Both of those decisions would be lawful.

62. Whilst Section 1(1) of the Care Act 2014 imposes a general duty on a local authority, **when exercising a function under Part 1 of the Care Act 2014 in the case of an individual**, to "promote that individual's well-being", one might argue that in the context of installing Hostile Vehicle Mitigation ("HVM") measures and restricting vehicular access to/parking of vehicles in the city centre, the Council is not exercising a function under Part 1 of the Care Act

2014, and therefore the general duty set out in Section 1(1) is not relevant, and instead the relevant legal duties to be taken into account might just be those set out in HRA 1998 and the EA 2010 as referred to elsewhere in this report.

63. That being said, statutory guidance on the Care Act 2014 has stated that the general wellbeing principle applies equally to those who do not have eligible needs but come into contact with the system in some other way (for example, via an assessment that does not lead to ongoing care and support) as it does to those who go on to receive care and support, and have an ongoing relationship with the local authority. The general duty to promote wellbeing should therefore inform the delivery of universal services which are provided to all people in the local population, as well as being considered when meeting eligible needs.
64. Although technically the general duty to promote wellbeing applies specifically when the local authority performs an activity or task, or makes a decision, in relation to a person under the Care Act 2014, based on the statutory guidance it arguably should also be considered by the Council when it undertakes broader, strategic functions, such as planning, which are not in relation to one individual. As such, wellbeing should be seen as the common theme around which care and support is built at local and national level.

Further guidance can be found at:
<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#general-responsibilities-and-universal-services>

65. Further engagement and Blue Badge holders and other stakeholders will be required after this decision, both before implementation and after. This is likely to be in the form of workshops as well as wider engagement, it cover a range of topics such as:
 - Is there a better workable solution than a staffed presence, e.g. the advanced booking system used on the M6 Toll Road
 - How are blue badge holders picked up from within the footstreets.

- If Blue Badge access is permitted during pedestrianised hours, this will still mean parking for 3 hours max on double yellow lines where parking doesn't cause an obstruction. Option to create some Blue Badge bays to enable parking for longer periods and to provide bays suitable for adapted vehicles.
- With Blue Badge access is there still a requirement for the city centre bus shuttle
- Keeping the way the city centre and the Hostile Vehicle Measures work under review.
- How should other mobility aid such as cycles acting as a mobility aid be managed

Options Analysis and Evidential Basis

66. The new Council Plan, is a new policy environment with four core commitments that underpin everything the council does. It is clear that in considering this decision the equality of opportunity commitment is important. This has led to a review of the City Centre Vision. This changing policy framework needs to be considered when making this decision.
67. Recognising the decision that have gone before, and in order to consider options to reinstate Blue Badge access to pedestrianised streets, the following options have been considered, some have been discounted and are not recommended.
68. **Option 1 (NOT RECOMMENDED)** – revert to two separate phases of Hostile Vehicle Mitigation. This would allow the highest risk area focusing on Parliament Street to be emergency/blue light vehicle access only, Blue Badge access could then be permitted to the outer area as it existed immediately prior to the COVID19 Pandemic as this area was defined as a lower risk area by the original risk assessment.

69. To determine if this is a credible option a refreshed risk assessment would need to be undertaken. It is also not an immediate resolution to restoring Blue Badge access to the pedestrianised streets as it existed before the emergency measures in response to COVID19, as it would take significant time to implement. The other issue is that this option would have significant capital costs of approximately £2,000,000. It would also introduce further construction works in the city centre, which like any construction causes disruption to residents and businesses.

Option 1 therefore is **NOT** recommended.

70. **Option 2** – This option is to make no change to the way Blue Badge access into the pedestrianised area operates. This would provide maximum mitigation to the security risks in accordance with the previous advice from Counter Terrorism Policing that any additional motor vehicles in a pedestrianised area poses a risk. However, it continues to disadvantage many disabled people. Any decision must consider the balance of rights and risks, and subsequent decisions of the Council as described above and the expectations of the revised Our City Centre vision if approved earlier on the agenda for this meeting.
71. **Option 3** – is to continue to operate the hostile mitigation measures and allow Blue Badge access into the secure zone so that Blue Badge access will be permitted to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, Kings' Square and Colliergate. This conflicts with the advice of the Counter Terrorism Policing Teams, but is a balance the Council needs to make. The risk is that vehicles within the secure zone can be commandeered and used as a weapon anywhere within the secure zone by those determined to do so. There is also the intrinsic risk of having any vehicles in an area where there is a public expectation of no vehicles, this does however mirror the risk prior to COVID19. Previous accident data is contained within **Annex F** of this report.
72. This risk could be reduced with the introduction of a An Anti-Terrorism Traffic Regulation Order (ATTRO)an ATTRO to give the

police powers to remove Blue Badge access for events or specific risks. An ATTRO is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004. Members may recall that a temporary ATTRO was put in place for the Maundy Thursday visit of the now King. This allows traffic orders to be put in place by the Traffic Authority for the purpose of: 'avoiding or reducing, the likelihood of, danger connected with terrorism'; or 'preventing or reducing damage connected with terrorism'.

73. These orders can only be made on the recommendation of the Chief Officer of Police and are subject to prior statutory consultation. An ATTRO could be put in place on a permanent basis which covers the whole City Centre including the Minster area, but only enacted in response to specific circumstances or elevated threat levels. The contingent nature of the ATTRO means that it would only be utilised as an operational response where the Police believe that this would be a proportionate counter terrorism response to the needs of an event, incident or to intelligence received.
74. The ATTRO would only be brought into use as an operational tool under the direction of the Police, where the responsible officer has sound reasons on the basis of a security assessment or tactical intelligence of a likelihood of danger or risk of harm due to terrorism. Having a permanent ATTRO would mean that the Police could rely on the order being generally available as an operational tool but on a contingency basis that could be "activated" at any time in accordance with the Schedule to the ATTRO which reflects the statutory requirements for making such an order.
75. The mechanism and robustness of the system for permitting Blue Badge holders is a key component of Members considerations of reconsidering Blue Badge access through the secure Hostile Vehicle Mitigation measures and this needs further work and co-design with Blue Badge holders. The access arrangements are not for specific cars but for Blue Badge holders in any vehicle they are travelling in, which means the system needs to be able to admit any vehicle carrying a Blue Badge holder. Therefore, discussions with the Blue Badge holders as to whether restrictions of vehicle types would be appropriate, i.e., under 3.5 tonnes, will be needed. Blue badges are not issued nationally but by local councils for residents in their area so cross checking a Blue Badge which has not been issued in York remotely is not easy. A Blue Badge is very small and

not easily picked up by CCTV and would often need to be removed from the vehicle as the windscreen can cause reflection and the badge needs to be checked against the person who it has been provided to. Automatic Number Plate Recognition is not an option as, as noted above, Blue Badges are provided to the person not a vehicle and can be used in taxis etc, so reconciling that a number plate provided into a booking system actually was being provided by a Blue Badge holder is impossible. The most obvious solution that provides maximum accessibility and minimal inconvenience to Blue Badge holders is a security guard at two entry points who can liaise with the control room to open the bollards once the Blue Badge has been verified. However, this is likely to come with some significant revenue costs detailed in the finance section.

76. Counter Terrorism Policing have confirmed at the scrutiny last month that the advice contained with **Annex B** of this report remains their current advice. The Executive have been briefed in private by Counter Terrorism Policing.
77. There is an increased risk of no intent accidents between pedestrians and vehicles if more vehicles are in the pedestrianised streets (footstreets). Previous accident data is contained with **Annex F**. This risk could be mitigated by reinstating the exclusion of Blue Badge holders for the busiest events such as the Christmas markets, or reviewing the layout of streets with Blue Badge access.
78. Should members choose Option 3, the existing traffic regulation order does not need to be consulted upon to permit Blue Badge access. The current Traffic Regulation Order states:

“A Vehicle proceeding upon the direction or with the permission of a police constable in uniform or a traffic warden or proceeding with the permission of the Council’s Head of Transport or a person authorised to grant such permission on behalf of the Council’s Head of Transport.”

79. Should the Executive choose Option 3, the Head of Transport or appropriate officer can authorise those that staff the future barriers to grant permission to access and egress the pedestrian area without a change to the Traffic Regulation Order.

80. Should the Blue Badge holders be permitted access, there will be a further impact on pavement cafes. Whilst this is not material to balancing the security advice and balancing the equalities and human rights issues members need to take their decision in full knowledge of the impacts of that decision. Details of this impact are contained with **Annex I** of this report.

Organisational Impact and Implications

81. When Executive made the decision in November 2021, they weighed up the security advice with the impact on Blue Badge holders. It was, and remains, a difficult decision.

82. The previous Executive favoured fulfilling the full security advice. By excluding all Blue Badge holders Executive were made aware that the impact on disabled people would be so extreme that they would have difficulty in accessing and that some disabled people would not be able to access the pedestrianised streets (footstreets) at all.

83. When considering the circumstances as they exist today, including subsequent decisions and assuming the approval of the Our city Vision on this agenda, Executive need to accept that in order to permit Blue Badge access it has not been possible to find a way to deliver the full Counter Terrorism Policing Advice.

84. When considering the options, the Executive are required by law to consider if the options to restore Blue Badge access are reasonable and proportionate, having fully considered the Equalities Impact Assessment. This is attached as **Annex G** to this report.

85. The Executive therefore need to weigh up (*inter-alia*) the following issues:

- consider the advice from counter terrorism policing and the right to life and duty to protect life,
- consider the equalities and human rights benefits to Blue Badge holders of restoring access,

- consider any extra equalities and human rights benefits by heeding the counter terrorism policing advice,
- consider the proposed mitigation of Blue Badge access being restricted during the busies events and the introducing an Anti-Terrorism Traffic Regulation Order for the events and circumstances of highest risk.
- consider any revisions the Executive may have approved to the Our City Centre Vision
- consider the above in the context of the new Council Plan
- consider changes to the uses of pedestrianised streets since the previous decision to exclude Blue Badge holders was made (based upon subsequent Executive Decisions regarding Pavement Cafes and pedestrianised hours) and therefore reconsider the risk profile,
- consider the impact on businesses who will be impacted and may have their pavement café licence removed or reduced,

- ***Financial***

Depending on the option chosen there will be different financial implications. Should the operation continue as planned there will be no additional costs. Should Members allow access into the inner area there will need to be staffed points at locations to be determined. The cost during pedestrianised hours (10:30-17:00) would be c £43,000 per person per location per year. It is considered that at a minimum there would need to be approximately four times resource to cover the points at Goodramgate and Blake Street therefore a cost of £172,000. There are also additional costs at the CCTV room as demands for exiting the zones will increase. It is estimated that this will increase costs to £200,000 per annum.

The cost could be mitigated by reducing the number of access points, but this would impact upon the access that could be achieved and is therefore not presented as an option.

These costs cannot be contained within existing budgets and therefore, should the Executive commit to this

recommendation, additional budgets would need to be identified. For a full financial year budget, the Executive can commit to the additional budget being a priority growth commitment in the 2024/25 budget.

For the part year it is estimated that the costs will start to be incurred from January 2024 and therefore additional costs will be in the region of £50,000. The Place Directorate is forecast to underspend in year and therefore the costs can be contained within the Directorate budget however there remains a significant council overspend that needs to be reduced.

- ***Human Resources*** Depending on the option agreed by the Executive and whether HVM points require staffing, HR implications and staffing options will be considered following HR policies and procedures.
- ***Legal***

The Council, as Highway Authority and Local Traffic Authority is responsible for making Traffic Regulation Orders (TRO). The Council has a statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (having regard to the effect on amenities).

Any amendment to an existing Traffic Regulation Order will need to be effected in accordance with the relevant statutory procedures including the requirement for formal consultation and advertisement in the local press. Where objections are received, there is a duty on the Council to ensure that these objections are duly considered.

An Anti-Terrorism Traffic Regulation Order (ATTRO) is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004. This allows traffic orders to be put in place by the Traffic Authority under S.6, 22C and 22D of the Road Traffic Regulation Act 1984, for the purpose of avoiding or reducing, the likelihood of, danger connected with terrorism; or preventing or reducing damage connected with

terrorism. An ATTRO can only be made by the Council on the recommendation of the Chief Constable of Police. The implementation of an ATTRO will follow the same statutory procedure as a Traffic Regulation Order under The Local Authorities' Traffic Orders (Procedure) (England and Wales) 1996.

The Council must comply with the Public Sector Equality Duty as set out in Section 149 of the Equality Act 2010. This means in relation to making a decision, the decision-maker must firstly understand their obligations under the PSED. This is a duty to have **due regard** to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equalities Act 2010.
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Technical guidance provided by the Equality and Human Rights Commission assists public bodies in discharging the duty in practice and this is expressly brought to Members' attention.

[https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england\)](https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england))

Secondly the decision maker must have sufficient relevant information and demonstrably take this information fully into account throughout the decision-making process.

The concept of due regard requires that there has been proper and conscientious focus on what the duty requires at 1-3 above. If that is done, a court cannot interfere with the decision simply because it would have given greater weight to the

equality implications of than the decision maker did. However, the decision maker must be clear precisely what the equality implications are when they put them in the balance. A public body can lawfully conclude that other considerations outweigh the equality ones. This could include security concerns or available resources provided that the weight given to those countervailing factors is not irrational.

Thirdly, the courts have established that the potential impact of a decision on people with different protected characteristics is a mandatory relevant consideration. The manner of assessing that impact is discretionary. Often an Equality Impact Assessment is an appropriate tool but is not the only available tool. It is the quality of the assessment whether that is presented in an EIA or some other evaluative report which is important.

- **Procurement** – Each option presented hold different levels of procurement implications. The implications are as follows:

Option 1: Any additional work to be carried out within the city centre, subject to funding must be procured via a compliant, open, transparent, and fair process in accordance with the Council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015. Further advice regarding the procurement process and development of procurement strategies must be sought from the Commercial Procurement team.

Option 2: There are no procurement implications should the council proceed with Option 2.

Option 3: Whilst there are no direct procurement implications with Option 3, should the Council decide to procure the additional staff rather than recruit, procurement will apply. If any services are required, this must be procured via a compliant, open, transparent, and fair process in accordance with the Council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015. The Council may explore varying existing security contracts to include the additional security guard requirement, however, this will be

subject to the Public Contract Regulations and subject to the safe harbour provisions under Regulation 72. A full procurement exercise may need to be carried out should the Commercial Procurement team and Legal Services team deem the variation unjustifiable and a high risk. Further advice regarding the procurement process and development of procurement strategies must be sought from the Commercial Procurement team.

- ***Environment and Climate***

The climate impacts are negligible from the options. The report and options define how the city centre environment is managed.

- ***Affordability***

There is not expected to be additional impacts from this report on low-income groups.

- ***Equalities and Human Rights,***

As per the previous sections of this report, the Council recognises, and needs to take into account its PSED under Section 149 of the EA 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

A full EIA can be found in **Annex G** attached to this report.

- ***Data Protection and Privacy***

Data protection impact assessments (“**DPIAs**”) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK GDPR. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. DPIAs helps us to assess and demonstrate how we comply with all of our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve. As there is no personal data, special categories of personal data or criminal offence data being processed to inform the Consideration of changes to the City Centre Traffic Regulation order (Footstreets), there is no requirement to complete a DPIA. This is evidenced by completion of DPIA screening questions. However, there will need to be consideration and completion of DPIAs where required, within delivery of the plan.

- ***Communications***

The decision in November 2021 to remove the exemption which had allowed Blue Badge holders vehicular access to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, King's Square and Colliergate has had significant impacts both on communities and on the Council and its reputation.

Those impacts will not immediately be removed through a different decision alone. A carefully constructed approach to stakeholder engagement in the ongoing work to deliver any change required following consultation on principles will be essential to the effective delivery of an accessible city centre, as well as regaining the goodwill and trust of affected communities and campaigners. Support for the engagement approach, and accompany public and media reactions work will be required from the communications service.

- ***Economy***

In the 2-years since the ‘My City Centre’ Vision was adopted, York city centre has continued to recover strongly from the impact of the COVID19 pandemic alongside an evolving

context of regulatory change for accessibility and business activity. In this period, the city has also adopted three significant 10-year strategies, including a new Economic Strategy. To reflect the current environment and align to the city strategies, a separate report on this Executive agenda is proposing that the city centre vision is updated and re-launched as the “Our City Centre Vision”, with a stronger focus on accessibility, residents, climate resilience and carbon reduction.

Some of the options outlined in this report have potential to impact on existing pavement licenses for up to 19 businesses. Removal of, or changes to, the availability of outside seating areas will inevitably run the risk of direct commercial impact for these specific businesses.

With one in five of all households including people with disabilities, the Purple Pound – that is to say, the money that those households spend – represents a significant proportion of the UK economy. Disability charity Purple (<https://wearepurple.org.uk/the-purple-pound-infographic/>) have estimated the total value of the Purple Pound to be close to £300bn per annum for the UK, and using their methodology suggests that its value to York is £820m per annum. Around 10% of consumer spend in York happens in the city centre, so for the area under consideration in this report, the value of the Purple Pound is approximately £80m per annum, with around £16m of that coming from households which include a Blue Badge holder.

Risks and Mitigations

- The security advice is that the installation of Hostile Vehicle Mitigation Measures are a significant improvement in the security of the city centre.

- The security advice is that their preference is for only blue light vehicles to be permitted into the secure zone. Should Executive permit blue badge access through the Hostile Vehicle Mitigation Measures it adds a level of risk.
- In addition to the security risk permitting blue badge holders into the secure zone does generally raise the risk of an accident between a vehicle and pedestrian.
- However ,the risk is something that the security services can only advise on, the judgement call is for the Council to determine where its appetite for risk lies against the impacts of such restrictions and whether the mitigations are proportionate.
- The mitigations proposed are the introduction of Anti Terrorism Traffic Regulation order to respond to intelligence regarding specific terror risks in York. To mitigate the accident risk, it is proposed to restrict access for the busiest events e.g., the Christmas Markets.

Wards Impacted

86. Disabled people live in all wards.

Contact details

For further information please contact the authors of this Decision Report.

Author

Name:	James Gilchrist
Job Title:	Director of Environment, Transport and Planning
Service Area:	Place Directorate
Telephone:	01904 552547
Report approved:	Yes
Date:	03/10/2023

Background papers

All relevant background papers must be listed.

Technical guidance provided by the Equality and Human Rights Commission assists public bodies in discharging the duty in practice

and this is expressly brought to Members' attention.
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

Executive - February 2018 - City Transport Access Measures
<https://democracy.york.gov.uk/documents/g10196/Public%20reports%20pack%20Thursday%2008-Feb-2018%20Executive.pdf?T=10>

Executive - September 2018 – City Centre Access and Priority 1

Proposals

<https://democracy.york.gov.uk/documents/g10472/Public%20reports%20pack%20Thursday%2027-Sep-2018%20Executive.pdf?T=10>

Executive - August 2019 - My City Centre Project

<https://democracy.york.gov.uk/documents/g11108/Public%20reports%20pack%20Thursday%2029-Aug-2019%20Executive.pdf?T=10>

Executive - August 2019 - City Centre Access Experimental Traffic Order Conclusion and Phase 1 Proposals

<https://democracy.york.gov.uk/documents/g11108/Public%20reports%20pack%20Thursday%2029-Aug-2019%20Executive.pdf?T=10>

Executive - February 2020 - City Centre Access – Phase 1 Proposals (Update)

<https://democracy.york.gov.uk/documents/g11116/Public%20reports%20pack%20Thursday%2013-Feb-2020%20Executive.pdf?T=10>

Executive – June 2020 - City of York Council Recovery and Renewal Strategy

<https://democracy.york.gov.uk/documents/g12293/Public%20reports%20pack%20Thursday%2025-Jun-2020%20Executive.pdf?T=10>

Executive - November 2020 - City of York Council Recovery and Renewal Strategy - November Update

<https://democracy.york.gov.uk/documents/g12407/Public%20reports%20pack%20Thursday%2026-Nov-2020%202017.30%20Executive.pdf?T=10>

Executive - November 2020 - The Future of the Extended City Centre Footstreets

<https://democracy.york.gov.uk/documents/g12407/Public%20reports%20pack%20Thursday%2026-Nov-2020%202017.30%20Executive.pdf?T=10>

Executive Member for Transport – June 2022 - Footstreets Traffic Regulation Order Proposals

<https://democracy.york.gov.uk/documents/g12726/Public%20reports%20pack%20Tuesday%202022-Jun-2021%2010.00%20Decision%20Session%20-20Executive%20Member%20for%20Transport.pdf?T=10>

Executive - November 2021 - My City Centre Strategic Vision - Adoption of Vision and Next Steps

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%202018-Nov-2021%202017.30%20Executive.pdf?T=10>

Executive - November 2021 - Strategic Reviews of City Centre Access and Council Car Parking

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%202018-Nov-2021%202017.30%20Executive.pdf?T=10>

Executive - November 2021 - Consideration of Changes to the City Centre Traffic Regulation Order.

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%202018-Nov-2021%202017.30%20Executive.pdf?T=10>

Executive - July 2022 - City Centre Access Action Plan Update

<https://democracy.york.gov.uk/documents/g13288/Public%20reports%20pack%20Thursday%202028-Jul-2022%202017.30%20Executive.pdf?T=10>

Executive - November 2022 - Pavement Café Licence Update
<https://democracy.york.gov.uk/documents/g13292/Public%20reports%20pack%20Tuesday%202022-Nov-2022%2017.30%20Executive.pdf?T=10>

Terrorism (Protection of Premises) – Draft Bill
<https://www.gov.uk/government/publications/terrorism-protection-of-premises-draft-bill-overarching-documents>

Annexes

- Annex A – Original Police Advice
- Annex B – Advice from Counter Terrorism Policing Northeast for November 2021 Executive
- Annex C – Restoring Blue Badge Principles Access Results
- Annex D – Map showing Phase 1/Priority 1 Area and later decision to deliver larger area in a single stage/phase
- Annex E – City Centre Action plan update September 2023 on mitigations approved as part of November 2021 Decisions to exclude Blue Badge holders
- Annex F – Historical Accident Data in York Footstreets
- Annex G – Equalities Impact Assessment
- Annex H – Map showing Option 3
- Annex I – Pavement Café Impacts

Annex A

Our ref: LR/SR

Your ref:

Date: 17 August 2018

Name and address: Mary Weastell
Chief Executive
City of York Council
West Officers
Station Rise
York
YO1 6GA



Dear Mary,

North Yorkshire Police support for Hostile Vehicle Mitigation (HVM) measures

Thank you for the recent invitation to meet Executive Members which took place on Monday 6th August 2018. Following my attendance, I would like to place on record my support, on behalf of North Yorkshire Police, in relation to the proposed HVM measures planned for the City of York.

As I am sure you are aware, the national threat level remains at severe. This means that a terrorist attack is highly likely and any attack is likely to come without notice. Further, there has been a clear shift in attack methodology, from complex pre-planned coordinated attacks such as those seen at the World Trade Center to the more recent attacks on mainland Europe and those in the United Kingdom where attack planning is very basic, including the use of hire vehicles and knives as weapons.

Public spaces are currently the most favoured locations because they have ready access to a large number of potential victims. York has very tight streets where there are large crowds of people regularly going about their daily business. Any attack carried out by a vehicle is therefore likely to result in multiple fatalities and many significant injuries.

Currently there are no suitable vehicle mitigation measures in York. My colleague, Superintendent Mark Khan, a specialist Security Coordinator, is of the opinion that this is an unacceptable risk for the city to carry. I would echo this view, especially when we, as public authorities, have responsibilities in relation to the European Convention of Human Rights (ECHR). This is particularly relevant when Article 2, The Right to Life, is considered as this article places a positive duty on the state (i.e. public bodies) to protect life.

Hostile vehicle mitigation can work in two ways. It can be a visible deterrent and also a physical barrier. I am therefore in full support of the proposed measures and look forward to continuing to support City of York Council as this work moves forward.

Yours sincerely

Superintendent Lindsey Robson
Area Commander York & Selby

Annex B

Letter from Counter Terrorism Security Advisor part of Counter Terrorism Policing Northeast

I am employed as a Counter Terrorism Security Advisor and work for the North East Counter Terrorism Police. I oversee counter terrorism protected security in York district and am a permanent member of the CYC Counter Terrorism Task Group.

For some years I have been advising the council and private businesses on Hostile Vehicle Mitigation (HVM) for both the city centre and some outlying venues.

HVM is an effective and proven security measure for protecting crowded places such as the centre of York, many examples of HVM can be seen at other large city and town centres throughout the UK. They have been put in place to protect the public from the various terrorist attack methodologies using vehicles. This includes vehicles that contain explosives as well as everyday vehicles that are used to drive into crowded areas (known as Vehicle as Weapon attacks).

When considering a vehicle access scheme involving the use of security hardware which mitigates or prevents a vehicle gaining access to the designated protected area, it is necessary to create a sterile zone free from all vehicles at times when the area is a crowded place. Entry to such areas must be restricted to emergency response vehicles which can be done during the planning phase of any such scheme.

I am aware that CYC have a well-developed plan to introduce such a vehicle access scheme to the centre of York, it has been subject to consultation and has received advice from the likes of myself as well as my colleagues from CPNI (Centre for the Protection of National Infrastructure) who have advised on other projects nationally.

To have an effective scheme in place it would be necessary to exclude **all vehicles** from access to the sterile area when it is operational ie when it is busy with pedestrians, this unfortunately includes 'blue badge' holders. Terrorists plan attacks meticulously and hold no regard to blue badge holders, they do not follow the everyday rules that you and I would and would see the use of a vehicle displaying a blue badge as an opportunity rather than something that is in place to assist others.

I therefore would advocate that any vehicle having 'blue badge' status should be excluded from entry to the vehicle access zone within the city centre during the times when it is operational.

I understand that the council is consulting to find alternative parking for such vehicles as close to the city centre as is possible and this hopefully will enable parking for 'blue badge' holders and their vehicles.

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City of York Council

Restoring Blue Badge Access Phase 1 Results Sep-23

The survey opened 7 August and closed 18 September 2023.
3126 people started the survey.

Comments were made by 1223 respondents:
227 respondents made a suggestion.
188 commented on personal experience.
95 commented on the consultation itself (13 Positive, 81 Negative, 1 Both).

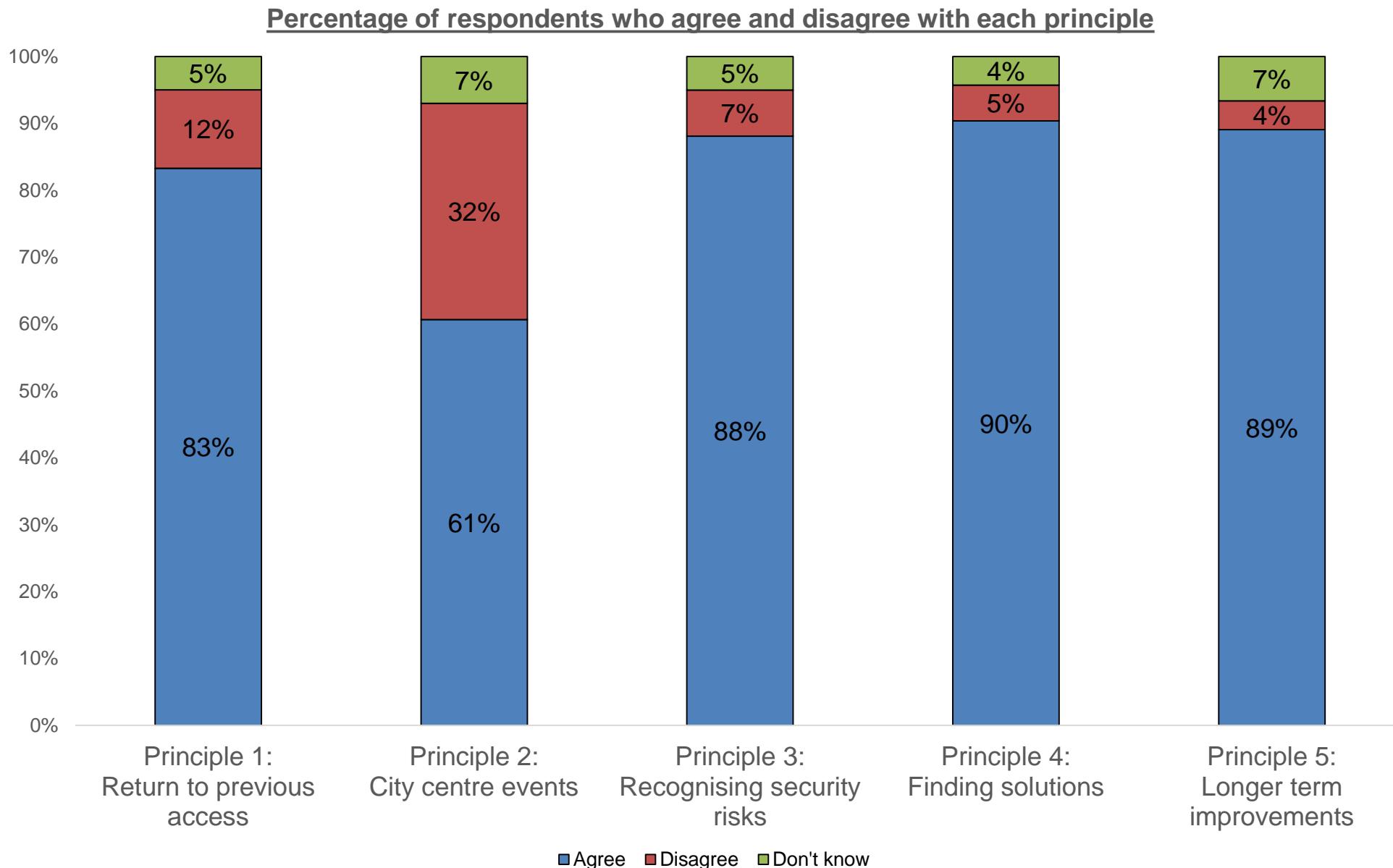
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- Pg 2 - Percentage of respondents who agree or disagree with each principle
- Pg 4 - Principle 1: Return to previous access
- Pg 5 - Principle 2: City centre events
- Pg 6 - Principle 3: Recognising security risks
- Pg 7 - Principle 4: Finding solutions
- Pg 8 - Principle 5: Longer term improvements
- Pg 9 - Respondent Groups

Percentage of respondents who agree or disagree with each principle

Principles	Agree	Disagree	Don't know	Total
Principle 1: Return to previous access This principle aims, subject to full consultation, to revert to the Blue Badge accessibility measures that were in place before the council's decision of November 2021.	83%	12%	5%	2867
Principle 2: City centre events Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets).	61%	32%	7%	2870
Principle 3: Recognising security risks In light of any security risk intelligence, the police will have power to lock down all access to the city centre under an Anti-Terrorism Traffic Regulation Order (ATTRO), a counter-terrorism measure under the Civil Contingencies Act 2004.	88%	7%	5%	2866
Principle 4: Finding solutions If the Council Executive agrees to restore Blue Badge access through the new hostile vehicle barriers, then the council will work with Blue Badge holders on the detailed ways to achieve this.	90%	5%	4%	2858
Principle 5: Longer term improvements The council is committed to considering and implementing longer-term improvements to accessibility in the city, taking into consideration the needs and opinions of the community on an ongoing basis, including in the development of its Transport Strategy.	89%	4%	7%	2861

Percentage of respondents who agree or disagree with each principle



Principle 1: Return to previous access

This principle aims, subject to full consultation, to revert to the Blue Badge accessibility measures that were in place before the council's decision of November 2021.

Blue Badge Holder	Agree	Disagree	Don't know	Total
Yes	91.3%	4.3%	4.4%	1868
No	57.0%	36.6%	6.4%	598
Carer of someone	86.5%	8.7%	4.8%	355

Responding as:	Agree	Disagree	Don't know	Total
A disabled resident	91.4%	3.8%	4.8%	1879
A member of a disability advocacy group	90.5%	9.5%	0.0%	21
A public transport provider	71.4%	28.6%	0.0%	7
A community organisation	84.8%	9.1%	6.1%	33
A local business	35.3%	58.8%	5.9%	34
An elected member	90.9%	9.1%	0.0%	11
None of the above	67.0%	27.6%	5.4%	709
Prefer not to say	65.0%	29.9%	5.1%	117

Comments related to P1	Agree	Disagree	Don't know	Total
All	76.3%	23.7%		723

Principle 2: City centre events

Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets).

Blue Badge Holder	Agree	Disagree	Don't know	Total
Yes	59.0%	34.0%	7.0%	1874
No	64.2%	29.1%	6.7%	598
Carer of someone	63.6%	29.0%	7.4%	352

Responding as:	Agree	Disagree	Don't know	Total
A disabled resident	58.9%	33.8%	7.3%	1886
A member of a disability advocacy group	47.6%	38.1%	14.3%	21
A public transport provider	71.4%	28.6%	0.0%	7
A community organisation	54.5%	42.4%	3.0%	33
A local businesses	70.6%	23.5%	5.9%	34
An elected member	27.3%	63.6%	9.1%	11
None of the above	65.4%	29.1%	5.5%	708
Prefer not to say	62.9%	26.7%	10.3%	116

Comments related to P2	Agree	Disagree	Don't know	Total
All	70.3%	29.7%		74

Principle 3: Recognising security risks

In light of any security risk intelligence, the police will have power to lock down all access to the city centre under an Anti-Terrorism Traffic Regulation Order (ATTRO), a counter-terrorism measure under the Civil Contingencies Act 2004.

Blue Badge Holder	Agree	Disagree	Don't know	Total
Yes	89.2%	6.5%	4.3%	1869
No	83.3%	8.9%	7.9%	598
Carer of someone	90.4%	5.9%	3.7%	354

Responding as:	Agree	Disagree	Don't know	Total
A disabled resident	89.2%	6.4%	4.4%	1882
A member of a disability advocacy group	66.7%	23.8%	9.5%	21
A public transport provider	71.4%	28.6%	0.0%	7
A community organisation	84.8%	0.0%	15.2%	33
A local business	88.2%	8.8%	2.9%	34
An elected member	90.9%	9.1%	0.0%	11
None of the above	87.9%	6.8%	5.4%	709
Prefer not to say	76.7%	12.9%	10.3%	116

Comments related to P3	Agree	Disagree	Don't know	Total
All	78.4%	21.6%		102

Principle 4: Finding solutions

If the Council Executive agrees to restore Blue Badge access through the new hostile vehicle barriers, then the council will work with Blue Badge holders on the detailed ways to achieve this.

Blue Badge Holder	Agree	Disagree	Don't know	Total
Yes	94.9%	2.3%	2.8%	1865
No	75.5%	16.0%	8.6%	595
Carer of someone	92.6%	3.4%	4.0%	353

Responding as:	Agree	Disagree	Don't know	Total
A disabled resident	95.1%	2.1%	2.8%	1877
A member of a disability advocacy group	95.2%	4.8%	0.0%	21
A public transport provider	85.7%	14.3%	0.0%	7
A community organisation	90.9%	6.1%	3.0%	33
A local business	70.6%	29.4%	0.0%	34
An elected member	100.0%	0.0%	0.0%	11
None of the above	81.9%	10.9%	7.2%	706
Prefer not to say	72.6%	17.1%	10.3%	117

Comments related to P4	Agree	Disagree	Don't know	Total
All	93.3%	6.7%		75

Principle 5: Longer term improvements

The council is committed to considering and implementing longer-term improvements to accessibility in the city, taking into consideration the needs and opinions of the community on an ongoing basis, including in the development of its Transport Strategy.

Blue Badge Holder	Agree	Disagree	Don't know	Total
Yes	90.2%	3.5%	6.3%	1871
No	86.1%	6.9%	7.1%	595
Carer of someone	88.3%	4.3%	7.4%	351

Responding as:	Agree	Disagree	Don't know	Total
A disabled resident	90.2%	3.5%	6.3%	1886
A member of a disability advocacy group	95.0%	5.0%	0.0%	20
A public transport provider	85.7%	0.0%	14.3%	7
A community organisation	93.9%	3.0%	3.0%	33
A local business	73.5%	20.6%	5.9%	34
An elected member	100.0%	0.0%	0.0%	11
None of the above	87.2%	5.3%	7.5%	704
Prefer not to say	82.5%	9.6%	7.9%	114

Comments related to P5	Agree	Disagree	Don't know	Total
All	100.0%	0.0%		132

Respondent Groups

Are you a Blue Badge holder or the carer of someone who has a Blue Badge?

Blue Badge Holder	Responses	% Responses (for people whom responded)
Yes	1884	66.3%
No	600	21.1%
Carer of someone	356	12.5%
No response	286	10.1%
Total	3126	

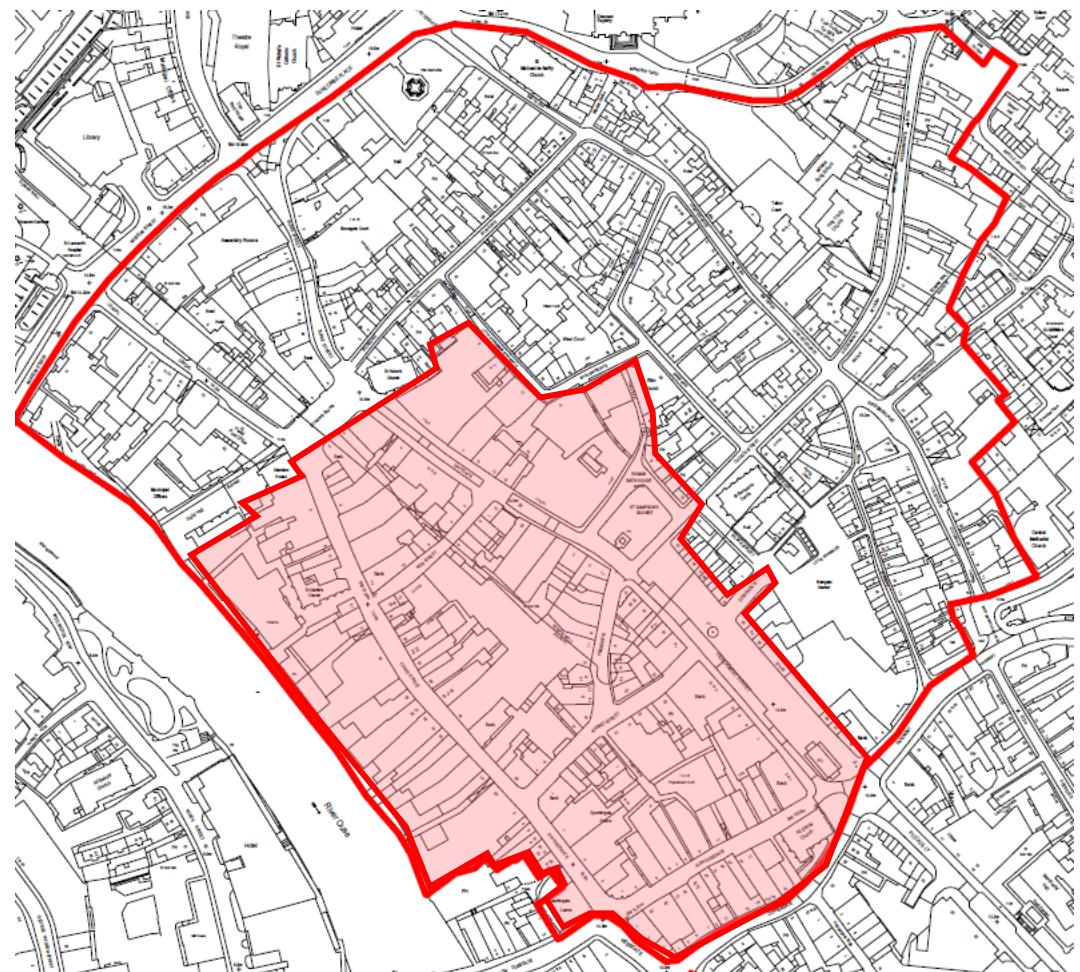
Please confirm whether you are responding as:

Responding as:	Responses	% Responses (for people whom responded)
A disabled resident	1898	67.0%
A member of a disability advocacy group	21	0.7%
A public transport provider	7	0.2%
A community organisation	33	1.2%
A local businesses	34	1.2%
An elected member	11	0.4%
None of the above	712	25.1%
Prefer not to say	117	4.1%
No response	293	
Total	3126	

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Annex D HVM Phasing

- Shaded area original priority 1/phase 1 area to be protected by a first phase of hostile vehicle mitigation measures
- Outer area is the extended footstreets boundary protected by a single phase of hostile vehicle mitigation measures



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Annex E:

City Centre Action plan update September 2023 on mitigations approved as part of November 2021 Decisions to exclude Blue Badge holders

Action Plan						
Recommendation	Required to implement	Budget required	Funding Source	Action Owner	T-Scales	Update RAG rating
Create an Access Officer post	To be funded through existing budgets	£24k per annum	To be funded through existing budgets	Director of Customer and Communities	Complete	Complete. In post from 22/11/22. Final revenue element of the funding was £30k.
Develop a York Standard for the city centre with disabled groups and stakeholders	To be delivered by the Access Officer but would need to cost any proposals and seek appropriate funding for	None	To be delivered by the Access Officer	Access Officer	Updated by DS on 05/09/2023	We are pulling this together in a module format as and when standards are agreed. This currently includes; seating, building accessibility audit, cycle stands and Gold Standard Car Parks We have also recently launched Supplementary Planning Group (a subgroup of the York Access Forum (YAF) to design the York Access Guide for town planners and developers.
Consult on permanently extending the footstreets until 7pm	Undertake Statutory consultation	None	Existing Resource	Director of Transport, Environment and Planning	Pending	Executive decision not to pursue at this stage

Disabled Access					
Implement disabled bays as per statutory consultation, and continue to explore additional locations on the edge of the footstreets		None	Existing Transport Budgets	Head of Highways and Transport	Autumn 2023

Recommendation	Required to implement	Budget required	Funding Source	Action Owner	T-Scale	Rag Status
Invest in Shopmobility to increase awareness of the service	CYC promotion support Additional grant	£10k (one off)	Covid Recovery contingency	Head of Highways and Transport	Complete	Funds provided to Shopmobility after discussions around their investment priorities.
Access Officer to work with Shopmobility, expand the provision of mobility aids, and meeting the needs of service users	To be delivered by the Access Officer	TBC		Access Officer	Updated by DS on 05/09/2023	We have worked with ShopMobility and waiting for them to produce a plan of additional equipment needs and costs
Investing in the Dial-&Ride service, to improve awareness	CYC promotion support Additional grant	£10k (one off)	Covid Recovery contingency	Head of Highways and Transport	Spring 2023	Funds provided; Further work to be undertaken once the fleet replacement is complete
Investing in the Dial-&Ride service, to better meet the needs of service users		£50k (one off)	Covid Recovery Contingency	Head of Highways and Transport	Updated by DS on 05/09/2023	Working with CYC and Dial-a-Ride on a possible solution to allow them to use bus lanes. They already have permission for Coppergate
Work with micro mobility operator (Tier) to explore the roll out of mobility aids at key points across the city		Non – Commercial Operator	Not Required	Head of Highways and Transport	Summer 2023	Ongoing lobbying, considering as part of national roll out.

Recommendation	Required to implement	Budget required	Funding Source	Action Owner	T-Scales	RAG Status
Continue to work with disabled people to assess what constitutes a mobility aid and should be permitted in the footstreet areas.	To be delivered by the Access Officer	No	Not Required	Access Officer	Ongoing	We have spoken to Shop Mobility and York Wheels to identify their needs and working with officers on permission for Dial-a-Ride to use bus lanes
Improved routes into and around the city centre, included improved paving and dropped kerbs	Dropped kerbs, paving	£250k one off	Active Travel Fund (subject to successful bid) or prioritised Transport Budgets	Head of Highways and Transport /Access Officer	Ongoing	Active travel fund bid was rejected by DfT. Executive approved funding to progress this programme in March 2022. Through works in Stonegate 8 new dropped kerbs have been added. Further works completed in Fossgate. Final section of Stonegate now complete and Blake Street currently in delivery. This is being supported by the Access Consultant
Additional seating to be provided at key points along routes in to and around the city centre	Locations to be co-designed with disabled groups, to be delivered by the	£15,000 one off	Public Realm budgets	Access Officer	Updated by DS on 05/09/2023	MIMA report has been written. We are trialing 3 seating options on Acomb Front Street later in September with members of the YAF an York Older Persons Assembly
Improve access to disabled toilets in the city centre through multi partner provision	Work with stakeholders and partners to improve		Subject to Changing Places bid for physical improvements	Director of Customer and Communities	Updated by DS on 05/09/2023	Upgrades to existing Changing Places at Silver Street and the accessible toilet at Coppergate at in progress. A recent fire in the Stall Holders toilet in silver street provides the opportunity to put back as an accessible toilet. Ongoing work at Haxby Community Centre.

						A city-wide signage and wayfinding project is near completion for Changing places.
	the “Take a Seat+” initiative	TBC			Complete	Fed 2023 - We have spoken to ‘Home Instead’ who are going to re-design their marketing to make their window labels more visible and accessible and make the facilities provision clearer (types of toilet etc.)

Recommendation	Required to implement	Budget required	Funding Source	Action Owner	T-Scale	Rag Status
Carry out a feasibility study for a dedicated shuttle service for disabled people and those with mobility issues	Study already carried out, further work required to understand service user needs and requirements to inform any future proposals	£50k one off	Bus Service Improvement Plan funding	Head of Active and Sustainable Transport	Summer 2023	BSIP funding has been secured and a study is now underway, which is likely to lead to a trial. Successful consultation and engagement undertaken as part of residents weekend. Report will go to Councillors in the Summer 2023
Improve awareness of Blue Badge parking and services which are available to improve access to the city centre including toilets, accessible routes	Identify the improvements as listed in this action plan and compile into single point of reference	No	Existing Transport budgets	Head of Highways and Transport /Access Officer)	Complete	Website updated, hard copy leaflet also produced and distributed. This will be subject to regular review.

Recommendation	Required to implement	Budget required	Funding Source	Action Owner	T-Scale	RAG Status
Work with the Quality Bus Partnership, and local disability groups to review how drivers prioritise wheelchair users' access and make Class 3 access training		No		Head of Active and Sustainable Transport	Ongoing	Links to BSIP and Enhanced Partnership and representation of disability groups in the partnership. The Enhanced partnership has now been made and will be brought through the governance to consider.

Cycling, e-scooters and e-bikes						
Improving existing city centre cycle routes	Improved route and signing along High Petergate, Minster Yard, Deangate, Goodramgate, Aldwark, Hungate, Navigation Road and Walmgate	£250k one off	LTP 4 (part of wider package of improvements totaling £600,000) Active Travel Fund (subject to successful bid)	Head of Highways and Transport	To be determined	Active Travel Funding was not received and will be considered as part of LTP4 action plans. Local Cycling and Walking Infrastructure plan now in development and these will be identified through this process.
Improve city centre cycle parking	Upgrade existing cycle parking facilities, introduce provision for adapted cycles and look at city centre lockers/ secure storage	£150k one off	Active Travel Fund (subject to successful bid)	Head of Highways and Transport	Consultation in March 2023	After extensive engagement with key stakeholders a design standard has been developed and will be consulted on in March 2023 with a view to roll out of new infrastructure starting in the Summer. This will include suggested locations and an opportunity to identify new locations through the consultation.

Recommendation	Required to implement	Budget required	Funding Source	Action Owner	T-Scale	RAG Status
Undertake a feasibility study for a city centre transhipment hub for freight delivery	Carry out a feasibility study and pilot scheme looking in to low emission deliveries	£300k one off	Defra	Head of Highways and Transport	Complete	Feasibility complete. Trial details are being worked up.
Work with the BID to continue to understand the evolving nature of food delivery businesses in the city centre		Not required	Existing resource	Head of Regeneration and Economy	Ongoing	Work ongoing; This formed a part of the recommendation from the freight delivery and will be developed once further funding is identified
Taxis						
Clearer signage indicating location of taxi ranks (Clifford Street)	Unmet Demand Survey	No	To be carried out by licensing team	Head of Public Protection	Complete	Signage ordered and installed.
Potential new evening rank on Piccadilly	Unmet Demand Survey	No	To be carried out by licensing team	Head of Public Protection	Spring 2023	Draft policy written and formal consultation will take place in Spring 2023. Consultation will specifically include taxi users including customers with disabilities as per the Licensing Committee instruction.

Recommendation	Required to implement	Budget required	Funding Source	Action Owner	T-Scale	RAG Status
Forum to be facilitated between Taxi operators/drivers and representation from disabled groups to discuss how the taxis could better meet the needs of service users	Representation to be invited to the Taxi Association Forum	No	To be carried out by licensing team	Head of Public Protection	Spring 2023	This will be included in the consultation around the Taxi Licensing policy, described above.
Total	£1.1m					

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Annex F – York footstreets accident data (Trafmap)

Accidents between dates 01/09/2011 and 31/08/2021 (120) months

Selection:

Selected using Manual Selection

Notes:

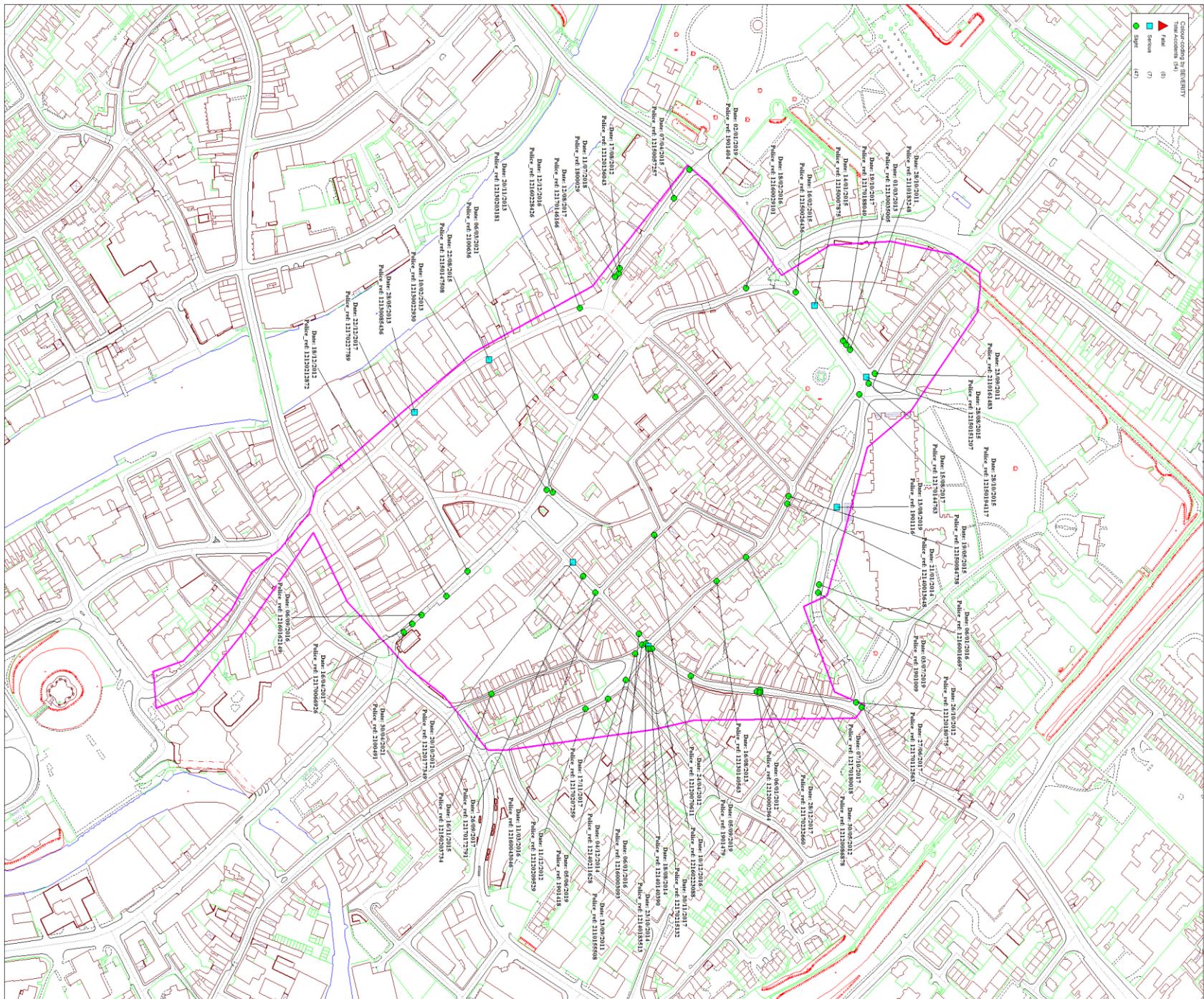
933 - Foot Streets of York

Police Ref.	Date	Cas.	Sev.	P2W	CyCs	Peds	Ch	OAPs	Vis.	Manv.	Road Cond.	Time	Location
2110155508	13/09/2011	1	Slight	0	0	0	0	0	Dark	Right	Dry	0331	CHURCH STREET JUNCTION WITH KINGS SQUARE ~
2110161483	23/09/2011	1	Slight	0	1	0	0	0	Light	No turn	Dry	1004	HIGH PETERGATE YORK~
2110183248	28/10/2011	1	Slight	0	0	1	0	0	Dark	No turn	Dry	2123	DUNCOMBE PLACE YORK OUTSIDE THE DEAN COURT HOTEL
12120002964	06/01/2012	1	Slight	0	1	1	0	1	Light	No turn	Wet/Damp	1315	GOODRAMGATE YORK OPPOSITE THE MINSTER SCHOOL.
12120070611	24/04/2012	1	Slight	0	0	1	0	0	Dark	No turn	Wet/Damp	2350	SWINEGATE YORK OUTSIDE NO 29
12120086878	30/05/2012	1	Slight	0	0	1	0	1	Light	No turn	Dry	1615	GOODRAMGATE, YORK
12120136043	17/08/2012	1	Slight	0	1	0	0	0	Light	No turn	Wet/Damp	0850	LENDAL, YORK
12120177349	20/10/2012	2	Serious	0	0	2	0	1	Light	No turn	Dry	2055	CHURCH STREET 20M FROM ST SAMPSONS SQUARE
12120180775	26/10/2012	1	Slight	0	0	1	0	0	Light	No turn	Dry	1355	GOODRAMGATE AT JUNCTION WITH DEANGATE YORK
12120209529	11/12/2012	1	Slight	0	0	1	0	1	Light	No turn	Frost/Ice	1045	COLIERGATE APPROX 80 METRES SOUTH EAST OF ITS JUNCTION
12120212872	18/12/2012	1	Slight	0	0	1	0	0	Dark	No turn	Dry	1720	PARLIAMENT STREET, 50 METRES NORTH OF HIGH OUSEGATE, YOR
12130022930	10/02/2013	1	Slight	0	0	1	0	1	Light	No turn	Wet/Damp	1520	ST SAMPSON SQUARE AT JUNCTION WITH DAVYGATE, YORK.
12130035005	01/03/2013	1	Slight	0	0	1	0	0	Dark	No turn	Dry	2230	DUNCOMBE PLACE, OUTSIDE DEAN PARK HOTEL, YORK
12130085436	28/05/2013	1	Serious	0	0	1	0	0	Dark	No turn	Dry	0314	CONEY STREET YORK OUTSIDE THE WILLOW 37A
12130140563	16/08/2013	1	Slight	0	1	0	0	0	Light	No turn	Dry	1710	LOW PETERGATE YORK OUTSIDE NO 75
12130203181	20/11/2013	1	Slight	0	1	0	0	0	Light	No turn	Dry	0830	DAVYGATE, YORK
12140013648	21/01/2014	1	Slight	0	0	1	0	0	Light	No turn	Dry	0830	LOW PETERGATE, NORTH OF STONEGATE, YORK
12140140390	18/08/2014	1	Serious	0	0	1	0	0	Light	Right	Dry	1420	CHURCH STREET AT JUNCTION WITH LOW PETERGATE, YORK
12140183513	23/10/2014	1	Slight	0	0	1	0	0	Light	No turn	Dry	1520	CHURCH STREET AT JUNCTION WITH LOW PETERGATE, YORK
12140211628	04/12/2014	1	Slight	0	0	1	0	0	Light	No turn	Dry	1515	KINGS SQUARE, 10 METRES EAST OF CHURCH STREET, YORK
12150007875	14/01/2015	1	Serious	0	1	0	0	0	Dark	No turn	Wet/Damp	2350	OUTSIDE ST WILFRED'S CATHOLIC CHURCH DUNCOMBE PLACE YO
12150026436	16/02/2015	1	Slight	0	1	0	0	0	Dark	Left	Dry	2230	DUNCOMBE PLACE AT JUNCTION WITH BLAKE STREET, YORK
12150057257	07/04/2015	1	Slight	0	0	1	0	0	Light	No turn	Dry	1730	LENDAL, 5 METRES FROM MUSEUM STREET, YORK
12150084738	19/05/2015	1	Slight	0	0	1	1	0	Light	No turn	Dry	1230	LOW PETERGATE YORK
12150147508	22/08/2015	1	Serious	0	0	1	0	0	Dark	No turn	Wet/Damp	2036	CONEY STREET YORK
12150151207	28/08/2015	1	Serious	0	1	0	0	0	Light	Right	Dry	0750	HIGH PETERGATE AT JUNCTION WITH DUNCOME PLACE, YORK
12150194117	28/10/2015	1	Slight	0	0	1	0	0	Dark	No turn	Wet/Damp	2300	HIGH PETERGATE
12150203734	16/11/2015	1	Slight	0	0	1	0	0	Light	No turn	Wet/Damp	1004	THE SHAMBLES YORK OUTSIDE NO 31
12160003093	06/01/2016	1	Slight	0	0	1	0	1	Light	No turn	Wet/Damp	1250	CHURCH STREET YORK
12160016697	06/01/2016	1	Slight	0	1	0	0	0	Light	No turn	Wet/Damp	0835	DEANGATE YORK
12160029101	18/02/2016	1	Slight	0	0	1	0	0	Light	No turn	Dry	1006	BLAKE STREET YORK
12160043046	11/03/2016	1	Slight	1	0	0	0	0	Dark	No turn	Dry	1840	CHURCH STREET AND SWINEGATE YORK
12160162149	06/09/2016	1	Slight	0	1	1	0	1	Light	No turn	Dry	1600	PARLIAMENT STREET YORK 100M SOUTH OF PAVEMENT
12160223088	10/12/2016	1	Slight	0	0	1	0	0	Light	Left	Wet/Damp	1350	JUNCTION OF GOODRAMGATE AND KINGS SQUARE YORK

Annex W – Accident data in York footstreets

Police Ref.	Date	Cas.	Sev.	P2W	CyCs	Peds	Ch	OAPs	Vis.	Manv.	Road Cond.	Time	Location
12160228426	12/12/2016	1	Slight	0	0	1	0	1	Light	No turn	Dry	0944	CONEY STREET NEAR TO ST HELENS SQUARE
12170066926	16/04/2017	1	Slight	0	0	1	0	0	Dark	No turn	Dry	0330	PARLIAMENT STREET YORK
12170112563	27/06/2017	1	Slight	0	1	0	0	1	Light	Right	Wet/Damp	1420	JUNCTION OF GOODRAMGATE AND DEANGATE YORK
12170146166	12/08/2017	1	Slight	0	0	1	0	0	Dark	No turn	Dry	2120	LENDAL 2M NORTH ST HELENS SQUARE YORK
12170144763	15/08/2017	2	Slight	0	2	0	0	0	Light	No turn	Dry	1812	MINSTER YARD AT JUNCTION WITH LOW PETERGATE YORK
12170172791	26/09/2017	1	Slight	0	0	1	0	1	Light	No turn	Dry	1315	CHURCH STREET YORK
12170180018	07/10/2017	1	Slight	0	1	1	0	1	Dark	No turn	Dry	1800	LOW PETERGATE 20M SOUTH GRAPE LANE (OUTSIDE NO.62) YORK
12170188040	19/10/2017	1	Slight	0	1	0	0	0	Dark	Right	Wet/Damp	2240	DUNCOMBE PLACE YORK
12170207259	17/11/2017	1	Slight	0	0	1	0	0	Dark	No turn	Wet/Damp	2050	COLLIERGATE YORK
12170215132	30/11/2017	1	Slight	0	0	1	0	1	Light	No turn	Dry	1045	JUNCTION OF GOODRAMGATE AND COLLIERGATE YORK
12170227789	22/12/2017	1	Slight	0	0	1	0	1	Light	No turn	Wet/Damp	0955	OUTSIDE 13 PARLIAMENT STREET YORK
12170232660	28/12/2017	1	Slight	0	1	1	0	1	Dark	No turn	Dry	1838	GOODRAMGATE YORK OUTSIDE NO 56
1800029	11/07/2018	1	Slight	1	0	1	0	0	Light	No turn	Dry	2100	LENDAL YORK
1901404	02/01/2019	1	Slight	0	0	1	0	0	Dark	No turn	Dry	1930	LENDAL YORK APPROACHING JUNCTION WITH MUSEUM STREET
1901418	05/06/2019	1	Slight	0	1	1	0	1	Light	No turn	Dry	1100	JUNCTION OF KINGS SQUARE AND ST ANDREWGATE YORK
1901009	03/07/2019	1	Slight	0	1	0	0	0	Light	Right	Dry	1025	DEANGATE NEXT TO YORK MINSTER
1901116	13/08/2019	2	Serious	0	1	1	0	1	Light	No turn	Dry	1700	MINSTER GATES YORK
1901479	05/09/2019	1	Slight	0	1	0	0	0	Dark	No turn	Wet/Damp	2003	GOODRAMGATE YORK
2100636	06/03/2021	1	Slight	0	0	1	1	0	Dark	No turn	Dry	2130	ST SAMPSONS SQUARE 10M NORTH OF JUNCTION WITH DAVYGATE
2100491	30/04/2021	1	Slight	0	1	0	0	0	Dark	No turn	Dry	2220	U/C PARLIAMENT STREET 6M NORTH OF JUNCT WITH U/C HIGH
Column Totals		57		2	21	39	2	16					
No. of Accidents				2	20	38	2	16					

Total number of accidents listed: 54



Foot Streets of York

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SCALE	1:1500
DATE	06/10/2021
DRAWING No.	933
DRAWN BY	Sharon Wilkins

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Annex G

City of York Council
Equalities Impact Assessment

Directorate:	Place		
Service Area:	Transport		
Name of the proposal :	Consideration of changes to the City Centre Traffic regulation order Review of decision to remove blue badge exemption for city centre access during the pedestrian hours		
Lead officer:	James Gilchrist/Helene Vergereau/David Smith		
Date assessment completed:	05/09/2023		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Helene Vergereau	Traffic and Highway Development Manager	CYC	Transport
Darren Hobson	Traffic Management Team Leader	CYC	Transport
James Gilchrist	Director of Transport, Environment and Planning	CYC	Transport
David Smith	Access Officer	CYC	Access

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>In November 2021, the Executive took the decision to permanently remove the exemption which had previously allowed blue badge holders vehicular access to some of the pedestrianised streets, namely Blake Street, Lendal, S. Helen's Square, Goodram Gate (between Deangate and King's Square), Church Street, King Square and Colliergate.</p> <p>A new administration wishes to review that decision and has requested options to reinstate blue badge access.</p> <p>The current permanent TRO prohibits vehicles from accessing the footstreets between 10.30am and 5pm every day, historically there was an exemption for vehicles with a Blue Badge on the streets listed above. Other exemptions apply for emergency vehicles and where access has been permitted by the Highway Authority (waivers).</p> <p>The decision to remove access in November 2021 was based on over 18 months of public engagement with residents, businesses and interest groups including disability groups.</p> <p>In response to the new administration's wishes additional consultation has been undertaken on the principles of reinstating blue badge access on the same principles as previously and that has also informed the EIA.</p> <p>In making the decision to remove blue badge access a number of improvements were made to access including additional blue badge bays. These are not under review as part of the review of the exemption, although some projects which have not been delivered may be reviewed in the future, but will be subject to a separate EIA.</p> <p>There are three options outlined in the report.</p> <p>Option 1 – revert to two separate phases of Hostile Vehicle Mitigation. This would allow the highest risk area focusing on parliament street to be emergency/blue light vehicle access only. Blue badge access could then be permitted to the outer area as it existed immediately prior to the COVID19 Pandemic as the area is a lower risk area, as defined by the original risk assessment.</p> <p>Option 2 – This option is to make no change to the way blue badge access into the pedestrianised area operates.</p>

Option 3 – is to allow blue badge access into the secure zone and reinstate the access exemption for vehicles with a Blue Badge for the streets listed below.

- Blake Street
- Church Street
- Colliergate
- Goodramgate (between Deangate and King's Square)
- King's Square
- Lendal
- St Helen's Square

This is contrary to the previous advice of the Counter Terrorism Policing Teams as it increases risk of terrorist attack. This risk could be reduced with the introduction of an Anti-Terrorism Traffic Regulation Order to give the police powers to remove any access for events or specific risks. Blue badge access was historically removed for the Christmas Market.

This EIA consider the options and supports decision makers in weighing up the conflicting issues

- The November 2021 report identified the significant impact that some blue badge holders would be excluded from the vehicular access to the pedestrianised streets as a result of the decision and others would find access harder. This is now the lived experience and a significant campaign to "Overturn the Ban" has taken place. To reinstate blue badge access would therefore reinstate and improve access for those blue badge who have been impacted.
- In striking a balance decision makers need to consider public safety and avoiding danger to persons in areas of high footfall, recognising the Council's duty to protect the public from terrorism. By permitting access it changes the risk of a vehicle as a weapon attack, however this risk could be mitigated to an extent by establishing a Anti Terrorism Traffic Regulation Order which would allow the Police to impose restrictions to be put in place to all vehicles in response to specific risks.
- The number of vehicles accessing the streets listed above changes the risk of conflict between vehicles and pedestrians, particularly in busy periods;
- It would reduce the use of some areas of the carriageway or footways as pavement café areas during footstreet hours, with impact on the amenities of the footstreet area;

Option 2 laid out in the report is covered by the EIA completed in 2021 as part of the November decision session
<https://democracy.york.gov.uk/documents/s153763/Annex%20AA%20Blue%20Badge%20Exemption%20Removal%20EIA.pdf>

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>Relevant legislation includes:</p> <ul style="list-style-type: none"> • Equality Act 2010, which aims to protect people from discrimination in the workplace and in wider society. The Act includes a Public Sector Equality Duty, which requires public bodies to consider how their decisions and policies affect people with protected characteristics. The public body also should have evidence to show how it has done this. It also requires that public bodies have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The Equality Act 2010 covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. • Human Rights Act –sets out the fundamental rights and freedoms that everyone is entitled to. In making a decision the council must consider carefully the balance to be struck between individual rights and the wider public interest and whilst it is acknowledged that there could be interference with a Convention right, the decision must be reasonably justified as it is a proportionate means of achieving a legitimate aim. • Inclusive Mobility Guidance (Department for Transport 2005) • Protect Duty consultation documents (www.gov.uk/government/consultations/protect-duty) • Hostile Vehicle Mitigation guidance (www.gov.uk/government/publications/crowded-places-guidance/hostile-vehicle-mitigation-hvm#vehicle-as-a-weapon-vaw) • The Blue Badge scheme: rights and responsibilities in England (www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england) • Road Traffic Regulation Act 1984 and associated regulations relating to TROs, under which local traffic authorities in England and Wales (outside London) may make permanent orders for the following purposes: <ul style="list-style-type: none"> ○ To avoid danger to persons or other traffic using the road or any other road or to prevent the likelihood of any such danger arising; ○ To prevent damage to the road or to any building on or near the road; ○ To facilitate the passage on the road or any other road of any class of traffic (including pedestrians);

	<ul style="list-style-type: none"> ○ To prevent the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property; ○ To preserve the character of the road in a case where it is specially suitable for use by persons (...) on foot; ○ To preserve or improve the amenities of the area through which the road runs; or ○ To preserve or improve local air quality. <ul style="list-style-type: none"> ● The Business and Planning Act which creates a de regulated approach to pavement cafes.
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1.3	<p>Who are the stakeholders and what are their interests?</p> <p>Key stakeholders for this proposal are Blue Badge holders who were able to access and park in the streets listed above during footstreet hours before the temporary changes were made to the access exemptions, which were then made permanent in the November 2021 report.</p> <p>It is wrong to assume that all Blue Badge holders' feel the same way about what has happened or what should happen, but this is now based on significant and lived experience in a post pandemic world. There have also been changes in Council policy most notably by changing the conditions under which pavement cafes will be permitted.</p> <p>Other stakeholders include:</p> <ul style="list-style-type: none"> ● Other groups visiting the pedestrian area and accessing its shops and services; and ● City centre businesses and service providers (e.g. deliveries, trades, etc). <p>Their interests are wide ranging and include suitable access by a range of transport modes (private car, taxi/private hire, deliveries, cycling, walking), safety, and services and amenities available in the footstreet area.</p>
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1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2023- 2027) and other corporate strategies and plans.</p>
	<p>The new Council Plan contains four key commitments one of which is Equalities and Human Rights - Equality of opportunity and states</p> <p>“We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities”</p> <p>The decision seeks to balance the</p> <ul style="list-style-type: none"> • the significant impact on blue badge holders by the decision to exclude access to some of the pedestrianised streets and the exclusion this has had on some groups. • public safety and avoid danger to persons in areas of high footfall to reduce the risk of a vehicle as a weapon attack and the level of conflict between vehicles and pedestrians more generally, particularly in busy periods; • the use of some areas of the carriageway or footways as pavement café areas during footstreet hours, improving the amenities of the footstreet area;

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
Source of data/ supporting evidence	Reason for using
Public consultation	<p>Consultation on Principles of reinstating blue badge access</p> <ul style="list-style-type: none">Principle 1 - Return to previous access – This principle aims, subject to full consultation, to revert to the Blue Badge accessibility measures that were in place before the emergency COVID measures and the Council's decision of November 2021 to make them permanent. 83% Agree, 12% Disagree, 5% Don't know Total responses = 2867Principle 2 - City centre events – Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets). 61% Agree, 32% Disagree, 7% Don't know, Total responses = 2870Principle 3 - Recognising Security Risks – In light of any security risk intelligence, the Police will have the power to lock down all access to the City Centre under an Anti-Terrorism Traffic Regulation Order, a counter-terrorism measure under the Civil Contingencies Act 2004. 88% Agree, 7% Disagree, 5% Don't know Total responses = 2866Principle 4 - Finding solutions – the Council Executive agrees to restore Blue Badge access through the new hostile vehicle barriers, then the council will work with Blue Badge holders on the detailed ways to achieve this 90% Agree, 5% Disagree, 4% Don't know

Total responses = 2858

- **Principle 5 - Longer term improvements** – The Council is committed to considering and implementing longer-term improvements to accessibility in the city, taking into consideration the needs and opinions of the community on an ongoing basis, including in the development of its Transport Strategy

89% Agree, 4% Disagree, 7% Don't know

Total responses = 2861

Reverse The Ban Petition

In October 2022 a Reverse the Ban Post Card Campaign was submitted to the council. This can be summarised as follows:

- 2,734 cards received,
- 2,074 were residents,
- 660 were visitors including people who work in York or visit York regularly from the surrounding areas and tourists,
- 677 responses contained additional written comments of which
 - 231 of which reference to the rights of disabled people under the Human Rights Act / disability discrimination,
 - 141 sight personal experiences including how the change has affected them emotionally,
 - 86 references to no longer being able to get into the city centre,
 - 15 references to political parties,
 - 4 references to terrorist activities,

My City centre engagement – this was an engagement with residents, businesses and special interest groups. This was an open discussion around what the city centre could look like in the future and was the foundation for the November 2020 Executive report.

City Centre Access Project - The extent of the footstreet area has been subject to ongoing discussions for a number of years as part of the City Centre Access project in response to the threat of terrorism as outlined in the report, and particularly the use of hostile vehicles as a potential mode of attack. This had led to the approval of a first phase of hostile vehicle mitigation measures for the existing permanent footstreet area, but with potential future phases to expand the area of protection.

Temporary Covid measures – When the temporary Covid measures were introduced, the Council engaged with approx. 450 individuals as well as advocacy groups representing thousands of people with disabilities and/or reduced mobility across the city. An open community brief detailed the main themes and challenges which these changes sought to address, and the summary of conversations with the city's businesses and representative groups. The principles of the footstreets extension was broadly supported by a majority of respondents to the citywide survey, which was also reflected in the support from residents identifying themselves as disabled. There are tangible benefits for many, in particular blind and partially sighted people, children, and older people. However, the desire from many for footstreets and spaces to be vehicle free is in contrast to Blue Badge holders' request for vehicular access to the pedestrianised area. These objections were articulated in a petition signed by 1,093 people, including 501 York residents, calling for the reversal of the changes.

Additional consultation undertaken for the November 2021 Decision to permanently remove blue badge access – A consultation took place to review available Blue Badge Parking on the outskirts of the city centre in April 2021. This took the form of an online questionnaire and two online workshops on 22 April 2021, one during the working day and one in the evening, to allow those working in disability organisations and professional advocates to attend, while also offering an out of office hours opportunity for those who may want to take part but are at work or unavailable during the day. This consultation was promoted through the media, on social media (tagging disability organisations), and to the following organisations: Alan Bott Charity, York Disability Rights Forum, York Human Rights City, York Programme for UN International Day of People with Disabilities, Jorvik Deaf Connections, Lollipop, York People First, MS Society, Older Citizens Advocacy York, Wilberforce Trust, Healthwatch York, My Sight York, York Carers Centre, York Carers Forum, York Parent Carer Forum, Age UK

	<p>York, Converge (York St John), Mind, York Advocacy (Mind), Learning Disability Self Advocates Forum, York Self Advocacy Forum, York Inspirational Kids, York Access and Mobility Club Facebook Group, York Older People's Assembly, York Dementia Action Alliance, CVS, York Wheels, Dial and Ride, Shopmobility, Inclusive Engagement, Individuals from CCA Exercise, Labour Women's Officer, York Cycle Campaign, Get Cycling, Sight Loss Council, York Accessibility Action, Action on Hearing Loss, British Deaf Association, York Disability Week, York ME Community, Blueberry Academy, and York Alzheimers.</p> <p>The engagement followed an open conversation approach, both online and offline, including direct conversations with individuals and advocacy groups. This allowed detailed discussions to take place with those who wished to engage in depth, and captured general views through an online survey, which was distributed to nearby residents, city centre businesses, and paper based questionnaires distributed across the city as requested. In total there were 540 survey responses completed, of the completed surveys 270 were completed by residents who are Blue Badge holders, 65 by residents who are not Blue Badge holders, 69 by carers of a Blue Badge holder, 7 from businesses (including taxi drivers) and 129 skipped the question.</p> <p>Statutory consultation for the November 2021 Decision - The statutory consultation for the amendment of the TROs was advertised on 9th July 2021, with an original end date of 6th August 2021, which was extended until 13th August 2021. 206 representations were received on the proposal to remove Blue Badge access exemptions, 5 in support and 201 against the proposal and detailed in the November 2021 report.</p>
Research report	<p>For the August 2019 Executive report, approving the permanent changes to the Traffic Regulation Order to deliver the Phase 1 Hostile Vehicle Mitigation proposals in the city centre, an independent review of Blue Badge Parking Access was also commissioned from Parking Perspectives a consultancy specialising in parking.</p> <p>In addition, Disabled Motoring UK, a charity and advocacy group for disabled people, were commissioned to produce an independent review of York's disabled access offer.</p> <p>Martin Higgitt Associates also produced an independent report</p> <p>The November 2020 Executive also commissioned a Strategic Review of City Centre Access in order to identify potential improvements to city centre access</p>
Surveys	<p>City Centre Access project - As part of this work, parking surveys were undertaken in the streets listed above in May 2019. This shows 86 parking events/day in the Goodramgate corridor, of which 80 vehicles displayed a Blue</p>

	<p>Badge. 86 parking events/day were also recorded on the Blake Street corridor, of which 49 vehicles displayed a Blue Badge.</p> <p>Traffic surveys undertaken in 2018 and 2021 – Traffic surveys in the listed streets were undertaken as part of the City Centre Access project in 2018 and repeated in 2021. This shows the following number of vehicles accessing the streets listed below between 10.30am and 5pm (pedestrianised hours):</p> <ul style="list-style-type: none">• Blake Street<ul style="list-style-type: none">◦ Weekday: 139 motorised vehicles in 2018, 12 in 2021◦ Saturday: 100 motorised vehicles in 2018, 4 in 2021• Lendal<ul style="list-style-type: none">◦ Weekday: 161 motorised vehicles in 2018, 30 in 2021◦ Saturday: 106 motorised vehicles in 2018, 23 in 2021• Colliergate<ul style="list-style-type: none">◦ Weekday: 80 motorised vehicles in 2018, 39 in 2021◦ Saturday: 106 motorised vehicles in 2018, 27 in 2021• Goodramgate<ul style="list-style-type: none">◦ Weekday: 2018 data unavailable, 11 in 2021◦ Saturday: 106 motorised vehicles in 2018, 4 in 2021
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Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.
Gaps in data or knowledge	Action to deal with this Medium and long term policy context The Council has always committed to keep the operation of hostile vehicle mitigation measures under review, this is because the terror threat will change and potentially require adjustment, either allowing restrictions to be relaxed or potentially tightened bases upon threats. The medium term impact has already seen a change in council policy for instance the change to keeping 1.5 metres of footway clear. The ongoing lived experience is better understood but the ongoing exclusion has the potential to have greater impacts not just on those excluded but on the way the city centre business and uses respond to the restrictions. Therefore keeping any decisions under review is essential and the options outlined in the report seek to permit this to happen in agile way such as the Ant Terrorism Traffic Regulation Order. If blue badge access is permitted keeping under review new and emerging technology solutions could potentially different access solutions in the future.

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.
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Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>Older people are more likely to hold a blue badge and to have used the streets listed above for access and to park in the city centre. Reinstating their ability to drive and park in the pedestrianised streets will reverse the exclusion some people have experienced and reduce the distance those with reduced mobility have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area more accessible during footstreet hours. This is also applicable to families with young children where a family member is a blue badge holder. Reinstating blue badge access would have a high positive impact for these groups.</p> <p>However, some older people supported the removal of blue badge holder access and would benefit from the reduction in the number of vehicles accessing the footstreet area, as it creates a safer, mainly car free, environment. Younger people, especially young children and families would also benefit from a reduced number of motorised vehicles in the streets listed above.</p>	<p>Mixed: Positive and Negative</p>	<p>Positive – High</p> <p>Negative – Medium</p>

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Disability	<p>As identified in the original report the exclusion of blue badge holders has a very significant impact on some blue badge holders, where as some people living with a disability/mobility impairment have previously identified benefits of an exemption.</p> <p>Positive impacts (high) – Should blue badge access be reinstated people living with a disability/impairment are more likely to hold a blue badge and to have used the streets listed above for access to and to park in the city centre.</p> <p>Reinstating the ability to drive and park in these streets will decrease the distance disabled people have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area more accessible during footstreet hours.</p> <p>Many respondents to the consultations and workshops have stated that the removal of blue badge parking and vehicular access has precluded them entirely from accessing the city centre during footstreets hours. This means that they haven't be able to access the services available in the footstreets.</p> <p>Negative impacts (medium) –Some people living with a disability have supported the removal of the access exemption for blue badge holders benefiting from the reduction in the number of vehicles accessing the footstreet area, making it a safer, mainly car free, environment for all users.</p> <p>This is particularly the case for those with visual impairments and others who identify as disabled or live with mobility issues, but do not rely on a car and blue badge parking. These users have previously generally noted the positive impact of the reduction in vehicles in the streets, reducing the risk of conflict and enabling then to use the carriageway to travel along the streets, often providing a more even, wider area, compared to using the narrow footways available in many parts of the city centre.</p>	<p>Positive – High</p> <p>Mixed: Positive and Negative</p>	<p>Negative – Medium</p>

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Gender	No differential impact anticipated.	Neutral	
Gender reassignment	No differential impact anticipated.	Neutral	
Marriage and civil partnership	No differential impact anticipated.	Neutral	
Pregnancy and maternity	<p>The proposals have been identified as having a mixed impact on pregnancy and maternity when considering the potential impact on women who may experience pregnancy related mobility impairments, especially in later stages of pregnancy, as they may be eligible for a blue badge.</p> <p>By reinstating blue badge access, women living with pregnancy related mobility impairments who may hold a blue badge would again be able to park in the streets listed above to access the city centre. The removal of the access exemption has removed the ability to drive and park in these streets and increased the distance people living with disabilities/impairments have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area less accessible during footstreet hours.</p> <p>The change to allow blue badge holders' vehicles into the pedestrianised area would however have negative impacts for mothers, fathers and carers of young children as these groups tend to benefit from significant reductions in motorised traffic during pedestrianised hours, providing a safer environment for young children.</p>	<p>Mixed: Positive and Negative</p>	<p>Positive – high</p> <p>Negative – Medium</p>

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Race and minority ethnic groups	No differential impact anticipated.	Neutral	
Religion and/or belief	<p>The proposals have been identified as having a mixed impact on access to places of worship in the footstreet area for people who live with reduced mobility or a disability and have a blue badge.</p> <p>The key considerations (both positive and negative) are as those described above for older people and people living with a disability and apply to access to the St Sampson's Centre (Church Street), The Holy Trinity Church (Goodramgate), St Helen's Church (Stonegate), and St Martin le Grand (Coney Street).</p>	Mixed: Positive and Negative	Medium
Sexual orientation		Neutral	
Other socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	The impact on carers, considering carers who may care for an adult or child living with a disability or impairment and eligible for a Blue Badge, reflects the impacts (both positive and negative) on those living with disabilities, as described above.	Mixed: Positive and Negative	Positive high Negative Medium
Low income groups	No differential impact anticipated.	Neutral	

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Veterans, Armed Forces Community	No differential impact anticipated.	Neutral	
Other	Not applicable	n/a	n/a
Impact on human rights:			
List any human rights impacted	<p>The Convention rights applicable are:</p> <ul style="list-style-type: none"> Article 2 - protects the right to life. In this case, its applicability relates to the requirement placed on the Government to take appropriate measures to safeguard life by making laws to protect people. Public authorities should also consider the right to life when making decisions that might put people in danger or that affect their life expectancy. This risk is being mitigated with an Anti Terrorism Traffic Regulation Order if the police are aware of specific risks Article 8 - protects the right of the individual to respect for their private and family life, their home and their correspondence. The private life part of this right covers things like wellbeing, autonomy, forming relationships with others and taking part in our community. Article 14 - protects the right to be free from discrimination when enjoying other rights, such as Article 8. <p>It is unlawful for a public authority to act in a way that is incompatible with a European Convention right (unless the authority could not have acted differently as a result of a</p>	Mixed: Negative(Article 2) Positive (Article 8) Positive (Article 14)	High High High

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<p>statutory provision). An interference with a qualified right (e.g. the right to respect for private and family life) is not unlawful if the authority acts in accordance with the law to achieve a legitimate aim and the interference is necessary in a democratic society in the wider public interest. In addition, the law applies a proportionality test, including whether a fair balance has been struck between the rights of the individual and the interests of the wider community.</p> <p>The removal of blue badge access and parking has had a negative impact on people's ability to live independently, attend appointments, see people who are important to them, and be part of their community.</p> <p>Should blue badge access be reinstated the risk profile does change and in order to protect the right to life of the people working in and visiting York's pedestrianised area an Anti Terrorism Traffic Regulation Order is proposed. As laid out in the report this would exist but only be used by the Police where a specific risk is identified and requires the Chief Constable to implement access restrictions.</p> <p>In making a decision the council must consider carefully the balance to be struck between individual rights and the wider public interest and whilst it is acknowledged that there could be interference with a Convention right, the decision must be reasonably justified as it is a proportionate means of achieving a legitimate aim.</p>		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
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By reinstating blue badge access it will increase the number of vehicles in the pedestrianised streets. This changes the risk profile in two aspects.

- The intrinsic risk of vehicles in an area that there is a public expectation of no vehicles as it is otherwise pedestrianised, this does however mirror the risk prior to Covid, but does increases the risk of accidents between pedestrians and vehicles. This risk can be mitigated by ensuring that access is limited to those streets that blue badge holders previously had access to. This risk can also be further mitigated by removing the access for the busiest events. The Christmas markets removed blue badge access and this could continue removing the risk of an accident when the streets are at their busiest.
- The presence of additional vehicles in the blue badge area means they can be used anywhere in the secure zone as a weapon, not necessarily by their owner nor have anything to do with a legitimate Blue Badge holder. This risk could be reduced with the introduction of a An Anti-Terrorism Traffic Regulation Order to give the police powers to remove blue badge access for events or specific risks. An Anti-Terrorism Traffic Regulation Order (ATTRO) is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004.

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p> <ul style="list-style-type: none">• No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.• Adjust the proposal – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.• Continue with the proposal (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty.• Stop and remove the proposal – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.				
Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.	<table border="1"><thead><tr><th>Option selected</th><th>Conclusions/justification</th></tr></thead><tbody><tr><td>Continue with the proposal</td><td><p>In making a decision the council must be able have considered that the decision is a proportionate means of achieving a legitimate aim.</p><p>As presented above and in the main report, the decision has to balance:</p></td></tr></tbody></table>	Option selected	Conclusions/justification	Continue with the proposal	<p>In making a decision the council must be able have considered that the decision is a proportionate means of achieving a legitimate aim.</p> <p>As presented above and in the main report, the decision has to balance:</p>
Option selected	Conclusions/justification				
Continue with the proposal	<p>In making a decision the council must be able have considered that the decision is a proportionate means of achieving a legitimate aim.</p> <p>As presented above and in the main report, the decision has to balance:</p>				

- Reinstating Blue Badge access to pedestrianised streets within the hostile vehicle mitigation measures making areas of the city centre accessible to those completely excluded and more accessible to others who were affected by the changes
- Public safety and avoid danger to persons in areas of high footfall, supporting the implementation of hostile vehicle mitigation measures to reduce the risk of a vehicle as a weapon attack;
- The level of conflict between vehicles and pedestrians in the footstreets, particularly in busy periods;

Step 7 – Summary of agreed actions resulting from the assessment

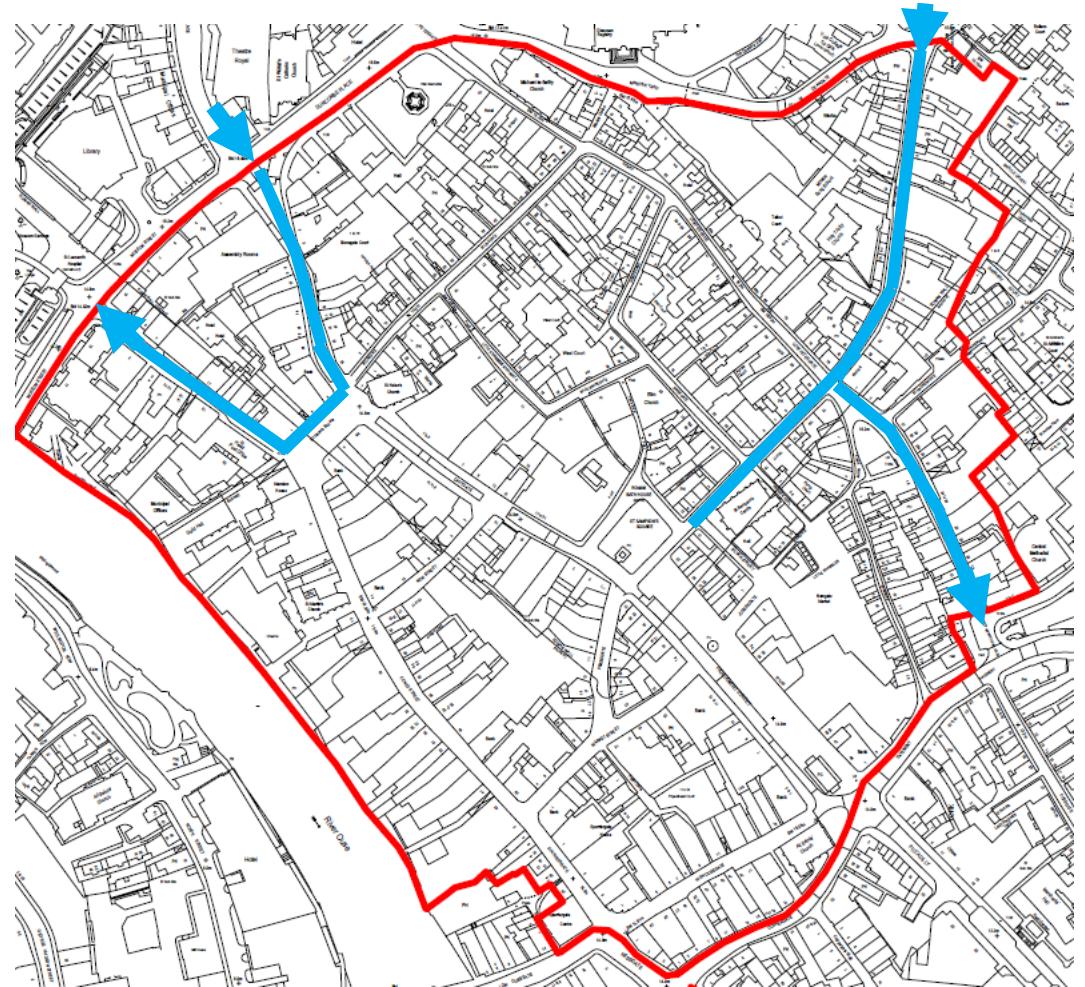
7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
How is blue badge access achieved	Workshops and engagement with blue badge holders on how access through the Hostile Vehicle Measures is achieved	David Smith/Helene Vergereau	Ongoing, this may evolve based on the lived experience
Accessibility information	Provision of updated information on disabled parking and accessibility in York city centre	Helene Vergereau	January 2023
Is City Centre Bus Shuttle proposed as mitigation to excluding blue badge holders is still needed if blue badge access is reinstated	Engagement with those affected	Michael Howard	Summer 2024

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	<p>The impacts of the proposal will continue to be monitored through the following activities:</p> <ul style="list-style-type: none">• Ongoing liaison with blue badge holders;• Ongoing consultation and liaison with communities of interest;• Continuous review of the impact of highway measures, changes to government guidance, and compliance with equalities; guidance, and implement the mitigations set out in the report;

Annex H Option 3 showing access

- This diagram shows the streets shaded blue where blue badge access would be permitted into the secure zone (red line).
- Arrows pointing into the secure show the entry points,
- Exits are arrows pointing out of the secure zone



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Annex I Pavement Cafes impact

It is estimated that 19 businesses who currently have pavement café licences would need to have their café licence withdrawn as the space will be needed to accommodate blue badge parking as well as pedestrian and vehicular access in these areas.

In some locations (marked with an Asterix), it may be possible to keep some licences but only where blue badge parking isn't possible as the objective is to allow blue badge parking in the pedestrian area (on double yellow lines, for 3 hours maximum), not just drop off. This would need a case by case review and we would need to consider protecting the café areas like has been done on Fossgate. Obviously there is a wider impact on potential future pavement cafes which under current traffic regulation orders would be approved but will not be in the future.

The businesses which are likely to be affected by a withdrawal of licence or a change to reduce their licensed area are identified below:

Goodramgate*

Coffee Culture
Fancy Hanks
The Block (licence pending)

Church Street

The Golden Lion
Babylon
Lucky Days
Mr Chippy
Tricolor

King's Square*

Café Harlequin
Café Nero

Colliergate*

Cornish Bakery
Tasca Frango (licence pending)

Blake Street*

McDonalds

St Helen's Square*

Harker's

Impossible

Lendal*

23 Lendal

Middle Feast

The Old Bank

Trembling Madness



Meeting:	Executive
Meeting date:	12 October 2023
Report of:	Director of Housing Economy and Regeneration
Portfolio of:	Cllr Kilbane

Decision Report: UK Shared Prosperity Fund

Subject of Report

1. The UK Shared Prosperity Fund (UKSPF) Investment Plan (April 2022 to March 2025) for York was agreed by the City of York Council Executive in November 2022. This report sets out the conclusions of a light touch officer review that has been undertaken, looking at progress/implementation of the investment. The report makes recommendations that a number of non-material changes be made to the investment plan to ensure the efficient and effective use of the remaining funds and to maximise alignment with current priorities.
2. Implementation of the 2022-25 investment plan is currently delegated to the Corporate Director of Place, in consultation with the Executive Member for Economy & Transport and taking advice from the York SPF Partnership Board. This report also reviews that arrangement.
3. Finally the report considers the fact that UKSPF will continue beyond March 2025 but will most likely be administered via the Mayoral Combined Authority (MCA) rather than local authorities. Local priorities will still guide the use of that funding, and it is important that the Council seek to proactively influence decision making and governance for future investment planning.

Benefits and Challenges

4. It is a prudent time to review the current UKSPF Investment Plan, given that we are now about half way through the initial three year funding period. Reviewing the Investment Plan allows a clear refocusing on how best to maximise spend and outputs by March 2025, and ensure that priorities of the city are reflected in the

remaining elements of the programme, which predominantly relate to skills.

5. If an authority wishes to make ‘material changes’ to a UKSPF Investment Plan there is a requirement to seek the agreement of central government. The definition of ‘material change’ is set out clearly in the [UKSPF additional information published by Government](#), as highlighted in UKSPF Memorandum of Understanding (MOU) that is in place between the Council and the Secretary of State for Levelling Up, Housing and Communities. The recommendations for minor re-focusing of some UKSPF budgets and priorities that are set out in this report do not constitute material changes and therefore only need to be notified to Government through normal monitoring processes rather than agreement being required.
6. The MOU also sets out clearly that *“No funding will be provided for activity after 31 March 2025. The Lead Local Authority must have spent all grant funding i.e. be able to include funding within the 2024-2025 accounts by the end of the funding period, 31 March 2025. Underspends in the final year of the programme will need to be repaid to the Secretary of State”*. The review and recommendations set out in this report for minor re-focusing of the investment plan seeks to minimise the challenges associated with this requirement by prioritising funding to support projects that can deliver and spend by 31 March 2025.
7. The current arrangements for implementation include delegated decision making by the Corporate Director of Place in consultation with the Executive Member for Economy & Transport and taking advice from the York SPF Partnership Board. This approach remains a pragmatic choice which enables decisions to be made more quickly while maintaining necessary oversight and governance. The option of taking all decisions either through Executive Member decision sessions or at Executive has been considered, however this would potentially reduce the time available for delivery by 20% for individual projects and would impact on the effectiveness of the programme.
8. Beyond March 2025, responsibility for SPF will move to the new Mayoral Combined Authority. This could create challenges in that the priorities identified and work started by our York programme could be at risk of displacement by a new set of priorities/projects designed to work across a much larger and predominantly rural area. It is essential that the Council seek to proactively influence

the content and governance of future UKSPF investment plans so that funding continues to be available to support York priorities and responds to that challenge in a manner that enables a combination of delivery of a unified offer to businesses and communities across York and North Yorkshire alongside a more distinctive York strand.

Policy Basis for Decision

9. The SPF Investment Plan is already aligned with York's adopted 10 year strategies, but the light touch review has concluded that it could benefit from more specific emphasis on health, affordability, environment and equalities. The proposed approach refocuses the emphasis of remaining funds to help support those priorities.
10. CoYC is the accountable body for SPF funding, and a MOU is in place with central government to implement the agreed Investment plan. Non-material changes to the agreed Investment Plan are permitted, with only material changes requiring DHLUC approval. Similarly the Local SPF Partnership Board is expected to be consulted on any material changes, although they do not have a formal decision making role. As stated above, the recommendations in this report do not constitute material changes.

Financial Strategy Implications

11. UK Shared Prosperity Fund is entirely funded by UK Government. Costs incurred by the Council as a consequence of management and delivery of York's SPF programme are included in the costs outlined in this report.
12. The funding was added to the Council's financial strategy in November 2022. As part of this review work, officers have developed a comprehensive assurance framework with support from Veritau, which is designed to ensure that the Council's responsibilities to Government are met, and that all the funding allocated to York through the Council will be spent in line with the Memorandum of Understanding with Government (Annex B). Development of the Assurance Framework has been discussed with the York UKSPF Partnership Board and it is proposed that a final version of the document is taken to the November Board meeting, prior to publication on the Council's website.

Recommendation and Reasons

13. That non-material changes are made to the York SPF Investment Plan as follows:
 - Skills funding is concentrated on inclusion and a new Construction Skills Initiative (Reason: to ensure maximum impact and deliverability by March 2025)
 - High street improvement funding on intervention E1 is allocated to Phase 2 improvements to Acomb Front Street, including further engagement with the local community to respond to the petitioners' concerns (Reason: to allow completion of the Acomb Front Street works and maximise impact and deliverability)
 - Unallocated capital funding from E22 (capital workspace) is re-focused to support other priorities in the Business Investment strand (revenue) and E1 (capital high street improvements), recognising the need to focus on project deliverability in the remaining 18 months of the plan.
 - Rural England Prosperity Fund (REPF) funding implementation plans are further refined in consultation with rural stakeholders, with recommendations to be brought back to the Executive Member early in 2024. (Reason: to ensure that remaining rural funding reflects the needs of rural communities and businesses)
14. That the revised investment plan is implemented by extending the current delegation to the Corporate Director of Place in consultation with the Executive Member for Economy and Transport and taking advice the York SPF Partnership Board. (Reason: to enable efficient and effective decision making and implementation of programme priorities)
15. That the Council seek to proactively influence the future governance and approach to the York and North Yorkshire investment plan for SPF from April 2025 onwards, including seeking devolved responsibility for specific elements of the programme to a local level where appropriate. (Reason: to ensure that MCA investment of SPF funds continues to reflect York place priorities)

16. That the York SPF Partnership Board is expanded to include rural representation and trade unions and that the minutes and papers of future Partnership Board meetings are published (Reason to ensure good, open governance of the programme.)

Background

17. The UKSPF is a central pillar of the UK government's Levelling Up agenda, and provides £2.6 billion of new funding for local investment by March 2025. All areas of the UK receive an allocation from the Fund via a formula. It is intended to help places across the country deliver enhanced outcomes whilst recognising that even the most affluent parts of the UK contain pockets of deprivation and need support.
18. The fund allows places to target funding where it is needed most, building pride in place, supporting high quality skills training, supporting pay, employment and productivity growth and increasing life chances. Local Authorities, working with stakeholders, have defined their own local priorities within the Government's published framework.
19. The UKSPF supports the UK government's wider commitment to level up all parts of the UK by delivering on each of the levelling up objectives:
 - Boost productivity, pay, jobs and living standards by growing the private sector, especially in those places where they are lagging
 - Spread opportunities and improve public services, especially in those places where they are weakest
 - Restore a sense of community, local pride and belonging, especially in those places where they have been lost
 - Empower local leaders and communities, especially in those places lacking local agency
20. Beneath the overarching aims set out above, there are three UKSPF investment priorities: Communities and Place; Supporting local business; and People and Skills. There are detailed objectives associated with each of these priorities which are aligned to the relevant Levelling Up missions. Places have discretion to allocate funding across these headings in response to local need. The

People and Skills priority is only available in 2024/25, the other two are present throughout the 3 years.

21. In September 2022 Government announced a further element of UKSPF funding to address the particular needs of rural communities and businesses. York has been awarded £400k of Rural England Prosperity Fund, which can only be spent in areas of the city designated as rural (see DEFRA's [MagicMap](#)). A quarter of that funding was allocated in the October 2022 decisions to the Biorenewables Development Centre in support of the BioYorkshire initiative. Spending the remaining REPF funds wisely requires a better understanding of the needs and opportunities in those rural areas, and adding rural representation to the Partnership Board will support the use of these funds, which are not available until April 2024.

Funding allocation for York

22. York has been allocated £5,507,510 of UKSPF and REPF funding, which includes a fixed 4% of the allocation for CYC to administer the fund, covering legal, finance and staff costs. It is split thus:

	2022/23	2023/24	2024/25
Revenue	£555,379	£1,078,527	£2,572,980
Capital	£64,464	£261,160	£975,000
Total	£619,843	£1,339,687	£3,547,980

23. While there is no guarantee of future allocations as this is a consideration for Comprehensive Spending Review 2024, the 2024-25 allocation can be seen as the indicative annual figure for future iterations of the fund. On establishment of the York and North Yorkshire MCA, responsibility for UK SPF will pass to that body.
24. As part of the UKSPF process, lead authorities were asked to establish a local Partnership Board to provide input from public, private and community sector organisations and groups, local Members of Parliament, and other key stakeholders. A York Partnership Board was established in May 2022 and has met three times to inform the development of the Investment Plan. It will

continue to meet as the process for establishing the fund develops, and is consulted when allocations are made.

25. The York SPF Partnership Board comprises representatives from:

- Askham Bryan College
- Aviva (large local employer)
- Chamber of Commerce
- CYC Communities Team
- CYC Executive Members
- CYC Public Health
- DWP
- Federation of Small Businesses
- JobCentre Plus
- Make It York
- Police & Crime Commissioner
- University of York
- YNY LEP
- York BID
- York College
- York Cultural Leaders Group
- York CVS
- York Environment Forum
- York St John University
- York MPs

26. This Board is chaired by the Executive Member for Economy and Transport who is the portfolio holder for the programme. The Board has advised on the development of the investment plan and will be a reference group throughout the UKSPF process until March 2025. Beyond that period, responsibility is expected to pass to the Mayoral Combined Authority.

27. It was agreed at the June 2023 meeting that membership would be reviewed to ensure better representation from rural organisations and trade unions.

Investment Plan

28. The investment plan was submitted in September 2022 following detailed discussion with the Partnership Board and Executive and agreed by Government in December 2022. It is a high-level plan which allocates the available fund to pre-defined interventions which were set out in Government guidance, each with pre-set output and

outcome indicators. The Investment Plan as submitted was published [here](#).

29. Funding is split across 20 interventions which were selected by the Partnership Board to reflect their collective views on the challenges and opportunities that York faces, together with the range of relevant strategies and plans that the City has adopted in recent years.
30. In November 2022, Executive confirmed the proposed expenditure in accordance with the Investment Plan and delegated the arrangements and decisions to enable delivery to the Corporate Director of Place, in consultation with the Executive Member and taking advice from the Partnership Board.
31. Following the 2023 Council Elections, it was agreed that there should be a light-touch review of the investment plan and its implementation to enable a clear focus on project spend/deliverability in the remaining period of the 3-year SPF programme and to ensure that the priorities of the new administration are reflected in future allocations.

Decisions already made

32. In Year 1 of delivery – April 2022 to March 2023 – there was an allocation of £620k, with Government stating that any unspent funds at the end of the year would be lost to the Local Authority. This rule was changed in January 2023, but due to the lead in times for expenditure at scale, this made little difference in terms of work already scheduled/undertaken.
33. The Partnership Board agreed that CYC would prioritise Year 1 spend on city centre access work (including dropped kerbs and broader access studies), Phase 1 improvement works at Acomb Front Street, feasibility plan work for future years, energy advice to domestic properties, and projects to support business growth.
34. Phase 1 Delivery in Acomb was prioritised by the previous Administration, with a focus on improving the footways for pedestrians that had been damaged by vehicle access. This had to be delivered within the tight spending timeframes at the time. In order to stop history repeating itself bollards were installed. Whilst a number of positive improvements have been delivered in Phase 1, there has been some significant challenge from the local community in relation to installation of bollards on Front Street, which culminated in the presentation of a petition to Full Council in July 2023. This petition called on the Council to “remove the

bollards and create a new regeneration plan for Front Street". The Executive have already committed to a strategic pause in the Front Street work to enable reengagement with local residents and businesses prior to implementation of Phase 2 works.

35. Funding was awarded to York Community Energy in January 2023 to undertake domestic energy advice across York under intervention E13. This project will involve advising 1,000 households across the city over the life of the programme, and is supported with further work in the CYC Housing service to coordinate that work with other energy efficiency and retrofit programmes and bids.
36. For two strands of feasibility study work, York CVS were awarded £14,400 to work with third sector applicants to SPF and give them technical support under intervention E14, while the Council's Regeneration team undertook similar work with applicants for capital funding under E31.
37. In December 2022, an open call was made for Expressions of Interest to implement various interventions from the programme. This led to over 100 such EOIs, with a total value of more than ten times the available funding. Detailed applications were then invited from those meeting the required gateway criteria, with two rounds of applications closing in February 2023 and May 2023. Seventy applications were received, each requiring detailed appraisal against published criteria for impact, deliverability, value for money and strategic fit. In total, it is estimated that over 1,200 hours of work went into submitting, processing and appraising these applications, with over 1,000 of those hours relating to unsuccessful applications.
38. Following appraisal and consultation, decisions have been taken to establish 9 new projects under the following interventions:
 - E6 – Arts, culture and events
 - E9 – Support for city-wide volunteering
 - E24 – Support for businesses to start and grow
 - E26 – Support for social enterprises
 - E29 – Decarbonisation of businesses

The programme as it stands is summarised in Annex A, and comprises 18 projects across 10 interventions. With management costs capped at 4%, the programme is already proving a challenge to implement and run. There are a further 10 interventions that were included in the investment plan but yet to be commissioned.

Consultation Analysis

39. The York SPF Partnership Board discussed the review of the programme at its meeting in June 2023, and were fully involved in developing the Investment Plan.
40. Previous applicants to the programme were consulted on their experience of seeking funding, with a focus on the process implemented, to ensure that lessons are learnt as the programme develops.
41. The Skills element of the programme is guided by the York Ten-Year Skills Plan, which was developed with broad consultation as discussed in the report which accompanied it at Executive in March 2022 [Agenda for Executive on Thursday, 17 March 2022, 5.30 pm \(york.gov.uk\)](#).

Options Analysis and Evidential Basis

Light touch Review

42. As agreed with the Executive Member and the Partnership Board, a light touch review of the programme has been undertaken. This has included:
 - Assessment of the effectiveness of commissioning and implementation, and of current membership and scope of the Partnership Board
 - Review of the Investment Plan in relation to deliverability and the objectives of the new Executive in terms of Equalities, Climate Change, Health and Wellbeing and Affordability
 - Consideration of the remaining elements of the Investment Plan in the light of the above
 - Development of an Assurance Framework with input from Veritau, the Council's Internal Auditors, to support governance and implementation of the programme and ensure that the Council is making best use of resources and discharging its duties to Government

43. Under the **Communities and Place** strand, there are 14 separate projects commissioned with the bulk of investment being allocated to intervention E1 - (physical improvements in the city centre and high streets). This work has a focus on increasing accessibility and improving the public realm, with the aim of building pride of place. In order to maximise deliverability and impact within the E1 intervention over the remaining 18 months of the investment plan, it is recommended that the remaining capital funding is prioritised to support development and implementation of Phase 2 works at Acomb Front Street, including engagement with local residents and businesses.
44. On the sub-theme of culture and events (E6), there are four projects covering a range of activity from the York Unlocked Festival through to working with young people not in education or work as volunteers to build their confidence and skills run by Volunteer it Yourself. Diversity and inclusion are strong themes running through these projects. For E9, our funding will support the continued growth of volunteering across the city through the York CVS Volunteer Centre, which was previously reliant on Covid-specific funding.
45. Also in the Communities and Place strand, the community energy project outlined above responds to intervention E13, and work on broader third-sector development is supported through E11 and E14, also run by York CVS.
46. On the **Local Business Investment** strand, there are nine commissioned or completed projects with three yet to be finalised. The bulk of the funding is under E24 and relates to help for businesses to start and grow. Together with E29 decarbonisation support and a specialist package for social enterprises under E26, these projects comprise the York element of the YNY Growth Hub.
47. There is also capital funding to support the development of workspace under E22, and then two specialist strands on E16 retail and outdoor markets and an as yet not defined project to support business networks on E23. These parts of the programme have not yet been commissioned. Two proposals were received for E16 and six for E22, however none of these applications met the minimum appraisal score threshold of 70/100, and the applications have thus all been declined.
48. In order to maximise project delivery and impact over the remainder of the investment plan, it is therefore recommended that the E22 capital allocation is transferred to the E1 intervention, with the unallocated revenue in both E22 and E16 being utilised to support

other priorities in the Business Investment strand of the programme. These changes are all non-material in the DHLUC definition, and thus do not require Government approval.

49. On the **People and Skills** strand, funding allocations and activity will primarily be in the 2024-25 financial year, with the exception of the RISE project which supports people from diverse backgrounds who are out of work or inactive. There are seven interventions which are yet to be implemented, with the scope left deliberately wide when the Investment Plan was submitted to reflect the scope of the York Skills Plan and allow a narrowing of priorities as the programme developed. In order to focus on deliverability and impact, it is now recommended that two themes of targeted work be prioritised under People and Skills in 2024-25 as set out below:

(1) Construction Skills Initiative: As the Local Plan moves closer to adoption, it is recognised that there will then be a pipeline of construction work for the strategic housing sites. Consultation with the development community has highlighted a desire to maximise the benefits for local people in the employment opportunities that these sites will provide. Preparing people with the right mix of skills that will be required for these sites, and for the retrofit work needed to bring social housing up to required standards, highlights the need for a Construction Skills Initiative across the city. We will combine a short term focus on developing training and work experience opportunities over the remaining period of SPF funding with a longer term approach of working with developers to link such opportunities to the pipeline of developments across the city and region.

(2) Inclusion: There are specific challenges emerging on the inclusion agenda for skills. Government has withdrawn much of its funding for digital skills in the community, which is a key element of our digital inclusion strategy. York has seen a rapid rise in asylum seekers and refugees with a wide range of skills and experience that need to be better linked to opportunities in the local economy. There are also growing challenges for young people who are at risk of dropping out from education post-16, with a lack of targeted support to help them with the transition to work, particularly in sectors such as construction, creative and digital and the green economy. We would like to develop specialist support to address these issues, and also expand the work that has begun on practical social prescribing through the Archaeology on Prescription project which is recognised as ground-breaking work in the heritage world and was supported by the Government's Community Renewal Fund.

50. Focussing the current broad Investment Plan on skills onto the two themes of Construction Skills and Inclusion would make the most of the remaining funds.
51. The conclusions of this light touch review can be summarised as follows:
 - Rapid implementation of E1 improvements in Acomb Front Street in Year 1 was guided by expediency to ensure UKSPF spend and political guidance on the measures to undertake, but unfortunately resulted in delivery of a Phase 1 scheme that does not fully meet the expectations of the local community. UKSPF Capital funding should be prioritised to support development and implementation of Phase 2 of Acomb Front Street, including engagement with residents and businesses – thus allowing the improvement works to be completed in a collaborative way with the local community.
 - The current investment plan is broad in its scope and there is an opportunity to focus more on those communities and businesses that most need support. The final phase of commissioning should be more tightly focussed on the Skills Plan and on supporting businesses, individuals and communities that do not already have significant help.
 - In the Skills strand of work, the current 7 interventions should focus instead on two main areas of delivery – inclusion and Construction Skills initiative.
 - The Partnership Board should be expanded to include rural representation that can steer REPF implementation and trade union representation to better inform skills and in-work progression activities. The Terms of Reference of the Partnership Board should be kept under review.
 - As the programme moves towards the establishment of the MCA, York should proactively seek to influence arrangements for future UKSPF investment planning and governance, and aim to retain local control and decision making over significant elements of the local programme which respond uniquely to the urban issues of York. This should include seeking devolved responsibility for specific elements of the programme to a local level where appropriate.
52. With Executive and the Partnership Board continuing their role in steering the Investment Plan, the current delegation to the

Corporate Director of Place for implementing the plan is working well and has enabled decisions to be taken as quickly as possible. It is therefore recommended that this arrangement be continued. Delays have been due to the wide scope of the investment plan and high numbers of applications. The final stage in decision making is working well.

Organisational Impact and Implications

53. **Financial.** The Government has provided £5,508k to cover the York Shared Prosperity Fund and Rural England Prosperity Fund and the costs of administration are entirely covered by the management fees element. Whilst this report suggests minor reallocations it is within the funding allocation provided and the changes recommended are not material in the Government's definition.
54. **Human Resources (HR):** From March 2025, the responsibility for SPF will move to the Mayoral Combined Authority (MCA), assessments are likely to be required whether staff either before or after March 2025 should transfer to the MCA. Should this be a consideration, HR policies and procedures will be followed. CYC staff will have a close working relationship with MCA staff (once established) working on UKSPF projects to ensure smooth delivery of key projects.
55. **Legal:** The Assurance Framework discussed in this report is designed to ensure that the Legal responsibilities of the Council in relation to delivering the Shared Prosperity Fund are entirely met. In particular, that Assurance Framework addresses the need for the local authority to consider whether the UK Shared Prosperity Fund (UKSPF) investment will be used to provide a subsidy and if so whether that subsidy will contravene the UK's obligations on subsidy control. Relevant subsidy assessments have consequently been completed.
56. **Procurement, contact: Head of Procurement** The Assurance Framework discussed in this report is designed to ensure that the Procurement responsibilities of the Council in relation to delivering the Shared Prosperity Fund are entirely met.
57. **Health and Wellbeing:** The UKSPF offers York an opportunity to reduce health inequalities and create the conditions for health as outlined in the Health and Wellbeing strategy 2022-32, through good jobs, healthy housing, and healthy-generating communities. Public

health colleagues are involved in the Partnership Board, and as the fund evolves, it will have the maximal chance of contributing to our city's public health goals by prioritising work with those from lower socio-economic backgrounds and those who experience worse health outcomes, for example those with a learning disability, a severe mental illness, those who experience racial disparities in health, or those who are marginalised from society e.g. living with addiction.

58. ***Environment and Climate action:*** The York Climate Change Strategy and Local Area Energy Plan set out the scale of the challenge and priority areas for achieving net zero carbon in York by 2030. Non-domestic buildings and commercial/industrial activity accounts for 36% of local emissions, with domestic buildings accounting for a further 32%. The activity delivered under UKSPF, particularly decarbonisation support for businesses in York and the construction skills initiative, will contribute to the outcomes of the Strategy.

The construction skills initiative should focus on both new-build and retrofit to address a shortfall of providers able to meet the ambitions within the Local Area Energy Plan and Local Plan.

Wider activity delivered under UKSPF should also consider potential contributions to the city's climate change ambition, with sustainability being a consideration when awarding contracts and selecting providers.

59. ***Affordability:*** There are positive affordability implications relating to skills development and business growth, as both lead to an increase in employability and better employment opportunities.
60. ***Equalities and Human Rights:*** EIAs have been completed for each funding decision taken as part of the SPF Programme to ensure full consideration of the impacts, and are published with the relevant decision paper. A separate EIA is thus not provided with this paper.
61. ***Data Protection and Privacy:*** A privacy notice for the York SPF programme has been published prior to the first call for expressions of interest in December 2022. The decisions in this paper do not have any further data protection and privacy implications and a separate DPIA is therefore not included with this report.
62. ***Communications:*** A dedicated Communications Officer is funded through the York SPF programme and a communications strategy

has been developed with the Communications Team to ensure that communities and businesses across the city are well informed as the programme is implemented.

63. ***Economy:*** Impacts are already covered in this report.

Risks and Mitigations

64. A detailed risk assessment, prepared as part of the work on the Assurance Framework, is presented at Annex C.

Wards Impacted

65. The Shared Prosperity Fund applies to all wards in York.

Contact details

For further information please contact the authors of this Decision Report.

Author

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Report approved:	Yes
Date:	01/09/2023

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Date:	01/09/2023

Background papers

- Background paper: [York Shared Prosperity Fund Executive Member for Finance and Performance Decision Session, 17 Oct 2022](#)

Annexes

Annex A: York SPF Programme Budget

Annex B: Memorandum of Understanding with DHLUC

Annex C: York SPF Risk Assessment

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York UKSPF Programme	Actual 2022-23	Budget 2023-24	Budget 2024-25	Total Budget
Communities & Place	382,456	571,893	685,783	1,640,132
E1 Improvements to town centres & High Streets	357,856	351,926	360,000	1,069,782
<i>Movement Insights</i>	<i>18,000</i>	<i>18,000</i>	<i>18,000</i>	<i>54,000</i>
<i>Place Informatics</i>		<i>4,750</i>		<i>4,750</i>
<i>Xmas barrier wraps</i>	<i>10,000</i>			<i>10,000</i>
<i>City Centre access</i>	<i>84,248</i>			<i>84,248</i>
<i>Acomb Front Street Phase 1</i>	<i>245,608</i>	<i>100,667</i>		<i>346,275</i>
<i>Acomb Front Street Phase 2</i>		<i>228,509</i>	<i>342,000</i>	<i>570,509</i>
E6 Arts, culture and events		37,567	71,383	108,950
<i>VIY</i>		<i>20,000</i>	<i>40,000</i>	<i>60,000</i>
<i>York Unlocked</i>		<i>4,750</i>	<i>4,750</i>	<i>9,500</i>
<i>Aesthetica</i>		<i>6,767</i>	<i>13,533</i>	<i>20,300</i>
<i>Next Door But One</i>		<i>6,050</i>	<i>13,100</i>	<i>19,150</i>
E9 Volunteering support		48,000	96,000	144,000
<i>York CVS</i>		<i>48,000</i>	<i>96,000</i>	<i>144,000</i>
E11 VCS infrastructure support		48,000	72,000	120,000
<i>York CVS</i>		<i>48,000</i>	<i>72,000</i>	<i>120,000</i>
E13 Community energy advice	10,200	72,000	72,000	154,200
<i>York Community Energy</i>	<i>10,200</i>	<i>53,000</i>	<i>55,000</i>	<i>118,200</i>
<i>CYC Housing</i>		<i>19,000</i>	<i>17,000</i>	<i>36,000</i>
E14 Feasibility studies	14,400	14,400	14,400	43,200
<i>York CVS support to VCS projects</i>	<i>14,400</i>	<i>14,400</i>	<i>14,400</i>	<i>43,200</i>
Local Business	104,667	447,700	1,198,711	1,751,078
E16 Open markets		48,000	131,050	179,050
<i>tbc</i>		<i>48,000</i>	<i>131,050</i>	<i>179,050</i>
E22 Employment/innovation sites			463,661	463,661
<i>tbc</i>			<i>463,661</i>	<i>463,661</i>
E23 Ecosystem support			48,000	48,000
<i>tbc</i>			<i>48,000</i>	<i>48,000</i>
E24 Business support offers	80,800	280,000	340,000	700,800
<i>Start-Up Saturday</i>	<i>25,000</i>			<i>25,000</i>
<i>UKREiF</i>	<i>1,875</i>			<i>1,875</i>
<i>Google Garage event</i>	<i>500</i>			<i>500</i>
<i>Growth Hub Team</i>	<i>53,425</i>	<i>150,000</i>	<i>140,926</i>	<i>344,351</i>
<i>University of York</i>		<i>12,000</i>	<i>42,074</i>	<i>54,074</i>
<i>Momentic</i>		<i>118,000</i>	<i>157,000</i>	<i>275,000</i>
E26 Social enterprise support		48,000	48,000	96,000
<i>Quantum Vantage</i>		<i>48,000</i>	<i>48,000</i>	<i>96,000</i>
E29 Decarbonisation business support		48,000	144,000	192,000
<i>Growth Company</i>		<i>48,000</i>	<i>144,000</i>	<i>192,000</i>
E31 Feasibility studies	23,867	23,700	24,000	71,567
<i>Technical support to capital projects</i>	<i>23,867</i>	<i>23,700</i>	<i>24,000</i>	<i>71,567</i>
People & Skills		264,000	1,248,000	1,512,000
E33 Supported employment		264,000	432,000	696,000
<i>Better Connect RISE project</i>		<i>264,000</i>	<i>264,000</i>	<i>528,000</i>
<i>tbc</i>			<i>168,000</i>	<i>168,000</i>
E35 Volunteering and building confidence			96,000	96,000
<i>tbc</i>			<i>96,000</i>	<i>96,000</i>
E36 Digital inclusion and essential skills			96,000	96,000
<i>tbc</i>			<i>96,000</i>	<i>96,000</i>
E38 Local priorities			336,000	336,000
<i>tbc</i>			<i>336,000</i>	<i>336,000</i>
E39 Green skills			288,000	288,000
<i>tbc</i>			<i>288,000</i>	<i>288,000</i>
Management and Administration	-	74,381	129,919	204,300
<i>Veritau assurance costs</i>		<i>5,000</i>	<i>5,000</i>	<i>10,000</i>
<i>York SPF Team</i>		<i>69,381</i>	<i>124,919</i>	<i>194,300</i>
Rural England Prosperity Fund		100,000	300,000	400,000
<i>BioYorkshire via BDC</i>		<i>100,000</i>		<i>100,000</i>
<i>Business Grants</i>			<i>150,000</i>	<i>150,000</i>
<i>Community Grants</i>			<i>150,000</i>	<i>150,000</i>
Total	487,123	1,457,974	3,562,413	5,507,510

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MEMORANDUM OF UNDERSTANDING

Between

The Secretary of State for Levelling Up, Housing and Communities

-and-

City of York Council

1. Purpose

- 1.1. This Memorandum of Understanding (MOU) sets out the terms that will apply to the relationship between the Secretary of State for Levelling Up, Housing and Communities (the Secretary of State) and City of York Council (the Lead Local Authority) regarding the administration and delivery of the UK Shared Prosperity Fund (UKSPF).
- 1.2. This MOU will be for the period April 2023 to March 2025. Changes will be made only where signatories deem it necessary.
- 1.3. The MOU sets out the universal fund wide conditions and expectations for appropriate spend of the UKSPF allocations, including the core allocations in England Scotland and Wales, Multiply allocations in Scotland and Wales, and REPF allocations in England.
- 1.4. This MOU is not intended to create legal or binding obligations. It describes the understanding between both parties for the use of funding specified in section 3 of this agreement.

2. Background

- 2.1. The UKSPF was launched on the 13 April 2022. The Secretary of State has signed-off the Lead Local Authority's investment plan. The Secretary of State for the Environment, Food and Rural Affairs has signed-off eligible Local Authorities' Rural England Prosperity Fund (REPF) addenda. References to the investment plan within this MOU mean the UKSPF investment plan, together with the Defra approved REPF addendum.
- 2.2. This MOU covers the funding commitments from the Secretary of State and the delivery, financial expenditure, agreed milestones, reporting and evaluation, communications and branding expectations between the Parties and the steps the Secretary of State could take in the event of underperformance if required.
- 2.3. The Secretary of State has published guidance on the delivery of the UKSPF, referred to in this document as the UKSPF Additional Information. References to the UKSPF Additional Information includes

any updates that may be published from time to time. The Secretary of State will notify the Lead Local Authority of any changes to the Additional Information and, if necessary, provide guidance on how changes are to be managed.

3. Purpose of the Funding

- 3.1. The core UKSPF allocation remains as set out in the published [UKSPF allocations](#) and is being provided to deliver the Fund's priorities, outputs and outcomes as set out in the investment plan and accompanying expenditure and deliverables spreadsheets agreed by the Secretary of State or subsequently agreed by the Secretary of State as per section 9.
- 3.2. The REPF allocation remains as set out in the published [REPF allocations](#) and is being provided to deliver the Fund's priorities, outputs and outcomes as set out in the investment plan addendum agreed by the Secretary of State for the Environment, Food and Rural Affairs.
- 3.3. Funding should be used to meet the costs of implementing your investment plan. The Lead Local Authority can make changes to the investment plan agreed by the Secretary of State. The scale, type and process for making changes is set out in published guidance.
- 3.4. Details of the annual funding allocation for both UKSPF and REPF, broken down into capital and revenue funding, will be confirmed in the annual grant determinations.

4. Reporting

- 4.1 As part of the delegated delivery model, the Lead Local Authority will provide 'light touch' reporting on UKSPF and REPF funding, as set out in the [UKSPF Additional Information](#).
- 4.2 To comply with World Trade Organization (WTO) reporting obligations, local authorities must follow guidance on WTO rules and reporting requirements in respect of support for agricultural producers.

5. Financial Arrangements

- 5.1. The agreed funds will be issued to the Lead Local Authority as grant payments under Section 50 of the United Kingdom Internal Markets Act 2020 ('UKIM').
- 5.2. Payment of the funding for 2023-2024 will be made after investment plans have been agreed and this MoU is signed.

- 5.3. Grant Determination Letters (GDL) will be provided following confirmation of the annual payment for each year until 2025.
- 5.4. The Lead Local Authority will provide regular reporting using the process established by the Secretary of State and set out in the UKSPF Additional Information demonstrating expenditure and that outputs and outcomes are being met in line with the original investment plan, or investment plan amended under section 9. Or failing that, there is a realistic plan to address underperformance.
- 5.5. Funding for the years 2023-2024 and 2024-2025 will be paid annually provided that the information provided under paragraph 5.4 demonstrates delivery of forecast outputs, outcomes and spend for the previous financial year have been met, or failing that, there is a realistic plan to address underperformance.
- 5.6. UKSPF and REPF capital grant funding, as set out in grant determinations, may be used only for capital expenditure.
- 5.7. UKSPF revenue grant funding may be used for revenue or capital expenditure, in line with the Lead Local Authority's accounting practices
- 5.8. Release of payments for the financial year 2023-24 and 2024-2025 is dependent on the submission of a Statement of Grant Usage for 2022-23 and 2023-2024 spend and corresponding reporting and monitoring returns, signed by a S151 Officer (appointed under the Local Government Act 1972) or S95 Officer (appointed under the Local Government (Scotland) Act 1973)
- 5.9. This information will be taken into consideration by the Secretary of State before subsequent payments to the Lead Local Authority are finalised and paid. The Secretary of State reserves the right to reduce payments or withhold payments where there are concerns over delivery.
- 5.10. The Secretary of State retains the right to withhold annual instalments until receipt of credible plans demonstrating revised delivery to achieve expected targets. This might include requirements that set out how the Lead Local Authority will utilise underspends in the next year and/or appropriate milestones and spend have been achieved for the previous year.
- 5.11. Further to this, if the Secretary of State has concerns around future spending plans based on the experience of local delivery to date, or wider financial issues or governance affecting delivery then the Secretary of State may pay in instalments or withhold future funding.

- 5.12. In the circumstance that the Lead Local Authority is a Combined Authority or is managing the distribution of UKSPF and REPF funding to a group of other local authorities, where a member of the Combined Authority or the local authority group becomes subject to a S114 Notice of the Local Government Finance Act 1988 or Statutory Commissioner Intervention of the Local Government Act 1999, the Lead Local Authority will be responsible for decisions on how funds aligned to such a member Authority are controlled and utilised.
- 5.13. No funding will be provided for activity after 31 March 2025. The Lead Local Authority must have spent all grant funding i.e. be able to include funding within the 2024-2025 accounts by the end of the funding period, 31 March 2025. Underspends in the final year of the programme will need to be repaid to the Secretary of State.
- 5.14. In accordance with the declaration signed by the Lead Local Authority's Section 151 (appointed under the Local Government Act 1972) or S95 Officer (appointed under the Local Government (Scotland) Act 1973) as part of the investment plan, the Lead Local Authority accepts responsibility for meeting any costs over and above the Secretary of State's contribution, agreed in the annual grant determination. This includes potential cost overruns and the underwriting of any funding contributions expected from third parties.

6. Additional conditions and expectations for Rural England Prosperity Fund (REPF) allocations

- 6.1 The REPF is a rural top-up to UKSPF allocations in eligible Local Authorities in England, for the period April 2023 to March 2025. REPF funds are to be treated in the same way as other UKSPF funding under this MOU, with the following additional conditions and expectations.
- 6.2 The REPF allocation will be included as capital funding in the Lead Local Authority's annual Grant Determination. As set out in paragraph 5.6 capital funding must be used only for capital expenditure. REPF funding cannot be spent on administration of the REPF. UKSPF revenue funding can be used to meet administration costs associated with REPF. The lead local authority will ensure that recipients of REPF funding utilise it for capital expenditure.
- 6.3 As set out in the REPF prospectus, the REPF allocation may be used only to fund projects in rural areas. To facilitate a consistent approach, Defra has provided information on boundaries via the [MAGIC maps](#) application. Lead Local Authorities should refer to MAGIC maps to determine which places are deemed a rural area for REPF purposes.

- 6.4 The Lead Local Authority is expected to maintain ongoing engagement with rural business and community stakeholders throughout the lifetime of the REPF to ensure the delivery of the Fund responds to local rural needs and opportunities.
- 6.5 UKSPF (including REPF) funding in rural areas must not duplicate funding from Defra schemes including, but not limited to:
 - The Farming in Protected Landscapes Programme (FIPL)
 - The Farming Investment Fund (FIF)
 - The Platinum Jubilee Village Hall Improvement Grant Fund

7. Branding and Communication

- 7.1. The Secretary of State has provided the Lead Local Authority with guidance on the Branding and Communication associated with UKSPF projects in the [UKSPF Additional Information](#).
- 7.2. The Parties agree to adhere to the guidance and any updates subsequently released by the Secretary of State or HMG on communications linked to UKSPF or wider levelling up funding.
- 7.3. The Lead Local Authority should publish information regarding the delivery of the UKSPF in its area e.g. by publishing a summary of the investment plan, including the investment proposed in the REPF addendum, and activities being funded in the area.

8. Evaluation

- 8.1. Monitoring and Evaluation will be carried out as set out in [UKSPF Additional Information](#).
- 8.2. The Lead Local Authority will support evaluation through capturing and providing relevant data and engaging with place and intervention level evaluations as stated within the [UKSPF Additional Information](#).

This will include but is not exclusive to the following main evaluation requirements:

- 8.2.1 Continuous monitoring and evaluation of progress aligned to the deliverables stated within the UKSPF Investment Plan submitted by the Lead Local Authority and approved by the Secretary of State;
- 8.2.2 Engaging with our evaluation partners to collect and provide additional quantitative data as required to support, where relevant, intervention and place-specific evaluations

- 8.3 As set out in the [UKSPF Additional Information](#) the Lead Local Authority is encouraged to undertake its own place-based evaluations of how the UKSPF has worked in their area, particularly process evaluation on individual projects, alongside any place-based case studies commissioned by DLUHC. For those Lead Local Authorities with large allocations, DLUHC requires a robust evaluation to support the centrally coordinated evaluation.
- 8.4 The Lead Local Authority agrees to undertake these activities using the administration costs for the Fund.

9. Assurance

- 9.1 The Secretary of State has set out the approach to assurance for the UKSPF in the [UKSPF Additional Information](#).
- 9.2 The Lead Local Authority is expected to have the necessary governance and assurance arrangements in place and that all legal and other statutory obligations and consents will be adhered to. The Lead Local Authority will provide the Secretary of State with the following via UKSPF reporting:
 - 9.2.1. Details of the checks that the Chief Finance Officer has taken to assure themselves that the Lead Local Authority has in place the processes that ensure proper administration of financial affairs relating to their UKSPF allocation.
 - 9.2.2. Confirmation that the Lead Local Authority has applied management controls that:
 - mitigate the risk of fraud;
 - ensure funding has been used in accordance with UK subsidy control legislation;
 - ensure funding has been used in accordance with World Trade Organization rules in respect of support for agricultural producers
 - ensure that any procurement undertaken by a Contracting Authority using UKSPF and REPF funds has complied with public procurement rules;
 - ensure compliance with its statutory obligations under the Public Sector Equality Duty; and
 - ensure that any personal data obtained in connection with UKSPF activities is handled in compliance with the Data Protection Act 2018.
- 9.3 As part of the first monitoring return (provided in May 2023) the Lead Local Authority will provide a summary statement of how it is:

- mitigating the risk of fraud;
- ensuring funding has been used in accordance with UK subsidy control legislation; and
- ensuring that any procurement undertaken by a Contracting Authority using UKSPF funds has complied with public procurement rules.

The Lead Local Authority will respond directly to questions addressing the local delivery of UKSPF and REPF and cooperate with the Secretary of State in any inquiries regarding the delivery of the UKSPF.

9.4 On an annual basis the Lead Local Authority will complete and return the templated Statement of Grant Usage letter.

10 Changes to agreed Investment Plan

- 10.1. The Lead Local Authority will notify the Secretary of State of any proposed non-material changes to the investment plan through the regular monitoring returns.
- 10.2. The Lead Local Authority will submit a change request if a change constitutes “A Material Change” as set out in the [UKSPF Additional Information](#).
- 10.3. Requests for material changes can be made to the Secretary of State as and when required. A template will be provided for the Lead Local Authority to use.
- 10.4. The Secretary of State recognises that not all change will meet the materiality threshold for a change request. However, the Lead Local Authority should report any change affecting the delivery of the funding as part of the usual reporting cycle. If the Lead Local Authority is not sure whether a change meets the materiality threshold they should consult with the Secretary of State for guidance.
- 10.5. All change requests must be signed off by the Lead Local Authority’s Section 151 (appointed under the Local Government Act 1972) or S95 Officer (appointed under the Local Government (Scotland) Act 1973) to testify that they are necessary and deliverable.

11. Compliance with the MOU

- 11.1 The Parties to this MOU are responsible for ensuring that they have the necessary systems and appropriate resources in place within their respective organisations to comply fully with the requirements of this MOU.

12. Changes to the MOU

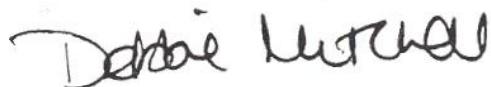
12.1 The arrangements under this MOU will be kept under review.

Amendments to this MOU may only be made upon written agreement between the Parties.

13. Resolution of Disputes

13.1 Any dispute that may arise as to the interpretation or application of this MOU will be settled by consultation between the parties

Signed on Behalf of the Lead Local Authority (by Chief Executive / Section 151 Officer):



Name: Debbie Mitchell

Job Title: Chief Finance Officer

Date: 02 June 2023

Signed on Behalf of Secretary of State:



Name: Jessica Blakely/Carmen Suarez Garcia

Job Title: Directors: Levelling Up: Major Programmes

Date: 23 May 2023



Annex C: York UKSPF Programme Risk Register

Project: UK Shared Prosperity Fund Programme									Date: 2 nd August 2023		
No.	Risk Title (event)	Risk Detail (cause)	Implications (consequence)	Risk Category	Risk Owner	Gross Score (before mitigating action has taken place)	Gross Rating	Controls	Net Score (assessment of the risk at the current level present time)	Net Rating	Actions - (Owner Due Date Priority)
1	A business / VCS is awarded a contract when they are already liquidated or dissolved	Business receives funds for which they are ineligible	Financial loss and reputational damage	01 – Governance and Management, 09 – Data Quality, 10 - Reputational	CYC	18		In line with criteria set out by DHLUC in their Global Fraud Risk Assessment, each UK SPF project applicant will submit a risk assessment. Creditsafe and Companies House/Charities Commission due diligence checks are carried out for each applicant organisation at appraisal. Each supplier is vetted by Procurement, either via a new or previous 'New Supplier' form. Project delivery issues may be identified at the	13		

							regular programme update meetings and in scheduled reports. Project payments a phased to avoid all funding being received by the supplier at the start of the project and can be withheld if the scheduled reports are not on target. Various liabilities insurances are supplied to cover this eventuality. The signed and sealed Funding Agreement outlines the consequences of the supplier and rights of recourse for the Council in the event that project parameters are not adhered to. As many checks are possible are carried out, but the risk of this happened can never be ruled out.			
2	Business bids for a contract and then they become	They receive funds for which they	Financial loss and reputatio	01 – Governance and Managem		22	Same mitigations as (1) – ongoing checks will be carried out and	14		

	liquidated or dissolved during the funding period and they do not notify the LA	are not eligible	nal damage	ent, 10 - Reputatio nal				funding only released on receipt of evidence of services delivered, but the risk of this occurring can never be ruled out.			
3	A business bids for a contract and becomes liquidated/dissolved and then re-establishes as a new company (Phoenix Fraud)	They receive funds for which they are not eligible	Financial loss and reputatio nal damage	01 – Governance and Management, 09 – Data Quality, 10 - Reputatio nal	CYC	18		Same mitigations as (1). Also unlikely due to the short timescale of the UK SPF national programme and the Veritau Fraud-approved counter-measures in place for appraisal, company vetting gateways and management of the Programme in York	8		
4	A business may have financial difficulties and therefore not deliver products or complete services as expected	The business receives UK SPF monies that are diverted to pay debts	Financial loss and reputatio nal damage	01 – Governance and Management, 10 - Reputatio nal	CYC	19		All mitigations in place as per (1), but with emphasis on scheduled, evidenced reporting is required before funds are authorised for release, which is done in phases	9		
5	A business could receive	Business receives		01 – Governan	CYC	14		Non-duplication of funding is one of	9		

	funding via other schemes for the same service or funding provided by other government departments	funds for which they are ineligible		ce and Management, 05 – Competition and Procurement, 08 – External, 09 – Data Quality, 10 - Reputational				the gateway criteria checks for applicants. All match funding is declared, and the Funding Agreement clearly sets out the consequences of this. Mitigations align with DLUHC risk advice.		
6	A business provides inaccurate information to secure a contract	Falsifying qualifications or past performance references, including false certifications and defective pricing (failure to disclose accurate, current and complete pricing data)	Lack of transparency, reputational and financial risk and not providing value for money	01 – Governance and Management, 09 – Data Quality, 10 - Reputational	CYC	19		Thorough application/ applicant due diligence is carried out, including social media footprints and news reports to corroborate information supplied. Creditsafe checks are undertaken on all applicants to establish track record and financial health. Certificates and references to do no constitute the evidence required from applicants. Best Value forms are	9	

								completed for each successful project.			
7	A business provides an intentionally low bid	Additional costs are added post-award	Financial loss and lack of value for money	04 – Financial and efficiency	Applicant	1		This is not possible. An applicant applies for a set amount which is non-negotiable post-award. Any further costs accrued are the responsibility of the applicant, and if this impacts the deliverability of the project, the relevant sanctions, as outlined in the Funding Agreement, will be applied	1		
8	A business and/or LA employee collude to influence a Procurement Panel	Specific supplier selected	Reputational and financial risk and not providing value for money	01 – Governance and Management, 10 - Reputational	CYC	8		Highly unlikely. Each application must be appraised, individually and alone, by several officers, some from random teams supporting the Programme using a scoring matrix. Final responsibility for awarding funding taken by the head of service, and then signed off by a	1		

							Corporate Director based on separate, transparent appraisal considerations. Very difficult to engineer a route whereby appraisal outcomes could be skewed in favour of an applicant based on strict scoring criteria and a random allocation to an officer. Corporate conduct policies apply.		
9	A business provides low quality goods or services and bill for high-quality	Potential for sub-standard, used, counterfeit products for example or Defective Manufacturing - knowingly providing a product that was not manufactured as required under the	Health and safety risk, reputational damage and financial loss	01 – Governance and Management, 03 – H&S, 10 - Reputational	CYC and applicant	2	Highly unlikely as the majority of projects are to supply services rather than goods. There is no route to bill for further funding, the applicant will receive only the project amount agreed. The service delivered requires evidence for reporting, and funding may be withheld if this is	1	

		terms of the contract					unsuitable or lacking		
10	A business charges for goods or services that were not provided at all (cost-plus contracts could be especially vulnerable)		Financial loss and not providing value for money	01 – Governance and Management, 04 – Finance and Efficiency, 10 - Reputational	CYC	1	Highly unlikely. There is no scope for additional business charges as applicants are awarded a single amount of funding. Funding Agreements are not cost-plus contracts for this Programme. CYC as the lead authority has the power to refuse payments if there are any signs of abuse of funding.	1	
11	A business deliberately inflates project costs such as invoices: quantity of goods/services, additional lines added, 'consultancy fees'.	Time and materials contracts might be especially vulnerable to this, as would cost-plus contracts	Financial loss and not providing value for money	01 – Governance and Management, 04 – Finance and Efficiency, 10 - Reputational	CYC	8	As per entry (10)	3	
12	A third party (e.g. to a quantity	Sub-standard work is	Financial loss and health	01 – Governance and	CYC	8	Whilst not impossible, this is highly unlikely as	3	

surveyor) responsible for monitoring work accepts a bribe to sign-off substandard work	carried out unchecked	and safety risks	Management, 03 – H&S, 04 – Financial and Efficiency, 10 - Reputational			the majority of UK SPF Programme projects are services and not goods. Each phase of delivery will need to be properly evidenced before the ensuing tranche of funding can be released. Should a third party be introduced, rigorous due diligence checks would be undertaken.		
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Meeting:	Executive
Meeting date:	12 th October 2023
Report of:	Pauline Stuchfield Director of Customer & Communities
Portfolio of:	Cllr. Claire Douglas - Leader including Corporate Services, Policy, Strategy and Partnerships

Report: Establishing a York Community Fund

Subject of Report

1. This report seeks approval for City of York Council to work with a Community Foundation to establish the York Community Fund (YCF), to fund priority city funded work including community-based projects and to deliver funding for a Universal Free School Meals (UFSM) pilot.
2. It has been proposed that the YCF would be set up in a partnership arrangement with an existing Community Foundation partner (“the Partner”) with experience managing these types of community funds. The Council has been working to identify an organisation that could possibly fill this role, and in particular is seeking an organisation which is an existing Charitable Incorporated Organisation (CIO) and an accredited UKCF community foundation, in collaboration with other local stakeholders/donors such as (but not limited to) the local universities, local Community & Voluntary Sector Organisations (CVSOs) and local faith groups. However, any community fund manager selected to work with the Council on the YCF will need to be appointed in line with the Council’s statutory obligations set out under Public Contract Regulations 2015 and the Council’s Contract Procedure Rules (CPRs) under its constitution.

3. Eventually, depending on the level of funds raised, it is the ambition of the Council to establish a separate legal entity (e.g. a trust; a social enterprise company limited by shares or guarantee; a (CIO); a Community Interest Company (CIC) to deliver a mechanism for donations for the UFSM fundraising campaign over the long term, separate to wider fundraising activities that will be ultimately carried out by the YCF.

Benefits and Challenges

Benefits:

4. There is capacity and expert support across the city to:
 - establish a community fund, with possible existing donors in place;
 - establish the initial fund for the delivery of amongst other things, the UFSM pilot;
 - advise on fundraising activities e.g. from the University of York's team responsible for the Westfield Project work (see report here: [Decision - Westfield Centre Partnership with University of York](#));
 - deliver a partnership based marketing campaign to support fundraising for the UFSM pilot project;
 - if required establish a longer-term vehicle (e.g. a trust; a social enterprise company limited by shares or guarantee; a CIO; a CIC) to deliver a mechanism for donations for UFSM fundraising, separate to any other fundraising activity carried out by the YCF at that point, over the long term.
5. The suggested solutions in this report also mean that the YCF can operate with existing established governance structures, can undertake independent campaigns that avoid any conflicts of interest for the Council, and can access additional funding mechanisms not available to the Council (e.g., through Gift Aid).

6. Other local authorities have already established similar community funds, and can share their expertise to help York's own fund, for example:

E.g.,

- Leeds ([Community Investment in Leeds | Leeds Community Foundation \(leedsclf.org.uk\)](https://www.leedscommunityfoundation.org.uk/)); and
- Camden ([We Make Camden Kit — Camden Giving](https://www.camden.gov.uk/camden-giving/we-make-camden-kit))

Challenges:

7. There are few risks envisaged with establishing the YCF, however:
 - a. Should the Council decide to enter a partnership directly with a Partner following a competitive tender exercise, one of the key criteria will be to establish whether that organisation has worked with other local authorities on a similar model to that proposed for the YCF, and whether the parties can negotiate and agree appropriate terms for the partnership. The main risk here however would be if the Council could not appoint such a Partner in compliance with our legal obligations (including (but not limited to) the Public Contract Regulations 2015) either because we are prohibited from appointing such an organisation directly, or if no organisations respond to any call-for-competition we issue to the market.
 - b. To maximise the engagement of larger and corporate donors for the UFSM pilot a *case for support* statement is required.
 - c. The decisions in any UFSM Executive Report are intrinsically linked to this report, as the level of funding will inform the nature and length of the UFSM pilot work.
 - d. The level of Council resources and/or officer involvement for this work is unknown at this time, and further work would be required to quantify the likely financial and legal time commitment for the establishment and ongoing running of any charitable trust. Other resources and/or officer

involvement are anticipated to be minimal as most of the activity will be arm's length. Officer support will be primarily linked to:

- sharing campaign communications; and
- influencing spending decisions (subject to the YCF's governance arrangements to be agreed in due course).

e. With regards to marketing and/or communications for the YCF, if the Council and its partners lack the necessary officers and/or resources, then this may necessitate the procurement of experienced marketing consultants to assist with the campaign, which (subject to available funds within the budget for this project) will be an added expense.

Key risks:

8. The risks are low in relation to the establishment of a wider YCF, and existing donors could transition across to provide starter funding.
9. Around the UFSM pilot funding, the risks are:
 - that insufficient funds are available to deliver the UFSM pilot over the short and medium term;
 - non-delivery of the pilot and ability/inability to repurpose the funds if donors are specific about funding use;
 - costs of process change for donations and restoration of traditional school meal payment functions if the pilot fails or does not proceed; and
 - the UFSM funding campaign is successful and grows quickly to a level that the Partner cannot support, requiring an alternative structure (e.g. a Trust, a limited company, CIC, a CIO, etc.) to be set up in waiting.

Policy Basis for Decision

10. The Council's Plan, ***One City, For All, the City of York Council's Plan (2023-2027)*** (<https://www.york.gov.uk/CouncilPlan>) sets a strong ambition to increase opportunities for everyone living in the city of York to live healthy and fulfilling lives and builds on the city's strengths to help prepare residents for the future and improve the quality of life for them today.
11. The Council Plan adopted in September 2023, recognises that the finite and reducing Council financial resources need to focus on the delivery of critical services, yet at the same time, be ambitious for the city.
12. This report proposes an innovative approach to attract investment into the city, restore a culture of philanthropy in which the strong and successful rebalance and grow opportunities for those suffering from inequality in the city.
13. This work contributes to the achievement of the Council's four core commitments:
 - a) Affordability

Social action, community capacity development and philanthropy are important tenets of York society. It is these strengths together that will be harnessed to deliver projects that will help to improve life chances and deliver equality of opportunity for York residents and families. As an example, the so-called Westfield Project is a proven concept of such fundraising at [Decision - Westfield Centre Partnership with University of York](#). This approach ensures that the city can continue to fund, innovate, change, and deliver social capacity to support our own residents without relying on the council for funding. All funding and projects will focus on addressing need in the city, will be influenced by the recommendations of the Poverty Truth Commission, and will feed into embryonic thinking around a long-term Anti-Poverty Strategy.
 - b) Environment

Dependent on the recommendations of the YCF Trustees, the York Community Fund could also invest in environmental/climate projects that support climate adaptation, biodiversity and carbon

sequestration, like the Green Streets tree planting project which aims to raise sponsorship for additional trees, both planting and ongoing maintenance.

The co-benefit of investment in green space is improved wellbeing – with green-prescribing becoming as popular as social-prescribing.

c) Equalities and Human Rights

The work of the YCF will go beyond funding alone. In addition to creating and addressing the inequalities of the free school meal system in relation to the dedicated UFSM campaign, as a wider community fund it will also provide resources to support community needs and that voluntary groups and charities may otherwise struggle to access in the future.

d) Health Inequalities

As stated in the Health and Well-being strategy 2022-32 ([draft-health-and-wellbeing-strategy \(york.gov.uk\)](http://draft-health-and-wellbeing-strategy (york.gov.uk))), there are health consequences when people are not able to afford heating, food, and housing costs. Financial exclusion, fuel poverty, debt and food crisis have short term consequences, likely to affect many people in the city, for instance through higher rates of hospitalisation from chronic disease such as asthma and Chronic Obstructive Pulmonary Disease (COPD), or more people suffering mental illness due to anxiety. They also have long term consequences, leading to chronic mental health issues, adverse economic and effects and an impact on education and skills, and broad influences on community coherence. York has over 3,500 children and 6,500 older people living in poverty, and approximately 12,000 people living in fuel poverty. The YCF and resulting projects will work towards addressing these inequalities.

Financial Strategy Implications

14. The purpose of this report is to establish a mechanism of raising funding for specific campaigns (such as UFSM) and a wider community fund for a range of community projects as determined by the YCF and recommended by the Council (and other partners).

15. To establish the YCF, it proposed that the Council would work in partnership with a pre-existing accredited community fund manager within a partnership agreement and a steering group established to direct the work. This would mirror other place-based partnerships that have been set up in the wider region. Such an organisation will need to be identified and appointed via compliant route under both the Procurement Regs and the Council's CPRs; however, the Council has already been working to identify a potential Partner for the purposes of the YCF.
16. The governance arrangements of the YCF will be set out in a partnership agreement.
17. The cost of associated campaigns and administration will be a contribution from the funding raised, as detailed within the partnership agreement.
18. There will not be a financial burden on the Council either through delivery or ongoing revenue commitments.
19. The budget amendment agreed by Full Council in July 2023 allocated £100,000 funding to support a pilot of the extension of universal free school meals in to Key Stage 2. Evaluation of the pilot will inform future scale up across all primary schools. This arrangement will be the delivery vehicle for further seed funding.
20. In terms of establishing the specific UFSM campaign, a campaign group has been established to steer the fund-raising, which the proposed YCF managing the collection of the donations for the USFM pilot.
21. Should the UFSM grow beyond an agreed point, it is likely that a separately constituted fund, or other legal entity (e.g. a trust, etc.) will need to be established to manage the USFM fundraising campaign going forward. This will need to be subject to a separate report and set of decisions.
22. The client oversight of the performance of the YCF and USFM fundraising campaign and associated governance could sit jointly the Council's Policy and Strategy Team and Customer and Communities.

Recommendation and Reasons

Recommendations:

23. To establish, the YCF and agree to enter into a partnership agreement with an appropriate community fund manager.
24. To either:
 - a. where permitted by the Procurement Regulations, waive the requirements set out within the Council's CPRs within the Council's Constitution and delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to enter into a partnership agreement directly with a suitable Partner, without any prior procurement exercise; or
 - b. to delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to identify and appoint a suitable community fund manager for the partnership through an alternative a procurement strategy approved by the Chief Finance Officer and the Head of Procurement, in compliance with the Council's statutory obligations under the Procurement Regulations and the Council's CPRs set out within the Council's Constitution.
25. To delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance the drafting, negotiation, and completion of a partnership agreement with the successful community fund manager and other partners, as well as authority to draft, negotiate and complete any subsequent variations to the partnership agreement once in place.
26. To delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to establish a supplementary ring-fenced fund within the YCF arrangements once in place, specifically to collect funding raised by the externally led UFSM fund raising campaign.

27. To delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance and other officers as and when required, to develop a *Case for Support* to support the fundraising for the delivery of a UFSM Pilot.
28. To delegate authority to the Chief Operating Officer, in consultation with the Chief Finance Officer, the Director of Customer & Communities, and the Director of Governance to approve roles to, and delegate authority to, Council officers in the relevant structures and steering groups.

Reason:

To establish a permanent community fund that will fund and deliver community projects and growth on a permanent basis, with the ability to have specific and targeted campaigns for an agreed set of projects aligned to the administration's priorities. By establishing the YCF, it provides the city with a fund-raising mechanism for additional opportunities that officers and partners can explore in partnership.

Background

29. The benefits of establishing a local independent community fund were first discussed before the 2023 local elections as part of cost of living discussions and summit, learning from good practice from other local authorities, and bringing together different city leaders and benefactors to focus on donating to community projects.
30. Following the 2023 local election and in line with emerging Council priorities, detailed discussions began in earnest to explore how a local community fund could be established, bringing together existing thoughts on an independent community fund to fund:
 - community projects aligned to the city's priorities; and
 - the requirements for funding the UFSM pilot.

York Community Fund (YCF)

31. The ethos behind an independent community fund for York was born during the early months of the Cost-of-Living Crisis, with several organisations (including Joseph Rowntree Foundation) commenting that the development of such a fund could be seen as a core opportunity for wealth to be redirected for community good. A recent example of how wealth and strengths can be redistributed across the city is the Westfield project (see Decision - Westfield Centre Partnership with University of York). The YCF would include a wide range of donations from organisational and philanthropic funds and individual regular donations.
32. With the establishment of the YCF, there is a further opportunity to provide a mechanism for businesses in the city with Corporate Social Responsibility commitments. For example, the fund could act as a package for all businesses in the city who wish to donate funds, skills, or training opportunities to others in the city. This report however focusses on the mechanism of how financial contributions can be collected from a range of donors for delivery of community-based projects.
33. The approach in this report has drawn on the experience of similar individual community funds elsewhere in North Yorkshire and the region, and with additional advice from the University of York's Office of Philanthropic Partnerships and Alumni.
34. The proposal is to establish a community fund that invests in projects ring-fenced to deliver positive outcomes for York residents specifically – this approach would seek to meet the charitable aims of a community foundation.
35. In terms of governance a partnership agreement will need to be developed for the proposed YCF, including governance arrangements and the development of a steering group and/or advisory group.
36. In terms of future funding streams and channels for the YCF, the following methods of contribution could be developed with the Fund hosting:

- **Any grant funding contributions available from CYC** previously administered and distributed by individual council teams.
- **Existing York based donors** - Informal discussions are currently taking place to garner interest in a York -fund.
- **Annual or regular periodical business corporate donations (CSR)** - this could include food suppliers/supermarkets, as well as members of the hospitality industry and other major corporate employers based within the city of York.
- **The Lord Mayor's Fund** – Officers could explore whether a direct and permanent link with the YCF and Lord Mayor's annual fundraising could be established.
- **Salary Sacrifice Schemes** – this will need to be explored further at CYC for example building on the existing payroll giving scheme.
- **Individual donations to specific projects** – Such as Green Streets (to install and maintain trees).
- **Ad Hoc Community/Corporate fundraiser activity.**

UFSM Pilot Fund

37. For the UFSM pilot, a separate fund would be established/ring fenced within the wider YCF, otherwise the YCF could not meet its purpose as a Community Foundation funding a wide range of community-based projects. The implications of this are that if the UFSM project was upscaled then a separate independent legal entity or fund is likely to be required. The team at the University of York are experienced in this field and could advise if this needed to be developed in the future, along with officers in Legal Services and Finance.
38. The current £100,000 seed funding is the only contribution available to the UFSM pilot to date, however the Leader of the Council has facilitated an emerging Steering Group to develop a fundraising campaign and plan. The aim would be to go live with the UFSM

fundraising campaign in October 2023 if the appropriate governance and fund was in place by then to receive donations.

39. The first meeting of the Steering Group was held in early September 2023 and included a range of public, private and CVS organisations across the city.
40. In addition, other members of the Steering Group have agreed to directly approach prospective individual donors. This will avoid any conflicts of interest for Council members or officers regarding close involvement with for example corporate donors in the city. As part of that process, one or two organisations have already expressed interest in the development of and/or supporting the wider community fund.
41. To really galvanise interest in a specific campaign however, normal practice is to have a *Case of Support*, which is a concept note that sets out for example the rationale, evidence of need, intended outcomes, delivery plan, budget. It is recommended therefore that a Case for Support is developed for the UFSM so that work can start in earnest engaging with the corporate donors that could contribute significant funds for the project. Given this could be in use before the Executive decision on the UFSM pilot, this would be an “in principle” statement of case subject to the Executive decision, akin to the one used in the Westfield Project.
42. Other forms of donating have been discussed and would require further development including (but not limited to):
 - donations from parents who wish to continue to pay for school meals as donations via existing mechanisms such as ParentPay and Gift Aid that could allow them to contribute to the cost of another child’s free school meal;
 - health contributions for specific campaigns with health outcomes in future years;
 - links to other funded projects in the locality of the pilot schools and their donors;
 - annual or regular periodical business corporate donations (CSR) including food suppliers, supermarkets, local hospitality industry members, and other major corporate employers local to the city of York;

- individual employee deductions via an approved and properly set-up salary sacrifice scheme; and
- ad Hoc Community/Corporate fundraiser activity.

Consultation Analysis

43. Informal conversations have been held with a Community Foundation based locally in York, which has provided the funding mechanism for the Lord Mayor's charities in the current and last civic years. In particular, the Council has sought to learn from the Foundation's experiences in a range of grant-making opportunities aimed at the community and voluntary sector.
44. Informal discussions have also taken place with the fundraising team within the University of York's Office of Philanthropic Partnerships and Alumni. These initial discussions have been positive around their work with significant individual donors, corporate donors and philanthropists with strong linkages to York.

Options Analysis and Evidential Basis

The YCF

45. There are two options around the creation of the Community Fund:
 - to proceed; or
 - not to proceed.
46. Given the financial position of the Council and the potential capacity to undertake successful strength based fundraising initiatives, demonstrated through examples of projects in the city that have been supported by this approach, there is no option but to proceed given the benefits to the city that could be derived from this decision.
47. The procurement options are described in the Procurement implications at paragraph 53 below to either:
 - enter into a partnership agreement directly with a Partner, without any prior procurement exercise by waiving the council's procurement regulations and CPRs;

- appoint a Partner through a procurement exercise, likely to include a competitive exercise.

48. Were the Council to seek to directly enter into a partnership with a Partner, it would not in York's interests to be included in a wider geographical fund when funding could be collected from York-based donors to directly benefit York based projects and organisations. A direct award to a Partner would, however, present an opportunity to use an existing governance structure to establish a fund with a specific York identity, with York donors and for community good in York, including supporting our community and voluntary sector.

The UFSM Pilot Fund

49. There are two options around the creation of this Fund:

- to proceed; or
- not to proceed

50. Aside from £100,000 from the Council, there is currently no other funding mechanism for the UFSM pilot. The ethos behind the pilot is to be self-funding through philanthropic donations and sustainable, so funding needs to be cover several years and, if sufficient, to be scaled up across the city.

51. To proceed is inherently risky and an exit strategy is critical if the pilot were to fail, or the funding reduced to unsustainable levels. The impacts of this would be felt by children and their families.

52. Equally, the city has the skills and interest in this type of philanthropy, which saw over £2,000,000 raised for the Westfield Centre Project in a matter of months. The management of the impact of this work is through a pilot approach will seek to manage these risks. The recommendation is therefore to proceed subject to any separate reports and decisions on the UFSM pilot work to be undertaken.

Organisational Impact and Implications

53.

- ***Financial***

The £100,000 seed funding Council contribution was agreed by Full Council in July 2023 as part of the budget amendment.

There are no direct financial implications of supporting the establishment of a YCF, except officer time on any steering group and in monitoring/reporting on the arrangements. Any procurement of a partner to act as community fund manager would need to reflect that there are financial contributions that will need to be paid to the fund manager for administering the funds and undertaking fund-raising campaigns.

- ***Human Resources (HR)***

There are no direct HR implications with setting up the YCF, except those identified above regarding the possibility of a future salary sacrifice scheme for payroll donations. This would require detailed consideration prior to it being set up, and advice from HR, Finance and Legal Services at that point along with a range of other staff giving initiatives.

- ***Legal***

- ***Vires***

The Council arguably has the power to set up the proposed YCF by virtue of:

- its General Power of Competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do;
- its power under Section 139 of the Local Government Act 1972 to receive and hold gifts and donations on charitable trusts; and

- its power under Section 2 of the Local Government Act 2000, which allows the Council to do anything which it considers likely to achieve the promotion or improvement of the economic, social, or environmental well-being of the area.

In terms of setting up a future charitable vehicle for the UFSM fundraising, whether it be a trust or another incorporated or unincorporated vehicle, this will need to be considered in a future report and will be subject to its own decision.

- ***Officers***

Officers appointed to represent the Council at any steering group or board or equivalent of the YCF must only act in accordance with requirements as set down in the Partnership Agreement (Duties and Responsibilities of a Trustee of Trust or Charitable Trust) and/or (Duties and Responsibilities of a Member of Unincorporated Association) of Appendix 18 (Guidance to Councillors and Officers Appointed to Outside Bodies) of the Council's Constitution.

- ***Contract and Procurement Law***

Regarding the formation of the YCF, any partner organisation who will act as the manager/administrator of the YCF (including the UFSM funding) will need to be selected and appointed under a compliant route in line with our obligations set out within the Procurement Regs (where applicable) and the Council's CPRs, with necessary advice from Commercial Procurement and Legal Services Team.

This includes whether this requirement is taken out to the market via competitive bidding procedure, or if we decide to appoint a Partner directly without competition subject to an Executive decision to waive the requirements set out within the CPRs.

Regarding the potential direct appointment of a Partner subject to an Executive decision to waive the requirements set out within the CPRs, further to discussions between the Legal Services and Commercial Procurement teams, it is believed that such a waiver and direct appointment without prior advertisement could be justified and would be possible for the following reasons:

- The initial seed money of £100,000 being paid by the Council to the YCF (if paid through the YCF and not direct to pilot schools) is the only financial contribution the Council intends to make to the YCF, which falls significantly below the current procurement threshold of £177,897 exc. VAT under the Procurement Regulations.
- If the Council were to enter into partnership with a Partner to administer and manage the fund, then a small annual contribution from the YCF would be deducted to go towards the Partner's costs in terms of both the YCF overall overheads and the specific administration of the YCF carried out by the Partner.
- The annual contribution rate would depend largely on what might be negotiated and agreed between the Council and the Partner, and how the YCF would be set up; however, the Council would seek to ensure, the contributions rates were in the region of:
 - Endowment funds: Between 1.0% and 1.75% of the market value of the fund per annum; or
 - Flow through funds: Between 5% and 15% of the annual revenue of the fund.
- Based on the above, as well as the Council's £100,000 contribution being significantly below the procurement threshold, based on the contribution rates above, any costs deducted from the initial £100,000, and any interest it accrues, would also fall significantly below the procurement threshold.

Based on the above, any direct appointment of a Partner to manage and administer the YCF could fall outside of the Procurement Regs, so direct award could be possible in this instance.

An additional procurement exercise may be necessary for the appointment of any additional consultants/support required for marketing and communications surrounding the various campaigns undertaken by the YCF (including the UFSM project), and again such consultants must be appointed following a compliant route in line with our obligations set out within the Procurement Regs and the Council's CPRs, with necessary advice from Commercial Procurement and Legal Services Team.

The partnership and governance arrangements surrounding the YCF will require the input and advice from officers in Legal Services, as well as any ancillary documents (e.g., including but not limited to donor and grant agreements).

Any other potential mechanisms for donations to the YCF being considered at this stage (e.g., salary sacrifice schemes) will require further advice and input from Legal Services on a case-by-case basis.

- ***Subsidy Control Law***

Any funding provided by the Council to the YCF is unlikely to attract any implications under the Subsidy Control Act 2022.

The fund itself will not directly benefit from any Council grant funding and will largely be passing these funds on to third party grant recipients.

Grants paid by the YCF to third party recipients such as schools and local community organisations using Council funds could attract Subsidy Control implications, and these may require further detailed assessment prior to the award of any grants with input from Legal Services where necessary. That said, with regards to any grants paid to school(s) taking part in the UFSM pilot, it is unlikely these

will be treated as controlled subsidies under the 2022 Act given that the school(s) will be acting as non-economic operators and will not be engaged in any competitive economic activity on any existing market.

Advice should be sought from relevant officers (including Legal Services, Commercial Procurement and Finance) to ensure that any grant funding term and conditions and grant processes operated by the YCF are set up correctly to comply with the 2022 Act.

- ***Procurement***

- The creation of a partnership arrangement by the Council would need to abide by and would be applicable to the Council's CPR's and relevant Procurement Regulations. The establishment of a partnership arrangement for the York Community Fund with an existing organisation with experience managing these types of community funds would need to be selected and appointed by way of a compliant procurement route via an advertised competitive bidding procedure.
- Alternatively, the Council's CPRs do state that, except where the Procurement Regulations apply, the Executive has the power to waive any requirements within these CPRs for specific projects upon request.
- The report confirms that for the Council to identify and appoint an appropriate community fund manager there are key criteria to identify and establish whether suitable organisations have worked with other local authorities on the same or similar model to that proposed for the YCF, and whether the parties can negotiate agree appropriate terms for the partnership and they're suitably accredited and can meet the specific requirements for York. These requirements would form part of any qualitative evaluation criteria included within a competitive procurement exercise, or evidence of this would be included as part of a waiver report submission seeking approval to appoint a community fund manager direct to the partnership agreement without inviting competition.

- The report also provides details of the marketing and/or communications for the YCF, and if the Council and its partners lack the necessary officers and/or resources, then this may require the procurement of experienced marketing consultants to assist with the campaign. Therefore, a procurement exercise may be required to seek competitive bids for the appointment of any additional consultants/support required for marketing and communications in accordance with the Procurement Regs and the Council's CPRs, with necessary advice from Commercial Procurement Team and Legal Services Team.
- ***Health and Wellbeing***

As stated in the Health and Well-being strategy 2022-32, there are health consequences when people are not able to afford heating, food, and housing costs. Financial exclusion, fuel poverty, debt and food crisis have short term consequences, likely to affect many people in the city, for instance through higher rates of hospitalisation from chronic disease such as asthma and COPD, or more people suffering mental illness due to anxiety. They also have long term consequences, leading to chronic mental health issues, adverse economic and effects and an impact on education and skills, and broad influences on community coherence. Even before the current is (Cost of Living) crisis, York has over 3,500 children being checked and approximately 4,500 older people living in poverty, and over 13,000 people living in fuel poverty. The proposed YCF and resulting projects will work towards addressing these inequalities.
- ***Environment and Climate action,***

The creation of the YCF has the potential, dependent on the partners' considerations, to fund projects that would support environmental projects, increase biodiversity and nature recovery, and support mental health through green prescribing. By providing funders with alternative projects covering a range of themes, the YCF is more likely to attract greater donations.

- ***Affordability***

As outlined in the report, the projects supported by the proposed YCF and UFSM pilot will benefit those in deprived areas of York and assist in tackling the causes of poverty and equality of access to opportunity. The York Community Fund will also support the continuation and resilience of the community and voluntary sector in York.

- ***Equalities and Human Rights***

The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

The work of the proposed YCF will go beyond funding alone. – in addition to creating and addressing the inequalities of the free school meal system in related to the dedicated UFSM campaign, - as a wider community fund it will also provide resources that voluntary groups and charities may otherwise struggle to access in the future.

Given the nature of a Community Foundation the funds are likely to benefit all groups of people with protected characteristics with grant recipients across a range of social and community projects, working with a wide range of partnerships, and community and voluntary sector organisations for public good. We can build into the partnership agreement a clause ensuring that the council's core commitments are baked into the work supported ie Equalities & Human Rights, Affordability, Climate Change and Health & Wellbeing.

The decision on the UFSM pilot is subject to a separate decision. If this report requires a decision, then an Equality Impact Assessment (EIA) will be completed for that decision. EIAs and also social value analysis could be undertaken for other projects funded.

- ***Data Protection and Privacy***

Data protection impact assessments (“DPIAs”) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK General Data Protection Regulation (“UK GDPR”). Failure to carry out a DPIA when required may leave CYC open to enforcement action, including monetary penalties or fines. DPIAs helps us to assess and demonstrate how we comply with all its Data Protection obligations. A DPIA does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.

As there is no personal data, special categories of personal data or criminal offence data being processed for the recommendations set out in this report, there is no requirement to complete a DPIA at this stage. This is evidenced by completion of DPIA screening questions.

However, there will need to be consideration and completion of DPIAs where required, within the delivery of the approved recommendations and decisions from this report.

- ***Communications***

The Communications Team may be involved in individual promotional campaigns and supporting the development of the *Case for Support* for the USFM fundraising campaign.

As above, should a need be identified for communications support to linked campaign communications, marketing and/or communications for the YCF, where the Council and its partners lack the necessary officers and/or resources, this

may necessitate the procurement of experienced marketing consultants.

There will be a demand on the Communications Service at launch and throughout the lifetime of the project in terms of media handling.

A communications partnership approach may be appropriate across the organisations involved in delivery of the project. The requirement for Communications Service support stems from the commitment to this work within the proposed Council plan.

- ***Economy***

There is an opportunity to explore corporate giving as part of a CSR offer to companies who are established or starting up in York, and to those who are already investing. More work is planned to engage with the business sector on this opportunity.

Risks and Mitigations

54. Risks are outlined in paragraph 8 and 9 above.

Wards Impacted

55. All wards could benefit from the work of the new YCF, dependent on alignment with the administration's priorities.

Contact details

For further information please contact the authors of this Decision Report.

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Date:	29/09/2023

Background papers

- *Executive September 2023 Approval of the Council Plan Agenda for Executive on Thursday, 14 September 2023, 5.30 pm (york.gov.uk) item 24*
- *Council September 2023 Approval of the Council Plan Agenda for Council on Thursday, 21 September 2023, 6.30 pm (york.gov.uk) item 6*
- Westfield project report June 2023:
Decision - Westfield Centre Partnership with University of York

Annexes

- None.



Meeting:	Executive
Meeting date:	13 October 223
Report of:	Neil Ferris Corporate Director of Place
Portfolio of:	Councillors Jenny Kent and Kate Ravilious Executive Members for Environment and Climate Emergency

Decision Report: New statutory arrangements for biodiversity and nature recovery

Subject of Report

1. The Council has been preparing for the implementation of the Environment Act (2021, which dictates the implementation of mandatory Biodiversity Net Gain (BNG) within the planning system from November 2023. The Act also requires the creation of Local Nature Recovery Strategies (LNRSs), a new system of spatial strategies for nature covering all of England and which will partly rely on BNG for their delivery.
2. The Government has however recently announced that it is delaying putting into action the new biodiversity net gain planning regime. However, there is ample evidence that biodiversity across England is in crisis, with the 2023 State of Nature Report painting a stark picture. Whilst the Government delay removes any structured funding from this key objective, the Council Members are asked to consider the recommendation in this report and proceed to start putting in place a biodiversity recovery plan for York, and identifying potential suitable locations for biodiversity net gain, so that we are ready to take advantage of the new environmental laws when they are enacted and provide nature with the greatest opportunity for recovery across York.

3. This report intends to brief Members on the approach to prepare for BNG and the implementation of LNRS. It also sets recommendations for enhanced actions to further proactively address BNG and seeks approval for relevant governance arrangements for LNRS.
4. Whilst the BNG has been delayed the LNRS activities are progressing in respect of both new statutory regimes. Broad delegation in consultation with the relevant Executive Members for the Corporate Director for non-key decision-making matters in respect of both of these regimes is therefore sought to ensure a timely response to Government guidance and implementation.

Benefits and Challenges

Biodiversity Net Gain

5. BNG is an approach to development and / or land management that aims to leave biodiversity in a measurably better state than pre-development. BNG requires the use of a metric to determine a proxy biodiversity value and assess changes in biodiversity value (losses or gains) brought about by proposed changes in land management- for instance calculating how much new or enhanced habitat is needed, and of what type, in order to deliver sufficient net gain as part of a planning application. Notably, it is considered in addition to any mitigation requirements where harm to designated assets is identified.
6. BNG and nature recovery are not a new concept, but one that has gained increased political importance in recent times as part of a wider focus on the environment and sustainability. It comes from the growing recognition that the natural environment has often been negatively impacted by development. Whilst there are various designations across some land other less protected habitats have shrunk over the generations. BNG provides an opportunity to redress this and support a recovery in nature to the benefit of existing and future generations.
7. The mandatory requirement for BNG that was proposed was to achieve a minimum of 10% net gain above the initial baseline. BNG assessments against a standard metric would be required to be submitted as part of the planning application process and must be secured with a minimum 30-year management plan.

8. The opportunity for BNG would have been a combination of:
 - On-site – habitat creation or enhancement, landscaping or green infrastructure delivery.
 - Off-site – New habitat creation or enhancement on land holdings or via habitat banks

Or as a last resort:

- Statutory Credits – Only if units not available to create landscape-scale strategic habitat creation delivering nature-based solutions

The process for recording off-site BNG was planned to be through a register managed by Natural England.

9. Despite the delays it is still anticipated that there are opportunities for the Council to explore habitat banking to proactively deliver sites within York.
10. Up until the announced delays BNG would have been enacted in a phased way; from November 2023 it would have required the majority of development to comply with the regulations with the exception of 'small sites' which would have come into force in April 2024.

Local Nature Recovery Strategy

11. The LNRS will provide a strategic direction for future nature-based opportunities. LNRSs are designed as tools to drive more coordinated, practical, and focussed action to help nature and encourage the use of nature-based solutions to address wider environmental problems. Each Strategy will, for the area that it covers:
 - Agree priorities for nature's recovery.
 - Map the most valuable existing areas for nature.
 - Map specific proposals for creating or improving habitat for nature and wider environmental goals.
12. LNRSs will help target the delivery of BNG to where it will have most benefit, provide a focus to a strengthened duty on all public authorities to conserve and enhance biodiversity, and support the conservation and enhancement of biodiversity through the planning process. LNRSs will also provide a mechanism for

targeting funding to encourage and reward more environmental land management, such as tree planting and peatland restoration.

13. In order to recognise the cross-boundary green infrastructure linkages, North Yorkshire Council (NYC) has been designated by The Department for Environment, Food and Rural Affairs (Defra) as the 'Responsible Authority' for delivering the LNRS for York and North Yorkshire. City of York Council is designated as a 'Supporting Authority' and consequently, is required to positively input to and consult with NYC in the production of the LNRS for our area. It is expected that the LNRS will take 18 months to prepare and be complete in summer 2025.
14. North Yorkshire Council (NYC) are proposing a Joint decision-making arrangement to take public decisions as it goes through the process of creating and adopting an LNRS and the NYC Executive will have to confirm CYC agree with the process and Strategy as part of their decision-making process. The Environment (LNRS)(Procedure) Regulation 2023 set out the obligations of the Responsible Authority in preparing the LNRS.
15. It is therefore proposed that as York engages with NYC on the development of the LNRS that the Executive delegate to Executive Members for Environment and Climate Change emergency to take public decisions as to the CYC position with adoption of the LNRS being reserved for Executive as a Key decision.

Opportunities for CYC

16. In addition to the proactive engagement with the BNG and LNRS Statutory regimes as regulator both regimes provide opportunities for CYC as landowner and convenor of third-party landowners to enhance the impact of these regimes in York. It is therefore proposed that a 2-phase approach is commissioned to explore the opportunities for biodiversity investments in CYC land and with willing developers the opportunity to go beyond the 10% policy requirements of the BNG regime.
17. It is proposed that the first phase is to commission a desktop study of CYC land to better understand the existing biodiversity that would / could qualify for investment, and it is anticipated, subject to Government guidance, this could include all open spaces, parks, strays flood plains etc recognising the constraints of the latter. This desktop work would also encompass working with willing

developers to explore opportunities and benefits to exceeding their 10% statutory obligations. For example, this may include developers registering their sites and offering excess units for sale as a business proposition.

18. The second phase of the work would take the most promising sites identified in the desktop study for improved biodiversity and subject to the remaining budget seek to develop a more detailed action plan.

Policy Basis for Decision

19. The Environment Act (2021) is the driving force behind the mandatory implementation of BNG and LNRS, including the timescales for their implementation. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 set out the statutory preparation requirements for LNRS, including the roles of the designated 'responsible' and 'supporting' authorities.
20. The Local Plan defines the Council's land use planning and expectations and the contributions to the development; Policy GI2 'Biodiversity and Access to Nature' sets the requirement locally to meet the statutory requirements of the Environment Act. Adoption of the LNRS will spatially define our Natural Capital development expectations and will become relevant evidence base for future decision and plan-making.
21. The Council Plan adopted in September 2023 identifies "Cutting Carbon, Enhancing the environment for future generations" as one of the Council's key priorities. This report details how funding will be secured and contribute towards making the most of our blue and green infrastructure and increase biodiversity and support nature recovery.
22. The new BNG regime would have provided for investment currently not available through the public purse into the environment and the LNRS development and adoption will provide opportunities for all the residents of York to shape that strategy and contribute towards public decisions that will define York's ambition and expectations.
23. The implementation of BNG and LNRS increases opportunities to implement strategies such as the Local Biodiversity Action Plan and the Pollinator Strategies.

Financial Strategy Implications

BNG

24. Grant funding has been used in preparing for the implementation of BNG principally through the Local Plan policy development. There is anticipation of Defra burden funding to help deliver BNG going forward but the announcement of delay may have put this in jeopardy.

LNRS

25. NYC have been allocated circa £800k initial capacity funding for the initial development work for the LNRS. It is their duty to develop the strategy. CYC are currently negotiating with NYC regarding NYC's ability to contribute to CYC's staffing capacity to help deliver the strategy.

Opportunities for CYC

26. As the LNRS will cover more than 2 million acres of land within NY and York the level of detail and funding available will by necessity be strategic and will not contain the level of detail to explore the capacity of local sites to deliver BNG. There is therefore an opportunity for CYC to complement the strategic work with a more targeted piece of work for CYC as landowner and to encourage ambition from local developments.

27. It is therefore proposed that to ensure best value for money and identification of the most promising opportunities that a two-phase piece of work is undertaken at a one-off cost of £30k. If successful, it could see CYC land become an investable BNG proposition and see developers make above policy investment in BNG in the vicinity of York. This cost will be funded from the existing BNG grant funded by Department for Environment, Farming and Rural Affairs.

Recommendation and Reasons

28. Executive are asked to note the delays to the implementation of the BNG regime by Government.

29. Executive are asked to delegate to The Executive Members for the Environment and Climate Change Emergency the necessary Member decisions for the development of the LNRS and that

officers convey those decisions for consideration of NYC as statutory Authority.

30. Executive are asked to confirm that whilst not statutory Authority they wish to reserve the agreement to adopt the LNRS as a key decision.
31. That the Executive agree the one off £30k expenditure from the Government grant detailed in the financial implications to commission a 2-phase approach to enhanced BNG opportunities for York and along with sums negotiated for the delivery of the LNRS expenditure is delegated to the Director of Transport Highways and the Environment in consultation with the Executive Members for Environment and Climate Change Emergency.

Background

What is Causing Change? The Environment Act 2021

32. A considerable proportion of existing environmental law and policy in the UK derives from the EU, with its implementation largely monitored and enforced by EU institutions such as the European Commission. In this context, the Environment Act 2021 (referred to here as The Act) is concerned with securing environmental protection and restoration through of domestic legislation.
33. Part 6 of The Act introduces a range of measures for nature and biodiversity conservation. These include a strengthening of the duties under Section 40 of the NERC Act to require public authorities to enhance as well as conserve biodiversity (Section 102 of the 2021 Act). The Act has also introduced a mandatory requirement for BNG into the planning system (The Act, Sections 98-101). This includes the establishment of a register of land used for biodiversity net gain purposes, secured either through a planning obligation (s.106 agreement) or through conservation covenants.
34. The statutory requirement for BNG was due to take effect November 2023 this implementation date has now been postponed by Government and at this time no clear timetable is available for implementation.

Consultation Analysis

35. Consultation will take place as part of the development of the LNRS. A consultation strategy will be agreed between NYC and CYC in due course.
36. Developers identified as potentially obligated under the BNG regime from Local Plan allocations will be consulted with regarding their appetite for above policy interventions.

Options Analysis and Evidential Basis

37. The BNG and LNRS regimes are statutory regimes for which there are no options.
38. Decision making for CYC engagement within the process of development of the LNRS could be delegated to officers. As CYC are not the statutory authority the adoption of the LNRS is not actually been taken by CYC this could also be delegated.
39. As the LNRS is of significant public interest and benefit it is proposed that CYC engage with the LNRS process as if it were the primary decision maker and follow the Councils approach to open and transparent engagement and decision making.

Organisational Impact and Implications

Financial - There will be additional financial obligations imposed on developers in managing the BNG regime. The Government have provided one-off funds of £73.7k covering the period 2021/22 to 2023/24. £40.4k was spent in previous years leaving £33.3k available in 2023/24 to prepare for the new obligation. The intention is that the costs of the new responsibility will fall on developers however there may be longer term costs on the council. This will include costs associated with the Council assessment of applications and the long-term implications associated with monitoring BNG over the 30-year management plan period and reporting duties to the Government. Subject to the ongoing negotiations with NY there may be opportunity for further work for the LNRS to complement the proposed CYC work. This will be monitored and reported back to Executive should there be significant costs. It is currently anticipated that initial implementation will be managed within the Government funding and existing resources.

Human Resources (HR) - There will be additional obligations imposed on officers in managing the BNG regime and engaging with the development of the LNRS. At this time there is insufficient evidence nor detail available to quantify the impacts. It is however anticipated that initial implementation will be managed within existing resources.

Legal - The Council Monitor has with NY to ensure compatibility for decision making regimes.

Procurement - There are no procurement implications.

Health and Wellbeing - There is evidence that Biodiversity loss has harmful effect on human health, including an increasing likelihood of zoonotic diseases, heat / cold effects and deteriorating / less healthy food systems. BNG presents an opportunity to protect York residents from these effects, and improve their health, inline with the York Health and Well Being Strategy 2022-32.

Environment and Climate action - BNG presents an opportunity to increase climate change adaptation and resilience in line with the ambition of the York Climate Change Strategy. There may also be opportunities to deliver co-benefits from BNG that provides carbon sequestration.

Affordability - As noted, there are beneficial impacts to Health derived from Biodiversity which complements the Health and Well Being Strategy, and these environments should be available to society at low cost.

Equalities and Human Rights - The implementation of specific BNG site developments and interventions will need to consider Equalities and Human Rights on a site-specific basis the noting of the proposed statutory regime in this report has no impacts. North Yorkshire Council will have to consider Equalities and Human Rights in the development of the LNRS Strategy.

Data Protection and Privacy - There are no Data Protection issues associated with this report.

Communications - Upon completion of the Council BNG work the Council will need to consider next steps with York residents before progressing any initiatives. The LNRS development will require extensive consultation and CYC officers will be working with NY as lead

Authority to promote full engagement with all interested parties and residents in York.

Economy - A high-quality natural environment provides a desirable location for sustainable business models and on a city scale enhances the ability of businesses to attract staff to York.

Risks and Mitigations

40. These are new statutory regimes that will inevitably face challenges. Public decision making for the LNRS and close working with developers will be intrinsic to the success of the regimes.
41. The risk for York is that with NYC being the responsible authority for the LNRS, opportunities may focus on the much larger scale of opportunity with NYC eclipsing the opportunities that exist in York. The Public decision making and small one-off investment to seek to enhance the opportunities for BNG in York for CYC land and going beyond policy with willing developers will mitigate against these risks.

Wards Impacted

42. Biodiversity is not constrained by land investment or allocations. All wards will potentially benefit from the increased biodiversity in the environments surrounding and within York.

Contact details

For further information please contact the authors of this Decision Report.

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Background papers

None

Annexes

None

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Meeting:	Executive
Meeting date:	12/10/2023
Report of:	Report of the Corporate Director, Children's Services and Education
Portfolio of:	Executive Member for Children, Young People and Education, Councillor Bob Webb

Decision Report: Capital Projects 2024/25 - Children, Young People and Education

Subject of Report

1. To approve the overall budget of £7,200,000 to enable the schemes in the Education Capital Programme, 2024/25 (the “**Programme**”) to take place.
2. To maintain the Local Authority (“**LA**”) School Building Estate.
3. To create enough pupil places and Special Educational Needs (“**SEN**”) pupil places at St Oswald’s CE VC Primary and Hob Moor Oaks Community Primary Academy.
4. To create SEN outdoor learning areas at Danesgate Community Pupil Referral Unit.
5. To refurbish the science labs at Huntington Secondary School.
6. Without these works, the LA School Building Estate could face severe risks in its ability to function and the LA sufficiency duty under section 14 of the Education Act 1996 would not be met.

Benefits and Challenges

Pros:

7. Keeping abreast of the condition works needed at LA maintained schools will ensure Best Value under its Best Value Duty set out in Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government & Public Involvement in Health Act 2007).
8. The LA's sufficiency duty under section 14 of the Education Act 1996 to provide pupil places and SEN pupil places will not be breached.

Cons:

9. Not keeping abreast of the works needed to the declining condition of the School Building Estate will mean:
 - Greater maintenance costs in each year where works do not take place.
 - The LA failing in its sufficiency duty to provide enough pupil places.
10. The LA failing in its sufficiency duty to provide SEN pupil places.

Policy Basis for Decision

11. The council's commitment to provide access to *high quality education and skills for all* is consistent with the 10-Year Plan (York 2032), which sets out a vision for the city and five priorities. The priority Skills and Education sets an ambition that "all ages will have access to learning throughout their lives to equip them with the skills to success commercially, socially, locally and nationally".
12. This report responds to the Council Plan 2023-2027 - **One York for all**, which sets a vision for the Council that over the next four years we will "establish the conditions that would make the city of York a **healthier, fairer, more affordable, more sustainable and more accessible place, where everyone feels valued**, creating more regional opportunities to help today's residents and benefit future generations."
13. The report aligns to the below policy priorities in the Council Plan:
 - a. Health Generating City

- b. High quality skills and learning for all
- c. Sustainable accessible transport for all
- d. Cutting Carbon, enhancing the environment for our future

Cutting Carbon, protecting the environment

- 14. Reducing carbon emissions through the delivery of the capital maintenance schemes by for example:
 - a. insulating roofs,
 - b. replacing lead single glazed windows for double glazed efficient windows, and
 - c. refurbishing kitchens and science labs with sustainable, modern equipment,
 - d. that saves both time and energy.
 - e. Replacing old wiring and heating mains pipework.
- 15. New builds will be created to the most current building specifications.
- 16. Better tinted windows mean less solar gain, so rooms and corridors are not affected by extreme temperatures during hot summers and cold winters.

Sustainable accessible transport for all

- 17. By expanding at three (3) school sites (St Oswald's for mainstream pupils and Hob Moor Oaks Community Primary Academy and Danesgate Community Pupil Referral Unit for SEN pupils), the LA will prevent increased transport journeys and costs around the city.

Health Generating city

- 18. Better teaching environments are created when roofs are not leaking and heating is more temperate and more efficient.
- 19. Improved kitchen environments and equipment for catering staff means temperatures can be more easily controlled.
- 20. New kitchen equipment is easier to use and control, leading to healthier methods of providing meals.

High quality skills and education for all

21. Refurbished science labs will mean improved teaching facilities thereby encouraging pupils to choose science at GCSE and A level.
22. Expansion at St Oswald's CE VC Primary will create more teaching accommodation to aid education progression through the foundation stages and into key stages.
23. Expansion of alternative learning spaces at Danesgate Community Pupil Referral Unit and a science lab refurbishment at Huntington School will encourage pupils to succeed and go on into apprenticeships around the city.
24. For comments regarding the administration's four key manifesto pledges: Affordability; Environment; Equalities and Human Rights; and Health Inequalities see the Organisation Impact and Implications Section of this report.

Financial Strategy Implications

25. There is minimal impact on the overall financial strategy of the Council.
26. All of the schemes detailed in this report will be delivered within the Childrens Services and Education Capital Programme.
27. The four schemes proposed to be funded from Basic Need Capital Grant total £4.2m. Before the allocation to these schemes, the unallocated Basic Need grant is approximately £8.4m. Therefore, approving all of these four schemes at the budgeted cost will leave £4.2m to allocate to future schemes. At this point, no future Basic Need funding is expected to be allocated for at least 2023/24 and 2024/25.
28. The maintenance schemes will be funded from a combination of Condition and Maintenance Grant, a small amount of remaining council capital budget allocated via earlier CRAM rounds, supplemented by the addition of relevant Section 106 funding. At this point the best estimate of available funding for the 2024/25 maintenance programme is an amount of approximately £3m. This figure is based on the estimated spend on the 2023/24 programme, a prudent estimate of the 2024/25 grant funding which will not be confirmed until April 2024, and some already allocated Section 106 funding. The programme will be developed and then commissioned on the basis of remaining within the overall final

funding available. If further 106 funding is available this may increase the total budget available.

29. Updates on the progress of the budget and the eventual programme will be reported to Executive within the authority's quarterly capital monitoring process.

Recommendation and Reasons

30. Approve the £3,000,000 budget for capital maintenance works planned for 2024/25.

Reason: to complete the annual programme of maintenance works within the maintained school estate, dealing with the most urgent issues for 2024/25.

31. Approve the budget of £1,400,000 to build additional classrooms to accommodate a growth in pupil places at St Oswald's CE VC Primary.

Reason: To accommodate the demand for mainstream school pupil places.

32. Approve the budget of £1,100,000 to build additional classrooms to accommodate the demand SEN pupil places at Hob Moor Oaks Community Primary Academy.

Reason: To accommodate the demand for special school pupil places for those children with complex special educational needs.

33. Approve the budget of £1,100,000 to refurbish the science labs at Huntington Secondary School.

Reason: To resolve health and safety issues within the existing science labs that mean teachers are unable to deliver the full science curriculum. This will ensure these labs are future-proofed for existing pupil numbers prior to the increased pupil numbers expected from planned housing developments.

34. Approve the £600,000 budget to create outdoor learning areas at Danesgate Community Pupil Referral Unit.

Reason: To accommodate the increased demand for alternative teaching spaces for pupils with Social and Emotional Mental Health (“**SEMH**”).

35. Delegate approval of expenditure on individual schemes to the Corporate Director of Children’s Services and Education (or his delegated officers).

Reason: to ensure efficient spend and that decisions are made in a timely manner on individual schemes throughout the life of the capital programme.

36. Delegate authority to the Corporate Director of Children’s Services and Education (or his delegated officers), in consultation with the Director of Governance (or his delegated officers), to determine the provisions of any new works contracts necessary for the delivery of the Education Capital Programme, 2024/25, and to award and conclude each of these contracts following the appropriate competitive tendering processes.

Reason: This ensure compliance with LA’s Contract Procedure Rules and its obligations under Public Procurement Law, as well as enable the Education Capital Programme, 2024/25 to be delivered on time.

Background

37. This report provides an outline of the capital schemes proposed across the Local Authority’s maintained school estate, and one (1) school within the Ebor Academy Trust in 2024/25.
38. The budgets are based on estimates that at the time of writing this report the LA’s Property Services team still need to review.
39. Capital Maintenance Programme
40. The Education Capital Maintenance Programme 2024/25 is comprised of a number of schemes at LA maintained schools across the City. The Programme addresses the highest priority condition issues affecting the operational running of the schools, with the potential risk of school closure if not addressed.

41. During the initial stages of putting together the Capital Maintenance Programme a total of 24 potential schemes were identified with a high level budget estimate of £8,900,000.
42. A further prioritisation process, identifying only the schemes that would prevent schools from closing reduced the high level budget estimate to £4,700,000. This cost estimate for Capital Maintenance schemes exceeds the expected available budget of £3,000,000 by £1,700,000.
43. Following a further prioritisation process, the total number of capital maintenance schemes under the Programme will be reduced to meet the potential budget available of £3,000,000. It is hoped should any further funding be announced through the DfE Capital Allocations round or through available Section 106 that it can be incorporated into the Capital Maintenance budget.
44. Basic Need Programme
45. St Oswald's CE VC Primary
46. This scheme will increase the school from 1.5 FE to 2FE to accommodate the pupil place demand from the Germany Beck housing development. This proposal will provide additional classroom capacity, communal areas in school, and a multi-use games area ("MUGA").
47. St Oswald's CE VC Primary is a Private Finance Initiative ("PFI") school run by Sewell Facilities Management Limited ("Sewell FM"). Therefore the proposal will be developed and building works will be carried out by Sewell FM.
48. This additional places at St Oswald's CE VC Primary are required for September 2025.
49. Hob Moor Oaks Community Primary Academy
50. This scheme will address the increase in demand for SEN pupil places in the city for those with complex needs. This proposal will provide additional classroom capacity with internal remodelling of existing areas to maximise storage space for specialist equipment.
51. Hob Moor Oaks is a PFI school and also part of Ebor Academy Trust. Therefore the proposal will be developed in consultation with Sewell FM and Ebor Academy Trust. Procurement and delivery of the building project will be the responsibility of Ebor Academy Trust and works will be carried out by Sewell FM.

52. The additional places at Hob Moor Oaks are required for September 2024.
53. Huntington Secondary School
54. The Programme includes a scheme at Huntington Secondary School. This scheme, will refurbish four of eight science labs to address urgent electrical and gas issues and bring the science lab quality up to an acceptable teaching standard. The scheme will vastly improve energy efficiency due to bringing the electrics and gas provision in line with current building regulations.
55. Danesgate Community Pupil Referral Unit
56. The Danesgate Community Pupil Referral Unit scheme will create outdoor learning areas in the Walled Garden at the school. This will accommodate the increased demand for alternative, quiet teaching spaces for pupils with SEMH.

Consultation Analysis

57. The scope of the schemes on the Programme have been discussed with School Business Managers, Headteachers and Governing Bodies, where appropriate.
58. The scope of work for each of the schemes has been developed in conjunction with the LA's Property Services team.
59. Sewell FM will need to be consulted regarding the proposals at St Oswald's CE VC Primary and Hob Moor Oaks Community Primary Academy. Additional works at both schools will require variations of the existing PFI contracts.

Options Analysis and Evidential Basis

Option 1 – Delivery all of the proposed schemes

60. All of the schemes identified have urgent building issues affecting the condition of the buildings, teaching and pupil place demand.
61. Option 1 is to carry out:

- a. As many of the most urgent Capital Maintenance Schemes will be carried out as possible to meet the approved budget of three million Pounds (£3,000,000) or more should further funding be identified;
- b. the expansion scheme at St Oswald's CE VC Primary for an estimated budget of one million, four hundred thousand Pounds (£1,400,000);
- c. The expansion scheme at Hob Moor Oaks Community Primary Academy for an estimated budget of one million, one hundred thousand Pounds (£1,100,000);
- d. The expansion scheme at Danesgate Pupil Referral Unit for an estimated budget of six hundred thousand Pounds (£600,000);
- e. the science lab refurbishment at Huntington Secondary School for an estimated budget of one million, one hundred thousand Pounds (£1,100,000).

62. This means the estimated total budget for the Programme will be seven million, two hundred thousand Pounds (£7,200,000).

63. Some schemes will take more than a year to complete due to their complexity and timescales. Many maintenance schemes need to be phased, but if works can take place sequentially, year on year, then costs will be minimised.

64. the proposed Programme will continue to ensure all maintained school kitchens become energy efficient, meet Environmental Health standards and can operate as sustainably as possible to meet the needs of each school community's individual pupil population.

65. The LA will continue to ensure that all maintained schools provide suitable teaching accommodation that meets the needs of the curriculum, promotes good behaviour in the classroom and provides excellent learning environments.

66. By approving Option 1, the LA is offsetting the decline of its school estate through continuing its annual programme of essential

maintenance. It will ensure Best Value is met and that temporary patch repairs that lead to greater longer-term costs are minimised.

67. By approving Option 1, the work carried out will contribute towards the LA's target of an annual thirteen percent (13%) climate emission reduction target set out in LA's Climate Change Action Plan.
68. By approving Option 1, the LA will meet the requirements set out in the Inclusion Review and will ensure there are enough pupil places available in the areas identified. The LA's statutory sufficiency duty under the Education Act 1996 will also be met.

Option 2 – Deliver the Capital Maintenance schemes, only

69. Carry out all capital maintenance schemes with an estimated budget of three million Pounds (£3,000,000).
70. This will ensure that the LA is addressing as many of the current most urgent capital maintenance issues within the Maintained School Buildings Estate. This will reduce the budget request by four million, two hundred thousand Pounds (£4,200,000).
71. The impact on not addressing place planning and SEN places are as follows:

St Oswald's CE VC Primary

- Insufficient places within the pupil place planning area.
- A likely increase in the number of appeals.
- Increases in the costs of appeals to schools.
- Increases to officers' time and capacity to deal with the increased number of appeals.
- Create wider sufficiency implications across the city.
- Would increase school transport costs.
- Would create in-year sufficiency pressures.
- Would likely impact on the LA's reputation due to children not able to be allocated to their catchment school or a school within reasonable travelling distance of their home.
- A high number of military families send their children to St Oswald's CE VC Primary and whilst not part of a catchment, the school is a military family preference.

Hob Moor Oaks Community Primary Academy

- A likely increase in the number of appeals.
- Would potentially increase the number of tribunals.
- Increases the costs of appeals to schools.
- Would increase officers time and capacity to deal with the increased number of appeals.
- Create wider sufficiency implications across the city.
- Would increase school transport costs.
- Would increase the costs to send SEN children out of city.
- Would increase the number of SEN children in maintained and academy schools where their specific needs might not be met.
- Significant impact on officer, manager and senior manager time and capacity.

Danesgate Community Pupil Referral

- Create wider sufficiency implications across the city.
- Would increase school transport costs.
- Would increase the costs to send SEN children out of city.
- Would increase the number of SEN children in maintained and academy schools where their specific needs might not be met.
- Could impact upon other LA work areas, such as Safeguarding and Social Work.
- Significant impact on officer, manager and senior manager time and capacity.

Option 3 – Deliver the school expansion and science lab schemes only (St Oswald's CE VC Primary, Hob Moor Oaks Community Primary Academy, Danesgate Community Pupil Referral, and Huntington Secondary School)

72. Carry out all capital expansion schemes with a budget of four million two hundred thousand Pounds (£4,200,000), funded by Basic Need.
73. Explore the option to add temporary classroom units to the Hob Moor Oaks site.
74. This will ensure that the LA is addressing the issues relating to pupil place demand existing in mainstream schools, in SEN at primary school level and a mix of primary and secondary at Danesgate Community Pupil Referral. This will reduce the budget request by three million, Pounds (£3,000,000).

However, not addressing the capital maintenance issues at maintained schools will:

- Increase the chances that a school/s will have to be closed due to a significant condition issue/s not having been addressed.
- Delays in resolving condition issues which then make the issues worse and leads to an increase in costs.
- The LA will not be able to keep up with the rate of decline in its School Building Estate.
- Reputational cost to the LA and parents viewing schools where decline is visible.
- An increase in the health and safety issues to staff and pupils.
- Classrooms/rooms in schools having to be closed off due to condition issues not having been addressed.
- **Climate change** – such as increasing rainfall accelerating the rate of building decline.
- **Energy efficiency** – a lack of investment in updated building materials (e.g., windows and roof insulation impacting upon the costs to e.g. heat a school in colder months).
- **Energy efficiency** – use of old, end of life equipment (e.g., school kitchens leading to additional energy costs and ability to produce school meals effectively).

Option 4 – Deliver all of the schemes excluding Huntington Secondary School

75. Carry out all schemes excluding Huntington Secondary School science labs refurbishment with a budget of four million one hundred thousand Pounds (£4,100,000).
76. This will ensure that the LA is addressing the issues relating to pupil place demand existing in mainstream and in SEND at primary school level.
77. It will ensure that the LA is addressing the majority of the most urgent capital maintenance issues currently in the Maintained School Building Estate.
78. This will not address the issues related to the poor condition of the existing science labs that originally received approval in 2020.

79. Not refurbishing the proposed science labs at Huntington Secondary School will leave this popular school with poor, malfunctioning science facilities. This could lead to an increase in negative learning experiences in science that could impact upon pupils' GCSE and A level choices and the school's reputation.

Option 5 – Do nothing

This could have an impact on:

- School closures.
- Obsolete equipment.
- Safe operation of schools.
- **Costs** – transport, time, energy inefficiency, not meeting climate change targets, greater building condition issues, increases in on-going maintenance and school operational costs.
- Not being able to meet the commitments set out in the SEND review.
- Officer and manager and senior manager time.
- A likely increase in appeals.
- A likely increase in tribunals.
- A possible impact on schools' and the LA's reputation.
- Failure of the LA to deliver its statutory sufficiency duties under the Education Act 1996.

Organisational Impact and Implications

80. Financial

All of the schemes detailed in this report will be delivered within the Childrens Services and Education Capital Programme.

The four schemes proposed to be funded from Basic Need Capital Grant total £4.2m. Before the allocation to these schemes, the unallocated Basic Need grant is approximately £8.4m. Therefore, approving all of these four schemes at the budgeted cost will leave £4.2m to allocate to future schemes. At this point, no future Basic Need funding is expected to be allocated for at least 2023/24 and 2024/25.

The maintenance schemes will be funded from a combination of Condition and Maintenance Grant, a small amount of remaining

council capital budget allocated via earlier CRAM rounds, supplemented by the addition of relevant Section 106 funding. At this point the best estimate of available funding for the 2024/25 maintenance programme is an amount of approximately £3m. This figure is based on the estimated spend on the 2023/24 programme, a prudent estimate of the 2024/25 grant funding which will not be confirmed until April 2024, and some already allocated Section 106 funding. The programme will be developed and then commissioned on the basis of remaining within the overall final funding available. If further 106 funding is available this may increase the total budget available.

Updates on the progress of the budget and the eventual programme will be reported to Executive within the authority's quarterly capital monitoring process

81. **Human Resources (HR)**

There are no HR Implications

82. **Legal**

Statutory Duties

a) Best Value Duty

As a Best Value Authority, the LA is under a general Duty of Best Value to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."

Under the Duty of Best Value, therefore, local authorities should consider overall value, including economic, environmental and social value, when reviewing service provision.

As a concept, social value is about seeking to maximise the additional benefit that can be created by procuring or commissioning goods and services, above and beyond the benefit of merely the goods and services themselves.

To achieve the right balance – and before deciding how to fulfil their Best Value Duty – authorities are under a Duty to Consult representatives of a wide range of local persons; this is not optional.

Authorities must consult representatives of council taxpayers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. Authorities should include local voluntary and community organisations and small businesses in such consultation. This should apply at all stages of the commissioning cycle, including when considering the decommissioning of services. In the interests of economy and efficiency, it is not necessary for authorities to undertake lifestyle or diversity questionnaires of suppliers or residents.

Authorities should be responsive to the benefits and needs of voluntary and community sector organisations of all sizes (honouring the commitments set out in Local Compacts) and small businesses.

b) Sufficiency Duties

Local Authorities have duties under Section 14 of the Education Act 1996 to ensure there is a sufficiency of school places available to meet the needs of all children and young people living within the authority area, or for whom they have responsibilities.

This includes having regard to the need to secure provision for children and young people with SEND. These duties are further strengthened under the Equality Act 2010 and the Children and Families Act 2014.

Procurement and Contract Law Implications

With regards to Options 1 to 4 set out in this report above, all works to be delivered under this Programme must be commissioned under a compliant, open, transparent, and fair procedure in accordance with the LA's Contract Procedure Rules and the Public Contract Regulations 2015. Further advice regarding the procurement process, selection and award criteria, timescales and documentation must be sought from Commercial Procurement (see below).

All works contracts must be produced with advice and support from Legal Services, and where necessary Property Services and (where necessary) the LA's duly appointed designers, architects, surveyors and/or project management and/or cost management specialists.

Access to any external professional services required must be arranged via Commercial Procurement.

Any variations to existing PFI contracts require the involvement of Legal Services to ensure that the correct contractual procedures are adhered to under the relevant contract(s), and to ensure compliance with the LA's Contract Procedure Rules and Regulation 72 of the Public Contract Regulations 2015.

83. Procurement

Options 1 to 4 set out in this report above, all works to be delivered under this programme must be procured via a compliant, open, transparent, and fair process in accordance with the council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015. Further advice regarding the procurement process, selection and award criteria, timescales and documentation must be sought from the Commercial Procurement team.

84. Health and Wellbeing

There are no direct health or health inequalities implications.

85. Environment and Climate action

Council maintained schools are responsible for 18% of our corporate emissions. The measures identified in this report will directly reduce emissions associated with heating and electricity usage while also facilitating further emission reduction measures in the future.

It is recommended that carbon impact is considered as outcome in the detailed feasibility stage and that a whole-building approach is taken when completing works to ensure that measures are complimenting other work and technologies on site.

When specifying works, consideration should be given to future potential for technologies such as roof-mounted solar PV and air-source heat-pumps to ensure these options remain viable.

86. Affordability

As identified in the Equalities Impact Assessment some schools in the programme have a demographic that has a high proportion of disadvantaged pupils with a wide range of needs including SEND, pastoral (including the health and wellbeing of children), speech and language, social and emotional mental health. The works to be carried out will contribute towards meeting these needs.

87. Equalities and Human Rights

The LA recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

Please refer to the Equalities Impact Assessment ("EIA") at **Annex A** of this report.

88. Data Protection and Privacy

The LA recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

Please refer to the Equalities Impact Assessment ("EIA") at **Annex A** of this report.

89. Communications,

With the exception of possible reactive media enquiries, which will be managed by newsdesk, there are no communications service implications of this report.

90. Economy

There are no Economy Implications.

Risks and Mitigations

91. Budget estimates and feasibility studies still need to be carried out.
92. Sewell FM still need to be consulted regarding the expansion proposal at St Oswald's CE VC Primary.
93. Hob Moor Oaks is part of Ebor Academy Trust and is a PFI school under Sewell FM. Both the Trust and Sewell FM are yet to be consulted on the expansion proposal.
94. All of the above will be consulted.
95. Timely decision making is required throughout the programme delivery process. This will ensure that quality, best value tenders are received and lead in times and delivery can be achieved.
96. Should no further funding be identified to carry out more of the most urgent Capital Maintenance issues then there is a risk:
 - Of an increase in the chances that a school/s will have to be closed due to a significant condition issue/s not having been addressed.
 - That delays in resolving condition issues will then make the issues worse and lead to an increase in costs.
 - That the LA will not be able to keep up with the rate of decline in its School Building Estate.
 - Of reputational cost to the LA and parents viewing schools where decline is visible.
 - Of an increase in the health and safety issues to staff and pupils.
 - That classrooms/rooms in schools having to be closed off due to condition issues not having been addressed.

Wards Impacted

97. All Wards are impacted.

Contact details

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Date:	09/08/2023

Background papers

None

Annexes

- Annex A: Equalities Impact Assessment (EIA)

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City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	People Directorate
Service Area:	Children Young People and Education
Name of the proposal:	Capital Projects – 2024/25
Lead officer:	Claire McCormick and Alison Kelly
Date assessment completed:	09-08-23

Names of those who contributed to the assessment:

Name	Job title	Organisation	Area of expertise
Claire McCormick & Alison Kelly	Planning & Policy Officers	CYC	Project Managers responsible for devising and delivering the capital programme for schools.

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p>1) <i>The report provides details about the capital work needed to:</i></p> <ul style="list-style-type: none"> • Deliver critical the annual programme of maintenance works within the maintained school estate, dealing with the most urgent issues for 2024/25. • Expand three school sites to accommodate the demand for mainstream and special school pupil places for those children with complex special educational needs. • Refurbish the science labs at Huntington School to resolve health and safety issues within the existing science labs to allow teachers to deliver the full science curriculum and to ensure these labs are future-proofed for existing pupil numbers prior to the increased pupil numbers expected from planned housing developments.

1.2	Are there any external considerations? (Legislation/government directive/codes of practice, etc).
	N/A

1.3	Who are the stakeholders and what are their interests? The stakeholders are CYC and a number of SEN, primary and secondary schools. All stakeholders need appropriate learning and other appropriate provision for their pupils that meets SEN, curriculum, catering and health and safety needs.
1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
1.4	<p>As above, the outcomes are for the pupils attending the school and the staff that teach and supervise those pupils.</p> <p>Links to the Council Plan:</p> <p>A greener and cleaner city</p> <p>Reducing carbon emissions through the delivery of the capital maintenance schemes by for example:</p> <ul style="list-style-type: none"> • Insulating roofs, replacing lead single glazed windows for double glazed efficient windows, refurbishing kitchens and science labs with sustainable, modern equipment that saves both time and energy. • Replacing old wiring and heating mains pipework. • New builds will be created to the most current building specifications. <p>Getting around sustainably</p> <p>By expanding at 3 school sites (St Oswald's for mainstream pupils and Hob Moor Oaks and Danesgate for SEN pupils), we will prevent increased transport journeys and costs around the city.</p> <p>Good health and wellbeing</p> <ul style="list-style-type: none"> • Better tinted windows means less solar gain so rooms and corridors are not affected by extreme temperatures during hot summers and cold winters. • Better teaching environments are created when roofs are not leaking and heating is more temperate and more efficient.

	<ul style="list-style-type: none"> • Improved kitchen environments and equipment for catering staff means temperatures can be more easily controlled. • New kitchen equipment is easier to use and control, leading to healthier methods of providing meals. <p>A better start for children and young people</p> <ul style="list-style-type: none"> • Refurbish science labs will mean improved teaching facilities thereby encouraging pupils to choose science at GCSE and A level. • Expansion at St Oswald's CE VC Primary will create more teaching accommodation to aid education progression through the foundation stages and into key stages. <p>An open and effective council</p> <ul style="list-style-type: none"> • Expansion of alternative learning spaces at Danesgate and a science lab refurbishment at Huntington will encourage pupils to succeed and go on into apprenticeships around the city.
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Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area, etc.
Source of data/supporting evidence	Reason for using
Feedback from stakeholders – school	Helps to demonstrate the full and wider impact of the proposed works.
City of York Council	Preventing the decline of the school estate and meeting the needs of pupil place planning and SEN requirements. Contributing towards the

	council's climate change targets and reducing the possibilities of appeals and tribunals.
Schools having maintenance works	Preventing the decline of school buildings and the reducing the day-to-day operational costs to school budgets
Schools having extensions	Helping schools to address catchment demands and meeting parental preferences.
Huntington science lab refurbishment	Providing quality science labs that will deliver a modern, safe learning environment.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.
Gaps in data or knowledge	Action to deal with this
N/A	

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.
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Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	All schemes will positively affect both staff and pupils across all ages to enable life-long impacts.		
Disability	The proposed changes will have a positive impact upon pupils who are SEND and SEMH. The current inaccessible science lab environment will be made accessible. All extension work will be built to the current accessible building regulations.		
Gender	Creating spaces that allow equal access for all in the learning environment.		
Gender Reassignment	As above.		
Marriage and civil partnership	N/A		
Pregnancy and maternity	N/A		
Race and culture	Creating spaces that allow equal access for all in the learning environment.		
Religion and belief	Re-purposing some spaces will allow for the creation of smaller rooms/intervention spaces which can flexibly be used as a prayer room for staff and pupils.		
Sexual orientation	N/A		
Other Socio-economic groups including:	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		

Carer	N/A		
Low income groups	Some schools in the programme have a demographic that has a high proportion of disadvantaged pupils with a wide range of needs including SEND, pastoral (including the health and wellbeing of children), speech and language, social and emotional mental health. The works to be carried out will contribute towards meeting these needs.		
Veterans, Armed Forces Community	St Oswald's CE VC Primary is a preferred school for many military families at Fulford Barracks.		
Staff	Improved teaching environments will improve behaviour and attention in and of the classroom. This will aide staff morale and will encourage more innovative teaching methods. Improved kitchen facilities will provide a far better working environment for catering staff – by improving room temperatures, noise levels and greater cooking efficiency leading to the production of less waste.		
Impact on human rights:			
List any human rights impacted.	N/A		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups

- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</p>
	<p>As step 4.</p>

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
	<ul style="list-style-type: none"> - No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal.	The project will enhance equality, life-long learning experiences, independence and to enable staff to provide better and more effective experiences for all pupils.

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
Safe and secure educational provision for all.	Make adaptations to resolve issues.	Claire McCormick/Alison Kelly	To be complete by September 2024/25

Step 8 - Monitor, review and improve

8.1 How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?	
It is anticipated that the works will: <ul style="list-style-type: none">Generate less admissions appeals and tribunals in the areas affected.Maintaining school buildings will mean they are less costly to operate.Improved catering environments and equipment provision will omit the use of gas and decrease energy output.Energy use efficiency – will help to meet the council's climate change targets.	



Meeting:	Executive
Meeting date:	12/10/2023
Report of:	York Youth Justice Service
Portfolio of:	Children's Services

Decision Report: Consideration of York Youth Justice Service Plan

Subject of the report:

This report regarding the Youth Justice Plan is brought before Members for consideration and to seek approval. Guidance for the plan is as follows:

1. Local authorities have a statutory duty to submit an annual Youth Justice Plan relating to their provision of Youth Justice Services. Section 40 of the Crime and Disorder Act 1998 sets out the Youth Justice partnership's responsibilities in producing a plan. It states that it is the duty of each Local Authority, after consultation with their partner agencies, to formulate and implement an annual Youth Justice Plan. The Plan should set out how Youth Justice Services in their area are to be provided and funded, how they will operate, and what functions will be carried out.
2. The plan addresses the functions assigned to the Youth Justice Service and outlines how the service aims to prevent offending behaviour and reduce reoffending.
3. The plan is required to outline how the service takes a strengths-based approach towards delivering a Child First justice system, as outlined by the Youth Justice Board.
4. Annual Youth Justice Plans are an opportunity to review performance and developments over a single year period and plan

for the next year. This allows services to be able to respond to any changes that have taken place in the previous year, including new legislation, demographic changes, delivery of key performance indicators, and developments in service delivery. The planning and production of a Youth Justice Plan is beneficial to partnership working and service delivery to ensure the best outcomes for children.

5. Youth Justice Plans, in England only, must be signed off by the full council in accordance with Regulation 4 of the 'Local Authorities (Functions and Responsibilities) (England) Regulations 2000'.
6. There are not any foreseeable issues with submission of this plan once it has been agreed. The Youth Justice Service require agreement at the soonest opportunity to ensure the Youth Justice Board can publicise the plan for York.

Benefits and Challenges

7. The Youth Justice Service cannot see any key risks with agreement of the plan. The service is required to compile a plan yearly, in line with the specific guidance set out by the Youth Justice Board. The plan has met these requirements. The benefits of agreeing the plan endorses the partnership vision, activity and allows the service to move forward with submission to the Youth Justice Board. The plan is a requirement of the Youth Justice Board annual grant to the service.

Policy Basis for Decision

8. The plan is set out in a format that ensures compliance with the Council Plan, strategies and executive policies as highlighted in Section 1 – City of York Council Vision. When considering the administrations manifesto pledges, it considers affordability as all financial implications are included in Section 15 Appendix 2. Section 11 highlights equalities and human rights and health is a strand that runs throughout the plan.

Financial Strategy Implications

Agency	Staffing Costs	Payments in kind	Other delegated funds	Total
Youth Justice Board	216,721		75,570	292,291
Local Authority	176,192	41,563	61,438	279,193
Police		48,277		48,277
Police and Crime Commissioner	66,982		23,356	90,338
Probation	3,707	17,171	1,293	22,171
Health	26,940	47,865	9,394	84,199
Welsh Government				0
Other		3,333		3,333
Total	490,542	158,209	171,051	819,802

9. The budget costs and contributions are shown for 2023, the funding for 2023/2024 has increased by 4.5% from the Youth Justice Board and now equates to £305,444.

Recommendation and Reasons

10. The Youth Justice Service recommend that this plan is accepted so we may progress to have full agreement by the Local Authority and secure the Youth Justice Board funding for the financial year.

Background

11. The report has been brought to the meeting today for agreement to the Youth Justice Plan. The Youth Justice Board request a plan from all Youth Justice Services on an annual basis. The plan has previously been signed off at YJS Management Board level, who have had sight of the content and it has been amended at their request. The Management Board agree that the plan is fit for

purpose and represents the work of the Youth Justice Service, who are accountable to the Management Board.

Consultation Analysis

12. The Youth Justice Service plan has been before the Youth Justice Service Management Board and members of the board have given input to the plan. The Youth Justice Service Management Board have agreed the plan.

Options Analysis and Evidential Basis

13. The Youth Justice Plan may be signed off by members, or amendments made if requested.

Organisational Impact and Implications

14.
 - **Financial** – There is no financial impact of the plan itself. The Youth Justice Service is a partnership arrangement and the financial contributions are agreed and monitored by the Youth Justice Management Board. These are set out in section 9 of the report.
 - **Human Resources (HR)** – There are no HR implications.
 - **Legal** – There are no legal implications other than the need for the Local Authority to submit an annual Youth Justice Plan relating to their provision of Youth Justice Services.
 - **Procurement** – There are no procurement implications.
 - **Health and Wellbeing** – The health and well-being of children and their families is embedded throughout the plan with overarching aim to work with partners to support some of the most vulnerable children to reduce offending, preventing re-offending and overall improving outcomes. Key public health partnership groups such as the York Drug and Alcohol Partnership and the York Domestic Abuse Local Partnership have representation from Youth Justice services.
 - **Environment and Climate action** – There are no implications in terms of environment and climate action.
 - **Affordability** – No Implications.

- **Equalities and Human Rights** – The Equality Impact Assessment is attached.
- **Data Protection and Privacy** - Data protection impact assessments (DPIAs) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK GDPR. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. DPIAs helps us to assess and demonstrate how we comply with all of our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve. As there is no personal data, special categories of personal data or criminal offence data being processed to inform the York Youth Justice Service Plan, there is no requirement to complete a DPIA. This is evidenced by completion of DPIA screening questions.
- **Communications** – Should the Youth Justice Plan be approved it will need to be submitted to the Youth Justice Board and publicised by the Local Authority.
- **Economy** – There are no implications however, not having a clear vision and plan in relation to reduce offending and re-offending has a wider impact on the economy over time.

Risks and Mitigations

15. The Youth Justice Service plan is created on an annual basis by the strategic partnership group. The plan sets out the vision and focus of the service. Without a clear plan there is a risk of lack of agreed partnership priorities and direction.

Wards Impacted

16. The Youth Justice Service works across all Wards in the City and the Youth Justice Plan is relevant to all.

Contact details

For further information please contact the authors of this Decision Report.

Background papers

Annexes

All annexes to the Decision Report must be listed.

- Background paper: *Youth Justice Service Plan* – Annex A
- Background paper: Conditions of Grant – Annex B
- Background paper: Youth Justice Board – YJS plan guidance

Contact details

For further information please contact the authors of this Decision Report.

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Service Area:	Children's Services
Telephone:	07888 107889
Report approved:	Yes
Date:	24/08/2023

York Youth Justice Service Plan

Service	York Youth Justice Service
Service Manager/ Lead	Sara Orton
Chair of YJS Board	Martin Kelly

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1. Introduction, vision, and strategy

Welcome to the York Youth Justice Service strategic partnership plan, which demonstrates how York Youth Justice Service will work with partners over the next year to support some of the most vulnerable children, young people, and their families in the city of York.

The plan outlines our intentions to deliver services and shape activity to support our children and young people, with an awareness of the social context that children within youth justice live and their experience of increased vulnerabilities and often complex needs.

The plan outlines how York Youth Justice Service have made a positive shift towards the direction of diversion and prevention, expanding provision, and working effectively in partnership to reduce the number of young people entering the youth justice system

The plan will be reviewed annually under the guidance of the management board to identify progress and update any changes required.

City of York Council Vision:

The City of York Council have a shared vision within the Children and Young People's Plan, understanding that for many young people, children and families York is a great place to live and grow up. We also recognise that this is not the story for everyone therefore the shared vision incorporates:

- Making York the best place to live and grow up for every child
- A place where children and young people understand their rights are active citizens who are involved in making York better
- A place where outcomes are good for all children but with a clear focus on closing gaps in outcomes for children and young people from vulnerable and deprived backgrounds

York Youth Justice Service Vision:

York YJS are closely aligned with our partners and share a vision across our wider services. As a criminal justice service, our focus for young people correlates with partners but also has a further focus on the following:

- York YJS believe in always putting the child first and we see children as children, we hear their voices and treat them fairly whilst building upon their strengths.
- York YJS aim to reduce offending, prevent re-offending and the use of custody and we strive to use evidence based, child centred, and preventative approaches to divert young people from the Criminal Justice System.
- York YJS connect with our communities and integrate young people into local networks to prevent offending and create safer communities with fewer victims.

- We consider young people's networks and systems, ensuring relationships after service intervention are robust and supportive.
- York Youth Justice Service are part of the wider authority and partners. We ensure collaborative working to secure positive outcomes for children and young people.

Strategy:

Reduce offending, prevent re-offending and the use of custody and we strive to use an evidence based, child centred, and preventative approach to keep young people out of the Criminal Justice System.

York Youth Justice Service were rated 'outstanding' by HM Inspectorate of Probation in 2022, highlighting York YJS as 'a skilled and committed staff team, ably led, and motivated by a strong management team. All are ambitious for children and unrelenting in their desire to improve the life chances of children'.

The service diligently upholds our aims of preventing offending and reducing re-offending, through effective assessment, planning and delivery of both statutory and preventative interventions, with continuous service improvement as a focus. Our ethos remains that we can always develop and improve the outcomes for children in the city, through effective relationships with partners, hearing the voices of children and their families, and combined strategies with aligned goals.

York Youth Justice Service want to see young people achieve positive outcomes and fewer children and young people coming into contact with crime.

We work collaboratively with our partners to ensure positive outcomes for children and young people with the City of York, supported by the Signs of Safety practice model to reflect a strengths-based approach to working with young people and their families.

Priorities:

- Prevention and Diversion to reduce first time entrants
- Reducing Re-offending
- Responding to Child Exploitation and County Lines
- Restorative Practice and holistic approach including supporting victims of crime
- Addressing harmful sexual behaviour across the city
- Reducing the unnecessary criminalisation of Looked After Children
- Ensuring children's broader needs are identified and assessed for appropriate support
- Making timely referrals to ensure the needs of the child are met

2. Local context

York is a relatively small city, spanning 272km² with a population of over 209,900. Of these 17.4% are children which equates to approximately 36,625 young people aged between 0-19 years.

York is the largest urban area in North Yorkshire and attracts an influx of tourists due to its history and well-known night-time economy. It also has a large student population due to the two Universities and Law College in the City. The local context of the city of York enables working collaboratively with neighbouring youth justice services in North Yorkshire and East Riding, alongside key criminal justice providers like the regional Probation Service, North Yorkshire Police, and the North Yorkshire Police, Fire and Crime Commissioner. In 2019 we moved from a Youth Offending Team to a Youth Justice Service, we aimed to move from the stigma of offending, adopting the 'child first' approach. This change enabled us to advocate for young people to be seen for who they are and not what they have done. Partners within the city work together, considering the delivery of services, responsibilities, and funding available to deliver and effective youth justice provision.

The service comprises of highly experienced practitioners from youth justice, social work, probation, police, and health. The service also benefits from an established Speech and Language provision and a Turnaround practitioner, focusing on prevention and education.

3. Child First

Children and young people first

HMIP advocated that 'York YJS has achieved our highest rating by providing services to children consistently well and establishing a culture of putting the needs of children first. The culture was clear at operational and strategic levels and across the partnership. It has been developed and sustained over time and was impressive in how it translated into services for children'.

The child first approach is embedded into the culture of working with children in York. We strive to ensure that we recognise children first and understand the nature and cause of offending behaviour, as opposed to seeing children as offenders. York YJS are presently working with colleagues in the Humber Teaching NHS Foundation Trust as part of the Humber & North Yorkshire Children and Young People's Trauma Informed Care Programme, with the aim of ensuring that York YJS professionals can be supported to respond appropriately, consistently, and compassionately to children that have experienced trauma. This approach aligns with a child first approach as it promotes the best interests of the child, recognises needs, capacities, rights and potential and supports a strengths-based approach. The overarching ethos in York is to promote a childhood that is removed from the justice system, to reduce stereotyping and stigma and support prevention, diversion and ensure minimal intervention where appropriate.

4. Voice of the child

The City of York Safeguarding Children Partnership (CYSCP) support that every conversation starts with the child and commit that all partners across the city support children and young people to understand their rights, to have a voice and to realise their rights. The partnership has developed a pledge to ensure commitment to understanding the lived experience of children and young people and based this on the four general principal articles of the United Nations Conventions on Rights of the Child (UNRC):

- Non-discrimination (article 2)
- Best interest of the child (article 3)
- Right to life, survival, and development (article 6)
- Right to be heard (article 12)

The meaningful involvement of children and young people is a key component of the Youth Justice Service and we understand the importance to involve children, both directly and indirectly in how the service is formed and delivered. Voice of the child is embedded in the service, and we recognise our responsibility to ensure children are not only heard, but action is taken. The YJS are involved closely with the CYSCP and support the pledge. Children's voices are gathered through strategies including assessment, questionnaires, forums, and direct work undertaken. Further to this, young people are invited to the YJS Management Board, which enables partners to hear the child's voice directly and understand some of the complexities they face. The voice of the child is important in shaping future service and provision within York.

5. Governance, leadership, and partnership arrangements

The purpose of the Management Board is to provide strategic oversight of the work of the YJS and the governance and leadership of the management board promotes the delivery of a high quality, personalised and responsive service for all children. The Board meets every other month and is well attended and represented by statutory and local partners. The Board are committed to ensuring strong leadership and governance for an innovative, creative and effective YJS, providing support and challenge through solution focused leadership to meet the priorities of the Youth Justice Plan. HMIP rated the governance and leadership in York as outstanding and recognised the strategy to reduce offending and provide preventative services as 'ambitious and delivered through established and effective partnership working'. The work of the management board ensures the translation of strategic aims into operational practice and understands the children involved with the YJS, achieved through utilising data, performance dashboards, comparison reports and thematic reviews. The Board is chaired by a director and consists of senior management representatives from the Police, Office of the Police, Fire and Crime Commissioner for North Yorkshire, Housing, Health, The Probation Service, Education, Clinical Commissioning Group, Early Help and Her Majesty's Tribunal and Court Services. The Board adopt a pro-active and dynamic approach to youth justice outcomes and show a real commitment to the work of the YJS, providing support and robust challenge as appropriate.

6. Board Development

The YJS management board has evolved over time, though remains specific to Youth Justice and continues to lead strategically across relevant partners and ensures a high-quality provision is provided to children and young people. Oversight includes the vision for the service and ensuring the YJS meet not only the required standards but provide an innovative and creative service for young people in the City of York. The board are pro-active in addressing any gaps in provision and ensuring the YJS have the required resources and have a keen interest in ensuring the service work effectively in supporting desistance and positive outcomes for children. The management board were responsive towards HMIP's recommendation of consulting further with children, families and carers and provided invitation to young people, carers and victims of crime to attend

the board. Board members ensure to understand the YJS, its roles and responsibilities through management reports and delivery from YJS representatives discussing aspects of their work. Board members are actively involved in the inspection process and have attended development days.

7. Progress on previous plan

The YJS plan for 2022 highlighted a keen focus on expanding our offer of prevention and diversion to wider services with the aim of reducing first time entrants into the criminal justice system. This has been upheld and our offer of Triage and Diversion was made available to Children's Social Care, through the Multi Agency Safeguarding Hub (MASH) and education providers through North Yorkshire Police school liaison officers. Securing the Turnaround grant funding has provided further opportunity to ensure that prevention services are more widely available, and this is an area to be concentrated on during the coming year, with a focus on education.

Reducing reoffending was a priority and continually monitored through use of the Youth Justice Board tracking tool, enabling the use of real time data to identify patterns and causation of offending in the city. The tracking tool is an invaluable resource which provides rich data to understand types, frequency, and seriousness of offences, whilst also a means to recognise gaps in provision and patterns in individual offending behaviour. To address reoffending further, the use of mentors from The Island was beneficial to ensure that young people had support after intervention from the YJS.

Restorative practice is embedded within the service and integrated with working with victims of crime. This is an area of expansion during 2022, with the YJS Victim Liaison Officer (VLO) working tirelessly to ensure that victims receive a high-quality service in line with the Victims Code of Conduct. The VLO has facilitated restorative conferences and expanded the role to specifically include supporting young victims of sexual assault within schools. The VLO has also completed training around trauma informed practice and is an ARC champion for the service. This ensures an understanding of the victim's response to crime and provides a strengths-based approach towards recovery. Further aspects of restorative practice include the VLO's attendance at the Youth Outcome Panel, ensuring the victims voice is heard and wishes respected.

Harmful sexual behaviour has been a focus of the YJS during 2022 and addressed by the offer of delivering NSPCC preventative training to all staff and partners. During 2022 this training was delivered monthly by the YJS and provided awareness, knowledge, and a referral pathway into services. We have seen an uplift in referrals and can confidently say that young people are now receiving support earlier.

8. Resources and services

York YJS is funded centrally and with a range of partner agencies providing funding and staff contributions.

These contributions are used to deliver youth justice services, in accordance with the Crime and Disorder Act 1998.

The Youth Justice Board grant, partner contributions and available resources will be used to deliver statutory services and prevention within the city. Services will include:

- Statutory duties including all Orders and Cautions
- Harmful Sexual Behaviour Service
- Prevention – Triage and Diversion
- Out of Court Disposals and the Youth Outcome Panel
- Child to Parent Violence
- Victim Liaison Service
- Substance Misuse service
- Speech and Language Service
- Forensic Panel
- Reducing re-offending (tracking tool)
- Probation support
- Health and Mental Health
- The Turnaround Programme

We believe these services produce improved outcomes for young people within the city as we are addressing behaviours at the earliest opportunity with the preventative element, in turn reducing the pressures on statutory services and entry into the youth justice system.

9. Performance

First time entrants to the Youth Justice System

The number of First Time Offenders remained below comparator averages during 2022/23. After the drop in FTEs during 2020/21 during the first year of covid-19, performance was expected to return to pre-pandemic levels. However, work at Triage and Diversion and Outcome 22 level has contributed to a further improvement in performance.

First time entrants to the Youth Justice System aged 10-17 (per 100,000 10-17 year olds in York) - (Rolling 12 Month) (by Quarter) - 2022/2023

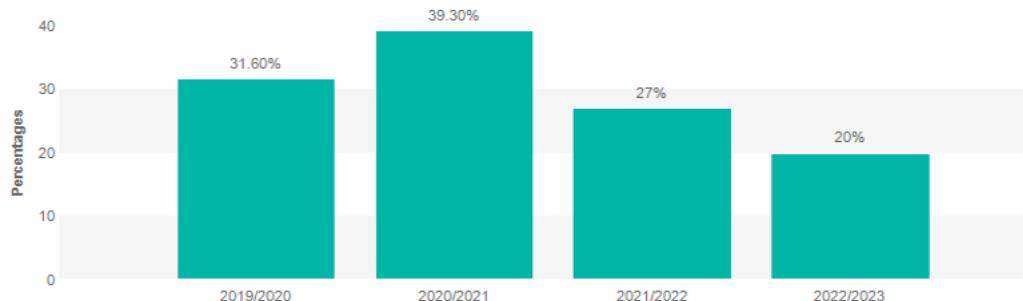


Proven re-offending

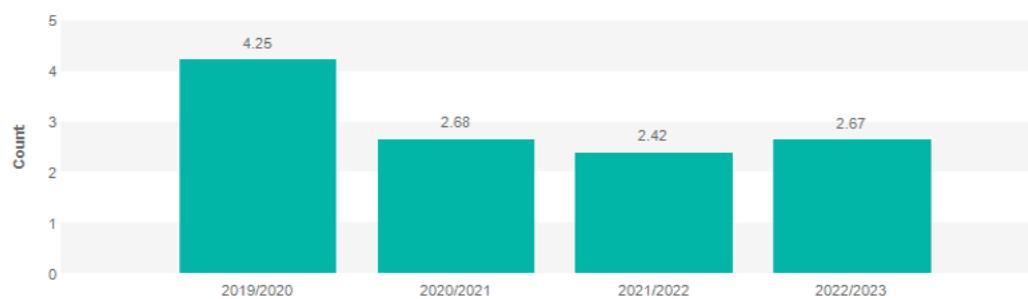
The re-offending data is a local measure that has been implemented due to the time lag encountered with Ministry of Justice and Youth Justice Board data. Re-offending of a fixed cohort of young people who received a substantive outcome during 2021/22 was monitored at 3-month intervals throughout 2022/23.

After 12 months, 20% of the cohort had re-offended, an improvement in performance on the past three years. The rate of re-offending per re-offender was slightly higher than last year, but in line with 2020/21 performance.

% of 10-17 year old offenders who re-offend, measured at 3 month intervals to 12 months (Set 12 month cohort) - (YTD) (by Financial Year)



Rate of proven youth re-offending by re-offenders aged 10-17, measured at 3 month intervals to 12 months (set 12 month cohort) - (YTD) (by Financial Year)



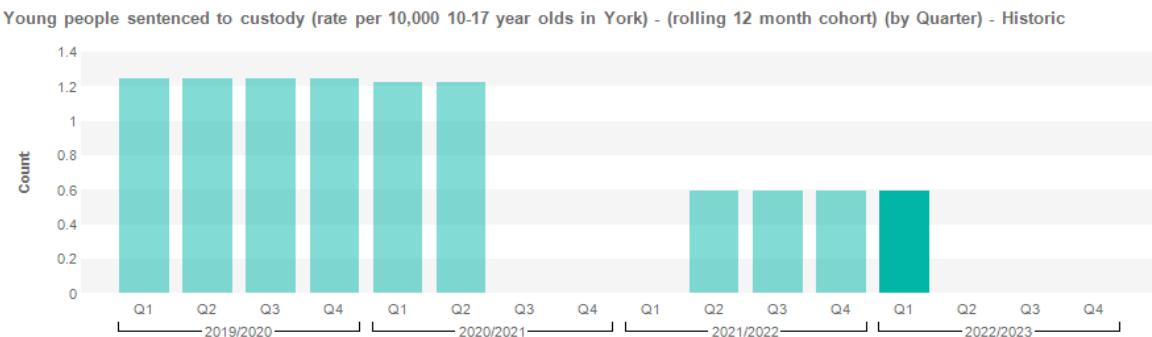
The table shows that no young people offended after 9 months in 2022/23:

	Percentages			
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
2022/2023	6.67%	17.78%	20%	20%
2021/2022	13.64%	20.45%	22.73%	27%
2020/2021	28.60%	32.10%	35.70%	39.30%
2019/2020	17.10%	23.70%	30.30%	31.60%

Custodial sentences

York typically sees a very small number of young people sentenced to custody in any given year. Due to small numbers, we monitor a rolling 12-month cohort. At the end of 2022/23, no custodial sentences had been given to young people since September 2021.

Coupled with Youth Detention Accommodation performance, this is a positive position for York young people and reflects good working relationships between the Youth Justice Service and the Courts.



10. National key performance indicators

The expansion of the national performance framework, due to be reported for the first time in Q1 2023/24 have brought challenges. Our case management supplier, Careworks, have served notice to quit meaning any development changes needed to submit the returns cannot be discussed. Local performance reporting has been updated to report the newly defined cohorts and ease the changes, but some new information cannot be recorded in a reportable way on the existing case management system.

11. Priorities

Children from groups which are over-represented

The demographics of the City of York differs to many other cities in the United Kingdom and our focus over the coming year is based on what we understand about children that may be considered over-represented within the city. The YJS and partnership strive to ensure that all children are prioritised, though also track data on those known to social care services, children excluded from education, children identified as Special Educational Needs and children from Gypsy, Roma, and Traveller backgrounds to monitor and understand over representation. Females within the youth justice system are also an area of focus for the service and we recognise the importance of understanding difference in the delivery of interventions. To address this, we have based our approach on research and created a female specific intervention which is based on relationships and delivered in a space designed with females in mind. The YJS management board pay interest to females in the service and cases are addressed at board level. The HMIP inspectors outlined 'work with children from travelling families was very good, with knowledge, skills and relationships having been built over time'.

Diversion

Diversion has been a key focus within the YJS and the creation of the Youth Outcome Panel to address Out of Court Disposals, has proved pivotal in increasing the offer of diversion services. York YJS align with North Yorkshire YJS and North Yorkshire Police to facilitate the panel.

Outcome decisions are made jointly and reached through detailed discussion between panel members. The panel considers needs, alongside risk and public protection, though there is also a focus on the views and wishes of the victim, advocated by the Victim Liaison Officer. The introduction of Route 22 has broadened the offer to children and ensured that all York children will receive intervention. Referrals to the panel are through North Yorkshire Police.

Prevention

Initially the Triage and Diversion service was created for North Yorkshire Police to access, though this has expanded and grown over time and now takes referrals from the Multi Agency Safeguarding Hub, schools, and the police. In addition to this, the Turnaround Program is also in place and enabled us to widen this offer further.

A pathway has been developed for children exhibiting harmful sexual behaviour, enabling the YJS to address problematic behaviour earlier and provide support. During 2023 this will be widened further, with staff attending AIM Under 12's training to ensure we are suitably qualified to work with the younger age range as this is an area of need that has been identified. To support preventative work around harmful sexual behaviour, the YJS were trained to deliver the NSPCC harmful sexual behaviour training to staff and partners, ensuring that practitioners across the city have a good awareness of referral processes and how to overcome stigma and anxiety of working with this type of behaviour.

The YJS monitors and analyses patterns and indicators relating to child exploitation and work closely with the exploitation team to ensure that preventative services are accessible to these children, providing an effective offer of support and intervention. The YJS manager attends regular exploitation meetings to ensure a youth justice perspective is available and services offered.

The Child to Parent Violence programme is a further example of a high quality, specific intervention that addresses behaviour and need. This was initially developed during the Covid pandemic as the YJS identified an increase of these types of behaviours. The programme ensures that work is conducted with both the parent and child and aims to restore balance into households before crisis point, diverting children from offending behaviour and improving the family situation so they can remain at home with their parents.

Education

Links with education providers in the city are predominantly strong and the YJS are focusing the Turnaround provision on schools. The newly recruited Turnaround practitioner will work closely with education and provide preventative support within schools over 2023/2024. HMIP described the relationship between schools and York YJS as 'a culture of meeting need, rather than waiting for a diagnosis'. This is reflected in our joint work, for example the Victim Liaison Officer is delivering a 'Healthy Relationships' programme in school and we provide ongoing support relating to harmful sexual behaviour. Our intention over the coming year is to further strengthen these relationships and ensure that schools have accessibility and understanding of the service. A representative from Education sits on the YJS management board and York benefits from working closely with the Virtual Head of schools, for those young people that are not in mainstream education. The YJS have good links with the SEN team and work closely with educational psychologists. The YJS are presently working with York St John University to undertake research focused on an exploration of young people's experience with educational inclusion, exclusion, and their engagement with the youth justice system. This will enable the service to truly understand the views of young people and ascertain how we can use their voice to make improvements.

Restorative approaches and victims

York YJS offer to victims continues to increase, ensuring that victims are empowered and have a voice within the criminal justice system. Victim voice is central to all work of the YJS, including prevention, diversion, and statutory orders. The Victim Liaison Officer works tirelessly to advocate for victims and help them move forwards in their lives, through safety planning and support. The service also recognise that many children are victims of past experiences and utilise trauma informed practice to ensure such issues are addressed and worked with.

Serious violence and exploitation

The Serious Violence Duty commenced on the 31st January 2023 and requires specified authorities to work together to prevent and reduce serious violence that occurs in the area and implement strategy to address it. These authorities include police, justice, fire and rescue, health and local authorities. The Home Office definition of serious violence refers to:

- Violence
- Violence against property
- Threats of violence

The definition is not limited to physical violence, so includes domestic abuse and sexual abuse, but does not include terrorism. Locally it has been agreed to keep the definition broad and include violence against women and girls. This profile will be reviewed annually.

A strategic needs assessment has been conducted in conjunction with the North Yorkshire Police, Fire and Crime Commissioner (PFCC) for the partnership area and a response strategy developed by January 2024. The PFCC have discretionary power to monitor local performance of the partnership against shared objectives.

York YJS have limited occurrences of serious violence though will be immersed in the duty. Exploitation is also a consideration and York YJS work closely with the York Exploitation Team to ensure that information and intervention is provided to those young people at risk of being criminally exploited. The YJS manager sits on the National Referral Mechanism panel in York and the Channel Panel.

Detention in police custody

Detention in police custody is an area that has been addressed significantly over the past year due to identified challenges, with the YJS increasing availability of Appropriate Adults to North Yorkshire Police by providing a duty management rota daily and ensuring that the service has provision for Appropriate Adults until midnight. We work closely with the Emergency Duty Team for out of hours provision. The introduction of a joint policy with Children's Social Care for young people that may be vulnerable due to county lines is in place, ensuring that social workers are available for young people in custody and to ensure their welfare on release. We ensure to be compliant with the Police and Criminal Evidence Act 1984 (PACE)

Remands

In York, children subject to remands to Local Authority accommodation and children subject to remands to Youth Detention Accommodation (YDA) remains exceptionally low. From the period 01/06/2022 – 01/06/2023 there was one young person remanded to YDA and one young person remanded to local authority accommodation, though this child was out of area at the time.

Though the numbers are low in the city, the use of remands is considered by the partnership and such cases are discussed in the management board when they arise.

Use of custody

The National picture of the use of custody has significantly decreased, which is reflected in York. We recognise and understand the impact on children's lives when they receive a custodial sentence, such as disrupting their education and fracturing relationships with families. Use of custody in York is low, though occasionally happens with highly complex and often vulnerable young people being placed in the custodial environment. To address this from a strategic perspective, the Youth Justice management board have a comprehensive understanding of this cohort of children and address cases relating to custody through detailed case studies that outline the history of the young person, including social care history and educational attainment. The operational partnership with the courts in York is a particular strength and Pre-Sentence Reports provide robust assessment of young people that may be sentenced to custody.

When bail packages are suggested, York YJS ensure to provide bespoke interventions that ensure young people, and the community are safe. Further to this, York YJS have devised a process whereby AIM 3 assessment is available prior to charge and have a service level agreement in place with North Yorkshire Police and the Crown Prosecution Service to provide a report to assist the CPS in their decision making.

Constructive resettlement

We know the challenges faced by young people leaving custody, such as accommodation and have therefore ensured the policy, provision and pathway in York is high quality and evidence based. Resettlement focuses on individual need and personalised support to keep the child safe and manage risk of harm. Partners, such as Social Care, Health, Education and Housing understand their role in resettlement and provide services swiftly. The service benefits from access to specialist youth homelessness workers and a representative from Housing sits on the management board. The YJS undertake joint work with the secure estate and have named contacts at HMP Wetherby and Adel Beck Secure Children's Home. The management board actively review resettlement cases and address any barriers to effective resettlement. HMIP rated York's resettlement policy and provision as outstanding, highlighting 'the case we assessed evidenced meeting the child's individual needs, keeping the child safe and effective use of transitions to adult probation services, to manage risk of harm'.

Standards for children in the Youth Justice system

Our most recent self-assessment of standards for children in Youth Justice highlighted areas for improvement, however this was conducted prior to our HMIP inspection.

Self-assessment outcomes:

Standard	Strategic self-assessed results	Operational self-assessed results
NS1	Out Of Court Disposals	OUTSTANDING
NS2	At Court	GOOD

NS3	In the Community	GOOD
NS4	In Secure Settings	GOOD
NS5	On Transition	GOOD

HMIP Outcomes:

York Youth Justice Service Fieldwork started September 2022	Score	32/36
Overall rating	Outstanding	
1.	Organisational delivery	
1.1	Governance and leadership	Outstanding
1.2	Staff	Outstanding
1.3	Partnerships and services	Outstanding
1.4	Information and facilities	Good
2.	Court disposals	
2.1	Assessment	Good
2.2	Planning	Outstanding
2.3	Implementation and delivery	Outstanding
2.4	Reviewing	Outstanding
3.	Out-of-court disposals	
3.1	Assessment	Good
3.2	Planning	Good
3.3	Implementation and delivery	Outstanding
3.4	Out-of-court disposal policy and provision	Outstanding
4.	Resettlement	
4.1	Resettlement policy and provision	Outstanding

The findings of the HMIP inspection highlight service improvements and progress to date. Over the following year, the YJS will ensure to address the following points to make further improvements to the service:

NS1 – Out of Court Disposals: Ensure that risk of harm to others is analysed sufficiently and considered within the wider context.

Provide detailed planning of how to keep others safe, based on the specific behaviours of the child and response required by agencies

NS2 – Court: Ensure the risk of harm to actual and potential victims is fully recorded in all cases, including situation where children and victims may come into contact with each other and how to minimise potential conflict.

Ensure that specific contingency planning is recorded for all cases

NS3 – Community: Increase the range of services available to young people in the local community, including reparation options. Ensure the service are contributing to the community, such as working with the police to address anti-social behaviour in the local areas. Understand the local community and have a focus on diversity and over representation in the youth justice service.

NS4 – In secure settings: Ensure resettlement policies reflect the voice of the child

NS5 – On transition: Work directly with the YJS Probation Officer and managers to ensure the transition policy is in date and effective. Ensure that the transition to adult services is smooth and starts prior to the young person turning 18 years old.

Workforce development

There is a strong culture of learning and continuous improvement within York YJS and training for staff is comprehensive. This is evidenced through providing ongoing mandatory training, such as safeguarding, though also supporting staff members to achieve specialist training in areas such as Harmful Sexual Behaviour, including AIM 3 Assessment, Intervention, Under 12s and Technology Assisted HSB training. Staff presently receiving training on the strengths-based approach Signs of Safety. Staff members have also been provided the opportunity to complete the Youth Justice Degree and Social Work Apprenticeship. The Workforce Development Unit in York offers regular training that staff can access. HMIP described the training offer to staff as 'comprehensive, and the management team understands that the development of staff requires an innovative approach'.

Staff wellbeing is a focus, to promote resilience and retain experienced staff members. The YJS offer peer supervision, case supervision, reflective supervision, and clinical supervision to address HSB cases. Staff have access to the wider authority wellbeing resources and are encouraged to access these.

Evidence based practice and innovation

York YJS have established preventative and diversionary services as a key focus to achieve positive outcomes for children and young people. This is evidenced in our caseloads and first-time entrants in York. Our preventative interventions are continuously expanding and based on identified needs and research. A prime example of this is working with females in the youth justice system. Research highlighted that methodologies to work specifically with females can differ from their male counterparts. On this basis, we created a female specific intervention

programme to ensure we are working in a manner that is truly specific and bespoke, which is providing positive results to date.

Trauma informed practice has been introduced to York YJS and we are presently adopting the Humber and North Yorkshire Care Health and Care Partnership Trauma Informed Organisational Development Framework evaluation toolkit to embed trauma informed practice within the service. This will be coupled with Attachment, Regulation and Competency (ARC) training for all practitioners and the development of champions to ensure sustainability of future training. The ARC Framework is a flexible, components-based intervention developed for children and adolescents who have experienced complex trauma, along with their caregiving systems. ARC's foundation is built upon four key areas of study: normative childhood development, traumatic stress, attachment, and risk and resilience.

York YJS have identified an increase in younger children coming to the attention of the service, often relating to incidents of anti-social behaviour, harmful sexual behaviour, and child to parent violence. To address this, the service is working closely with schools and delivering Healthy Relationships sessions in schools to the younger age group, supporting the ethos of prevention and ensuring that these children receive support at an earlier stage.

The Youth Outcome Panel is a further area of good practice and innovation, developed in response to the needs of children receiving out of court disposals. York and North Yorkshire Youth Justice Services collaborated with North Yorkshire Police to ensure that the processes in the local areas were justifiable, appropriate and provided intervention at the right time, with the aim of reducing further offending. The Youth Outcome Panel is well established and continues to evolve with new practices, based on changes in law and process. An example of such change is the introduction of Route 22 to the process. In York we recognise the need to respond to young people and support prevention and diversions, therefore we have adopted an approach whereby all young people involved in the Youth Outcome Panel receive intervention to improve promote positive outcomes and improve their life chances. The process is rigorously quality assured on a regular basis, including a scrutiny panel facilitated by the North Yorkshire Police, Fire and Crime Commissioner.

A further key area of evidence-based practice within York YJS is the Harmful Sexual Behaviour Service, available for those children convicted of an offence and also to those on the periphery of offending, or who have not been charged. Implementation of an HSB co-ordinator to structure the service proved pivotal to embedding this service into the wider organisation and ensured that referrals could be acted upon swiftly. The evidence base for the service is AIM 3 assessment and intervention training for the entire staff team, alongside NSPCC training to enable staff to deliver training to the wider authority and partner agencies. This innovative and additional resource has proved positive for children and young people as it allows intervention to take place whilst awaiting sentence, or in the event there is no formal police outcome intervention can be on a voluntary basis. Both AIM 3 and NSPCC training is based on the best available research, is proven to be child focused and developmentally informed; therefore, meeting the definition of evidenced based practice. The HSB service is regularly evaluated and reports to the York Safeguarding Children Partnership, Exploitation group and YJS Management Board. There are regular quality assurance processes conducted, including all assessments undertaken.

Service development

When considering service development, this is a fluid concept and often the service is responding to need as it arises. However, there are key features that are delivered and include:

- Prevention
- Diversion
- Statutory services
- Out of Court Disposals
- Bail and remand
- Turnaround Programme

To break this down further, prevention is inclusive of the following:

- Child to parent violence intervention
- Healthy relationships programme
- NSPCC Harmful Sexual Behaviour early intervention programme
- Boxing club
- Mentoring
- Substance misuse interventions
- Friendship groups
- Education, training, and employment group
- Restorative interventions

Diversion includes the following:

- Triage and diversion scheme
- Youth Outcome Panel
- Route 22
- Fire service intervention

Turnaround includes the following:

- Community art project in collaboration with Choose 2 Youth
- First aid through Street Doctors
- Woodwork project
- Drawing and talking resource
- Direct work within schools through the Turnaround worker

All services are delivered by the Youth Justice Service and provide multiple benefits to young people within the city. York YJS ensures that all young people entering the service receive a bespoke and holistic assessment of needs, access to a health practitioner and Speech and Language service, substance misuse specialist and refer to community services where applicable. The YJS receive sector support, for example we benefit from access to the Forensic Child and Adolescent Mental Health Service to provide guidance for complex cases and receive support from the City of York homelessness workers to secure accommodation when required.

The HMIP inspection in September 2022 highlighted two recommendations they felt would have a positive impact on the quality of York YJS services, to improve the lives of children in contact with youth offending services and better protect the public. These were:

'Ensure that there are sufficient resources to improve access to education, training and employment, including reviewing the post 16 education, training and employment offer'.

This has been addressed within the service with the introduction of the Turnaround worker, who will be based in schools. The service is also due to participate in a research proposal in conjunction with York St John University that will seek the views of young people about their experiences of education, which can then guide the YJS on how future improvements can be made.

'Review the financial contribution and budget arrangements to the service, to ensure that there is sufficient contingency planning to allow planned development'

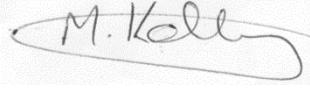
The Local Authority has addressed this recommendation at Director level and ensured the YJS are in a position whereby planned and future development can be sustained throughout the year and beyond.

This local plan is influenced by the YJB strategic plan as it incorporates the YJB vision of a child first youth justice system that treats children fairly and recognises them as children. York have adopted the strengths-based Signs of Safety model to ensure that we recognise children and families' strengths and build upon these to develop their pro-social identities for sustainable desistance, so children can make a constructive contribution to society, prevent offending, and create safer communities with fewer victims. The work of the YJS focuses on the future and aims to empower children to fulfil their potential, encourage engagement and wider social inclusion. The YJS work in collaboration with children and their carers, using prevention, diversion, and minimal intervention to reduce their likelihood of entering the criminal justice system. The YJB outlines priorities that align with the YJS and wider authority, including investing in staff, developing a resilient organisation and using resources effectively, all of which are outlined in the local plan. The YJB support a holistic approach to address challenges for young people in contact with the youth justice system. York is adopting trauma informed practice to ensure that we really understand our children, hear their voices and know that not all their challenges are uniquely linked to their involvement with services. York YJS are supported by colleagues in Adult Social Care and the Preparing for Adulthood policy supports the seamless interaction and joint assessment for children over 14 years old leaving care, those with disabilities, SEN and any young person identified as requiring services beyond the age of 18.

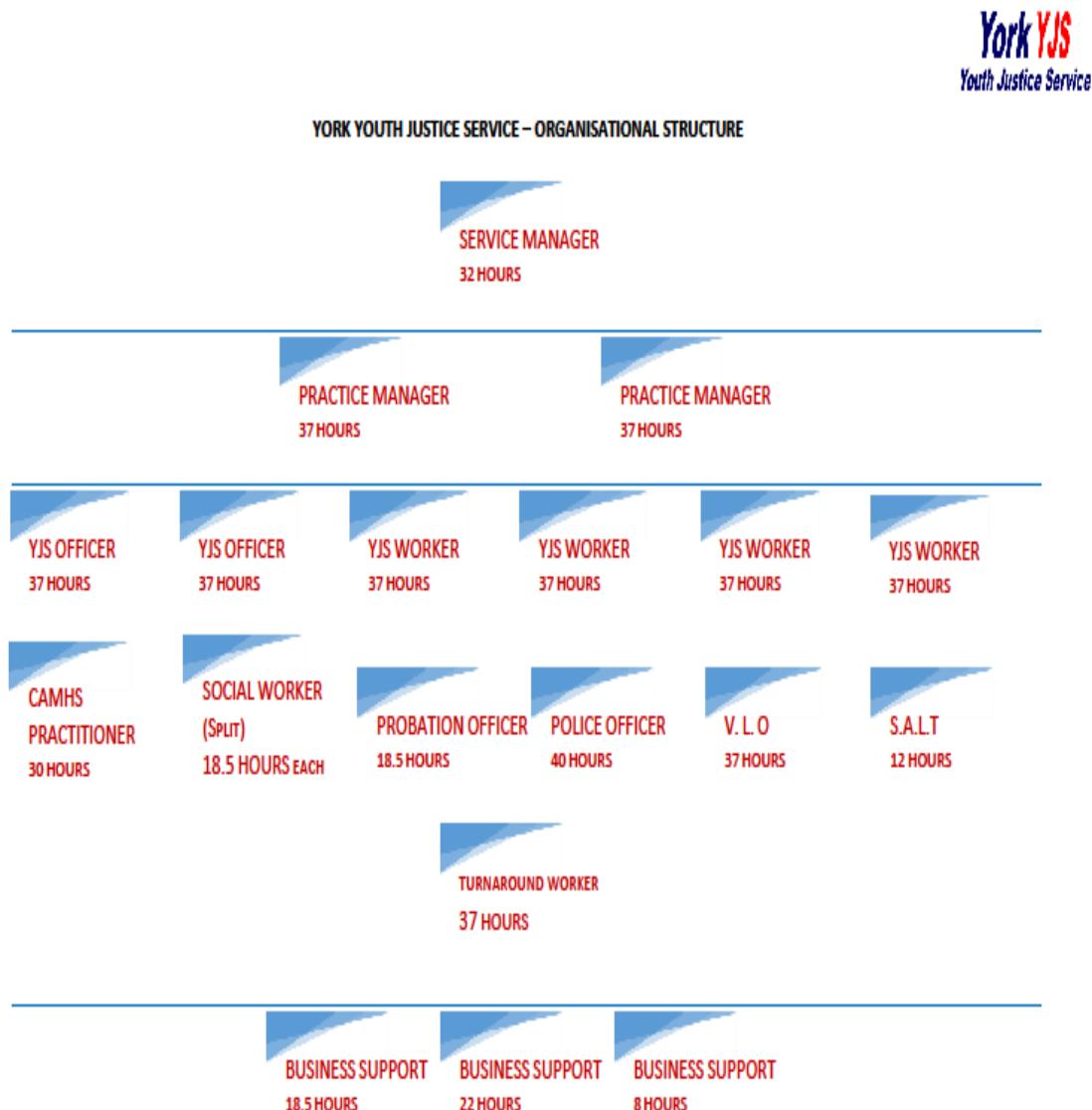
12. Challenges, risks and issues

RISK	LIKELIHOOD	IMPACT	ACTIONS
Exploitation of children	High	High	The YJS is involved with the multi-agency Child Criminal Exploitation panel to address such concerns and ensure actions are taken. York is piloting an NRM panel under the guidance of the Home Office and the service are part of the creation and implementation of devolving decision making to a local level. The service have a joint protocol with Children's Social Care for working with County Lines.
Potential Increase in Children and Young People in Care	High	High	The service work with colleagues in Children's Social care to address challenges and are pivotal in the Prevention of Unnecessary Criminalisation of Looked after children protocol. The Youth Outcome Panel adheres to the 10 Point Checklist for Looked After Children and supports a restorative approach to working.
Increased re-offending and serious offences	High	High	The service is focusing on prevention to address offending at an earlier stage to avoid further offences. Interventions are timely and appropriate, with a focus on meeting the needs of the child. York YJS have a focus on Serious Youth Violence and staff trained to use the Structured Assessment of Violence Risk in Youth (SAVRY) assessment which is designed to structure appraisals of violence risk and risk management plans for adolescents. York YJS are involved in the introduction of the Serious Violence Duty
Inspection readiness	Medium	Medium	The service continue to prepare for inspection under the guidance of the Management Board, using the National Framework for inspection. Our last inspection was September 2022.
Maintaining staff and business continuity	High	Medium	A business continuity plan is in place and regularly reviewed. Commitment to staff welfare is a high priority. Regular supervision is accessible, alongside staff training. As a small service, staff absence or leaving would have significant impact, though staff retention has been good.
Funding	Medium	High	Budget constraints always feature as a significant risk and the service would be at risk if we were to lose funding. Finance is a standing item on the Youth Justice Service Management Board agenda and explores ways of using reserves and developing service delivery in line with budgets. This has recently been addressed for the period 2023/2024

13. Sign off, submission and approval

Chair of YJS Board - name	Martin Kelly
Signature	
Date	28/06/2023

14. Appendix 1 – Service Structure Chart



The staffing structure outlines the core staff members within the YJS. Complimenting this further includes the volunteer service, including Appropriate Adults, Referral Order Panel Members and

Victim Volunteers. The YJS regularly host students on a Social Work Apprenticeship whilst they are in their placement. The YJS manager reports directly to the Director of Safeguarding for the City of York Council.

B8: Staffing of the YOT by gender and ethnicity; No. of individual people

Ethnicity	Managers Strategic		Managers Operational		Practitioners		Administrative		Sessional		Student		Referral Order Panel Volunteer		Other Volunteer		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Asian																	0	0
Black																	0	0
Mixed																	0	0
White		1	2		3	10		4					3	12	9	23	17	50
Any other ethnic group															3	3	0	0
Not known																	0	0
Total	0	1	2	0	3	10	0	4	0	0	0	0	3	12	12	23	20	50
Welsh Speakers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* Welsh YOTs only

15. Appendix 2 – Budget Costs and Contributions 2023

Agency	Staffing Costs	Payments in kind	Other delegated funds	Total
Youth Justice Board	216,721		75,570	292,291
Local Authority	176,192	41,563	61,438	279,193
Police		48,277		48,277
Police and Crime Commissioner	66,982		23,356	90,338
Probation	3,707	17,171	1,293	22,171
Health	26,940	47,865	9,394	84,199
Welsh Government				0
Other		3,333		3,333
Total	490,542	158,209	171,051	819,802

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YOUTH JUSTICE BOARD FOR ENGLAND AND WALES

and

LOCAL AUTHORITY WITH RESPONSIBILITY FOR THE YOUTH JUSTICE SERVICE

2023-24 Youth Justice GRANT FUNDING AGREEMENT

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This Agreement is made on

Between:

- (1) Youth Justice Board for England and Wales whose principal address is at Clive House, 5th floor, 70 Petty France, London SW1H 9EX (the “**Authority**”); and
- (2) The Local Authority with responsibility for the Youth Justice Service (the “**Grant Recipient**”).

In relation to:

Project Name: Youth Justice Grant

BACKGROUND

The Grant is provided by the Authority under its power in section 41 of the Crime and Disorder Act 1998, as amended: “with the approval of the Secretary of State, to make grants to local authorities and other persons for the purposes of the operation of the youth justice system and the provision of youth justice services subject to such conditions as the Authority considers appropriate, including conditions as to repayment”. The Secretary of State for Justice has approved this Grant. The Grant may be used by the Grant Recipient only for the purposes set out in section 41 of the Crime and Disorder Act 1998 generally and for the activities described in the Agreement in particular.

The conditions collectively (the **Conditions**) are as follows:

1. INTRODUCTION

- 1.1. The Agreement sets out the conditions which apply to the Grant Recipient receiving the Grant from the Authority up to the Maximum Sum.
- 1.2. The Authority and the Grant Recipient have agreed that the Authority will provide the Grant up to the Maximum Sum as long as the Grant Recipient uses the Grant in accordance with the Agreement.
- 1.3. The Parties confirm that it is their intention to be legally bound by the Agreement.

2. DEFINITIONS AND INTERPRETATION

- 2.1. Where they appear in these Conditions:

Agreement means these Conditions together with its annexes and schedules including but not limited to the Annex 1 Grant Funding Letter;

Annex means an annex attached to these Conditions which form part of the Agreement;

Asset means an asset that is to be purchased or developed using the Grant including equipment or any other asset which may be a Fixed Asset as appropriate in the relevant context, and **Assets** will be construed accordingly;

Asset Owning Period means the period during which the Assets are recorded as Assets in the Grant Recipient’s accounts;

Authority Personal Data means any Personal Data supplied for the purposes of, or in connection with, the Agreement by the Authority to the Grant Recipient;

Bribery Act means the Bribery Act 2010 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning this legislation;

Code of Conduct means the Code of Conduct for Recipients of Government General Grants published by the Cabinet Office in November 2018 which is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754555/2018-11-06_Code_of_Conduct_for_Grant_Recipients.pdf, including any subsequent updates from time to time;

Commencement Date means the date on which the Agreement comes into effect, being the 01/04/2023;

Confidential Information means any information (however conveyed, recorded or preserved) disclosed by a Party or its personnel to another Party (and/or that Party's personnel) whether before or after the date of the Agreement, including but not limited to:

- (a) any information that ought reasonably to be considered to be confidential (whether or not it is so marked) relating to:
 - (i) the business, affairs, customers, clients, suppliers or plans of the disclosing Party; and
 - (ii) the operations, processes, product information, know-how, designs, trade secrets or software of the disclosing Party; and
- (b) any information developed by the Parties in the course of delivering the Funded Activities;
- (c) the Authority Personal Data;
- (d) any information derived from any of the above.

Confidential Information shall not include information which:

- (a) was public knowledge at the time of disclosure (otherwise than by breach of paragraph 11);
- (b) was in the possession of the receiving Party, without restriction as to its disclosure, before receiving it from the disclosing Party;
- (c) is received from a Third Party (who lawfully acquired it) without restriction as to its disclosure; or
- (d) is independently developed without access to the Confidential Information.

Contracting Authority means any contracting authority (other than the Authority) as defined in regulation 2 of the Procurement Regulations;

Controller and Processor take the meaning given in the GDPR;

Change of Control means the sale of all or substantially all the assets of a Party; any merger, consolidation or acquisition of a Party with, by or into another corporation, entity or person, or any change in the ownership of more than fifty percent of the voting capital stock of a Party in one or more related transaction;

Crown Body means the government of the United Kingdom (including the Northern Ireland Assembly and Executive Committee, the Scottish Executive and the National Assembly for Wales), including, but not limited to, government ministers and government departments and

particular bodies, persons, commissions or agencies from time to time carrying out functions on its behalf;

Data Protection Legislation means (i) the GDPR; (ii) the Data Protection Act 2018 to the extent that it relates to the processing of Personal Data and privacy; and (iii) all applicable Law relating to the processing of Personal Data and privacy;

Disposal means the disposal, sale, transfer of an Asset or any interest in any Asset and includes any contract for disposal;

Domestic Law means an applicable law, statute, bye-law, regulation, order, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements of any regulatory body, delegated or subordinate legislation which replaces EU law as a consequence of the UK leaving the European Union;

Duplicate Funding means funding provided by a Third Party to the Grant Recipient, which is for the same purpose for which the Grant was made, but has not been declared to the Authority;

Eligibility Criteria mean the Authority's selection criteria used to determine who should be grant recipients including the Grant Recipient;

Eligible Expenditure means the expenditure incurred by the Grant Recipient during the Funding Period for the purposes of delivering the Funded Activities which comply in all respects with the eligibility rules set out in paragraph 5;

EIR means the Environmental Information Regulations 2004;

Event of Default means an event or circumstance set out in paragraph 26.1;

Financial Year means from 1 April to 31 March;

Fixed Asset means any Asset which consists of land, buildings, plant and equipment acquired, developed, enhanced, constructed in connection with the Funded Activities;

FOIA means the Freedom of Information Act 2000 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning the legislation;

Funded Activities means the activities set out in Annex 2;

Funding Period means the period for which the Grant is awarded starting on the Commencement Date and ending on 31/03/2024;

GDPR means the General Data Protection Regulation (EU) 2016/679;

Grant means the sum or sums the Authority will pay to the Grant Recipient in accordance with paragraph 4 and subject to the provisions set out at paragraph 26;

Grant Funding Letter means the letter the Authority issued to the Grant Recipient dated 20/07/2023, a copy of which is set out in Annex 1;

Grant Manager means the individual who has been nominated by the Authority to be the single point of contact for the Grant Recipient in relation to the Grant;

Ineligible Expenditure means expenditure incurred by the Grant Recipient which is not Eligible Expenditure and as set out in paragraph 5;

Information Acts means the Data Protection Legislation, FOIA and the EIR, as amended from time to time;

IPR means copyright, rights related to or affording protection similar to copyright, rights in databases, patents and rights in inventions semi-conductor topography rights, trade marks, rights in internet domain names and website addresses and other rights in trade names, designs, know-how, trade secrets and any modifications, amendments, updates and new releases of the same and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future in any part of the world;

IPR Material means all material produced by the Grant Recipient or its Representatives in relation to the Funded Activities during the Funding Period (including but not limited to, materials expressed in any form of report, database, design, document, technology, information, know how, system or process);

Instalment Period means the intervals set out in Annex 3 when the Authority will release payment of the Grant to the Grant Recipient during the Funding Period;

Joint Controllers means where two or more Controllers jointly determine the purposes and means of processing;

Law mean any applicable law, statute, byelaw, regulation, order, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements of any regulatory body, delegated or subordinate legislation;

Losses means all losses, liabilities, damages, costs, expenses (including legal fees), disbursements, costs of investigation, litigation, settlement, judgment, interest and penalties whether arising in contract, tort (including negligence), breach of statutory duty, misrepresentation or otherwise and **Loss** will be interpreted accordingly;

Match Funding means any contribution to the Funded Activities from a Third Party to the Grant Recipient to meet the balance of the Eligible Expenditure not supported by the Grant;

Maximum Sum means the maximum amount of the Grant the Authority will provide to the Grant Recipient for the Funded Activities subject to paragraph 26;

Party means the Authority or Grant Recipient and **Parties** shall be each Party together;

Personal Data has the meaning given to it in the Data Protection Legislation as amended from time to time;

Procurement Regulations means the Public Contracts Regulations 2015;

Prohibited Act means:

- (a) directly or indirectly offering, giving or agreeing to give to any servant of the Authority or the Crown any gift or consideration of any kind as an inducement or reward for:
 - (i) doing or not doing (or for having done or not having done) any act in relation to the obtaining or performance of the Agreement; or
 - (ii) showing or not showing favour or disfavour to any person in relation to the Agreement;
- (b) committing any offence:
 - (iii) under the Bribery Act;

(iv) under legislation creating offences in respect of fraudulent acts; or
(v) at common law in respect of fraudulent acts in relation to the Agreement; or
(c) defrauding or attempting to defraud or conspiring to defraud the Authority or the Crown;

Publication means any announcement, comment or publication of any publicity material by the Grant Recipient concerning the Funded Activities or the Authority;

Remedial Action Plan means the plan submitted by the Grant Recipient to the Authority following an Event of Default pursuant to the process set out in paragraphs 26.4 to 26.10;

Representatives means any of the Parties' duly authorised directors, employees, officers, agents, professional advisors and consultants;

Special Payments means ex gratia expenditure by the Grant Recipient to a third party where no legal obligations exist for the payment and/or other extra-contractual expenditure;

Third Party means any person or organisation other than the Grant Recipient or the Authority;

Unspent Monies means any monies paid to the Grant Recipient in advance of its Eligible Expenditure, which remains unspent and uncommitted at the end of the Financial Year, the Funding Period or because of termination or breach of these Conditions;

VAT means value added tax chargeable in the UK;

Working Day means any day from Monday to Friday (inclusive) which is not specified or proclaimed as a bank holiday in England and Wales pursuant to section 1 of the Banking and Financial Dealings Act 1971 including Christmas Day and Good Friday;

YJS means the Grant Recipient's youth justice service.

2.2. In these Conditions, unless the context otherwise requires:

- (1) the singular includes the plural and vice versa;
- (2) reference to a gender includes the other gender and the neuter;
- (3) references to a person include an individual, company, body corporate, corporation, unincorporated association, firm, partnership or other legal entity or Crown Body;
- (4) a reference to any Law includes a reference to that Law as amended, extended, consolidated or re-enacted from time to time;
- (5) the words "including", "other", "in particular", "for example" and similar words will not limit the generality of the preceding words and will be construed as if they were immediately followed by the words "without limitation";
- (6) references to "writing" include typing, printing, lithography, photography, display on a screen, electronic and facsimile transmission and other modes of representing or reproducing words in a visible form, and expressions referring to writing will be construed accordingly;
- (7) references to "representations" will be construed as references to present facts, to "warranties" as references to present and future facts and to "undertakings" as references to obligations under the Agreement;

- (8) references to “paragraphs” and “Annexes” are, unless otherwise provided, references to the paragraphs and annexes of these Conditions and references in any Annex to parts, paragraphs and tables are, unless otherwise provided, references to the parts, paragraphs and tables of the Annex in which these references appear; and
- (9) the headings in these Conditions are for ease of reference only and will not affect the interpretation or construction of these Conditions.

2.3. Where there is any conflict between the documents that make up the Agreement the conflict shall be resolved in accordance with the following order of precedence:

- 2.3.1. the Conditions set out within the Agreement; and
- 2.3.2. Schedule 1 – The Authority’s Grant Funding Letter.

CONDITIONS

3. DURATION AND PURPOSE OF THE GRANT

- 3.1. The Funding Period starts on [01/04/2023] (the **Commencement Date**) and ends on [31/03/2024] unless terminated earlier in accordance with this Grant Funding Agreement.
- 3.2. The Grant Recipient will ensure that the Funded Activities start on [01/04/2023] but where this has not been possible, that they start no later than 3 months after the Commencement Date.
- 3.3. The Grant Recipient shall use the Grant solely for the delivery of the Funded Activities. The Grant Recipient may not make any changes to the Funded Activities.
- 3.4. If the Authority wants to make a change to the Funded Activities (including for example reducing the Grant or removing some of the Funded Activities from the Grant) it may do so on [14 days] written notice to the Grant Recipient.

4. PAYMENT OF GRANT

- 4.1. Subject to the Recipient’s compliance with its obligations in the Agreement, the Authority shall pay the Grant to the Recipient as indicated in the award letter and in accordance with Annex 3. The Authority shall pay the Grant in pound sterling (GBP) and into a bank located in the UK.
- 4.2. The Grant Recipient must complete and sign the Confirmation of Bank Details and Signatories (Annex 4) as part of their acceptance of the Grant. No payment can be made in advance of receipt of a correctly completed and signed form.
- 4.3. The signatory must be the chief finance officer or someone with proper delegated authority. Any change of bank details must be notified immediately on the same form and signed by an approved signatory. Any change of signatory must be notified to the Authority for approval, as soon as known.
- 4.4. The Grant represents the Maximum Sum the Authority will pay to the Grant Recipient under the Agreement. The Maximum Sum will not be increased in the event of any overspend by the Grant Recipient in its delivery of the Funded Activities.

- 4.5. The Authority will only pay the Grant to the Grant Recipient once the Authority is satisfied that the Grant Recipient has provided a sufficient level of assurance to demonstrate that the Grant will be used for Eligible Expenditure.
- 4.6. The Grant Recipient will provide the Authority with evidence (upon request) of the costs/payments, which are classified as Eligible Expenditure in paragraph 5.2, which may include (but will not be limited to) receipts and invoices or any other documentary evidence specified by the Authority.
- 4.7. The Grant Recipient shall declare to the Authority any Match Funding which been approved or received, before the Commencement Date. If the Grant Recipient intends to apply for, is offered or receives any further Match Funding during the Funding Period, the Grant Recipient shall notify the Authority before accepting or using any such Match Funding. On notifying the Authority of the Match Funding the Grant Recipient shall confirm the amount, purpose and source of the Match Funding and the Authority shall confirm whether it is agreeable to the Grant Recipient accepting the Match Funding. If the Authority does not agree to the use of Match Funding the Authority shall be entitled to terminate the Agreement in accordance with paragraph 26.1.9 and where applicable, require all or part of the Grant to be repaid.
- 4.8. Where the use of Match Funding is permitted the Grant Recipient shall set out any Match Funding it receives in the format required by Annex 3 and send that to the Authority. This is so the Authority knows the total funding the Grant Recipient has received for the Funded Activities.
- 4.9. The Grant Recipient agrees that:
 - 4.9.1. it will not apply for, or obtain, Duplicate Funding in respect of any part of the Funded Activities which have been paid for in full using the Grant;
 - 4.9.2. the Authority may refer the Grant Recipient to the police should it dishonestly and intentionally obtain Duplicate Funding for the Funded Activities;
 - 4.9.3. the Authority will not make the first payment of the Grant and/or any subsequent payments of the Grant unless or until, the Authority is satisfied that:
 - (i) the Grant will be used for Eligible Expenditure only; and
 - (ii) if applicable, any previous Grant payments have been used for the Funded Activities or, where there are Unspent Monies, have been repaid to the Authority.
- 4.10. The Grant Recipient shall submit a copy of Annex 5 (Eligible Expenditure) and any other documentation as prescribed by the Authority, from time to time.
- 4.11. The Authority will have no liability to the Grant Recipient for any Losses caused by a delay in the payment of a Grant Claim howsoever arising.
- 4.12. The Authority reserves the right not to pay any Grant Claims, which are not submitted in accordance with the Agreement or Grant Claims, which are incomplete, incorrect or submitted without the full supporting documentation.
- 4.13. The Grant Recipient shall promptly notify and repay immediately to the Authority any money incorrectly paid to it either as a result of an administrative error or otherwise. This includes (without limitation) situations where the Grant Recipient is paid in error before it has complied with its obligations under the Agreement. Any sum, which falls due under this paragraph 4.13, shall fall due immediately. If the Grant Recipient fails to repay the due sum immediately the sum will be recoverable summarily as a civil debt.

- 4.14. The Grant will be paid into bank account in the name of the Grant Recipient which must be an ordinary business bank account.
- 4.15. Where the Grant Recipient enters into a contract with a Third Party in connection with the Funded Activities, the Grant Recipient will remain responsible for paying that Third Party. The Authority has no responsibility for paying Third Party invoices.
- 4.16. Onward payment of the Grant and the use of sub-contractors shall not relieve the Grant Recipient of any of its obligations under the Agreement, including any obligation to repay the Grant.
- 4.17. The Grant Recipient may not retain any Unspent Monies without the Authority's prior written permission.
- 4.18. If at the end of the relevant Financial Year there are Unspent Monies, the Grant Recipient shall repay such Unspent Monies to the Authority no later than 30 days of the Authority's request for repayment.

5. ELIGIBLE AND INELIGIBLE EXPENDITURE

- 5.1. The Authority will only pay to the Grant in respect of Eligible Expenditure incurred by the Grant Recipient to deliver the Funded Activities and the Grant Recipient will use the Grant solely for delivery of the Funded Activities (as set out in Annex 2 of these Conditions).
- 5.2. The items listed in Annex 5 and the following costs/payments will be classified as Eligible Expenditure if incurred for the purposes of the Funded Activities:
 - 5.2.1. fees charged or to be charged to the Grant Recipient by the external auditors/accountants for reporting/certifying that the grant paid was applied for its intended purposes.
 - 5.2.2. giving evidence to Parliamentary Select Committees;
 - 5.2.3. attending meetings with government ministers or civil servants to discuss the progress of a taxpayer funded grant scheme;
 - 5.2.4. responding to public consultations, where the topic is relevant to the objectives of the Funded Activities. Eligible Expenditure does not include the Grant Recipient spending the Grant on lobbying other people to respond to any such consultation (unless explicitly permitted in the Agreement);
 - 5.2.5. providing independent, evidence based policy recommendations to local government, departments or government ministers, where that is the objective of a taxpayer funded grant scheme, for example, 'What Works Centres'; and
 - 5.2.6. providing independent evidence based advice to local or national government as part of the general policy debate, where that is in line with the objectives of the Grant.
- 5.3. The Grant Recipient may not in any circumstance claim the following non-exhaustive list as Eligible Expenditure: The list below does not override activities which are deemed eligible in these Conditions:
 - 5.3.1. paid for lobbying, which means using the Grant to fund lobbying (via an external firm or in-house staff) in order to undertake activities intended to influence or attempt to

influence Parliament, government or political activity; or attempting to influence legislative or regulatory action;

5.3.2. using the Grant to directly enable one part of government to challenge another on topics unrelated to the agreed purpose of the grant;

5.3.3. using the Grant to petition for additional funding;

5.3.4. expenses such as for entertaining, specifically aimed at exerting undue influence to change government policy;

5.3.5. input VAT reclaimable by the grant recipient from HMRC;

5.3.6. payments for activities of a political or exclusively religious nature;

5.4. Other examples of expenditure, which are prohibited, include the following:

5.4.1. contributions in kind;

5.4.2. interest payments or service charge payments for finance leases;

5.4.3. gifts;

5.4.4. statutory fines, criminal fines or penalties civil penalties, damages or any associated legal costs;

5.4.5. payments for works or activities which the grant recipient, or any member of their Partnership has a statutory duty to undertake, or that are fully funded by other sources;

5.4.6. bad debts to related parties;

5.4.7. payments for unfair dismissal or other compensation;

5.4.8. depreciation, amortisation or impairment of assets owned by the Grant Recipient;

5.4.9. the acquisition or improvement of Assets by the Grant Recipient (unless the Grant is stated explicitly to be for capital use in the Grant Funding Letter); and

5.4.10. liabilities incurred before the commencement of the Agreement unless agreed in writing by the Authority.

6. ANNUAL GRANT REVIEW

6.1. The Authority will review the Grant annually. The Authority will take into account the Grant Recipient's delivery of the Funded Activities against the agreed outputs set out in Annex 6 of these Conditions by the Grant Recipient in accordance with paragraph 7.1.2 of these Conditions.

6.2. Each annual review may result in the Authority deciding that (for example a non-exclusive list includes):

6.2.1. the Funded Activities and the Grant Funding Agreement should continue in line with existing plans;

6.2.2. there should be an increase or decrease in the Grant for the subsequent Financial Year;

6.2.3. the outputs should be re-defined and agreed;

6.2.4. the Grant Recipient should provide the Authority with a draft Remedial Action Plan setting out the steps the Grant Recipient will take to improve delivery of the Funded Activities;

6.2.5. the Authority should recover any Unspent Monies;

6.2.6. the Grant be terminated in accordance with paragraph 26.11 of these Conditions.

- 6.3. If the Grant Recipient is required to submit a draft Remedial Action Plan in accordance with paragraph 6.2.4 the Remedial Action Plan process set out in paragraph 26.4 to 26.10 shall apply.
- 6.4. The Grant Recipient may make representations to the Authority regarding the Authority's decision made in accordance with paragraph 6.2. The Authority is not however obliged to take such representations into account when making its decision as any such decision will be final and at the Authority's absolute discretion.
- 6.5. The Recipient may make representations to the Authority regarding the Authority's decision made in accordance with paragraph 6.2. The Authority is not however obliged to take such representations into account when making its decision as any such decision will be final and at the Authority's absolute discretion.

7. MONITORING AND REPORTING

- 7.1. The Grant Recipient shall:
 - 7.1.1. closely monitor the delivery and success of the Funded Activities throughout the Funding Period to ensure that the aims and objectives of the Funded Activities are achieved.
 - 7.1.2. provide the Authority with all reasonable assistance and co-operation in relation to any ad-hoc information, explanations and documents as the Authority may require, from time to time; so the Authority may establish if the Grant Recipient has used the Grant in accordance with the Grant Funding Agreement
 - 7.1.3. provide the Authority with, on request, a report on:
 - 7.1.3.1. the progress made towards achieving the agreed Outputs and the defined longer-term Outcomes set out in Annex 6 of these Conditions. Where possible, the report will quantify what has been achieved by reference to the Funded Activities' targets; and
 - 7.1.3.2. if relevant, provide details of any Assets either acquired or improved using the Grant.
 - 7.1.4. allow any person authorised by the Authority reasonable access, with or without notice, to its employees, agents, premises, facilities and records, for the purpose of discussing, monitoring and evaluating the Grant Recipient's fulfilment of its obligations under the Grant Funding Agreement and will, if so required, provide appropriate oral or written explanations to such authorised persons as required during the Funding Period;
 - 7.1.5. record in its financial reports the amount of Match Funding it receives together with details of what it has used that Match Funding for, and
 - 7.1.6. notify the Authority as soon as reasonably practicable of:
 - 7.1.6.1. any actual or potential failure to comply with any of its obligations under the Grant Funding Agreement, which includes those caused by any administrative, financial or managerial difficulties; and
 - 7.1.6.2. actual or potential variations to the Eligible Expenditure set out in Annex 5 of these Conditions and/or any event which materially affects the continued accuracy of such information.

7.2. The Grant Recipient represents and undertakes (and shall repeat such representations and undertakings on delivery of its annual report:

- 7.2.1. that the reports and information it gives pursuant to this paragraph 7 are accurate;
- 7.2.2. that it has diligently made full and proper enquiry of the matter pertaining to the reports and information given; and
- 7.2.3. that any data it provided pursuant to an application for the Grant may be shared within the powers conferred by legislation with other organisations for the purpose of preventing or detecting crime.

8. AUDITING AND ASSURANCE

8.1. Within 6 months of the end of the Financial Year the Grant Recipient will provide (upon request) the Authority with independent assurance that the Grant has been used for delivery of the Funded Activities. To satisfy this requirement the Grant Recipient will provide a statement showing that the Grant has been certified by an independent and appropriately qualified auditor. Accompanied by the Grant Recipient's annual audited accounts.

8.2. The Authority may, at any time during and up to [2 years] years after the end of the Funding Period, conduct additional audits or ascertain additional information where the Authority considers it necessary. The Grant Recipient agrees to grant the Authority or its Representatives access, as required, to all Funded Activities sites and relevant records. The Grant Recipient will ensure that necessary information and access rights are explicitly included within all arrangements with sub-contractors.

8.3. If the Authority requires further information, explanations and documents, in order for the Authority to establish that the Grant has been used properly in accordance with the Agreement, the Grant Recipient will, within 5 Working Days of a request by the Authority, provide the Authority, free of charge, with the requested information.

8.4. The Grant Recipient shall:

- 8.4.1. identify separately the value and purpose of the Grant Funding in its audited accounts and its annual report; and
- 8.4.2. maintain a record of internal financial controls and procedures and provide the Authority with a copy if requested.

Retention of documents

8.5. The Grant Recipient shall retain all invoices, receipts, accounting records and any other documentation (including but not limited to, correspondence) relating to the Eligible Expenditure; income generated by the Funded Activities during the Funding Period for 2 years from the end of the Funding Period.

8.6. The Grant Recipient shall ensure that all its contractors retain each record, item of data and document relating to the Funded Activities for 2 years from the end of the Funding Period.

8.7. The Grant Recipient will promptly provide revised forecasts of income and expenditure:

- 8.7.1. when these forecasts increase or decrease by more than 20% of the original expenditure forecasts; and/or
- 8.7.2. at the request of the Authority.

9. FINANCIAL MANAGEMENT AND PREVENTION OF BRIBERY, CORRUPTION, FRAUD AND OTHER IRREGULARITY

- 9.1. The Grant Recipient will at all times comply with all applicable Laws, statutes and regulations relating to anti-bribery and anti-corruption.
- 9.2. The Grant Recipient must have a sound administration and audit process, including internal financial controls to safeguard against fraud, theft, money laundering, counter terrorist financing or any other impropriety, or mismanagement in connection with the administration of the Grant. The Grant Recipient shall require that the internal/external auditors report on the adequacy or otherwise of that system.
- 9.3. All cases of fraud or theft (whether proven or suspected) relating to the Funded Activities must be notified to the Authority as soon as they are identified. The Grant Recipient shall explain to the Authority what steps are being taken to investigate the irregularity and shall keep the Authority informed about the progress of any such investigation. The Authority may however request that the matter referred (which the Grant Recipient is obliged to carry out) to external auditors or other Third Party as required.
- 9.4. The Authority will have the right, at its absolute discretion, to insist that the Grant Recipient address any actual or suspected fraud, theft or other financial irregularity and/or to suspend future payment of the Grant to the Grant Recipient. Any grounds for suspecting financial irregularity includes what the Grant Recipient, acting with due care, should have suspected as well as what it actually proven.
- 9.5. The Grant Recipient agrees and accepts that it may become ineligible for Grant support and may be required to repay all or part of the Grant if it engages in tax evasion or aggressive tax avoidance in the opinion of HMRC.
- 9.6. For the purposes of paragraph 9.4 “financial irregularity” includes (but is not limited to) potential fraud or other impropriety, mismanagement, and the use of the Grant for any purpose other than those stipulated in the Agreement. The Grant Recipient may be required to provide statements and evidence to the Authority or the appropriate organisation as part of pursuing sanctions, criminal or civil proceedings.

10. CONFLICTS OF INTEREST

- 10.1. Neither the Grant Recipient nor its Representatives shall engage in any personal, business or professional activity which conflicts or could conflict with any of their obligations in relation to the Agreement.
- 10.2. The Grant Recipient must have and will keep in place adequate procedures to manage and monitor any actual or perceived bias or conflicts of interest.

11. CONFIDENTIALITY

- 11.1. Except to the extent set out in this paragraph 11 or where disclosure is expressly permitted, the Grant Recipient shall treat all Confidential Information belonging to the Authority as confidential and shall not disclose any Confidential Information belonging to the Authority to any other person without the prior written consent of the Authority, except to such persons who are directly involved in the provision of the Funded Activities and who need to know the information.
- 11.2. The Grant Recipient gives its consent for the Authority to publish the Agreement in any medium in its entirety (but with any information which is Confidential Information belonging to the

Authority or the Grant Recipient redacted), including from time to time agreed changes to the Agreement.

11.3. Nothing in this paragraph 11 shall prevent the Authority disclosing any Confidential Information obtained from the Grant Recipient:

11.3.1. for the purpose of the examination and certification of the Authority's accounts; or pursuant to section 6(1) of the National Audit Act 1983 of the economy, efficiency and effectiveness with which the Authority has used its resources;

11.3.2. to any government department, consultant, contractor or other person engaged by the Authority, provided that in disclosing information under the Authority only discloses the information which is necessary for the purpose concerned and requests that the information is treated in confidence and that a confidentiality undertaking is given where appropriate; or

11.3.3. where disclosure is required by Law.

11.4. Nothing in this paragraph 11 shall prevent either Party from using any techniques, ideas or know-how gained during the performance of its obligations under the Agreement in the course of its normal business, to the extent that this does not result in a disclosure of the other Party's Confidential Information or an infringement of the other Party's IPR.

12. TRANSPARENCY

12.1. The Authority and the Grant Recipient acknowledge that, except for any information, which is exempt from disclosure in accordance with the provisions of the Information Acts, the content of the Agreement is not confidential.

13. STATUTORY DUTIES

13.1. The Grant Recipient shall comply with its obligations under the Law including but not limited to the information Acts and the HRA.

13.2. Where requested by the Authority, the Grant Recipient will provide reasonable assistance and cooperation to enable the Authority to comply with its information disclosure obligations under the Information Acts.

13.3. On request from the Authority, the Grant Recipient will provide the Authority with all such relevant documents and information relating to the Grant Recipient's data protection policies and procedures as the Authority may reasonably require.

13.4. The Grant Recipient acknowledges that the Authority, acting in accordance with the codes of practice issued and revised from time to time under the Information Acts, may disclose information concerning the Grant Recipient and the Agreement without consulting the Grant Recipient.

13.5. The Authority will take reasonable steps to notify the Grant Recipient of a request for information to the extent that it is permissible and reasonably practical for it to do so. Notwithstanding any other provision in the Agreement, the Authority will be responsible for determining in its absolute discretion whether any information is exempt from disclosure in accordance with the Information Acts.

14. DATA PROTECTION AND PUBLIC PROCUREMENT

Data Protection

- 14.1. The Grant Recipient will comply at all times with its obligations under Data Protection Legislation.
- 14.2. To the extent that the Grant Recipient and the Authority share any Personal Data for the purposes of the Agreement, the Parties accept that they are each a separate independent Controller in respect of such Personal Data. Each Party:
 - (i) shall comply with the applicable Data Protection Legislation in respect of their processing of such Personal Data;
 - (ii) will be individually and separately responsible for its own compliance; and
 - (iii) do not and will not Process any Personal Data as Joint Controllers.
- 14.3. Each Party shall, with respect to its processing of Personal Data as independent Controller, implement and maintain appropriate technical and organisational measures to ensure a level of security appropriate to that risk, including, as appropriate, the measures referred to in Article 32(1)(a), (b), (c) and (d) of the GDPR, and the measures shall, at a minimum, comply with the requirements of the Data Protection Legislation.
- 14.4. The Grant Recipient shall ensure that its systems processing children's data and connecting to the Youth Justice Application Framework will meet the Government Minimum Cyber Security Standard¹.

Public Procurement

- 14.5. The Grant Recipient will ensure that any of its Representatives involved in the Funded Activities will adopt such policies and procedures that are required in order to ensure that value for money has been obtained in the procurement of goods or services funded by the Grant.
- 14.6. Where the Grant Recipient is a Contracting Authority the Grant Recipient will comply, as necessary, with the Procurement Regulations when procuring goods and services in connection with the Agreement and the Authority shall not be liable for the Grant Recipient's failure to comply with its obligations under the Procurement Regulations.

15. NOT USED

16. INTELLECTUAL PROPERTY RIGHTS

- 16.1. Intellectual Property in all IPR Material will be the property of the Grant Recipient. Other than as expressly set out in these Conditions, neither Party will have any right to use any of the other Party's names, logos or trade marks on any of its products or services without the other Party's prior written consent.
- 16.2. The Grant Recipient grants to the Authority a non-exclusive irrevocable and royalty-free, sub-licensable, worldwide licence to use all the IPR Material for the purpose of supporting the Funded Activities and other projects.

¹ <https://www.gov.uk/government/publications/the-minimum-cyber-security-standard>

- 16.3. Ownership of Third Party software or other IPR necessary to deliver Funded Activities will remain with the relevant Third Party.
- 16.4. The Grant Recipient must ensure that they have obtained the relevant agreement from the Third Party proprietor before any additions or variations are made to the standard 'off-the-shelf' versions of any Third Party software and other IPR. The Grant Recipient will be responsible for obtaining and maintaining all appropriate licences to use the Third Party software.

17. ENVIRONMENTAL REQUIREMENTS

- 17.1. The Grant Recipient shall perform the Funded Activities in accordance with the Authority's environmental policy, which is to conserve energy, water, wood, paper and other resources, reduce waste and phase out the use of ozone depleting substances and minimise the release of greenhouse gases, volatile organic compounds and other substances damaging to health and the environment.
- 17.2. The Grant Recipient shall pay due regard to the use of recycled products, so long as they are not detrimental to the provision of the Funded Activities or the environment, to include the use of all packaging, which should be capable of recovery for re-use or recycling.
- 17.3. The Grant Recipient shall take all possible precautions to ensure that any equipment and materials used in the provision of the Funded Activities do not contain chlorofluorocarbons, halons or any other damaging substances, unless unavoidable, in which case the Authority shall be notified in advance of their use. The Grant Recipient shall endeavour to reduce fuel emissions wherever possible.

18. ASSETS

Inventory of the Assets

- 18.1. The Grant Recipient must keep a register of all Fixed Assets acquired or improved, at a cost exceeding £10,000, wholly or partly using the Grant provided under the Agreement. Where the cost of purchasing or improving the Fixed Assets is less than £10,000 authorisation is not required, but the Asset should be recorded on the fixed asset register.
- 18.2. Assets purchased with Grant funding must only be used for delivery of the Funded Activities.
- 18.3. For each entry in the register the following particulars must be shown where appropriate:
 - 18.3.1. date of acquisition or improvement;
 - 18.3.2. description of the Asset;
 - 18.3.3. cost, net of recoverable VAT;
 - 18.3.4. location of the Asset;
 - 18.3.5. serial or identification numbers;
 - 18.3.6. location of the title deeds;
 - 18.3.7. date of any Disposal;
 - 18.3.8. depreciation/amortisation policy applied;

- 18.3.9. proceeds of any Disposal net of VAT; and
- 18.3.10. the identity of any person to whom the Asset has been transferred or sold.

18.4. The Authority reserves the right to require the Grant Recipient to maintain the above particulars as set out in paragraphs 18.3.1-18.3.10 for any additional items which the Authority considers material to the Grant.

Disposal of Asset

- 18.5. Where the Grant Recipient uses any of the Grant to develop, improve or purchase any Assets, the Grant Recipient must ensure that the Assets are maintained in good condition over the Asset Owning Period.
- 18.6. Assets purchased or improved using the Grant shall be owned by the Authority until ownership is transferred disposed or is otherwise agreed in writing by the Authority. The Authority reserves the right to determine the outcome of any Asset created as a result of the Funded Activities or purchased with the Grant.
- 18.7. The Grant Recipient must not dispose of any Assets that have been totally or partly bought, restored, conserved (maintained or protected from damage) or improved with the Grant without the prior written consent of the Authority. If the Authority grants consent to the Disposal, such consent may be subject to satisfaction of certain conditions, to be determined by the Authority.
- 18.8. If the Grant Recipient disposes of any Asset without the prior written consent of the Authority, the Grant Recipient must use all reasonable endeavours to achieve the market price for the Assets and must pay to the Authority a proportion of the proceeds of such sale, equivalent to the proportion of the purchase or development costs of the Assets that was funded by the Grant, provided that the Authority may at its discretion allow the Grant Recipient to keep all or a part of the relevant proceeds where:
 - 18.8.1. the sale of the Assets takes place after the end of the Asset Owning Period;
 - 18.8.2. the proceeds of sale are to be applied directly to the purchase by the Grant Recipient of assets that are equivalent to or replacements for the Assets; or
 - 18.8.3. the Authority is otherwise satisfied that the Recipient will apply those proceeds for purposes related to the Funded Activities.
- 18.9. The Grant Recipient shall hold the proceeds from the Disposal of any Asset on trust for the Authority.

Charging of any Asset

18.10. The Grant Recipient shall not create any charge, legal mortgage, debenture or lien over any Asset without the prior written consent of the Authority.

19. INSURANCE

19.1. The Grant Recipient will during the term of the Funding Period and for one year after termination or expiry of these Conditions, ensure that it has and maintains, at all times adequate insurance with an insurer of good repute to cover claims under the Grant Funding Agreement or any other claims or demands which may be brought or made against it by any person suffering any injury damage or loss in connection with the Funded Activities or the Grant Funding Agreement.

19.2. The Grant Recipient will upon request produce to the Authority its policy or policies of insurance or where this is not possible, a certificate of insurance issued by the Grant Recipient's insurance brokers confirming the insurances are in full force and effect together with confirmation that the relevant premiums have been paid.

20. ASSIGNMENT

20.1. The Grant Recipient will not transfer, assign, novate or otherwise dispose of the whole or any part of the Agreement or any rights under it, to another organisation or individual, without the Authority's prior approval.

20.2. Any approval given by the Authority will be subject to a condition that the Grant Recipient has first entered into an Agreement, authorised by the Authority, requiring the Grant Recipient to work with another organisation in delivering the Funded Activities.

21. SPENDING CONTROLS – MARKETING, ADVERTISING, COMMUNICATIONS AND CONSULTANCY

21.1. The Grant Recipient must seek permission from the Authority prior to any proposed expenditure on advertising, communications, consultancy or marketing either in connection with, or using the Grant.

21.2. The Grant Recipient should provide evidence that any marketing, advertising, communications and consultancy expenditure carried out in connection with, or using the Grant will deliver measurable outcomes that meet government objective to secure value for money.

22. LOSSES, GIFTS AND SPECIAL PAYMENTS

22.1. The Grant Recipient must obtain prior written consent from the Authority before:

- 22.1.1. writing off any debts or liabilities;
- 22.1.2. offering to make any Special Payments; and
- 22.1.3. giving any gifts

in connection with the Agreement.

22.2. The Grant Recipient will keep a record of all gifts, both given and received, in connection with the Grant or any Funded Activities.

23. BORROWING

23.1. In accordance with paragraph 18.10 and this paragraph 23, the Grant Recipient must obtain prior written consent from the Authority before:

- 23.1.1. borrowing or lending money from any source in connection with the Agreement; and
- 23.1.2. giving any guarantee, indemnities or letters of comfort that relate to the Agreement or have any impact on the Grant Recipient's ability to deliver the Funded Activities.

24. PUBLICITY

24.1. The Grant Recipient gives consents to the Authority to publicise in the press or any other medium the Grant and details of the Funded Activities using any information gathered from the

Grant Recipient's initial grant application or any monitoring reports submitted to the Authority in accordance with paragraph 7.1.2.

- 24.2. The Grant Recipient will comply with all reasonable requests from the Authority to facilitate visits, provide reports, statistics, photographs and case studies that will assist the Authority in its promotional and fundraising activities relating to the Funded Activities.
- 24.3. The Authority consents to the Grant Recipient carrying out any reasonable publicity about the Grant and the Funded Activities as required, from time to time.
- 24.4. Any publicity material for the Funded Activities must refer to the programme under which the Grant was awarded and must feature the Authority's logo. If a Third Party wishes to use the Authority's logo, the Grant Recipient must first seek permission from the Authority.
- 24.5. The Grant Recipient will acknowledge the support of the Authority in any materials that refer to the Funded Activities and in any written or spoken public presentations about the Funded Activities. Such acknowledgements (where appropriate or as requested by the Authority) will include the Authority's name and logo (or any future name or logo adopted by the Authority) using the templates provided by the Authority from time to time.
- 24.6. In using the Authority's name and logo, the Grant Recipient will comply with all reasonable branding guidelines issued by the Authority from time to time.

25. CHANGES TO THE AUTHORITY'S REQUIREMENTS

- 25.1. The Authority will notify the Grant Recipient of any changes to their activities which are supported by the Grant.
- 25.2. The Grant Recipient will accommodate any changes to the Authority's needs and requirements under these Conditions.

26. CLAWBACK, EVENTS OF DEFAULT, TERMINATION AND RIGHTS RESERVED FOR BREACH AND TERMINATION

Events of Default

- 26.1. The Authority may exercise its rights set out in paragraph 26.3 if any of the following events occur:
 - 26.1.1. the Grant Recipient uses the Grant for a purpose other than the Funded Activities;
 - 26.1.2. the Grant Recipient fails to comply with its obligations under the Agreement in a way which is material in the opinion of the Authority;
 - 26.1.3. where delivery of the Funded Activities do not start within 3 months of the Commencement Date and the Grant Recipient fails to provide the Authority with a satisfactory explanation for the delay, or failed to agree a new date on which the Funded Activities shall start with the Authority;
 - 26.1.4. the Grant Recipient uses the Grant for Ineligible Expenditure;
 - 26.1.5. the Grant Recipient fails, in the Authority's opinion, to make satisfactory progress with the Funded Activities and in particular, with meeting the outputs set out in Annex 6;

26.1.6. the Grant Recipient fails to:

- (i) submit an adequate Remedial Action Plan to the Authority following a request by the Authority pursuant to paragraph 26.3.4; or
- (ii) improve delivery of the Funded Activities in accordance with the Remedial Action Plan approved by the Authority;

26.1.7. the Grant Recipient is, in the opinion of the Authority, delivering the Funded Activities in a negligent manner (in this context negligence includes but is not limited to failing to prevent or report actual or anticipated fraud or corruption);

26.1.8. the Grant Recipient fails to declare Duplicate Funding;

26.1.9. the Grant Recipient fails to declare any Match Funding in accordance with paragraph 4.7;

26.1.10. the Grant Recipient receives funding from a Third Party which, in the opinion of the Authority, undertakes activities that are likely to bring the reputation of the Funded Activities or the Authority into disrepute;

26.1.11. the Grant Recipient provides the Authority with any materially misleading or inaccurate information and/or any of the information provided in its grant application or in any subsequent supporting correspondence is found to be incorrect or incomplete to an extent which the Authority considers to be significant;

26.1.12. the Grant Recipient commits or has committed a Prohibited Act or fails to report a Prohibited Act to the Authority, whether committed by the Grant Recipient, its Representatives or a Third Party, as soon as it becomes aware of it;

26.1.13. the Authority determines (acting reasonably) that the Grant Recipient or any of its Representatives has:

- (i) acted dishonestly or negligently at any time during the term of the Agreement and to the detriment of the Authority;
- (ii) taken any actions which unfairly bring or are likely to unfairly bring the Authority's name or reputation and/or the Authority into disrepute. Actions include omissions in this context;
- (iii) transferred, assigns or novates the Grant to any Third Party without the Authority's consent; or
- (iv) failed to act in accordance with the Law; howsoever arising, including incurring expenditure on unlawful activities;

26.1.14. the Grant Recipient ceases to operate for any reason, or it passes a resolution (or any court of competent jurisdiction makes an order) that it be wound up or dissolved (other than for the purpose of a bona fide and solvent reconstruction or amalgamation);

26.1.15. the Grant Recipient becomes insolvent as defined by section 123 of the Insolvency Act 1986, or it is placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or it is unable to pay its debts as they fall due;

26.1.16. the Grant Recipient breaches the Code of Conduct and/or fails to report an actual or suspected breach of the Code of Conduct by the Grant Recipient or its Representatives in accordance with paragraph 31.1.2;

26.1.17. the Grant Recipient undergoes a Change of Control which the Authority, acting reasonably, considers:

- 26.1.18. will be materially detrimental to the Funded Activities;
- 26.1.19. the new body corporate cannot continue to receive the Grant because they do not meet the Eligibility Criteria used to award the Grant to the Grant Recipient;
- 26.1.20. the Authority believes that the Change of Control would raise national security concerns; and/or
- 26.1.21. the new body corporate intends to make fundamental change(s) to the purpose for which the Grant was given.

26.2. Where, the Authority determines that an Event of Default has or may have occurred, the Authority shall notify the Grant Recipient to that effect in writing, setting out any relevant details, of the failure to comply with these Conditions or pertaining the Event of Default, and details of any action that the Authority intends to take or has taken.

Rights reserved for the Authority in relation to an Event of Default

26.3. Where, the Authority determines that an Event of Default has or may have occurred, the Authority shall take any one or more of the following actions:

- 26.3.1. suspend or terminate the payment of Grant for such period as the Authority shall determine;
- 26.3.2. reduce the Maximum Sum in which case the payment of Grant shall thereafter be made in accordance with the reduction and notified to the Grant Recipient;
- 26.3.3. require the Grant Recipient to repay the Authority the whole or any part of the amount of Grant previously paid to the Grant Recipient. Such sums shall be recovered as a civil debt;
- 26.3.4. give the Grant Recipient an opportunity to remedy the Event of Default (if remediable) in accordance with the procedure set out in paragraphs 26.4 to 26.10; and/or
- 26.3.5. terminate the Agreement.

Opportunity for the Grant Recipient to remedy an Event of Default

26.4. Where the Grant Recipient is provided with an opportunity to submit a draft Remedial Action Plan in accordance with paragraph 26.3.4, the draft Remedial Action Plan shall be submitted to the Authority for approval, within 5 Working Days of the Grant Recipient receiving notice from the Authority.

26.5. The draft Remedial Action Plan shall set out:

- 26.5.1. full details of the Event of Default; and
- 26.5.2. the steps which the Grant Recipient proposes to take to rectify the Event of Default including timescales.

26.6. On receipt of the draft Remedial Action Plan and as soon as reasonably practicable, the Authority will submit its comments on the draft Remedial Action Plan to the Grant Recipient.

26.7. The Authority shall have the right to accept or reject the draft Remedial Action Plan. If the Authority rejects the draft Remedial Action Plan, the Authority shall confirm, in writing, the reasons why they have rejected the draft Remedial Action Plan and will confirm whether the Grant Recipient is required to submit an amended Remedial Action Plan to the Authority.

- 26.8. If the Authority directs the Grant Recipient to submit an amended draft Remedial Action Plan, the Parties shall agree a timescale for the Grant Recipient to amend the draft Remedial Action Plan to take into account the Authority's comments.
- 26.9. If the Authority does not approve the draft Remedial Action Plan the Authority may, at its absolute discretion, terminate the Agreement.
- 26.10. The Authority shall not by reason of the occurrence of an Event of Default which is, in the opinion of the Authority, capable of remedy, exercise its rights under either paragraph 26.3.3 or 26.3.4 unless the Grant Recipient has failed to rectify the default to the reasonable satisfaction of the Authority.

General Termination rights – Termination for Convenience

- 26.11. Notwithstanding the Authority's right to terminate the Agreement pursuant to paragraph 26.3.4, either Party may terminate the Agreement at any time by giving at least 3 months' written notice to the other Party.
- 26.12. If applicable, all Unspent Monies (other than those irrevocably committed in good faith before the date of termination, in line with the Agreement and approved by the Authority as being required to finalise the Funded Activities) shall be returned to the Authority within 30 days of the date of receipt of a written notice of termination from the Authority.
- 26.13. If the Authority terminates the Agreement in accordance with paragraph 26.11 the Authority may pay the Grant Recipient's reasonable costs in respect of the delivery of the Funded Activities performed up to the termination date. Reasonable costs will be identified by the Grant Recipient and will be subject to the Grant Recipient demonstrating that it has taken adequate steps to mitigate its costs. The amount if any of reasonable costs payable will be determined solely by the Authority.
- 26.14. The Authority will not be liable to pay any of the Grant Recipient's costs or those of any contractor/supplier of the Grant Recipient related to any transfer or termination of employment of any employees engaged in the provision of the Funded Activities.

Change of Control

- 26.15. The Grant Recipient shall notify the Authority immediately in writing and as soon as the Grant Recipient is aware (or ought reasonably to be aware) that it is anticipating, undergoing, undergoes or has undergone a Change of Control, provided such notification does not contravene any Law.
- 26.16. The Grant Recipient shall ensure that any notification made pursuant to paragraph 26.15 shall set out full details of the Change of Control including the circumstances suggesting and/or explaining the Change of Control.
- 26.17. Where the Grant Recipient has been awarded to a consortium and the Grant Recipient has entered into a collaboration agreement, the notification required under paragraph 26.15 shall include any changes to the consortium members as well as the lead Grant Recipient.
- 26.18. Following notification of a Change of Control the Authority shall be entitled to exercise its rights under paragraph 26.1 providing the Grant Recipient with notification of its proposed action in writing within one month of:

- (i) being notified in writing that a Change of Control is anticipated or is in contemplation or has occurred; or
- (ii) where no notification has been made, the date that the Authority becomes aware that a Change of Control is anticipated or is in contemplation or has occurred,

26.19. The Authority is not entitled to terminate where an approval was granted prior to the Change of Control.

27. EXIT PLAN

27.1. Where the Authority requires the Grant Recipient to prepare an Exit Plan to allow the cessation or seamless transfer of the Funded Activities, the Grant Recipient shall prepare the Exit Plan within 3 months of the signing of the Agreement and shall comply with the exit provisions set out in the Agreement.

28. DISPUTE RESOLUTION

28.1. The Parties will use all reasonable endeavours to negotiate in good faith, and settle amicably, any dispute that arises during the continuance of the Agreement.

28.2. All disputes and complaints (except for those which relate to the Authority's right to withhold funds or terminates the Agreement) shall be referred in the first instance to the Parties Representatives.

28.3. If the dispute cannot be resolved between the Parties Representatives within a maximum of three months, then the matter will be escalated to formal meeting between the Grant Manager and the Grant Recipient's chief executive (or equivalent).

29. LIMITATION OF LIABILITY

29.1. The Authority accepts no liability for any consequences, whether direct or indirect, that may come about from the Grant Recipient delivering/running the Funded Activities, the use of the Grant or from withdrawal, withholding or suspension of the Grant. The Recipient shall indemnify and hold harmless the Authority, its Representatives with respect to all actions, claims, charges, demands Losses and proceedings arising from or incurred by reason of the actions and/or omissions of the Grant Recipient in relation to the Funded Activities, the non-fulfilment of obligations of the Grant Recipient under this Agreement or its obligations to Third Parties.

29.2. Subject to this paragraph 29, the Authority's liability under the Agreement is limited to the amount of Grant outstanding.

29.3. Where the Recipient has employees to support the Funded Activities it should manage them efficiently to minimise its redundancy liabilities.

29.4. The Recipient shall not use the Grant to pay redundancy costs:

- (i) in excess of its statutory redundancy liabilities; or
- (ii) for any period of employment prior to an employee's involvement in the Funded Activities.

30. VAT

- 30.1. If VAT is held to be chargeable in respect of the Agreement, all payments shall be deemed to be inclusive of all VAT and the Authority shall not be obliged to pay any additional amount by way of VAT.
- 30.2. All sums or other consideration payable to or provided by the Grant Recipient to the Authority at any time shall be deemed to be exclusive of all VAT payable and where any such sums become payable or due or other consideration is provided, the Grant Recipient shall at the same time or as the case may be on demand by HMRC in addition to such sums, or other consideration, pay to HMRC all the VAT so payable upon the receipt of a valid VAT invoice.

31. CODE OF CONDUCT FOR GRANT RECIPIENTS

31.1. The Grant Recipient:

- 31.1.1. acknowledges that by signing the Grant Funding Agreement it agrees to take account of the Code of Conduct, which includes ensuring that its Representatives undertake their duties in a manner consistent with the principles set out in the Code of Conduct;
- 31.1.2. shall immediately notify the Authority if it becomes aware of any actual or suspected breaches of the principles outlined in the Code of Conduct.
- 31.1.3. acknowledges that a failure to notify the Authority of an actual or suspected breach of the Code of Conduct may result in the Authority immediately suspending the Grant funding, terminating the Grant Funding Agreement and/or taking action to recover some or all of the funds paid to the Grant Recipient as a civil debt in accordance with paragraph 26.1.16.

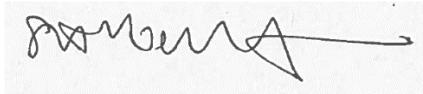
32. NOTICES

- 32.1. All notices and other communications in relation to the Agreement shall be in writing and shall be deemed to have been duly given if personally delivered, e-mailed, or mailed (first class postage prepaid) to the address of the relevant party. If personally delivered or if e-mailed all such communications shall be deemed to have been given when received (except that if received on a non-working day or after 5.00 pm on any Working Day they shall be deemed received on the next Working Day) and if mailed all such communications shall be deemed to have been given and received on the second Working Day following such mailing.

33. GOVERNING LAW

33.1. The Agreement is governed by and construed in accordance with the law of England and Wales and the Parties irrevocably submit to the exclusive jurisdiction of the Courts of England and Wales.

SIGNED by:



Steph Roberts-Bibby

Interim Chief Executive
for and on behalf of the
Youth Justice Board for England and Wales

Date: 20/07/2023

RECIPIENT

We agree to the Youth Justice Board's Terms and Conditions for the period 1st April 2023 to 31st March 2024 for the grant to be made to the local authority.

Please insert in the box below the name of the Local Authority with responsibilities for the Youth Justice Service (YJS)²:

City of York Council

Youth Justice Service Manager

E-signature or signature:



Print Name:

Sara Orton

For and on behalf of:

York Youth Justice Service

Email:

sara.orton@york.gov.uk

Date:

18/08/2023

Local Authority Chief Financial Officer (S151)

E-signature or signature:



Print Name:

Sara Orton

For and on behalf of:

York Youth Justice Service

Email:

sara.orton@york.gov.uk

Date:

- Save this file using your **YJS name** as the file name.
- To be emailed before **4 August 2023** to YJBGrants@yjb.gov.uk
- Please ensure **all signatories are copied in the email** before submitting to YJB.

² The statutory definition of a local youth justice service is contained in the Crime and Disorder Act 1998. In statute these are known as youth offending teams (YOTs). However, as services have evolved, they have become known by different names. We use the term youth justice services (YJSs) to acknowledge the evolution of services in all their guises and to move away from the stigmatising language of 'offending'.



Youth Justice Board
Bwrdd Cyflawnder Ieuenctid

ANNEX 1 – GRANT FUNDING LETTER

Youth Justice Board for England and Wales
Clive House, 70 Petty France, London SW1H 9EX
enquiries@yjb.gov.uk
www.justice.gov.uk/youth-justice

Chair of the YJ Management Board
Head of Youth Justice Service

Youth Justice Service: **XXX**
Local Authority: **XXX**

Letter sent via email

Date: 20 July 2023

Dear Colleague,

Re: 2023/24 Youth Justice Grant Award Letter

I would like to apologise for the lengthy delay in being able to advise you of your youth justice grant for the year 2023/24. I have now received my delegated budget from the Ministry of Justice. The YJB was delegated £92.5m for grants in 2023/2024, this is an increase of 4.5% from 2022/23.

We appreciate that you face significant inflationary pressures, as well as (in many parts of the country) an increase in both the volume and complexity of the children with whom you work. In determining its budget allocation to us, the Ministry of Justice had to take account of wider financial pressures facing the department and government. This increase in funding is an uplift on last year's funding which was, in turn, the largest for many years and is an acknowledgment of the challenging context in which you are delivering critical youth justice services.

Your youth justice grant allocation for 2023/24 is £XXXXXX

As a statutory duty, local authorities are required to submit an annual youth justice plan relating to their provision of youth justice services. This duty is also outlined as a requirement of the terms and conditions of grant. In order to facilitate our oversight and analysis of the plans, we requested services to complete their plans using the structure included in the guidance notes available in the [Youth Justice Plan Guidance](#)³ on gov.uk. The guidance notes include information on what to include in your plans and advice on how to complete the document.

Youth Justice Plans were required to be submitted to us via CBU@yjb.gov.uk. Thank you to those of you who have returned them to date, those who have not please e-mail your plan to

³ <https://www.gov.uk/government/publications/youth-justice-plans-guidance-for-youth-justice-services>

CBU@yjb.gov.uk, copying in your YJB lead to ensure swift payment of your Youth Justice Grant 2023/24. You are also required to submit your quarterly data submissions throughout 2023/24.

Now you are aware of your awarded grant for 2023/24 please send the signed terms and conditions of grant to yjbgrants@yjb.gov.uk by 04 August 2023.

The Youth Justice Board will continue to focus on frontline services alongside system-wide challenges. Over the last year we have reorganised ourselves so we can have an even greater impact on the youth justice system and improve outcomes for children. Our unique statutory responsibility in overseeing the operation of the youth justice system plays a vital role in making sure that children, and the services they receive, are on the right track and that where there are concerns, they are escalated and supported to improve.

Our business plan 2023/24 and strategic plan 2021-24

This year is the final year of our 2021-24 strategic plan and, so, in the coming year we will be preparing for the next iteration which will be published for 2024-27. We will be reviewing our current strategy, looking at the evidence and what we know from our monitoring of the youth justice system. Our Board will develop a strategic direction that reflects our statutory functions and our ambitions for children and the youth justice system.

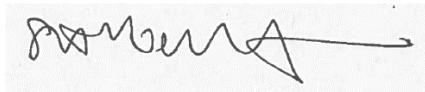
Our [business plan](#)⁴ was published in April 2023 and outlines our commitments for the coming year which will help us to have the greatest impact for children. This includes spending time in 2023-24 to embed our new way of working to strengthen our oversight and improve outcomes for children, ensuring our people have the skills and confidence they need to deliver and that our new systems give us the outcomes we intend. We have also made a commitment to becoming an anti-racist organisation by internally challenging our systems, policies and processes and working alongside external partners. Together with strengthening our oversight, we will also deliver some targeted pieces of work on four areas where the Board believes we can support constructive change. These areas of focus are courts, police, partnerships to reduce serious violence and exploitation and education.

We will continue to fund the remaining pathfinder projects in 2023/24 in order to deliver against the priorities set out in our strategic and business plan and will spend the rest of the year planning our approach to future targeted investment for 2024/25.

Once again, I would like to use this opportunity to recognise the exceptional work you, staff in youth justice services and broader children's services do, day in day out with children in and at risk of coming into the criminal justice system, thank you. We have continued to see low numbers of children entering the youth justice system, diverting them into mainstream services to ensure that they get the care and support they need to thrive. Whilst late, I hope that this letter brings you reassurance and demonstrates our unwavering dedication to supporting frontline youth justice services and acknowledging the vital work you are engaged in to prevent children offending and re-offending.

⁴ <https://www.gov.uk/government/publications/yjb-business-plan-2023-to-2024>

Yours sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Roberts-Bibby".

Stephanie Roberts-Bibby
Interim Chief Executive
Youth Justice Board for England and Wales

E: Stephanie.Roberts-bibby1@yjb.gov.uk

CC: Local Authority Chief Financial Officer

CC: Alan Webster, Deputy Director, Youth Justice Policy, Ministry of Justice

ANNEX 2 –THE FUNDED ACTIVITIES

The principal aim of the funded activities is to prevent children offending and re-offending.
Activities should be delivered based on the best available practice-based evidence.

Governance and Leadership

Management boards must:

- Meet regularly with a minimum of 4 fully quorate meetings per year.⁵
- Review the YJS' performance and work together to address the needs of children.⁶
- As a minimum, consist of the statutory partner organisations required by legislation (police, health, probation and local authorities).
- Invite YJB representation to management board meetings and provide timely board papers.

Service Delivery

Service delivery must include:

- Delivery of the full range of youth justice services as specified in relevant legislation.⁷
- Adherence to [YJB case management guidance](#) to deliver services to children.
- Adherence to [Standards for children in the youth justice system](#) to deliver services to children.
- Compliance with audit requirements of these standards. These are currently completed triennially, and the next audit to take place 2023/24.
- Compliance with the additional oversight and support provided by the Authority, where performance concerns have been identified.
- Delivery of a Junior Attendance Centre (JAC) where a service receives funding for its delivery within their core grant allocation. Any underspend of this portion of the grant identified for JACS can be used for any other purpose provided for within the Agreement. However, JAC services must not be downgraded or restricted in order to create such an underspend.
- Use of AssetPlus as the mandated assessment tool for all statutory cases⁸

Data

Services must:

- Provide required performance data, as set out in the relevant [YJB Data Recording Requirements](#), and all key performance indicators must be submitted to the Authority quarterly.

⁵ [Youth justice service governance and leadership - GOV.UK \(www.gov.uk\)](#)

⁶ [Youth justice service governance and leadership - GOV.UK \(www.gov.uk\)](#)

⁷ [Crime and Disorder Act 1998 \(legislation.gov.uk\)](#) [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(legislation.gov.uk\)](#) [Police, Crime, Sentencing and Courts Act 2022 \(legislation.gov.uk\)](#)

⁸ Unless formally agreed to use an alternative tool

- Transfer data via the Connectivity framework, this includes all case management and AssetPlus data sets.
- Transfer confidential data between YJ Services and the YCS Placements Team via the Connectivity framework; both to ensure secure and timely transfer of information across the youth justice system and to support the safety and wellbeing of the child's entry to custody.
- Provide assurance that the systems processing children's data and connecting to the Connectivity service will meet the Government Minimum Cyber Security Standard⁹).

Reporting

Service are required to:

- Notify the Authority of all serious incidents, as set out in the [Serious Incidents Notification Guidance: Standard Operating Procedure for Youth Justice Services](#).
- Use local data/tools and the Authority's disproportionality toolkits¹⁰ to develop an action plan to address identified or anticipated disproportionality concerns.
- Prepare and submit to the Authority annually a Youth Justice Plan. The plan must be written following the [Guidance](#)¹¹ published by the Authority. The plan must be signed off by the chair of the management board.
- Publish Youth Justice Plans in line with relevant legislation¹².

⁹ <https://www.gov.uk/government/publications/the-minimum-cyber-security-standard>

¹⁰ The YJB Disproportionality Toolkits are available on the [Youth Justice Application Framework \(YJAF\)](#)

¹¹ The YJB Youth Justice Plan Guidance is refreshed annually.

¹² [Crime and Disorder Act 1998 \(legislation.gov.uk\)](#)

ANNEX 3 – PAYMENT SCHEDULE

The Grant is paid to the Grant Recipient as one lump sum when all the "current year" compliances set out below have been met. The payment schedule runs from 01 September 2023 to 31 December 2023.

Payment will be made on condition that the following information will be provided by the timescale indicated. A failure to provide this information could result in the Authority requiring that the Grant payment be returned.

30 June 2023	Youth Justice Plan	Send to: CBU@yjb.gov.uk copied to your relevant Head of Region or Wales
4 August 2023	Submission of a signed Agreement (e-signatures are now acceptable) – an email submission to the Authority must be copied to other signatories and state explicitly that the other signatories have agreed to conditions.	Send to: YJBGrants@yjb.gov.uk
31 May 2023	Submission of the signed audit certificate for the previous year's Youth Justice Grant	Send to: YJBGrants@yjb.gov.uk
31 July 2023	Submission of the planned overall income and workforce data for the YJS through YJ application framework	Contact: InformationandAnalysis@yjb.gov.uk
As per Data Recording Requirements (DRR) ¹³	Submission of quarterly YJS case management and AssetPlus data via Connectivity	Contact: InformationandAnalysis@yjb.gov.uk
31 May 2024	Submission of the signed audit certificate for the Grant (current year)	Send to: YJBGrants@yjb.gov.uk

The Grant Recipient should contact their relevant YJB Head of Oversight (for their area) if it is experiencing any delay or difficulties with any of the above.

¹³ <https://www.gov.uk/government/publications/data-recording-requirements-for-youth-justice-services-in-england-and-wales>

ANNEX 4 – GRANT RECIPIENT’S BANK DETAILS

If this is a new setup or the bank details have changed recently from the previous year follow the instructions below.

Please note, the Grant will be paid to a **Local Authority Bank Account only**.

We require the following information on **letter headed** document (not an invoice), that cannot be edited:

Name of your Organisation

Your Address

DUNS number

Your Bank Name

Your Bank Branch

Bank Sort Code

**Your Bank Account Number
(8-digit number only)**

Bank Account Name

VAT number

Contact Name

Contact Telephone/Fax Number

Email address of Local Authority Finance Team

Thank you for your co-operation

Please email to: YJBGrants@yjb.gov.uk

ANNEX 5 – ELIGIBLE EXPENDITURE

The YJB currently provides a Youth Justice grant to local authority Youth Justice Services (YJS) for the delivery of youth justice services. This is the MoJ's contribution to front line service costs.

The Grant will be paid only in respect of Eligible Expenditure incurred by the Recipient to deliver the Funded Activities which aim to ***prevent children offending and re-offending.***

YJS will be required to clearly state within their annual Youth Justice Plan how the Grant will be spent which must be agreed by the Management Board and signed-off by the Chair. All services are provided with detailed guidance to inform preparation and against which plans will be assessed as complete.¹⁴

The Grant is intended to contribute directly to the functions of YJS including:

- Preparing pre-sentence reports
- Supervising children during their sentence
- Resettlement of children leaving custody
- Front-line work to reduce offending and re-offending
- Prevention - work to prevent children from offending and entering the youth justice system
- Support to children to gain improved access to further education and employment opportunities and providing IT
- Improving children's life skills with a view to building their resilience and independence away from offending choices
- Where applicable on Junior Attendance Centres

¹⁴ <https://www.gov.uk/government/publications/youth-justice-plans-guidance-for-youth-justice-services>

ANNEX 6 – AGREED MILESTONES, PERFORMANCE MEASURES & OUTCOMES

Milestones

The Grant supports the front-line delivery of essential youth justice services for children. The effectiveness of YJS has been a critical enabler to the significant reductions in the use of custody and the commensurate financial savings that have been achieved across the whole system. All activities should meet the principal aim to prevent children offending and re-offending

The outputs from the Grant are:

- The requirements in relation to governance and leadership
- The requirements as agreed on service delivery
- The requirements as agreed on data recording
- The requirements as agreed for reporting

Services should be delivered in line with standards for children in justice and utilising the latest case management guidance

Performance Measures & Outcomes

As an independent public body with responsibility for monitoring the youth justice system, the Authority gathers information and assess its effectiveness. It aims to form an expert view of how the system can prevent offending and deliver the best outcomes for children who offend and for victims of their crime.

The Authority's work is guided by a child first principle, which puts children at the forefront of all its work. It is committed to this principle given the growing evidence that the supportive and effective approach this offers children, and how it aims to prevent offending and reoffending. The Authority wants to fulfil its vision through ensuring that its work is targeted using the youth justice system aims that apply to the whole system. The outcomes will be to:

- Reduce the number of children in the youth justice system
- Reduce reoffending by children in the youth justice system
- Improve the safety and wellbeing of children in the youth justice system

Improve outcomes for children in the youth justice system

Youth justice plans

YJB practice guidance

March 2023

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Context and legal framework

Local authorities have a statutory duty to submit an annual youth justice plan relating to their provision of youth justice services¹. Section 40 of the Crime and Disorder Act 1998 sets out the youth justice partnership's responsibilities in producing a plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out how youth justice services in their area are to be provided and funded, how they will operate, and what functions will be carried out.

The plan should equally address the functions assigned to a youth justice service, including how services will prevent offending behaviour and reduce reoffending².

Whilst these statutory requirements state the minimum information required within the youth justice plan, this guidance sets out further considerations for partnerships on both the content and structure of your youth justice plan; and asks for reflection on how the service takes a strength-based approach towards delivering a Child First justice system.

Annual youth justice plans are an opportunity to review performance and developments over a single year period and plan for the next year. This allows services to be able to respond to any changes that have taken place in the previous year, including new legislation, demographic changes, delivery of key performance indicators, and developments in service delivery. The planning and production of a youth justice plan is beneficial to partnership working and service delivery to ensure the best outcomes for children.

The YJB recommends that partnerships engage their YJB leads in reviewing the content of plans and seek timely feedback before formal submission.

Youth justice plans for 2023/24 should be submitted using the headings set out in the '[Youth Justice Plan Structure](#)' section below. The data and information contained within the plan is used by the YJB as an intelligence source to provide support to the sector through our oversight function. Analysis of the information identifies good performance and can provide focus on regional and national themes.

We recognise that local areas will have their own governance arrangements in place. We encourage the practice for plans to be developed in consultation with children and their families, staff and volunteers, statutory and non-statutory partnership organisations and board members.

¹ The statutory definition of a local youth justice service is contained in the Crime and Disorder Act 1998. In statute these are known as youth offending teams. However, as services have evolved, they have become known by different names. We use the term youth justice services (YJSs) to acknowledge the evolution of services in all their guises and to move away from the stigmatising language of 'offending'.

² [Crime and Disorder Act 1998, \(Section 40\) \(3\)\(a\)\(b\).](#)

The plan must be submitted to the YJB by **30 June 2023** to ensure timely payment of your Youth Justice Grant 2023/24, you can submit prior to this date if you wish. Please e-mail your plan to CBU@yjb.gov.uk, copying in your YJB lead.

Youth justice plans, in England only, must be signed off by the full council in accordance with Regulation 4 of the 'Local Authorities (Functions and Responsibilities) (England) Regulations 2000'. This regulation does not apply to Wales.

If you have not been able to achieve full sign off by the 30 June 2023, your plan can be submitted with the approval of the Board Chair with confirmation of full sign off submitted at a later date. The 'sign off' by the Chair is an indication that the wider management board have approved the submitted plan and **all sections outlined in the [Youth Justice Plan Structure](#) have been covered.**

There is a requirement on youth justice services to publish their youth justice plan³.

At the end of this document is a [summary outline of grant requirements against terms and conditions](#) to support services understanding of minimum compliances.

³ [The requirement is set out in the Crime and Disorder Act 1998 \(section 40\)](#) (4).

Child First

You will be aware that the Youth Justice Board's (YJB) vision is of a Child First youth justice system, which we define as a system where all services:

- Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
- Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
- Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
- Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

We are satisfied that the evidence supports this as the best approach to achieve better child outcomes. [A guide to Child First](#), alongside further information and tools, is available within the [Youth Justice Resource Hub](#).

The content of plans should reflect your activity in working to achieve the above vision.

How to produce your plan

Your [youth justice management board](#) should govern and own the process of producing the local youth justice plan; it is their opportunity to collectively shape the direction of the delivery of youth justice so that it best meets the needs of the locality, children, families, victims and communities. Opportunities for wider participation, significantly where children and their families can themselves shape and influence the delivery of your service, are also strongly encouraged.

Youth justice planning process – what might it include?

The management board (led by the Chair) should take the lead for planning and should include the following:

Reflect and plan

- Look back and learn from the past to recognise achievements and consider plans based on what is known now as well as looking to the future.
- Consider current performance, including performance data against local and national indicators over the previous 12 months, self-assessment against the [standards for children in the youth justice system](#) and other existing improvement plans.
- Identify and understand the needs of children in the justice system and the priorities needed to support good outcomes.
- Consider the key risks, issues and challenges, as well as key milestones.
- Involve input from children, their families and carers, enabling the voice of the child and user feedback and participation.
- Consult with staff and volunteers, particularly regarding improvements to service delivery and identifying learning and development needs of the workforce to support performance improvement and better outcomes.

Engage wider strategic partnerships

- Consider the regional and national context in which the partnership is operating. For example, ‘what is the strategy and vision of key stakeholders within which the youth justice plan will ‘sit’?’
- Take on board relevant wider strategic plans, (including perhaps your Police and Crime Plan, local authority plans (Children and Young People Plan for example), Violence Reduction Unit/Community Safety Partnership/Local Criminal Justice Board/Public Health Plans).
- Share with wider strategic partners who have not been involved in the development of the plan for feedback and amendments.

Youth justice services (YJSs) are asked to ensure that the information contained is clear and succinct so it is accessible to local residents and children.

Plans will cover both strategic and operational elements. The wider strategic picture should be captured, whilst also outlining the key business activities that will be undertaken by services to achieve wider strategic aims.

The plan should seek to include all services that contribute to the prevention of offending behaviour of children in their local area, as well as describing how the YJS itself operates and what functions it will carry out. This can be achieved through descriptions of operational partnership approaches across a local area, and the strategic links that underpin them.

The youth justice plan should set out the direction and strategy of youth justice services, describing how in particular, quality services will be provided to ensure positive outcomes for children and improvements in performance.

It is important to understand the needs and diversity of the local children's population, to devise and deliver appropriate individual and personalised services. The youth justice plan should contain information on the needs of children in the local area, including:

- an overview of offences by children, including a breakdown by sex, age, ethnicity, looked after status, types of offences
- how the needs of your cohort have been assessed to inform delivery decisions.

When sharing information, it is important to be mindful of the legal requirements of data sharing and ensure that no children are identifiable by the information that is being provided.

Youth justice plan structure

To aid youth justice partnerships in the production of the youth justice plan, commentary against the structure has been provided below.

Please use this structure as your template, ensuring each section is covered in your plan.

Introduction, vision and strategy

A foreword or statement introducing the plan from the Chair, or a senior representative of the local authority, confirming that the plan has been developed and agreed with youth justice partners and offers evidence of governance of the plan.

You may wish to provide information about the local context of both the service and local delivery environment. This can include information about the known demographics of the local population or any issues and concerns that impact on children in maximising their potential such as ethnicity, poverty and social deprivation, and children who have experienced care.

Child First

The YJB is committed to ensuring that we understand and promote across the youth justice system what the evidence tells us works best with children. Our focus on the principle of [Child First](#) is routed in this commitment. This section should be used to demonstrate how the partnership has achieved implementing the four tenets of the Child First principles into practical service delivery.

However, the principle of Child First is not limited to this section and the plan should also demonstrate how this ethos is woven throughout other elements of service delivery. You may wish to use case examples.

Voice of the child⁴

The youth justice plan should include information on how the partnership works collaboratively with the child and how their voice is heard. This section should include:

- what has been done with that information or feedback
- any tangible examples of how feedback from children has been used to make changes in service delivery
- information about the process undertaken to gather the feedback, and how that is analysed for service development.

⁴ [Participation in Practice and Co-creation Project - Peer Power Project \(July 2021\) - Youth Justice Resource Hub \(yjresourcehub.uk\)](#)

You may wish to include individual quotes from children and their families and carers.

Governance, leadership and partnership arrangements

This section should provide an overview of how the partnership is meeting statutory requirements for the oversight of youth justice services.

An account of the local governance arrangements for youth justice services (YJSs) should be included, outlining how the youth justice management board links in with other partnership and local governance arrangements with relevant oversight responsibilities and shared aims.

A description of the partnership arrangements, at both an operational and strategic level, that contribute to support for children in the justice system should be outlined. As a multi-agency partnership, YJSs must contain specialists, or access to specialist provision for children being supervised, this includes the police, health, education, social work and probation as a minimum. A description of operational partnerships should include confirmation that this is the case. This should also include details of the relevant partnership provision, in staffing, financial contribution and how those arrangements work in practice, in addition to describing the workforce available to deliver statutory youth justice work. This section should include information on:

- Where the service is located within the local authority, or otherwise, and the rationale.
- The seniority of the YJS Head of Service role, including any other lead responsibilities.
- The full staffing structure showing details of the staff roles in the YJS and the reporting arrangements for the Head of Service should be included as an appendix within the plan. A separate table should also be included as an appendix recording the ethnicity, sex and known disability of staff.

Board development

The YJB expects local management boards to take responsibility for all aspects of youth justice service governance; to lead strategically across relevant partners and to ensure a high-quality service is provided to all children. In 2021 the YJB provided updated guidance on [youth justice service governance and leadership](#) to support this. Your youth justice plan should set out what are the plans for partnership improvements and board development.

Progress on previous plan

This section should include a commentary on performance on the key activities identified in the previous plan. Information should be provided on what activities and objectives were achieved in the preceding year. Progress should be reported on those actions that are still outstanding, or partially achieved. Any barriers to the successful completion of activities should be identified, and if still appropriate, what actions are planned to mitigate or overcome any barriers to achievement.

Resources and services

Your youth justice plan will need to provide assurance that the youth justice core grant will be used appropriately (as described in the Terms and Condition of Grant).

In this section you are required to include details of:

- how the youth justice core grant will be used
- partnership resources that contribute to the aims and expected outcomes of the plan, adding Table B5: Budget Costs and Contributions 2023/24 as an appendix if available (please refer to the [YJB Data Recording Requirements for Youth Justice Services in England and Wales 2023/2024](#)).

A description of effective and efficient use of resources should be linked to performance and outcome measures set out in the plan. e.g.

'we use our grant, partner contributions and available resources to deliver these services and we believe they produce the following benefits and outcomes. Our performance will be improved in 2023/24 by.....'

Performance

This section should contain a summary of key performance targets, describing what current performance looks like, what has contributed to good or poor performance, and what the partnership is aiming for in the future.

National key performance indicators:

Performance against the nationally measured targets should be captured in the plan (please refer to the [YJB Data Recording Requirements for Youth Justice Services in England and Wales 2023/2024](#)).

Existing key performance indicators:

Please provide a narrative on each of the indicators, providing supporting data, and demonstrate how the service are reducing:

- binary reoffending rate
- frequency of reoffending
- first time entrants
- use of custody.

Welsh YJSs should include their performance in relation to the Welsh Key Performance Indicators in this section and also include any information, and data if available, relating to the Welsh Blueprint.

Additional Key Performance Indicators (from April 2023):

It is a requirement of the service to report on the following [new key performance indicators](#) from April 2023, with the first submission due July 2023. We understand this information may not be obtainable at the time of submitting your plan but where possible please provide a narrative on each of the new indicators explaining the current position, any foreseen risks and challenges

and what actions are planned to address performance. Include any supporting data if available:

- suitable accommodation
- education, training and employment
- special educational needs and disabilities/additional learning needs
- mental health care and emotional wellbeing
- substance misuse
- out-of-court disposals
- links to wider services
- management board attendance
- serious violence
- victims.

Local performance

Local performance targets are encouraged, and local data to measure these targets are also welcomed as a useful way of overcoming the challenges to delays in national data. This can include any local targets that aim to improve the outcomes for children.

Priorities

We would be keen to understand how your youth justice plan addresses the following priorities:

Children from groups which are over-represented

Children from a range of backgrounds are over-represented in the youth justice system. Your youth justice plan should offer commentary on any data or intelligence you have about children who may be over-represented in the youth justice system in your area.

Nationally it is known that Black and Mixed ethnicity boys are over-represented and the recent [HMIP thematic report](#) made a number of recommendations for local authorities, YJS partnerships and YJS managers in relation to these children. Commentary on how the service has responded to these recommendations can be included here.

However, it is not only Black and Mixed ethnicity children that are over-represented, and the YJS should know and respond to any local concerns about all children from over-represented groups. This includes but is not limited to children known to social care services, children excluded from school and Gypsy, Roma and Traveller children.

There should be an analysis of any data that identifies all children from over-represented groups, and an outline of what plans are in place to address this, and what has been delivered for these children. Tackling over-representation should be a concern across the partnership, therefore this should not be limited to the activities of the YJS and can include wider activities led by other partners.

If there is no data to indicate any groups of children are over-represented, this should be acknowledged.

Whilst there are fewer girls in the youth justice system, they do have a specific set of needs, and services should be adapted to meet the needs of the girls supervised by the service. If there are specific services or programmes that have been developed for girls, this should be included in this section.

Prevention⁵

Many partnerships are delivering early and/or targeted prevention work with children (together with their families/carers) who may be displaying behaviours associated with offending, antisocial behaviour, or vulnerability in order to safeguard children and promote positive outcomes to stop them entering the justice system.

This section can be used to set out the strategy and processes in place for prevention across the partnership. It should include how children are identified for prevention, how the service is delivered, by whom and how success is evaluated. Please provide practice examples and supporting data where available.

Diversion⁵

Many partnerships are delivering diversion work with children (together with their families/carers) who have committed an offence(s) to support them to avoid a criminal record and escalation into the justice system.

This section can be used to set out the strategy and processes in place for diversion. If not already provided within the key performance section, please include how children are identified for diversion, how the service is delivered, by whom, how success is evaluated and what scrutiny is in place. Please provide any practice examples and additional supporting data.

In both prevention and diversion, it is recognised that some of this work may be delivered outside the YJS; this activity should be included in these sections.

Education

From April 2023, YJSs will be required to submit performance data on:

- education, training and employment
- special educational needs and disabilities/additional learning needs.

If not previously covered, please provide further details of how the partnership is working to ensure all children known to the service are having their education needs met. This should include information of the education staffing provision in the service, and how this links with other partnership arrangements, such as voluntary sector organisations, academy trusts and the local authority and links to education representation on the board.

⁵ [Final Report: Prevention and Diversion Project – Youth Justice Board for England and Wales \(February 2023\) - Youth Justice Resource Hub \(yjresourcehub.uk\)](https://www.gov.uk/government/publications/youth-justice-board-for-england-and-wales-project-report)

Please provide supporting information for children who are not receiving their education entitlement, how many are excluded, on part time timetables or electively home educated. This data should be analysed to identify any disproportionality and care status of the child.

Restorative approaches and victims

Restorative approaches empower victims and gives them a voice in the criminal justice process, helping them to move on with their lives. Victims should be considered when planning for their safety and there should also be consideration of the child's past experience of being a victim and any potential future concern. Restorative approaches can also help children move forwards and draw a line under past events.

From April 2023, 'Victims' will become a key performance indicator. In this section please provide any supporting information that has not included in the Key Performance Indicator section above.

Serious violence and exploitation

Services are invited to provide a local picture on serious violence and exploitation according to the [Home Office Serious Violence Duty](#) (December 2022). This should include any strategic links to wider partnership arrangements and learnings from past [serious incidents](#).

Please comment on partnership work to address child criminal exploitation, including the service's interaction with the National Referral Mechanism or equivalent local arrangements. Any work being completed as a result of, or to prevent, radicalisation or extremist activity should be included in this section.

Whilst not applicable to all children who are subject to release under investigation (RUI) arrangements, a number of these investigations will relate to serious violence. This section should address what work is being completed across the partnership in relation to children subject to RUI.

Detention in police custody

Please provide information on children who are detained in custody, including how the service have addressed any local challenges, compliance with the [Police and Criminal Evidence Act 1984 \(PACE\)](#) and any examples of good practice. Include information around appropriate adult arrangements in your area, such as who provides the service, any local processes and the support of the Emergency Duty Team.

Remands

Children subject to remands to local authority accommodation and children subject to remands to 'Youth Detention Accommodation' should be covered in this section, and if data is available this should be included. Information should be included on any strategic plans being delivered across the partnership to reduce the use of remands.

Use of custody

The use of custody has decreased significantly over the past ten years and this is rightly a success in the youth justice system. When children do go to custody it can have a damaging effect on their lives, disrupting education and straining family relationships. Children in custody are likely to be amongst the most

complex and vulnerable children in society. Therefore, even in services where custody rates are low, reference should be made to strategic planning, including work across the partnership for these children and any analysis completed on their needs.

Constructive resettlement

Children leaving custody often face particular challenges in relation to suitable accommodation and this section can include what work the partnership has achieved in implementing the principles of constructive resettlement in practice, maximising where possible the use of temporary release and how they plan to implement the constructive resettlement approach in the future. Case examples can be included.

Standards for children in the justice system

Your youth justice plan should include Information on:

- the findings from your most recent [standards](#) for children in justice self-assessments
- actions completed to address gaps found in internal audits
- progress to date against your standards for children in justice action plan
- planned activity for the coming year.

Workforce Development

Please provide information on what activity will take place for workforce in 2023/24. Include an analysis of the workforce development needs of the staff in the service and the plans to deliver training and development over the next year. Provide details on any training or development that have been delivered in the past year and how this has impacted on service delivery.

Identify ways in which the workforce is supported, providing specific examples for promotion of the resilience and wellbeing for staff such as clinical supervision, peer to peer mentoring, etc.

Evidence-based practice and innovation

The purpose of evidence-based practice and innovation is to promote effective practices which achieve positive outcomes for children. This includes systems, ways of working or specific interventions which are based on the best available research, are child focused and developmentally informed.

In addition, examples where there is *emerging practice or innovation* should be included in this section. This can include practice that has been developed in response to the specific needs of a group of children, for example younger children, children with refugee experience, or practice in response to a theme, need or behaviour. This could include responses to support prevention and diversion, build strengths, re-engaging children in services, or systems approaches to ensure good communication.

Evaluation

In this section examples of practice should be included that meet the definition of evidence-based practice. If there has been any evaluation, either in-house, or externally validated, this should also be included.

Examples of practice can include small changes, as well as larger projects.

Service development plan

It is important during the preparation of your youth justice plan that you consider and capture detail around the following:

Service development

What key activities and outcomes for children are needed and how they will be delivered. You should consider:

- What benefits will be delivered and what success will look like?
- What support is needed?
- Will sector support be used?
- How the [YJB Strategic Plan 2021-24](#) will influence your local plan?

As part of this consideration, your youth justice plan must present progress against key findings from any relevant local inspection action plans, HMI Probation thematics, serious incident review or learning exercises that have taken place in the last 18 months.

Challenges, risks and issues

This section should include:

- an outline of current challenges, risks and issues to local youth justice services
- what actions are being taken to address existing issues and challenges
- what proposed action may be needed to address potential risks should they emerge.

Sign off, submission and approval

Youth justice plans can be submitted to the YJB at any point, but we request that approved plans are submitted by **30 June 2023** at the latest.

Youth justice plans, in England only, must be signed off by the full council in accordance with 'Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000'. This regulation does not apply to Wales.

If you have not been able to achieve full sign off by the 30 June 2023, your plan can be submitted with the approval of the Board Chair with confirmation of full sign off submitted at a later date. The 'sign off' by the Chair is an indication that the wider management board have approved the submitted plan and **all sections outlined in the [Youth Justice Plan Structure](#) have been covered.**

To submit your youth justice plan you should e-mail CBU@yjb.gov.uk and copy in your YJB lead.

The YJB lead covering your region/Wales are available to review and consult on locally approved plans. Should feedback from them be sought, we advise consultation on a draft version take place as early as possible and before formal submission.

While the YJB provides grant to local areas, it is neither a signatory to the plan nor directly responsible for its contents. Consequently, neither the YJB nor the Ministry of Justice logo should appear on the document.

Appendix 1: Staffing Structure

The full staffing structure showing details of the staff roles in the YJS and the reporting arrangements for the Head of Service should be included as an appendix within the plan. A separate table should also be included as an appendix recording the ethnicity, sex and known disability of staff.

Appendix 2: Budget Costs and Contributions 2023/24

Budget Costs and Contributions 2023/24 as an appendix if available (please refer to the [YJB Data Recording Requirements for Youth Justice Services in England and Wales 2023/2024](#))

Summary outline of grant compliances

The below replicates Annex 3 within the youth justice core grant terms and conditions. Grant payment is made to the local authority as one lump sum when all the compliances set out below have been met. Payment will be made on condition that the following information will be provided by the timescale indicated. A failure to provide this information could result in the YJB on behalf of the Secretary of State for Justice requiring that the grant payment be returned.

If youth justice services are experiencing delay/difficulties with any of the below, contact with their relevant YJB lead is essential.

Date	Activity	Contact
31 May 2023	Submission of the signed audit certificate for the previous year's 2022/23 Youth Justice Grant	Send to: YJBGrants@yjb.gov.uk
30 June 2023	Youth justice plan	Send to: CBU@yjb.gov.uk and copied to your relevant YJB lead
30 June 2023	Submission of a signed agreement of Conditions of Grant (e-signatures are now acceptable) – an email submission to the YJB must be copied to other signatories and state explicitly that the other signatories have agreed to the conditions	Send to: YJBGrants@yjb.gov.uk
31 July 2023	Submission of the planned overall income and workforce data for the youth justice service through the youth justice application framework	Contact: InformationandAnalysis@yjb.gov.uk
As per Data Recording Requirements (DRR) ⁵	Submission of quarterly case management and AssetPlus data via Connectivity	Contact: InformationandAnalysis@yjb.gov.uk

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City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	People Directorate
Service Area:	Children's Services
Name of the proposal :	Youth Justice Plan
Lead officer:	Sara Orton, Youth Justice Practice Manager
Date assessment completed:	06 September 2023

Names of those who contributed to the assessment :

Name	Job title	Organisation	Area of expertise
Sara Orton	YJS Manager	York Youth Justice Service	Youth Justice
Ellen Fletcher	Probation Officer	The Probation Service	Rehabilitation of offenders
Nicola Elliot	Police Officer	North Yorkshire Police	Criminal Justice

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	This proposal is to put the Youth Justice Service plan before the wider local authority and partners for consideration. The plan is a requirement of the Youth Justice Board and completed annually.
1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	Local authorities have a statutory duty to submit an annual Youth Justice Plan relating to their provision of Youth Justice Services. Section 40 of the Crime and Disorder Act 1998 sets out the Youth Justice partnership's responsibilities in producing a plan.
1.3	Who are the stakeholders and what are their interests?
	City of York Council – Youth Justice Service and partners Youth Justice Board which includes a range of partners from education, housing, Social Care and Police.
1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	The Youth Justice Plan sets out how Youth Justice Services are provided and the functions.

	The overall outcomes of the plan is to set a partnership vision which is focused on prevention, diversion and reducing the number of young people entering the Youth Justice system. The plan is in line with the Youth Justice Board Vision of child first justice system and Council Plan of improving outcomes for children, young people, families and the wider community.
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Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
Source of data/supporting evidence	Reason for using
City of York Council Plan	To ensure the Youth Justice Plan reflects the wider Council Plan
Youth Justice Board guidance	To ensure the Youth Justice Plan is in line with the guidance set out by the Youth Justice Board regarding what must be set out in the plan.
Data/Performance from the Youth Justice Service	To inform the Plan
Consultation and feedback from the Youth Justice Board	To ensure partners are engaged in the development of the plan.
Youth Justice Inspection Guidance and inspection Report	To inform the plan

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
	Gaps in data or knowledge	Action to deal with this
	No known gaps in data or knowledge relating to the Youth Justice Plan.	N/A

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)

Age	The Youth Justice Service has a core duty of working with young people aged 10 – 18. The age of young people will be considered when looking at policy, procedure and practice.	+	L
Disability	The plan takes ensures a vision that children and young people's needs are considered through an individual and holistic approach through a range of partners to not only consider issues of offending but young persons broader needs.	+	L
Gender	Gender neutral language is used within the Strategic Plan. Where identified in the context of this Strategic Plan, Youth Justice case workers will identify specific needs in order to provide services that cater for individual characteristics. Approaches are based on research and as highlighted in the plan the service have created a female specification intervention.	+	L
Gender Reassignment	See above	+	L
Marriage and civil partnership	Young people who are working with the Youth Justice Service would not be married or in a civil partnership.	0	
Pregnancy and maternity	Within the scope of youth justice work, some young people may be pregnant or parents. Where identified in the context of this Strategic Plan, Youth Justice case workers will identify specific needs in order to provide services that cater for individual characteristics.	+	L
Race	The Youth Justice Service ensures plans are individual, holistic and signed up to the pledge as outlines in section 4.	+	L
Religion and belief	It is intended that religion or belief will taken into account in individual case work and holistic view of the young person in their community as outlined in the plan.	+	L

Sexual orientation	The strategic plan does not differentiate between sexual orientation. Case workers will work individually with young people and ensure confidentiality and privacy in line with young people's choices.	+	L
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	The plan recognises the need to work with young people and their carers and wider network, working with a vision to ingrate young people and create safer communities.	+	L
Low income groups	The plan sets a vision to work with young people on an individual basis and to consider individual factors and respond accordingly.	+	L
Veterans, Armed Forces Community	The Youth Justice Service has a duty to work with all young people across the City therefore there would be no impact.	+	L
Other	Data is tracked on young people who are excluded from education, children from gypsy, roma and traveller backgrounds. The inspection this year commented 'work with children from travelling families was very good, with knowledge, skills and relationships having being built over time'.		
Impact on human rights:			
List any human rights impacted.	None		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<p>The Youth Justice Plan sets out the vision, function and priority of the service. The Service works on both a statutory and preventative basis. The service user group is often diverse and we ensure that opportunities for all young people and their parents/carer are optimised. There is no foreseeable reason the Youth Justice plan will cause concern regarding unlawful prohibited conduct or unwanted adverse impact.</p>	

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>		
	<ul style="list-style-type: none">- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.- Adjust the proposal – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.- Continue with the proposal (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty- Stop and remove the proposal – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed. <p>Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.</p> <table border="1"><thead><tr><th data-bbox="181 1144 720 1229">Option selected</th><th data-bbox="720 1144 2070 1229">Conclusions/justification</th></tr></thead></table>	Option selected	Conclusions/justification
Option selected	Conclusions/justification		

<ul style="list-style-type: none"> - No major change to the 	<p>This EIA demonstrates the plan's vision to work with children and young people from a range of diverse backgrounds in a child focused, individual, and holistic way to ensure their needs are considered with the overall aim of prevention and improving their outcomes which in turn promotes safer communities.</p>
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Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
None			

Step 8 - Monitor, review and improve

8. 1	<p>How will the impact of your proposal be monitored and improved upon going forward?</p> <p>Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>The Youth Justice Plan is monitored on a regular basis by the Youth Justice Management Board.</p>



Meeting:	CMT (Council Management Team) and Executive
Meeting date:	12/09/2023
Report of:	Jamaila Hussain - Corporate Director of Adult services and Integration (DASS)
Portfolio of:	Councillor Jo Coles - Member for Health, Wellbeing and Adult Social Care

Decision Report: Approved Provider List (“APL”) Dynamic Purchasing System

Subject of Report

1. Under public procurement regulation every public procurement must be in accordance with public procurement legislation. The legislation makes it clear what procurement process must be used when spend is at a certain level as well as what the buying authority is hoping to achieve. Currently the Council of the City of York (“**the Council**”) uses an individual case by case approval and contract method called a “pre-placement agreement” that is no longer appropriate to meet the needs of the organisation. Rather than individual agreements for each provider there is a need to move towards overarching agreements clustered under four categories. As a result of the current process and considering procurement legislation there is a need to move towards an “approved provider list.”
2. An Approved Provider List (“APL”) is a pre-approved list of providers the Council can choose from to make a purchase which covers a defined set of services. APLs are recommended under Public Contract Regulations 2015 (“**PCRs**”) and is best practice across Local Government when procuring/purchasing the services outlined within the paper. Adopting this approach will ensure we are compliant with legislation and will help mitigate against the risks within the

current individual pre-place agreements process which is a process that is dated and requires a complete refresh.

3. The Council is intending to identify Providers to be included as part of an APL. The APL will have an initial term of 3-years with an option to extend for up to a further 4-years (2-years, plus 2-years), leading to a maximum duration of 7-years. Service contracts awarded as call-off contracts from the APL will be up to a maximum 7-years in length, with initial periods, break points and potential extensions configured to balance the stability of care for service Providers and manage service Provider performance. This will help to inform efficiencies and enable the establishment of a legal agreements for these APLs. The work will be undertaken on a phased approach until summer 2024, due to ongoing negotiations with Providers.
4. The Paper seeks for executive members to approve the procurement of the following APL for the following services on a phased approach:
 - a) Care at Home (Domiciliary care) (APL 1)
 - b) Residential care with and without nursing (APL 2)
 - c) Community Based Support (APL 3)
 - d) Supported Living (APL 4)

Benefits and Challenges

5. Adult Services are currently developing the four service specifications for the APL and will approach the market via an open transparent process.
6. The proposed APL and approaching the market via a fair, open, and transparent process in order to commission the required services has several advantages and disadvantages, and they are outlined in **Table 1** below, with key risks highlighted:

Table 1 – Pros and Cons detail	
Advantages (Pros)	
<ul style="list-style-type: none"> • Establishing an APL will ensure that the Council has a consistent, timely and legally compliant process by which to procure bespoke services from the care market based on individual need. 	

- The APL will enable the Council to retain control of the ceiling rates and thereby reduce costs incurred, ensuring efficiencies in budgetary allocations.
- The APL will have an initial term of 3-years, with an option to extend for up to a further 4-years (2-years, plus 2-years), leading to a maximum duration of 7-years. The newly developed contract will have initial contract periods, break points and the potential to extend the service in line with the extension periods enabling flexible options for the Council.
- The proposed APL provides an important opportunity to shape the market with a re-developed specification, outlining clear expectations of service delivery and outcomes for our customers.
- The proposed APL will help to ensure going forward that the Council will be fully compliant with the Council Procedure Rules and the Public Contract Regulations 2015, by tendering our service requirements through our tender tool YORtender.
- Providers will progress through a neutral selection process with clear set obligations and the selection will be made based on a rigorous evaluation of what the Council requires.

Disadvantages (Cons)

- Tendering services does not mean that there is a guarantee of Providers bidding on the APL, due to Providers not wanting to be capped on certain thresholds/ceiling rates.
- To complete the tendering exercise can be time consuming and will require commitment of staff resources from various departments. The open procedure will be used that will combine stages of the process and is the fastest procedure to progress.

Risks of having an APL

- Tendering services does not mean that there is a guarantee of Providers bidding to enter the APL and this would lead to an increase in exception Providers and the Council not providing statutory services in line with the Care Act 2014.
- Delays within the process, as this may not allow sufficient time to embed the APL.

Risks of not having an APL

- Lack of standardisation of terms and conditions of services.
- Market unsustainability which affects person's care plans.

Policy Basis for Decision

7. The Commissioning Strategy, Market Sustainability Plan and the 10-year vision 'People at the Heart of Care: adult social care reform paper' clearly outlines that the Council will work with existing and new Providers within the market to provide sustainable, quality and value for money services as part of the APL.
8. Section 5 of the Care Act 2014 places duties on local authorities to promote the efficient and effective operation of the market for adult care and support. The due diligence process is part of activities that helps the Council facilitate market shaping duties by on-boarding new Providers through a robust vetting process to minimise operational risks and provide superior quality services that serve and safeguard our residents.
9. Local authorities with Adult Social Services responsibilities are required by the Care Act of 2014 to oversee the care market, collaborate with Providers to develop high-quality services, guarantee capacity to meet local needs, and ensure the safety of service users.
10. The APL will comply with the key principles of the York Health and Wellbeing Board including working together in true partnership for the good of the people of York and Involve local people in identifying the challenges and redesigning services.
11. The APL is in line with the Council's ambition and plan 2019-23 of good health and wellbeing.

Financial Strategy Implications

12. The estimated annual value of the APL based on the will be £67,500,240 (Gross), while the estimated value of the APL over the initial 3-year term with inflationary rate of 2.5% every year will be £213,070,306, and if extended up to the full 7-years will be £522,863,890. This is expected to increase due to pressures within the care sector.
13. In York, the proportion of people who pay for their own care has continued to grow due to a high demand which increases costs compared to our neighbours.

14. The financial tariffs will remain what they are now when the APLs are advertised later this year.

Recommendation and Reasons

15.

- a) **Recommendation:** to approve the establishment of the APL.

Reason: The proposed APL will ensure that services are procured in line with our statutory duties and obligations under the Care Act 2014 and the Public Contract Regulations 2015, as well as our own standing orders set out within the Council's Contract Procedure Rules under Appendix 11 of the Council's Constitution, as well as ensure efficiencies and enable the Council to have more control of current and future contracts, for example ceiling rates.

- b) **Recommendation:** to delegate authority to the Corporate Director of Adult Services and Integration ("DASS"), in consultation with the Director of Governance, to determine the provisions of the new APL, and to award positions on to the APL following an open, fair, and transparent competitive process and evaluation criteria.

Reason: To ensure the proposed APL is set up in accordance with and continues to be used/managed thereafter in line with the Light Touch Regime under the Public Contract Regulations 2015 and the Council's Contract Procedure Rules, to ensure open, fair, and transparent commissioning of services required to meet our statutory duties under the Care Act 2014, and to ensure the APL is set up within the procurement timescales.

Background

16. The current procedure in place involves Pre-Placement Agreements ("PPAs") for Residential Care Homes and Care Homes with Nursing. PPAs are also in place for Homecare Services and Disability Services (including Mental Health). There is a current framework in place for Homecare and Supported Living Services.
17. The new APL will be in place for an initial term of 3-years, with an extension option of 2-years, plus 2-years years totalling a 7-year contract.

18. The service specifications for the APL have been developed by all age commissioning team in collaboration with operational teams, which will enable monitoring and reporting on the outcomes of the services.
19. The APL will be an open list: applicants can apply to join during its term if the applicant satisfies the Council's minimum selection requirements. The APL will be open for new applications from the date of publication of the invitation to participate documents and will remain open for new applications at any time during the APL term. Following an evaluation process, applicants will receive an outcome notification.
20. Service users will be working age adults with learning disabilities, mental health needs & physical disabilities, but will also include a number of any other service user category.
21. Successful applicants will be required to sign an APL Agreement and will be appointed as a Provider. Providers on APL need to agree to conditions that they will continue to deliver packages of care and support within specific quality standards, follow appropriate policies and procedures and comply with CYC monitoring requirements.
22. The APL will be used by the Council to call-off when care and support is required. The call-off procedure provides flexibility in the way the Council will formulate and award service contracts with the intention of providing the best possible care and support to people and will be based upon the core service specification and core service contract. Existing business is anticipated to be retained by existing Providers who have been successful in applying to the APL, based on service user choice. It is also anticipated that new business will arise each year. The associate bodies, or their successors that can call off from this agreement are the York Health and Care Partnership.
23. Successful Providers may be required to produce an annual service development plan for each service contract called off from the APL, to respond to changing needs and have regard to service efficiency and improvement.
24. The approval to implement an APL for Working Age Adults Care & Support Services, including accommodation-based services, domiciliary support, outreach and day opportunities will provide professionals and residents of York, clear information on the services available to meet needs, with assurances that there is a contract in

place, due diligence has been completed and there is contract management relationship with the Provider. All specifications will be developed to include Mental Health and Learning Disabilities.

25. The APL will replace the current PPAs that are between the Council and individual organisations. Therefore, organisations that are not signed up to an APL will not have a contractual agreement with the Council and will therefore be unable to provide services on behalf of the Council. Bidders shall be made aware that the APL is a non-exclusive arrangement, that the Council will not provide any kind of volume guarantee for the Provider's services, and that the Council is always free to sign other contracts and agreements with other Providers to provide any of the services.

Consultation Analysis

26. A market engagement is planned once approved with all the Providers involved. Consultation has also taken place across internal and external stakeholders.

Options Analysis and Evidential Basis

27.

- a) **Recommendation:** to approve the establishment of the APL.

Reason: The proposed APL will ensure that services are procured in line with our statutory duties and obligations under the Care Act 2014 and the PCRs, as well as our own standing orders set out within the Council's Contract Procedure Rules under Appendix 11 of the Council's Constitution, as well as ensure efficiencies and enable the Council have more control of current and future contracts, for example ceiling rates.

- b) **Recommendation:** to delegate authority to the Corporate Director of Adult Services and Integration ("DASS"), in consultation with the Director of Governance, to determine the provisions of the new APL, and to award positions on to the APL following an open, fair, and transparent competitive process and evaluation criteria.

Reason: To ensure the proposed APL is set up in accordance with and continues to be used/managed thereafter in line with the Light Touch Regime under the Public Contract Regulations 2015

and the Council's Contract Procedure Rules, to ensure open, fair, and transparent commissioning of services required to meet our statutory duties under the Care Act 2014, and to ensure the APL is set up within the procurement timescales.

Organisational Impact and Implications

28. Financial

The estimated value for the APLs is summarised below; mental health is included in all the portfolios including over sixty-fives. The below figures summarise the Gross and Net Out-turn annually based on 2022/23 actuals and over initial 3-year term and the full 7 years. An inflationary uplift of 2.5% every year has been considered.

Table 1: Finances		
Portfolio	22/23 Annual Value (£)	
	Gross	Net
Home/day care	13,346,734	1,808,386
Residential	25,861,495	16,518,945
Nursing	9,886,379	5,986,386
Supported Living	18,492,783	15,375,589
Total Value	67,587,391	39,689,306
Budget	61,857,680	35,069,510
Overspend	5,729,711	4,619,796
3-year Value with 2.5% inflation		
Home/day care	42,075,786	5,700,964
Residential	81,528,766	52,076,232
Nursing	31,166,966	18,872,177
Supported Living	58,298,788	48,471,783
Total Value	213,070,306	125,121,157
Budget	195,007,303	110,557,178
Overspend	18,063,003	14,563,979
5-year Value with 2.5% inflation		
Portfolio	5-year Value with 2.5% inflation	
	Gross	Net
Home/day care	71,908,686	9,743,106
Residential	139,334,925	88,999,727
Nursing	53,265,210	32,253,074
Supported Living	99,634,248	82,839,624

Total Value	364,143,069	213,835,531
Budget	333,272,894	188,945,287
Overspend	30,870,174	24,890,244
7-year Value with 2.5% inflation		
Home/day care	103,251,877	13,989,882
Residential	200,067,520	127,792,473
Nursing	76,482,177	46,311,380
Supported Living	143,062,315	118,947,336
Total Value	522,863,890	307,041,070
Budget	478,538,182	271,301,794
Overspend	44,325,708	35,739,276

- The figures shown above are taken from the actual spend in 2022/23 inflated at 2.5% per year. As the intention is that the APL will have a ceiling rate built in the actual costs of the Dynamic Purchasing System over the next 7-year should be less than shown above.
- The existing PPAs have specific rates at the point of application from Providers, though due to the current cost of living climate and market pressures, Providers have submitted higher inflationary rates than expected. The APL will have a ceiling rate which is that of the rates in 2023/24 therefore there will be no increase in spend per APL or call off from the APL. These rates are:

Table 2: York Provider rates 2023-24

Approved Provider List	Category of service	Weekly Rates £	Ceiling Rate £	Hourly rates £
Residential care with or without Nursing (APL 1)	Residential home	700	£700	N/A
	Residential home with dementia care	730	£730	N/A
	Nursing home (includes FNC)	919.71	919.71	N/A
	Nursing home with dementia care (Includes FNC)	949.71	949.71	N/A
Care at Home (APL 2)	Care at Home (Domiciliary Care) Services	N/A	23.58	£23.58

For Community Based (APL 3) and Supported Living (APL4), there are ongoing negotiations hence this will be confirmed later.

29. Human resource

As this appears from the information provided in the report to being a move from a Pre-Placement Agreement to an Approved Provider List model, there are no Human Resources implications.

30. Legal

Statutory Duties

The procurement of a new Contract is necessary for us to comply with our statutory duties under the Care Act 2014, ss 2 and 5:

2. Preventing needs for care and support

- (1) *A local authority must provide or arrange for the provision of services, facilities, or resources, or take other steps, which it considers will: -*
 - a. *contribute towards preventing or delaying the development by adults in its area of needs for care and support;*
 - b. *contribute towards preventing or delaying the development by carers in its area of needs for support;*
 - c. *reduce the needs for care and support of adults in its area; and*
 - d. *reduce the needs for support of carers in its area.*
- (2) *In performing that duty, a local authority must have regard to: -*
 - a. *the importance of identifying services, facilities, and resources already available in the authority's area and the extent to which the authority could involve or make use of them in performing that duty;*
 - b. *the importance of identifying adults in the authority's area with needs for care and support which are not being met (by the authority or otherwise);*
 - c. *the importance of identifying carers in the authority's area with needs for support which are not being met (by the authority or otherwise).*

5. Promoting diversity and quality in provision of services

(1) A local authority must promote the efficient and effective operation of a market in services for meeting care and support needs with a view to ensuring that any person in its area wishing to access services in the market: -

- a. has a variety of Providers to choose from who (taken together) provide a variety of services;
- b. has a variety of high-quality services to choose from;
- c. has sufficient information to make an informed decision about how to meet the needs in question.

(2) In performing that duty, a local authority must have regard to the following matters in particular: -

- a. the need to ensure that the authority has, and makes available, information about the Providers of services for meeting care and support needs and the types of services they provide;
- b. the need to ensure that it is aware of current and likely future demand for such services and to consider how Providers might meet that demand;
- c. the importance of enabling adults with needs for care and support, and carers with needs for support, who wish to do so to participate in work, education, or training;
- d. the importance of ensuring the sustainability of the market (in circumstances where it is operating effectively as well as in circumstances where it is not);
- e. the importance of fostering continuous improvement in the quality of such services and the efficiency and effectiveness with which such services are provided and of encouraging innovation in their provision;
- f. the importance of fostering a workforce whose members are able to ensure the delivery of high-quality services (because, for example, they have relevant skills and appropriate working conditions).

(3) In having regard to the matters mentioned in subsection (2)(b), a local authority must also have regard to the need to ensure that sufficient services are available for meeting the needs for care and support of adults in its area and the needs for support of carers in its area.

(4) In arranging for the provision by persons other than it of services for meeting care and support needs, a local authority must have regard to the importance of promoting the well-being of adults in its area with needs for care and support and the well-being of carers in its area.

(5) In meeting an adult's needs for care and support or a carer's needs for support, a local authority must have regard to its duty under subsection (1).

Procurement & Contract Law Implications

Under Rule 10.4 of the Council's Contract Procedure Rules (“**CPRs**”), authorised officers (in conjunction with Commercial Procurement and Legal Services) may establish a Dynamic Purchasing System (“**DPS**”), which is what the APL will effectively be. Both the Chief Procurement Officer and relevant Assistant director must agree the establishment of any DPS prior to any selection or procurement processes being undertaken. The APL must otherwise be treated as any other procurement and will follow the same levels and process as required by the value and object of the APL. Note, there are additional requirements under the Public Contracts Regulations 2015 (“**PCRs**”) for the establishment and further use of DPS, and advice must be sought from Commercial Procurement and Legal Services to ensure the PCRs are adhered to.

CPR Rule 11.5 confirms that where the value of a proposed contract is above the relevant Procurement Threshold, officers are required to procure the contract in accordance with the requirements of the PCRs. The nature of the services to be provided under the APL will fall under the category of “social and other specific services” for the purposes of the PCRs, for which the current threshold is £663,540 inclusive of VAT, and therefore brings this arrangement within the scope of Chapter 3 of the PCRs – otherwise known as the Light Touch Regime.

The Light Touch Regime offers a degree of flexibility when determining the appropriate route for procurement, subject to compliance with the overarching principles of transparency and equality of treatment of Providers. Officers should ensure that there is a robust procurement strategy in place prior to going out to tender and must not depart from this strategy once details of the chosen procedure have been published. Legal Services must be consulted in order to draft the appropriate contract which will sit behind the APL and govern the provision of services by Providers.

Should the establishment of the APL become delayed in anyway, necessitating any variations and/or extensions to any current PPAs,

further guidance must be sought from Legal Services and Commercial Procurement under such circumstances, with enough lead-in time to commence work on any necessary Deeds of Extension, Deeds of Variation and/or Waivers for any PPAs.

Consideration will also need to be given to the status of existing PPAs and the way in which services will be migrated from the current model to the new APL model. Where a Provider is delivering services under an existing PPA, the term of which has not yet expired, Legal Services should be consulted to establish whether there is an option for the PPA to be terminated for convenience or whether it is possible for the Council and Provider to mutually agree to bring the PPA to an end. Where PPAs do include an option to terminate, it is likely that this will be subject to the provision of a specified period of notice by the Council, therefore officers should factor this in when considering timescales for implementation of the APL model. It should be noted that individual services being delivered under a PPA may remain subject to its terms even after the PPA itself is terminated unless agreed otherwise with the relevant Provider – again, Legal Services will be able to advise on this point.

As part of the Council's obligation to promote equality of treatment for economic operators, any Providers currently delivering services under a PPA must be subject to the same selection process as new Providers when applying to join the APL and there must be no automatic migration of Providers from PPAs to the APL.

With regards to the current PPA, any procurement strategy must also factor in the relevant exit management provisions under the PPAs. Relevant advice from Legal Services and other officers (e.g., HR in relation to TUPE (If applicable)) should be sought on any relevant provisions of the current Contract.

Property Law Implications

The Client Department has confirmed to Legal Services that at present no Council-owned premises are used to deliver the services under our current PPAs. Providers under our current PPA model, and under the proposed APL model, will be responsible to supply the property from which to deliver the services. The Council will not be transferring or leasing any Council-owned premises to any Providers appointed to the APL.

As such, there are no Property Law implications in relation to this Report.

31. Procurement

The procurement procedure is subject to the Light Touch Regime under the PCRs 2015. The APL will be an open list: applicants can apply to join during its term if the applicant satisfies the minimum selection requirements and therefore would be a Dynamic Purchasing System (“**DPS**”). The APL will be open for new applications from the date of publication of the invitation to participate documents and will remain open for new applications at any time during the APL’s term through an electronic system where providers can join at any time. Following an evaluation process applicants will receive an outcome notification.

By issuing the overarching contract bundle to the currently used SPOT Providers, it ensures that continued service and minimum disruption to service users, ensuring that Providers currently chosen to be used by individuals are under contract and have clear standards and expectations in place. However, for these Providers to be added to the APL and be appointed any new business, they will need to pass an application process and due diligence, providing greater oversight.

The APL will allow value for money work to be completed with all Providers that are approved for the list during due diligence and before the commencement of services, allowing greater oversight by the Commissioning Team. The procurement will be conducted at a phased approach due to ongoing negotiations with Providers regarding uplifts, i.e., supported living.

Through summer 2023, the commissioning team would like to conduct market engagement through Provider meetings. These meetings will prepare the market for the APLs and help to answer any questions and issues Providers may have. It will also be a good opportunity to share the draft service specifications with the market and make any amendments following the engagement, where appropriate.

32. Health and Wellbeing, no specific implications on Health and Wellbeing, this will be reviewed throughout the life of the contract.

33. **Environment and Climate action**, No specific implications on environment and climate action.
34. **Affordability**, the APL recognises the significance of Low Income Groups to the York health and social care system and driving up quality and sustainable employment in the sector.
35. **Equalities and Human Rights**

The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

An **Equalities Impact Assessment ("EIA")** has been carried out and is annexed to this report at **Annex A** In summary, the result of the assessment is set out findings from EIA.

36. **Data Protection and Privacy**, as there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a DPIA for the DPS This is evidenced by completion of DPIA screening questions under Annex B.
37. **Communications**, With the exception of possible reactive media work, the report does not have any communications implications.
38. **Economy**, no specific implications on Economy.

Risks and Mitigations

39. Risks are regularly reviewed and managed with required mitigations and controls put in place to minimise likelihood and impact.

Wards Impacted

40. All wards will be impacted as this service is provided for all areas in York. The **EIA** annexed to this report at **Annex A** provides details of

the potential impacts and how this will be managed whilst this service is tendered and implemented.

Contact details.

For further information please contact the authors of this Decision Report.

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Date:	04/09/2023

Background papers

Annexes

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: DPIA Screening Questions.

Specifications

- Annex C: Care at Home (APL 1)
- Annex D: Residential Care With and Without Nursing (APL 2)
- Annex E: Community Based Support (APL 3)
- Annex F: Supported Living (APL 4)

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Adult Social care Integrated Directorate
Service Area:	Adult Social care Integrated Directorate
Name of the proposal :	Approved Providers List (“APL”) Dynamic Purchasing System
Lead officer:	Abid Mumtaz
Date assessment completed:	22/05/2023

Names of those who contributed to the assessment :

Name	Job title	Organisation	Area of expertise
Uzmha Mir	Contracting & Quality Manager	CYC	Adult Social Care

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p>City of York Council is intending to identify providers to be included as part of an Approved Provider List (APL). It is intended that the APL will remain in effect for a maximum of 7 years with options to extend for up to a further 4 years (2 plus 2). This will help to inform efficiencies and enable the establishment of a legal agreements for these APL's. The APL's will replace the current pre-placement agreement that are between the Council and individual organisations. APL procurement will help us achieve this ambition and with our partners will enable us to prevent, reduce and delay the need for formal care and support and where possible to improve people's health and wellbeing, focusing on prevention and self-help.</p> <p>Approved Provider List is implemented for Working Age Adults which will cover:</p> <ul style="list-style-type: none"> a. Home care/Domiciliary care (APL 1) b. Residential (APL 2) c. Nursing (APL 3) d. Supported Living (APL 4) <p>The purpose of the Approved Provider List is to prepare the balance of care in order to meet the growing needs of local people while working with reduced funding. By doing so, the Council will focus on promoting well-being and an asset-based community development approach to the commissioning process.</p> <p>Providers coming to the Dynamic Purchasing System (DPS) will be screened as part of due diligence to ensure that they fit into the criteria and quality standards are met in relation to equalities and human rights. As part of the providers Due Diligence process CYC commissioning will scrutinise to assess the equalities and Human Rights Act are integral to the policy such as:</p>

- Equal Opportunities
- Safeguarding
- Deprivation of Liberty
- Mental Capacity Act
- Recruitment and Selection

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>This procurement is in line with the intentions set out within the Council Plan 2019-2023 and other the Health and Adult Services strategies. The services in scope of the procurement have been developed in line with national policy and legislation.</p> <p>Under Section 5 of The Care Act 2014 the Local Authority has a duty to shape and maintain an efficient and effective market of services for meeting care and support needs in the local area. The market that is shaped should ensure that any person requiring Care and Support/Support services:</p> <ul style="list-style-type: none"> • Has a variety of providers supplying a variety of services to choose from; • Has a variety of high-quality services to choose from; and • Has sufficient information to make an informed decision about how to meet the needs in question. • In order to fulfil our duty to promote diversity and quality in service provision the strategy and approach to re-commissioning these services include effective strategies to shape the marketplace and commission the right services. • The re-procurement of the four APLs will be undertaken in accordance with the Public Contracts Regulations 2015 (under the light touch regime).

1.3	<p>Who are the stakeholders and what are their interests?</p>
	<p>The Approved Providers List will allow the Partner Organisations to access the services directly or through the Council. The Partner Organisations which are permitted to use the APL's are detailed in the contract notice and outlined below:</p> <p>City of York Council (both elected members and officers); York Residents; All Age Commissioners; Providers; Councillors; York CVS; Healthwatch York; North Yorkshire Police; Independent Care Group; Carers; Patients; Humber & North Yorkshire Health and Care Partnership; York and Scarborough Teaching Hospitals NHS Foundation Trust (acute services provider); Tees, Esk & Wear Valleys NHS Foundation Trust (mental health provider); Primary Care Networks; NHS England & Improvement, The travellers Trust, York Disability Rights Forum, York Racial Equality Forum, York LGBTQ Forum, Peasholme Charity (Homeless and socially excluded); York Carers Forum; Support for Veterans and York Interfaith</p> <p>These stakeholders all have a responsibility to contribute towards achieving the outcomes of the APL.</p>

1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>The Councils with Adult Social Services responsibilities are required by the Care Act of 2014 to oversee the care market, collaborate with providers to develop high-quality services, guarantee capacity to meet local needs, and ensure the safety of service users.</p> <p>The Council require to have a mechanism to purchase Care/Support services from third party organisations, which is what the new Approved Provider Lists will achieve. The desired outcome is to continue to have a legal and effective way of securing care/support services in a timely manner, to meet assessed care needs of individuals.</p> <p>The procurement and the move from Pre Placement Agreement to four APL will seek to achieve the following outcomes:</p> <ul style="list-style-type: none"> • strengthen whole system integrated care pathways; • standardise terms and conditions of the APLs; • move away from list types based on regulated and non-regulated activity, with a focus on personal needs and outcomes; • ensure value for money of public finances given the care market's rising cost of care; • clear and consistent quality pathway to ensure continuous quality improvement; • better contracts notice periods to reduce the impact on a person's care plan and the wider care market sustainability; <ul style="list-style-type: none"> • Enhanced carer workforce where retention is encouraged • Better demand and cost management by CYC allowing improved forecasting and spend analysis • People are enabled to build on their strengths, learn new skills and continue to live independently • A vibrant and sustainable market where people have a good choice of providers

- People are supported to remain independent in the community in their own homes.
- introduce discharge to assess processes to ensure a smooth transition from hospital.

The priorities and outcomes of the procurement are in line with the Adult Social Care strategy and The Council Plan Priorities including good health and wellbeing.

As a public body, the Council is subject to the provisions of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). Accordingly, all information submitted to it may need to be disclosed by the Authority in response to a request under either FOIA or the EIR.

Under the provisions of the Local Government Act 1999, the Council must make arrangements to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. The successful Bidders will be required to provide the Service in accordance with this principle and be expected to demonstrate how this is being achieved.

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
Source of data/supporting evidence	Reason for using
City Of York Council Joint Strategic Needs Assessment (JSNA) Aging well 2022	Has data relating to demographics
Census 2021	Focuses on current trends in demographics Unpaid care by age, sex and deprivation, England and Wales Census 2021
City of York All Age Commissioning Strategy 2023-2025	Includes outcomes for City of York Population
CYC Market Position statement 2023	Includes outcomes for City of York Population
Evidence review and sector consultation to inform Skills for Care strategy Final sector report February 2021	Evidence of Skills for care outcomes and solutions

Methodist Home Care	Facts and Statistics: How many older people are there in the UK?
CQC	Inequalities in care 2021-2022 Equality and human rights duties impact analysis
Public Health England	Annual Epidemiological Spotlight on HIV in Yorkshire and Humber 2017 data
HealthyYork.org.uk	People who fund their adult social care in York: executive summary
CYC 01 HR Framework Comprehensive Equality Policy	Equality and Inclusion The Human Rights Act
Skills for Care national The workforce employed by adult social services departments in England, 2022	National Data key findings
Skills for Care York-Workforce Intelligence 2021-2022	Local and regional Data key findings
Advent Health University 2023	Religion and Healthcare: The Importance of Cultural Sensitivity
Democracy.york.gov.uk	Findings from the survey of older people in York 2017

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge	Action to deal with this	
Older people Age findings based on distribution in main accommodations: <ul style="list-style-type: none"> • Home care • Residential • Community care • Supported living 	Liaise with York Capacity Tracker (NECS)	
Number of older people of faith-based background in need of residential and home care		
Number of older people married or civil partnerships residential and home care		
Number of carers receiving support from other agencies		

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>York's current population is 202,821 (2021 census), due to rise to almost 215,000 people by 2030. Our largest five-year age band as a proportion of our total population, is the 20–24-year-old band, with 15-19 and 25-29 year-old age bands also higher than the average.</p> <p>This reflects the pull of York's further and higher educational institutions. It also means that, as a proportion of the population, there are fewer people in middle age and early age in the city.</p> <p>There has been an increase of 15.8% in people aged 65 years and over, an increase of 0.4% in people aged 15 to 64 years, and a decrease of 3.2% in children aged under 15 years.</p> <ul style="list-style-type: none"> • York's population is on the whole healthy, but this is not true of all communities and groups • There are predicted to be large increases in the number of people with dementia. 	+	H

	<ul style="list-style-type: none">• More older people are helped to live at home in York than the national average, but access to intermediate care remains a priority. <p>By 2030, it is estimated that the 65+ population in York will have increased by 17% and the 85+ population in York will have increased by 27% from 2020.</p> <p>According to JSNA The life expectancy for females is 83.6 and males 79.9, with healthy life expectancy 66.4 and 65.8 respectively.</p> <p>According to Methodist Home Care who deliver one of the highest quality person centred care, there are now over 15.5 million people aged 60 or over, making up 23% of the UK population. The number of “older” old people is also rising. There are now 3.2 million people aged 80 or over, and almost 600,000 of these are aged 90 or over. By 2041 it is expected that there will be over 3 million people aged 85 or over – more than double the number that there are in 2023.</p> <p>An Equality and Human Rights Commission (EHRC) inquiry uncovered serious, systemic threats to the basic human rights of older people who are getting home care services. Their evidence shows a picture of weaknesses in the home care system, their impact on older people and shows how easily breaches of human rights can occur. Their findings suggest that age discrimination is one of the key factors explaining why</p>	
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	<p>older people face risks to their human rights in home care services.</p> <p>Additional work with York University specific to student workforce has been planned to be developed, this will have a positive reinforcement on the provision of care from knowledgeable workforce in addition will expand skill force across social care adults and children, where people are able to cross link theory and practice. Having qualified and trained care staff will help engrain the necessary behaviours, attitudes, skills and knowledge to deliver high-quality, safe, person-centred care. It helps them take the right steps to prevent risk occurring and prepares them to respond correctly should a risk emerge while delivering care. This helps keep everyone safe from harm. CYC will take appropriate measure to safeguard the vulnerable characteristics from negative implications incorporating the Human Rights Act 1998 freedom from torture and inhuman or degrading treatment.</p> <p>According to Health York.org People in York can expect to be in good health until 77 years old. In the final years of life, an average person might have 1-2 years where they have 'high care needs' i.e. help getting dressed and another year with 'medium care needs' i.e. daily help preparing meals</p>	
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	<p>York is already part of the UK Network of Age Friendly Communities. Age Friendly York will:</p> <ul style="list-style-type: none">• enable people to live healthy and active lives• encourage communities to treat people with respect, regardless of their age <p>CYC are focusing on certain aspects of living in York as an older person, including:</p> <ul style="list-style-type: none">• getting out and about• their time• access to information• their service• their home <p>In York residential care is in demand, this makes it more expensive than other areas. In 2017/18 the average residential placement funded by the local authority was nearly £700 a week.</p> <p>It is estimated that 1 in 10 self-funders in York will subsequently become eligible for local authority funding.</p> <p>All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention</p>		
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	<p>services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>		
Disability	<p>Other work on population health management has looked at the issue of people who live with multiple long-term conditions (multimorbidity):</p> <ul style="list-style-type: none"> • 10.7% of the York practice population have multimorbidity; this represents 24,124 people. • 4.6% have 3+ conditions, 2% have 4+ conditions, 0.8% 5+ conditions, 0.3% 6+ conditions • 13.8% of the multi-morbid population is under the age of 65 • There is a strong link to deprivation with people from more deprived backgrounds having twice the rate of multimorbidity across all ages • 2.7% of the population have a physical and mental health comorbidity • Number of proportion of people with disabilities in Yorkshire and The Humber (18.9%, 1.0 million). <p>There are 794 people on a learning disability register in primary care in the city as of February 2021, and 2,040 people on a severe mental illness register (which means they have bipolar disorder, schizophrenia, or another psychosis). It is well-recognised that people with a learning disability or a severe mental illness suffer poorer health outcomes, for</p>	+	H

	<p>instance with a 10 year (Severe Mentally Impaired) and an 18-year (Learning Disability) lower life expectancy than the England average.</p> <p>Health checks are offered to people aged 40 – 74 to identify early risk factors for common preventable health conditions. Health checks should be offered on a five-year cycle. Health checks in York are available to anyone who is eligible under the national criteria, however those who are likely to get the greatest benefit from a health check are currently being targeted. That is those who belong to one or more of:</p> <ul style="list-style-type: none">• are living in areas of deprivation• are overweight or obese, current smokers or• have a mental health condition such as depression or anxiety. <p>According to MHA Around 4 million older people (40% of people aged 65 and over) have a limiting long-term illness or disability, and it is estimated that this will rise to over 6 million older people by 2030.</p> <ul style="list-style-type: none">• Around 850,000 people (most of whom are aged 50 or over) are living with dementia in the UK, and Alzheimer's UK predicts that this figure will rise to 1 million people by 2025. Of these, around a third (288,000) are currently living in residential care settings.	
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	<p>According to CQC, disabled people under 65 may use social care for long periods – even for the whole of their lives, whether they have a physical or sensory impairment, a learning disability or use mental health services. The way that social care is organised and delivered can be a critical factor in disabled people being able to exercise their human rights over a large proportion of their adult lives. Independence is a fundamental human rights principle which underpins other human rights. The Joint Committee on Human Rights report on the rights of disabled people to independent Living (2012) reaffirms the importance of independent living principles for all disabled people, including those in residential care.</p> <p>Some groups of disabled people may face particular stigma when using social care services, for example people with HIV, who are included in the definition of disabled people under the Equality Act 2010. According to NAT In 2023 48% of people accessing HIV care in 2021 were aged 50 or over, and 8% are 65 or over</p> <p>In 2017, an estimated 254 Yorkshire and Humber residents were newly diagnosed with HIV, accounting for 6% of new diagnoses in England. This represents a fall of 10% from 2016. In 2017 49% of those living with diagnosed HIV in Yorkshire and Humber were aged between 35 and 49 years, and 33% were aged 50 years and over (up from 15% in 2008). Males represented 63% of Yorkshire and Humber residents living with diagnosed HIV in 2017 and females represented 37%.</p>	
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	<p>The number of new diagnoses of HIV in Yorkshire and Humber has continued to fall in 2017 in line with the general trend over the past 10 years. HIV remains an important public health problem in Yorkshire and Humber and the percentage of new cases that are diagnosed late remains a concern</p> <p>Public health England suggests as the population ages, the numbers of people with HIV living in care homes or using the services of hospices will increase. According to NAT there are significant amount of people working in social care that hold stigmatised views on people with the virus and this can particularly have an impact on people living in residential or care homes if work is not carried out to address staff attitude.</p> <p>To ensure this, where it is lawful and appropriate to do so, CYC will use “positive action” to encourage people from disadvantaged groups to apply for jobs in areas where they are under-represented.</p> <p>The council’s equality objectives:</p> <ul style="list-style-type: none">• work towards eliminating discrimination, victimisation, and harassment, ensuring that everyone receives equal consideration when using or seeking to use our services• develop effective monitoring procedures and analyse the information obtained to provide a basis for elimination of direct and indirect discrimination and promotion of equality of opportunity	
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	<p>Customers of CYC will expect to review all functions as required in light of equalities legislation such as the Equalities Act 2010. CYC will establish monitoring systems and adopt equality performance indicators for appropriate services.</p> <p>The web-based Provider Assessment and Market Management Solution (PAMMS) application that will be used to assess the Provider's performance against the requirements of the Quality Pathway and the Standards and Outcomes Framework.</p> <p>The Council will comply with all relevant and forthcoming legislation, Equalities Act 2010, Human Rights Act 1998.</p>		
Gender	<p>According to mid-year population estimates published by the ONS in 2019, males account for 48.2% of York's 201,672 population, while females made up 51.8% of the total.</p> <ul style="list-style-type: none"> • Life expectancy: A gap between wards in York of 10.1 years (Male) and 7.9 years (Female). • According to the NICE Intermediate care and reablement EIA 2023, The Health and Social Care Information Centre figures for 2012-13 shows that 60% of service users (of all ages) receiving community-based social care services are 	+	M

	<p>female. The guideline should consider gender issues relevant to service users and carers.</p> <p>The Commissioning strategy will enable providers to focus on the current and future needs of clients. All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>		
Gender Reassignment	<p>The Council's Equalities Objectives:</p> <ul style="list-style-type: none"> • <i>Create opportunities for representatives of all sections of the community to participate in the work of the Council</i> • <i>Make a commitment to fair recruitment and employment policies</i> <p>We are developing our plans to establish further system-level, collaborative networks, such as the LGBTQIA. The network will improve the experience of working with CYC by raising awareness of LGBTQIA concerns across the council and in the community.</p> <p>CYC Workforce Development Unit- MyLo also offers LGBTQ, e-learning accessible for all ASC workforce the module will</p>	+	L

	<p>enable vulnerable individuals to feel respected, cared and dignified by our colleagues, team and customers.</p> <p>Currently the CYC appeal for anyone who would like to represent the council in the York Pride parade 2023.</p> <p>In addition the CYC ASC workforce may be signposted to a range of preventative and intervention services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>		
Marriage and civil partnership	<p>In 2021, just over 4 in 10 people (41.3%) said they were married or in a registered civil partnership, compared with 44.3% in 2011. The percentage of adults who were never married or in a civil partnership in York increased from 38.6% to 42.8%. (Census, 2021).</p> <p>According to Care Found home care, the support of a professionally trained carer in the older persons home is a cost-effective way of helping couples remain together in their own home for as long as possible. Whatever the situation, elderly people almost always prefer to remain alongside their loved one in the comfort of their own home and continue to enjoy a loving relationship. Not only does this positively impact on individuals retain the emotional support of a husband or wife that we all grow to rely on, but importantly it also helps couples maintain their independence and sense of control to the greatest extent possible support can be provided on a</p>	+	M

	<p>long-term basis or for shorter respite periods, depending on the needs of each couple.</p> <p>In addition a survey of older people in York in 2017, asked:</p> <p>What things do you think are important in helping to increase peoples' independence, helping them to live in their own homes for longer?</p> <p>The most common response was "<i>More contact with friends and family</i>", which was given by 53% of those surveyed. Other frequently-given responses (cited by between 44% and 49% of those surveyed) included "<i>Access to information on support and services</i>", "<i>Help with having your home adapted</i>".</p> <p>What keeps people independent responses from 2008 survey and 2017 survey:</p>		
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	Answer Choices	Responses 2017/2008		
	More social activities held in the community	52% 40%		
	More contact with friends and family	62% 43%		
	Moving to a new home with care and support linked in	30% 34%		
	Support for people that care for a relative or friend	52% 60%		
	Help with the practicalities of running a home	50% 70%		
	Help with personal care	45% 70%		
	Access to information on support and services	58% not asked		
	Help with having your home adapted	56% 73%		
	<p>Being separated from a partner can result in feelings of stress and anxiety for both parties. But Live in care be adapted to meet the needs of both people. This form of care will be built around the needs of the couple. Both parties will have a role in choosing their care plan.</p> <p>All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>			
Pregnancy and maternity			+	H

	<p>A key piece of legislation is the Equality Act 2010. The Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.</p> <p>We are developing our plans to establish further system-level, collaborative networks, such as Women's Network. A great deal of work is taking place across the CYC around the topic of menopause, and we are working towards becoming a menopause friendly CYC ASC Workforce, so a women's network may help to further our ambitions and equality in the health and social care working environments.</p> <p>The Approved Provider List will enable providers to focus on the current and future needs of clients. All services commissioned by CYC are available to residents of York under the individual service criteria. Members of CYC ASC will be signposted to a range of preventative and intervention services, and these can be found on the CYC Intranet https://colin.york.gov.uk/</p>		
Race	<p>Whilst the official proportion of people from a BAME background is lower than the national average at 5.7%, Census data expected in 2022, show numbers have increased, and the diversity of York varies across the city, with 15.1% of people in Hull Road ward from a BAME background.</p>	+	M

	<p>The city has become more culturally and religiously diverse with a Black and Minority Ethnic (BME) population of 9.8% (non-White British) compared to 4.9% in 2001.</p> <p>In 2021, 1.8% of York residents identified their ethnic group within the "Mixed or Multiple" category, up from 1.2% in 2011. The 0.6 percentage-point change was the largest increase among high-level ethnic groups in this area.</p> <p>In 2021, 92.8% of people in York identified their ethnic group within the "White" category (compared with 94.3% in 2011), while 3.8% identified their ethnic group within the "Asian, Asian British or Asian Welsh" category (compared with 3.4% the previous decade).</p> <p>The percentage of people who identified their ethnic group within the "Other" category ("Arab" or "Any other ethnic group") increased from 0.5% in 2011 to 1.0% in 2021.</p> <p>There are many factors that may be contributing to the changing ethnic composition of England and Wales, such as differing patterns of ageing, fertility, mortality, and migration. Changes may also be caused by differences in the way individuals chose to self-identify between censuses.</p> <p>The COVID-19 pandemic has continued to have a disproportionate impact on people from some ethnic minority ethnic backgrounds.</p>	
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	<p>Our survey of more than 4,000 people aged 65 and over who had used health or social care services recently shows that older people from ethnic minority backgrounds tend to use services less frequently (68% said they use them about once every 2 to 3 months or once in the last 6 months, compared with 58% of people from White British backgrounds.</p> <p>CYC Diversity, Skills for Care 2021-2022</p> <p>Nationality varied by region, across England 83% of the workforce identified as British, while in the Yorkshire and the Humber region this was 93%. An estimated 93% of the workforce in York identified as British, 2% identified as of an EU nationality and 5% a non-EU nationality, therefore there was a higher reliance on non-EU than EU workers</p> <p>According to the evidence review by Skills for Care strategy 2021 suggested in their evidence outcomes:</p> <ul style="list-style-type: none">• Women and people from Black and Minority Ethnic ('BAME') communities in social care in UK offering high-quality person-centred care are included in the workforce but under-represented in management positions.• Workers from BAME communities often encounter racism and discrimination.	
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	<ul style="list-style-type: none">• A more equal, diverse and inclusive workforce may be fairer, just, effective and have lower rates of absenteeism. <p>The potential solutions to remove the negative impact including:</p> <ul style="list-style-type: none">• developing positive workplace cultures• building equality, diversity and inclusion into strategies and policies• values-based recruitment and retention• learning and development• networking and mentoring• good practice, tools and resources• designing programmes to attract in, support and progress under-represented groups at all levels in the social care workforce. <p>However, there are high level challenges that will affect CYC the ability implements the vision to remove the impacts. These may include:</p> <ul style="list-style-type: none">• tight budgets• and changes to immigration policy. <p>To improve the experience of working with CYC by raising awareness of race and cultural diversity across the council the Black, Asian and Minority Ethnic members of staff may join the newly established BAME (Black, Asian and Minority Ethnic)</p>	
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	<p>Group to exchange views and help provide an authoritative voice for staff across the council, and beyond, into the city and the council's partner organisations.</p> <p>CYC has progressed in implementing the Race Equality Scheme to promote race equality within York. All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>		
Religion and belief	<p>According to Advent Health University, honouring religion in health and social care brings a variety of benefits for the cared for. When customers feel respected by their care givers, they can develop a foundation of trust and feel more comfortable. For example, Chaplains play a role in helping establish trust between patients and healthcare providers, since they provide spiritual care while doctors and nurses offer medical care.</p> <p>In 2021, 46.1% of York residents reported having "No religion", making it the most common response in this local authority area (up from 30.1% in 2011). Because the census question about religious affiliation is voluntary and has varying response rates, caution is needed when comparing figures between different areas or between censuses.</p>	+	M-L

	<p>Cultural sensitivity plays an important role in the relationship between religion and healthcare. Many peoples' identities are informed by their race, culture, ethnicity, gender, or religion. When it comes to receiving medical care, many patients will make decisions based on their identity in some or all of these categories.</p> <p>In 2021, 43.9% of people in York described themselves as Christian (down from 59.5%), while 6.9% did not state their religion (down from 7.8% the decade before).</p> <p>There are many factors that can cause changes to the religious profile of an area, such as a changing age structure or residents relocating for work or education. Changes may also be caused by differences in the way individuals chose to self-identify between censuses. Religious affiliation is the religion with which someone connects or identifies, rather than their beliefs or religious practice.</p> <p>The APL will ensure providers focus on the current and future needs of clients. All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>		
Sexual orientation	No Data Available	+	M

	<p>The APL will ensure providers focus on the current and future needs of clients. All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>		
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	<p>In 2021, 4.6% of York residents (aged five years and over) reported providing up to 19 hours of unpaid care each week. This figure decreased from 7.2% in 2011. These are age-standardised proportions.</p> <p>According to the Census 2021, females were statistically significantly more likely to provide unpaid care than males in every age group up to 75 to 79 years; however, from the age of 80 years onwards, males were statistically significantly more likely to provide unpaid care.</p> <p>In both females and males, the older age groups provide the highest hours of unpaid care per week. In females, those aged between 75 to 79 years and in males, those aged between 85 to 89 years provided the highest percentage of 50 hours or more of care compared with all other age groups</p>	+	H

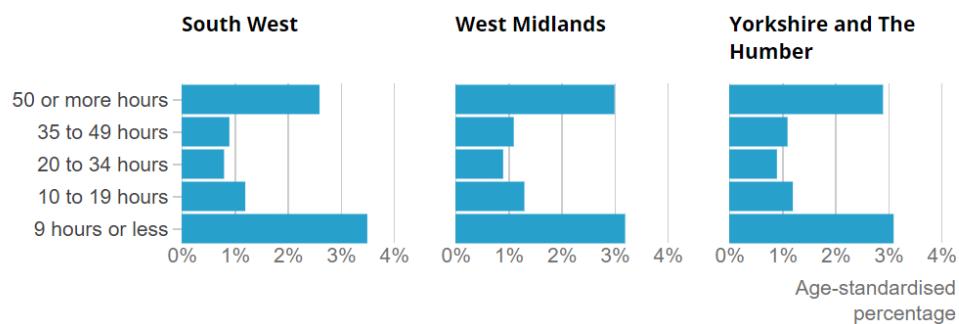


Figure 3 from the census 2021: region with the highest percentage of both unpaid carers, and unpaid carers providing 50 or more hours of care per week

In England, there was a higher percentage of unpaid carers in the most deprived areas. In addition according to MHA Older people provide a large amount of volunteer time to support organisations across the UK. There were an estimated 360,792 care home residents from 1 March 2021 to 28 February 2022, occupying 77.8% of care home beds. Approximately 125,954 (34.9%) of care home residents were classified as self-funders, compared with 234,838 (65.1%) state-funded residents.

Staff who have a disability, long term health condition or a carer can join our new Disabled Staff Network to exchange views and help provide an authoritative voice for staff across

	<p>the council, and beyond, into the city and the council's partner organisations. The network will improve the experience of working here by raising awareness of disability concerns across the council and work alongside the other staff networks.</p> <p>The APL recognises the significance of unpaid carers to our health and social care system. The current carer strategy will enable identification of carers in the community to provide them ongoing support and to maintain their Health and wellbeing, more carers are involved in planning services. All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>		
Low income groups	<p>Employment is generally considered to be beneficial for wellbeing. However, employment is not a guaranteed route into financial security for everyone in York. Over 20% of working people in York earned less than the living wage (as recommended by the living wage foundation). Additionally, a large proportion of working families on low incomes rely on tax credits to supplement their income.</p> <p>Additionally, low incomes can mean that people have to spend more on essential goods and services, for example because they are on more expensive tariffs and payment plans, or</p>	+	H

because they are unable to take advantage of offers and deals. In York the 'poverty premium' costs low income households nearly £500 each year.

CYC workforce Adult Social Care

Average hourly pay

Region	Local authority	Average hourly pay
Yorkshire & The Humber	Calderdale	£9.11
	North Lincs	£8.92
	York	£9.54

(Source: the Adult Social Care workforce data set ASC-WDS):

In summary York, despite paying the highest average hourly rate had the highest vacancy and turnover rates compared to its nearest neighbours.

Analysis of the wider job market in York showed that jobs in social care were paid a slightly higher hourly rate on average than jobs in retail or hospitality. To help meet the estimated need the Adult Social Care workforce may need to grow by 35% by 2035, according to Skills for Care statistics. In addition, it is necessary to make certain that individuals

	<p>possess the appropriate training and abilities to continuously enhance and improve outcomes.</p> <p>Self-Funders</p> <p>People need to meet the costs of their own care if they have savings in excess of £23,250. National arrangements mean that local authority funded care is also restricted to those with the greatest levels of care needs. As a result, the proportion of people who pay for their own care is growing. It is estimated that 1 in 10 self-funders in York will subsequently become eligible for local authority funding. The transition from self-funding to local authority funding can be challenging, particularly if that transition is not planned for.</p> <p>In 2013 there were 27 residential care homes in York, with a 1,218 bed capacity. It is thought that around 800 residential care places were self-funded (65%).</p> <p>There were just over 30 home care providers working in York, supporting a little over 1,000 people. Of these between 300 and 400 were estimated to be self-funded arrangements.</p> <p>The APL recognises the significance of Low-Income Groups to our health and social care system. All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention</p>	
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	services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/		
Veterans, Armed Forces Community	<p>No Data Available</p> <p>City Of York Council (CYC) has signed the Armed Forces veterans covenant which states that veterans will not be disadvantaged compared to other citizens, and they may receive special treatment if they are injured/bereaved. All services commissioned by CYC are available to residents of York under the individual service criteria. Residents may be signposted to a range of preventative and intervention services, and these can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>	+	L
Other			
Impact on human rights:			
List any human rights impacted.	Associated with adult social care, the right not to be tortured or treated in an inhuman or degrading way, right to respect for private and family life and the right not to be discriminated against.	+	M

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
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According to the Market Proposal Statement and the APL presented, there will be no negative impact on the above groups and subsequent customers of the services. The impacts of any changes will be assessed at the time they are proposed; however, it is unlikely that any of these will have a negative impact.

The main initial change will be the addition Approved Provider list, and services applying to lists based on service type rather than registration status. There should be little/no change to the end user as a result of the initial procurement, however it is planned across the lifetime of the provider lists that services will be transformed and modernised. Details of these changes will be set out as appropriate and further Equalities Impact Assessment will be considered as appropriate.

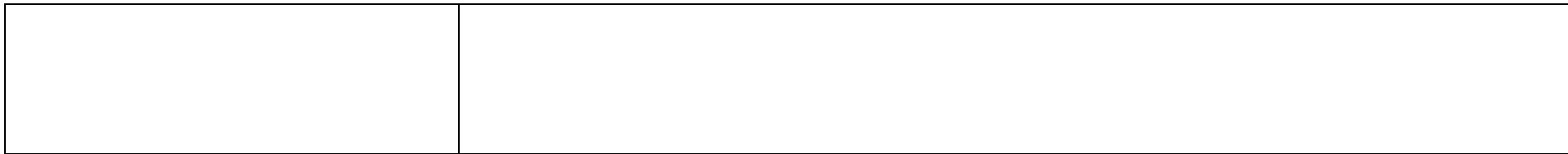
Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
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- **No major change to the proposal** – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.
- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	Overall, it is considered that the Approved Provider List will have a positive impact in creating fairer and more equitable health for the population of York.



Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
Strategy and delivery	Approved Provider List 2023	Abid Mumtaz	May 2023
Research and Analysis	Research and Development of EIA	Uzmha Mir	May 2023
Equality and Human Rights Act	Quality Assurance	Laura Williams	May 2023

Step 8 - Monitor, review and improve

8. 1	<p>How will the impact of your proposal be monitored and improved upon going forward?</p> <p>Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>In addition a commissioning Strategy has been developed that will shape the direction of the APL, in line with the Council's Strategy. This will contain the Performance management framework inclusive of PAMMS and CQC readiness for inspection. Each contract will have Key Performance Indicators that will measure the outcomes with our providers included in the specifications for Supported Living, Residential and nursing, Homecare, and communities.</p> <p>The procurement of the new Approved Provider lists should have no negative impact on the end recipient of services. Future transformation of services on the Approved Provider List is planned over the course of</p>

the list. The impacts of any changes will be assessed at the time they are proposed; however, it is unlikely that any of these will have a negative impact.

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DPIA Screening Questions

The below screening questions should be used to find out if a DPIA is necessary. If you answer "Yes" to any of the questions below, it is an indication that a DPIA is required so please contact information.governance@york.gov.uk for advice and support on completing a DPIA

Please send your completed form to information.governance@york.gov.uk

Title/Reference	Procurement of APL	
Brief description	The City Of York Council (the "Council") is intending to identify Providers to be included as part of an Approved Provider List ("APL"). The APL will have an initial term of 3-years with an option to extend for up to a further 4-years (2-years, plus 2-years), leading to a maximum duration of 7-years. Service contracts awarded as call-off contracts from the APL will be up to a maximum 7-years in length, with initial periods, break points and potential extensions configured to balance the stability of care for service Providers and manage service Provider performance. This will help to inform efficiencies and enable the establishment of a legal agreements for these APL's. The work will be undertaken on a phased approach until summer 2024, due to ongoing negotiations with supported living Providers.	
Screening completed by		
Name	Edward Njuguna	
Job Title	Commissioning Manager	
Department	All age commissioning and contracts	
Email		
Review date	Only if required when the APL IS approved and entering into arrangements with approved providers	
Screening Questions – please answer the below questions for how you are planning to or already do use, personal identifiable information eg personal data, special categories of personal data or criminal offence and conviction data		Yes or No
1	Use systematic and extensive profiling or automated decision-making to make significant decisions about people.	N
2	Process special category data or criminal offence data on a large scale.	N
3	Systematically monitor a publicly accessible place on a large scale.	N
4	Use new technologies, innovative technological or organisational solutions.	N
5	Use profiling, automated decision-making or special category data to help make decisions on someone's access to a service, opportunity or benefit.	N
6	Carry out profiling on a large scale including evaluation or scoring	N
7	Process biometric or genetic data.	N

8	Combine, compare or match data from multiple sources.	N
9	Process personal data without providing a privacy notice directly to the individual and/or other processing involving preventing data subjects from exercising a right or using a service or contract.	N
10	Process personal data in a way which involves tracking individuals' online or offline location or behaviour or other systematic monitoring	N
11	Process children's personal data for profiling or automated decision-making or for marketing purposes, or offer online services directly to them.	N
12	Process personal data which could result in a risk of physical harm in the event of a security breach.	N



Meeting:	CMT (Commercial Management Team) and Executive
Meeting date:	12/10/2023
Report of:	Jamaila Hussain - Corporate Director of Adult services and Integration (DASS)
Portfolio of:	Councillor Jo Coles - Member for Health, Wellbeing and Adult Social Care

Decision Report: RE-COMMISSIONING OF THE REABLEMENT SERVICE IN YORK

Subject of Report

1. The Council of the City of York (“**CYC**”) and Human Support Group Ltd. (“**HSG**”) first entered a Contract on 20th October 2017 for the provision of a Reablement Service (the “**Contract**”) after a full competitive tendering exercise was completed. The Contract has subsequently been varied through additional agreements up to and including 1st April 2024 and has exhausted all available Contract extensions.
2. The Contract is due to expire on 1st April 2024 and this report seeks approval to go out to the market and commence a competitive tender process to reprocure the Reablement Service in York. This will enable CYC to go through a process that is fair, open, and transparent, and will ensure CYC secures value for money and the generally better outcomes for people. This approach will significantly reduce challenges from the market looking to secure future business.
3. Local authorities have a duty to prevent, reduce or delay needs for care and support (Care Act 2014 s2) for all adults including carers; this

means early intervention to prevent deterioration and reduce dependency on support from others. The Reablement Service enables York Council to comply and fulfil this duty. To deliver this duty it is required to have a robust contractual agreement in place to secure the delivery of these services and comply with Council Procedure Rules and Public Contract Regulations 2015 to reduce challenge in a fair, open and transparent process resulting in securing services.

Benefits and Challenges

4. Redeveloping the service specification and contract and approaching the market via a fair, open, and transparent process, reprocuring and securing services has several advantages and disadvantages, and they are outlined in table 1 below with key risks highlighted.

Table 1 – Pros and Cons detail

Advantages (Pros)
<ul style="list-style-type: none"> • The contract has been in place for several years and the Provider market has not been approached to establish if the Council are receiving value for money and is affordable for York Council. • Offers an important opportunity to shape the Reablement Service with a re-developed specification outlining clear expectations of service delivery and better outcomes for our customers. • CYC will be fully compliant with CYC's Contract Procedure Rules and the Public Contract Regulations 2015 by tendering the Reablement Service on our tender tool YORtender. • Providers will progress through a neutral selection process with clear set obligations and the selection will be made based on a rigorous evaluation of what CYC requires. • The new Contract will have an initial term of 2-years, with an option to extend for up to a further 2-years (1-year, plus 1-year). The newly developed Contract will have initial contract periods, break points and the potential to extend the Reablement Service in line with the extension periods enabling flexible options for CYC. • The Reablement service provided care and support for 720 people for 2022/2023 preventing people going into Residential care and fully supported the Home First Approach.
Disadvantages (Cons)
<ul style="list-style-type: none"> • Tendering services does not mean that there is a guarantee of Providers bidding for the Reablement Service. However, CYC currently has 37 providers delivering similar services and more going through our due diligence processes that may submit bids. • To complete the tendering exercise can be time consuming and will require commitment of staff resources from various departments. The open

procedure will be used that will combine stages of the process and is the fastest procedure to progress.

- If the incumbent Provider is not successful it will take time to establish a new Provider within the intermediate care pathway and familiarise themselves with teams, they will work with. This will be managed through the implementation process.

Key Risks

- Tendering the Reablement Service does not mean that there is a guarantee of Providers bidding for the Reablement Service and this would lead to CYC not providing statutory services in line with the Care Act 2014.
- Timescales to reprocure the Reablement Service are sufficient currently (see **Appendix A - Procurement Timetable**), but if there are delays within the process this may not allow sufficient time to embed the new service if there is a new Provider.
- The Pension Scheme: As this is a second-generation transfer, the Council has an ongoing pension obligation to protect the pension rights of those named individuals that transferred originally from CYC to HSG where they are still in employment with HSG at the time at which the service is transferred to a new Provider.
- This means that the new Provider will need to provide a pension scheme for those named individuals that is broadly comparable to the LGPS, and they ordinarily will do so by applying for admitted body status in the North Yorkshire Pension Fund.

Policy Basis for Decision

5. The Reablement Service enables CYC to meet several policies and priorities such as the Council Plan, which stipulates an important outcome for our population of good health and wellbeing and supports the delivery of key principles for the York Health & Wellbeing Board. See the **Equality Impact Assessment** at **Appendix B** for further supporting detail.
6. The Care Act 2014, section 5 places duties on local authorities to promote the efficient and effective operation of the market for adult care and support. The due diligence process is part of activities that helps the Councils facilitate market shaping duties by onboarding new Providers through a robust vetting process to minimise operational risks and provide good quality services that serve and safeguard our residents.

7. The Commissioning Strategy, Market Sustainability Plan and the 10-year vision 'People at the Heart of Care: adult social care reform paper' clearly outlines that the Council will work with existing and new Providers within the market to provide sustainable, quality and value for money services.
8. NICE guidance (NG74) is a quality standard for Intermediate Care including reablement service delivery. This guideline covers referral and assessment for Intermediate Care and how to deliver the service.

Financial Strategy Implications

9. The Reablement Service continues to build upon our model of early intervention, prevention and reablement. The service is a crucial delivery element of the intermediate care and support pathway. 720 customers accessed the service in 2022/2023. If the Reablement Service was not in place the financial implications based on 33% of people going into higher cost care such as residential services would be an additional cost of £8.3M based on Council rates of £700 per week per person. The costs would increase if there were insufficient care home placements at the Council rates.
- 9.1 Residential placements will be reduced to a minimum as Home First is our main principle, returning people to their own homes with better outcomes. A Dynamic Purchasing System is being set up for residential placements at the set Council rates of £700 per person per week. This will provide better value for money if residential care is ultimately required. Currently placements can range from £1,000 to £1,700 with some providers not accepting Council rates. Therefore, cost implications for residential placements would decrease between a range of £300 - £1,000 per placement per week. The cost implications for 2% of customers to be placed in residential care at the Council preferred rates of £700 rather than the high rates would save potentially between £218k - £509k.
- 9.2 The Future Commissioning Model will contribute to efficiencies within the care system as the budget will remain at the current financial envelope of £1,169,100 per annum. The current service is under performing by 25% in terms of delivery hours and the efficiencies for the current budget will be achieved through expanding the current service eligibility criteria and reducing the

exclusion criteria to increase throughput thorough the new contract and better outcomes for people.

9.3 The Contract will be for an initial two years with a potential to extend for two further 1-year periods. The budget for the contract and all proposed extensions is £4,676,400 (total budget for four years).

Recommendation and Reasons

10. **Recommendation:** to approve the approach to commission a reablement service through a competitive tendering process.

10.1 **Reason:** The option proposed will comply with CYC's Contract Procedure Rules in terms of completing an open, fair, and transparent process as the market has not been approached since 2017. The procurement procedure is subject to the Light Touch Regime under the Public Contracts Regulations 2015 and will be completed as an Open Procurement Procedure and within the timescales in **Appendix A**. The Open Procurement Procedure timetable will enable this to be completed prior to the expiry date of the current waiver.

10.2 **Reason:** The provision of Reablement Services reduces the need for more costly residential care home services whilst maintaining peoples' independence via a short-term intervention enabling them to return home. The recommission of this service creates the potential to enhance the service with the inclusion of an Occupational Therapist at the front door determining the level of care and support, equipment and technology required to maximise customers independence, whilst increasing throughput through the service maximising the use of the Councils financial envelope and ultimately reducing the number of expensive residential care placements and better outcomes for people.

10.3. **Recommendation:** To delegate authority to the Corporate Director of Adult Services and Integration ("DASS"), in consultation with Chief Finance Officer (151 Officer) to determine the provisions of the new Contract, and to award and conclude the final Contract following the competitive tendering process.

10.4 **Reason:** This will enable the Contract Award to be implemented within the timescales outlined in **Appendix A**.

Background

11. CYC and other Local Authorities have a statutory duty to provide Reablement Services for its residents under the Care Act 2014 (Care

Act 2014 s2). The main principle of the Care Act 2014 is to help to improve people's independence and wellbeing and for care providers and carers to promote a person-centred approach to the care and support they provide. This means early intervention to prevent deterioration and reduce dependency on support from others. Reablement is one of the ways that York Council can fulfil this duty.

12. Reablement services are provided by our current Provider HSG and are a time-limited, for up to a maximum of six weeks. Reablement is a short-term intervention to reablement/rehabilitation/recovery to help.
 - People remain independent at home (Home First Approach) and can be step-up services, aiming to provide the necessary support to prevent any further deterioration in people's health that could lead to a hospital stay.
 - Assist in enabling people to return home after a stay in hospital by regaining their confidence and independence.
 - 720 customers received the Reablement Services in 2022/2023 enabling them to return Home significantly reducing the need of higher costs services such as Residential care.
 - 98% remained at home following short term intervention.
 - Currently the service provides support for people over 18yrs and over, majority of people who use the service are 65 years plus
 - Contract is managed weekly to ensure flow and maximising capacity.
 - In reach OT supporting care planning. (this is not currently part of the contract)
13. CYC and HSG first entered a Contract on 20th October 2017 for the provision of a Reablement Service. This Contract has subsequently been varied through additional agreements up to the 1st April 2024 and has exhausted all potential Contract extensions. To avoid challenges from the market and to comply with CYC's Contract Procedure Rules and Public Contract Regulations 2015 by tendering the service on our electronic tender website called YORtender

14. The new contract will have an initial term of 2 years, with an option to extend for up to a further 2 years (1 plus 1). The new eligibility criteria will be based on need rather than condition ensure an equality access to services.
15. We also want to ensure that most people being discharged from hospital have the opportunity of rehabilitation before long term packages of care are commissioned. This aligns with our pledge to support people to remain independent in their own community. The new contract specification will support social value by ensuring local communities are supportive through voluntary opportunities and apprenticeships.
16. We will also ensure that the new contract aligns with wider intermediate care offers ensuring people access the right services and the right time.
17. The newly developed contract will have initial contract periods, break points and the potential to extend the service in line with the extension periods enabling flexible options for the Council. This option will also provide sufficient time at exploring other models of delivery and insourcing solutions.

Budget

18. The current Contract commissions a total of 839 hours a week and stipulates as a Key Performance Indicator that 647 hours a week are to be delivered and the remaining 192 hours support TUPE costs from externalising the service. A **Performance Report** (see **Appendix C**) provides further analysis of current service performance. As part of this Contract, TUPE costs are paid within the Contract spend to support the staff that transferred from CYC when the service was outsourced to the market in October 2017. These monies pay for CYC conditions and pension contributions that were transferred with the staff.
19. The rate that is currently paid per hour for the Reablement Service is £25.79, and the remaining budget supports other overheads and costs associated with the Reablement Service. Our current budget for 2023/2024 is £1,169,100.00. **Table 2** demonstrates the budget distribution:

Table 2 - Level of Spend for Areas of Contract Delivery

Area	Hours	Cost per week	Cost per year
Service delivery	647	£16,686.13	£867,678.76
Other associated costs and Overheads	n/a	n/a	£301,421.24
	TOTAL BUDGET 23/24		£1,169,100

20. The Contract delivery has not reached the 647 hours target for the lifetime of the Contract explained in the **Performance Report** (see **Appendix C**). Further analysis was completed for a 24-week period from January 2023 – June 2024.
21. The total delivery target for the 24-week period analysed (January – June 2023) was 15,528 hours and actual delivery was 11,555 a shortfall of 3,973. The shortfall in hours for 24 weeks is at a total cost of £102,463.67. The lowest level of hours delivered is 406 and the highest 527, with an average of 481 hours delivered.
22. The contract was outsourced originally therefore, there will be TUPE implications when approaching the market. Updated TUPE information has been requested to provide information regarding the level of spend.
23. The Reablement service is fully funded by the Better Care Funds and any changes in budget need to go the BCF Board. A savings target would need to be agreed prior to the service being tendered. See Section 27 of this report for financial implications.

Consultation Analysis

24. The **Voice of the Customer Report** (see **Appendix D**) provides additional analysis of the responses received from surveys. Of the responses to our survey, 54% were residents, patients, or customers, 14% were informal carers, family member or friend. Of those that responded 45% had experienced the Reablement Service and 50% are very likely to recommend the Reablement Services and 23% are likely resulting in a total of 73% that were likely to recommend services to their friends and family.

25. Feedback was analysed into Themes to enable them to be utilised to shape future services. The themes were as follows:

Theme	Quotes
Information and guidance	'It's not at all clear whether you need a referral to the service or if can just ring up and request help'.
Home First Visits	'I saw Carer a lot of times she said let's work together to improve help together'.
Staff	'I felt really well supported in caring for my very frail 99 year old mum after her time in hospital'.
Communication and multiple Reablement	'Reablement is a perfect way for Customers to gain independence'.
About me. Strength Based/Circles of Care	'Discussed preparing meals, medication, discussed any issues'.
Technology and equipment	'My Legs are very weak due to having M/S for lone time, so am unable to stand only with gutter frame to walk'.

26. Future Commissioning

Our ambition is to support more people through Reablement to support independence and reduce reliance on long term care delivering our Home First outcomes. The current Reablement Service requires developments in several key areas for the new commission to address gaps in the current service provision identified by Health, Social Care Professionals, and customers.

27. The Home First Partnership board has established a task and finish group to review the 'One Team' approach in terms of early intervention and prevention. Going forward the inclusion of several professionals and practitioners from different areas of expertise to work together to enable the better coordination of care, equipment, assisted technology and other services commissioned. The inclusion of an Occupational Therapist at the front door (in the 'One Team) will be crucial in

determining the care and support required for individual customers and providing guidance to a range of professionals.

28. The Venn report 'Early Intervention & Prevention in York' stated 'Housing, equipment and adaptations form a vital component of any effective system but, in York, these elements are not fully integrated into the overall journey of care'. To achieve this closer working relationships with key services such as our Falls Prevention Service, our Independent Service (equipment), Assisted Technology provision and other commissioned services at the front door will enable customers to access the right services to enable them to return home at the earliest opportunity.
29. Venn also identified that 'there are multiple entry points to services and there isn't a system-wide oversight of capacity which creates the risk of unwanted variation in journeys of care'. Reviewing and expanding the membership of the 'One Team' to include Occupational Therapists, Providers, Voluntary Sector and other key professionals will provide a solution focused approach.
30. It is crucial that the workforce employed by the successful Provider is multi skilled and trained to support people with Dementia, Mental Health, Neurodiversity and Learning Disabilities.

31. Future Commissioning Model

To achieve our ambitions the future Commissioning Model will need improvements in several areas to obtain better value for money and meet changes in the needs and demands for our population. The new contract will delivery support in various ways moving away from traditional models of reablement to an independent therapy led model, based on need and negating the use of eligibility criteria's, which in some aspects result in silo working and inequalities in access. Through this new delivery model, we are looking to offer reablement as a first option of care and support. Using resources from both Health and Social care and to reduce duplication in the system.

- A workshop was held in August 2023 with our Health Partners, Voluntary Sector, and other Partners to review the services we all commission. This workshop resulted in identifying more opportunities to work collaboratively and to co-produce specifications, how collectively we want to measure services and

the data we as Partners want to collect in terms of performance whilst ensuring the new service meets needs.

- As part of this workshop a Single Point of Access (SPA) was jointly discussed and agreed that this integrated approach would use the current expertise and resource from Health, Social Care and other partners working together with one goal, the Health and Wellbeing of our residents. A range of options were explored, and the groups discussions continue with the aim of setting up an enhanced 'One Team partnership approach'. The discussions resulted in identifying additional professionals to work collectively on referrals for packages of care. Additional professionals collectively agreed to date include Occupational Therapist, Provider, Care Co-Ordinator, Brokerage along with the existing Health and Social team known as the 'One Team'. This will enable an Intermediate Care and Reablement seamless approach to delivery for Health and Social Care. Enabling timely discharge from hospital to home by identifying collectively the right support and services required to support customers, streamline, and simplify the customer journey through having MDT knowledge, Provider information and capacity at the point of referral reducing and preventing multiple interventions where not required enabling a higher throughput through the Reablement Service.
- The SPA team will have a person-centered Home First approach maximising the use of preventative services, technology, and equipment to keep people safe and at home. Falls Services, Technology and Equipment (Independent) services and signposting to community support services through our Local Area Co-Ordinator's (LACS) and Voluntary Sector services to provide support for better outcomes, reduce isolation and improve wellbeing for people returning home. We are aiming for all people on pathway 1-2 to be discharged home with reablement, intermediate care services and link in with other appropriate services to meet people's needs. We want to move away from a model of care to ensure people receive an Occupational Therapist assessment to maximise the home environment, therefore reducing the risk of creating a dependency on statutory care.
- There will be set contractual requirements for all staff in the Reablement Services workforce to be trained to care and support people with low level Mental Health, Learning Disabilities, Autism, Neurodiversity, and early onset Dementia to help people to return

home into their own familiar surroundings reducing the need for higher level costly services such as residential or specialist care.

- There will also be a requirement for staff to have Human Rights and Equality training to understand the importance of human rights and equality in the delivery of the service and ways in which they can support it. People should be able to discuss their preferences and make choices in how and when their care is delivered, breaking down any barriers in communication to enable this. A care and support relationship centred on promoting human rights and equality ensuring that decisions are made together which helps individual lead a dignified and fulfilling life, free from discrimination.
- Reablement service employs a number of staff who live and work in York that benefits our economy and who are responsive to customer needs when they deliver services as they know the area, they work in. In addition, the SPA will enable the resources available to be utilised efficiently and effectively delivering person centred services supporting individuals' well-being whilst preserving their management of their own health. As part of our commitment to support social value within contract; we will ensure all contracts offer volunteering opportunities, supporting local colleges regarding apprenticeships as well as supporting peer to peer support in reablement particularly for people with Autism and Mental Health needs. Commissioners would like any potential provider to be aware of environmental issues around reducing carbon emissions and support wider environmental options of transport for staff, such as subsidising nonvehicle related options such as bicycles etc.
- The Commissioning Model will contribute to efficiencies within the care system reducing the use of higher cost crisis care services such as residential care and enabling people to maintain their independence at home (Home First). Residential care costs can range between £1000 - £1,600 a week per person compared to £23.58 an hour Home Care services.

Options Analysis and Evidential Basis

32. The option to approve the approach to market to complete a competitive tendering process to secure a Reablement Service for York is fully supported by the **Equality Impact Assessment (see Appendix D)** as it shows that the impact on customers would be minimal and a positive step in most areas as specifications and other documentation would benefit from being reviewed and improved to meet need.

33. Compliance with CYC Procedure rules and Public Contracts Regulations 2015 would reduce any challenges from the market and provide an important opportunity of improving services.
34. Performance of the new Contract will continually improve with robust Contract Management and the continuation to work with the Provider to implement strategies to meet targets set in the Contract, see **Appendix C - Performance Report** for further background and mitigations.
35. The points above fully support the option to go to the market and tender the service as this would fulfil several key policies and priorities for our population for the reasons outlined above.

Organisational Impact and Implications

36. Financial Implications

The current budget for the reablement service is £1,169.1k p.a. It should be noted that the service is funded by the Better Care Fund (BCF) not by Council budgets, and as such any saving made on the contract would be returned to the BCF Board for a decision about how it should be used.

As outlined in Paragraph 17 the average hours of care provided between January and June 2023 was 481 which exceeds the hours contracted, however through setting clear timescales, flow of people through the contract, specific KPIs we feel that the current financial envelope is sufficient to support the changes we wish to make and provide better outcomes for people.

37. Human Resources (HR) Implications

The Pension Scheme: As this is a second-generation transfer, the Council has an ongoing pension obligation to protect the pension rights of those named individuals that transferred originally from CYC to HSG where they are still in employment with HSG at the time at which the service is transferred to a new Provider.

This means that the new Provider will need to provide a pension scheme for those named individuals that is broadly comparable to the LGPS, and

they ordinarily will do so by applying for admitted body status in the North Yorkshire Pension Fund.

38. Legal Implications

Statutory Duties

The procurement of a new Contract is necessary for us to comply with our statutory duties under the Care Act 2014, ss 2 and 5:

Section 2 - Preventing needs for care and support

A Local Authority must provide or arrange for the provision of services, facilities, or resources, or take other steps, which it considers will: -

- *Contribute towards preventing or delaying the development by adults in its area of needs for care and support;*
- *contribute towards preventing or delaying the development by carers in its area of needs for support;*
- *reduce the needs for care and support of adults in its area; and*
- *reduce the needs for support of carers in its area.*

In performing that duty, a local authority must have regard to: -

- *the importance of identifying services, facilities, and resources already available in the authority's area and the extent to which the authority could involve or make use of them in performing that duty;*
- *the importance of identifying adults in the authority's area with needs for care and support which are not being met (by the authority or otherwise);*
- *the importance of identifying carers in the authority's area with needs for support which are not being met (by the authority or otherwise).*

Section 5 - Promoting diversity and quality in provision of services

A local authority must promote the efficient and effective operation of a market in services for meeting care and support needs with a view

to ensuring that any person in its area wishing to access services in the market: -

- has a variety of providers to choose from who (taken together) provide a variety of services;
- has a variety of high-quality services to choose from;
- has sufficient information to make an informed decision about how to meet the needs in question.

(1) In performing that duty, a local authority must have regard to the following matters in particular: -

- a. the need to ensure that the authority has, and makes available, information about the providers of services for meeting care and support needs and the types of services they provide;
- b. the need to ensure that it is aware of current and likely future demand for such services and to consider how providers might meet that demand;
- c. the importance of enabling adults with needs for care and support, and carers with needs for support, who wish to do so to participate in work, education, or training;
- d. the importance of ensuring the sustainability of the market (in circumstances where it is operating effectively as well as in circumstances where it is not);
- e. the importance of fostering continuous improvement in the quality of such services and the efficiency and effectiveness with which such services are provided and of encouraging innovation in their provision;
- f. the importance of fostering a workforce whose members are able to ensure the delivery of high-quality services (because, for example, they have relevant skills and appropriate working conditions).

(2) In having regard to the matters mentioned in subsection (2)(b), a local authority must also have regard to the need to ensure that sufficient services are available for meeting the needs for care and support of adults in its area and the needs for support of carers in its area.

- (3) *In arranging for the provision by persons other than it of services for meeting care and support needs, a local authority must have regard to the importance of promoting the well-being of adults in its area with needs for care and support and the well-being of carers in its area.*
- (4) *In meeting an adult's needs for care and support or a carer's needs for support, a local authority must have regard to its duty under subsection (1).*

Procurement & Contract Law Implications

Any procurement exercise for the new Contract must be carried out in under a compliant, open, transparent, and fair procedure in accordance with the Public Contract Regulations 2015 and CYC's Contract Procedure Rules. Further advice regarding the procurement process and documentation must be sought from Commercial Procurement (see paragraph 25(d) of this Report below).

An appropriate form of contract will need to be drafted and completed with support from Legal Services.

Should there be any delay to the procurement for the new Contract, there are no available extensions beyond 1st April 2024 under the current Contract. Should it therefore become necessary to extend the current Contract to allow the Council time to complete its re-tender, then this will require a variation in accordance with both the Council's Contract Procedure Rules and Regulation 72 of the Public Contract Regulations 2015, and a further waiver of the Contract Procedure Rules. Further guidance must also be sought from Legal Services and Commercial Procurement under such circumstances, with enough lead-in time prior to 1st April 2024 (e.g., from 31st December 2023) to commence work on such a waiver and extension if required. The Client Department have already been advised that given the number of extensions via a waiver previously entered the risk of challenge to a further extension via a waiver has increased significantly, and so further extension by waiver must be avoided wherever possible.

With regards to the current Contract, any procurement strategy must factor in the relevant exit provisions under the current Contract, including (but not limited to):

- Clauses 3.2 to 3.4 (Contract Period – Extension Periods (should the procurement become delayed (see above)).

- Clauses 10.9 to 10.14 (TUPE - Exit Provisions)
- Clause 20 (Effect of Termination)
- Schedule 4 (Exit Management)

Relevant advice from Legal Services and other officers (e.g., HR in relation to TUPE (see paragraph 25(b) of this Report above) should be sought on any relevant provisions of the current Contract.

Property Law Implications

The Client Department has confirmed to Legal Services that at present no CYC-owned premises are used by HSG to deliver the Reablement Service.

Further, the successful Provider following award of the new Contract will be responsible to supply the property from which to deliver the Reablement Service within the budget sent out in the tender documents.

CYC will not be transferring or leasing any CYC-owned premises to the Provider of the Reablement Service alongside the new Contract.

As such, there are no Property Law implications in relation to this Report.

However, should the Client Department amend its strategy, and decides to make any CYC-owned property available to the provider of the Reablement Service, then Property Lawyers in Legal Services and colleagues in Property Services must be consulted at the earliest opportunity.

39. Procurement Implications

The Reablement Service procurement exercise for the new Contract must be carried out in an open, transparent, compliant and fair procedure in accordance with the applicable legislation of the Public Contract Regulations 2015 and also our internal rules CYC's Contract Procedure Rules (January 2023). The estimated contract value for the Reablement Service for 2023/24 is stated as £1,169,100 and therefore exceeds the current Light Touch Regime (LTR) threshold of £663,540 which is applicable to Health and Social Care contracts. Therefore, the Public Contract Regulations 2015 stipulates that where a contract exceeds the LTR threshold a Contract Notice must

be published in the public domain i.e., the website Find a Tender, to invite competitive tenders and ensure the evaluation and award of the contract follow the principles of equal treatment and transparency.

The Council of the City of York (“CYC”) awarded the Reablement Service contract on 20th October 2017 following an advertised competitive tendering exercise which was awarded. This contract has been varied through additional agreements up to and including 31st of March 2024 and has exhausted all available contract extensions. Therefore, there are no further extension options available for this current contract and in order to comply with the Public Contract Regulations 2015 and also our internal rules CYC’s Contract Procedure Rules (January 2023) and ensure the Council is achieving Value for Money a competitive tendering exercise must be advertised to invite suitable bidders to submit competitive tenders.

The Commercial Procurement team will support commissioning colleagues to prepare the procurement documentation and work with Legal Services, Finance to draft an appropriate form of contract and the evaluation methodology and criteria to assess quality and price to identify the bidder that represents the Best Value to the council for the award of the new Reablement Services contract.

40. *Health and Wellbeing Implications*

CYC public health is in support of this proposal for the recommissioning of the reablement service. Reablement provision in city makes an important contribution to sustaining the independence of residents, reducing avoidable pressures on NHS and social care services and generally better outcomes for people.

41. *Equalities and Human Rights Implications*

CYC recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority’s functions).

An **Equalities Impact Assessment** has been carried out and is annexed to this report at **Appendix B** In summary, the result of the assessment is set out findings from EIA.

The impact of the proposals on protected characteristics has been considered as follows:

- Age – Positive/High;
- Disability – Positive/Medium;
- Gender – Positive/Low;
- Gender reassignment – Positive/Low;
- Marriage and civil partnership – Positive/Low
- Pregnancy and maternity – Positive/Low
- Race – Positive/Low
- Religion and belief – Positive/Low
- Sexual orientation – Positive/Low
- Other socio-economic groups including:
 - Carer - Positive/Medium (see Disability);
 - Low-income groups – Positive/Medium;
 - Veterans, Armed Forces Community– Positive/Low

42. *Data Protection and Privacy Implications*

DPIAs (Data Protect Impact Assessment - **Appendix E**) are an essential part of our accountability obligations. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to conduct a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. A DPIA is a ‘living’ process to help manage and review the risks of the processing and the measures the service area(s) have in place on an ongoing basis. It will need to be kept under review and reassess if anything changes.

The DPIA “screening questions” identified there will be processing of personal data, special categories of personal data and / or criminal offence data in the procurement of the Reablement Service and the ongoing provision of this service and so a DPIA is required as part of the ongoing project/ plan/ procurement

The DPIA will help to:

- systematically analyse, identify, and minimise the data protection risks of this project
- assess and demonstrate how we comply with all our data protection obligations.
- minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what we want to achieve.

43. ***Communications Implications***

No implications

44. Affordability Implications

Implications are included in the Equality Impact Assessment
(Appendix B)

Risks and Mitigations

45 Risks and Mitigations are detail below in **Table 3** below:

Table 3 – Risks and Mitigations	
Risk	Mitigation
Tendering services does not mean that there is a guarantee of Providers bidding for the Reablement Service and this would lead to CYC not providing statutory services in line with the Care Act 2014.	CYC currently contracts with 37 providers who provide similar services with more Providers coming through our due diligence process. Providers have verbally expressed an interest for the service being recommissioned. A notice will go out to our existing service providers, out to the Independent Care Group and out via our YORTender service to advertise widely.
Timescales to reprocure the Reablement Service are sufficient currently (see Appendix A) Procurement Timetable) but if there are delays within the process this may not allow sufficient time to embed the new service if there is a new Provider.	A Procurement timeline (see Appendix A details activities and timescales to enable the service to be in place by 1 st April 2024 when the current Contract expires. Buy in from all departments involved in the delivery of this project are fully on board.

CYC have an ongoing pension obligation to protect the pension rights of those named individuals transferring to a Provider. This means that the Provider will need to provide a pension scheme for those named individuals that is broadly comparable to the LGPS, and they ordinarily will do so by applying for admitted body status in the North Yorkshire Pension Fund.	The Pension obligations will be clearly articulated in tendering and Contractual documents. Procurement, Commissioning, Contracts and Pension colleagues are aware that this is a requirement of the Provider who is awarded this Contract.
Resource implications for various departments to enable this project to be successfully delivered.	Buy in will be secured and departments are aware of this activity and the implications on resource.

Wards Impacted

45. All wards will be impacted as this service is provided for all areas in York. The **Equality Impact Assessment** in **Appendix B** provides details of the potential impacts and how this will be managed whilst this service is tendered and implemented.

Contact details

For further information please contact the authors of this Decision Report.

Author

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Date:	02/08/2023

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Date:	02/08/2023

Appendix List

Appendix A – Procurement timescales

Appendix B – Equality Impact Assessment (EIA)

Appendix C – Reablement Performance Report

Appendix D – Voice of the Customer Report

Appendix E – Data Protection Impact Report – currently being developed

Reablement Service - Open Procedure Procurement

City of York Council - Adult Social Care

KEY:

Adult Social Care Commissioning and Contracts Team
Procurement
HR Services
Provider(s)
Legal Services
Chief Executive/ Project Boards

Project Start Date 22/11/22 10
 Project Lead Judith Culleton

WBS	TASK	LEAD	START	END	% DONE	WORK DAYS
1 Pre-Procurement stage						
1.1	Forward Plan - submit proforma by 12 July 2023 (Forward plan published 14.08.2023) - Executive 14th September 2023 - none in Aug		15/07/23	15/07/23	0%	
1.2	Develop PID / Business Case (steps 1.2 - 1.5 by 19/07/2023)		12/07/23	19/07/23	0%	
1.3	Compile analysis of engagement with customers, stakeholders (results from survey)		12/07/23	19/07/23	0%	
1.4	Project Man docs: Risk log / Communication Plan / Equality Impact		12/07/23	19/07/23	0%	
1.5	Develop first draft of service specification and Key Performance Indicators		21/06/23	19/07/23	0%	21
1.6	Send to Head of Commissioning for review		19/07/23	19/07/23	0%	1

Project Start Date	22/11/22	10
Project Lead	Judith Culleton	

WBS	TASK	LEAD	START	END	% DONE	WORK DAYS
1.7	Head of Commissioning seek approval from Director (Jamaila Hussian)		20/07/23	21/07/23	0%	2
1.8	Send finalised reports to DMT		25/07/23	26/07/23	0%	
1.9	Present to DMT for approval		02/08/23	02/08/23	0%	1
1.10	Complete any amendments, recommendations		03/08/23	09/08/23	0%	5
1.11	Report deadline for PHCMT		09/08/23	09/08/23	0%	1
1.12	Agenda for PHCMT		10/08/23	10/08/23		1
1.13	Date of PHCMT		15/08/23	15/08/23	0%	1
1.14	Report deadline for Executive		01/09/23	01/09/23	0%	1
1.15	Agenda for Executive		06/09/23	06/09/23	0%	1
1.16	Date of Executive		14/09/23	14/09/23	0%	1
1.17	Decision from Executive		15/09/23	15/09/23	0%	1
2	Specification development				0%	-
2.1	Compile analysis of engagement with customers, stakeholders		26/06/23	15/07/23	0%	15
2.2	Develop specifications, KPI		12/07/23	30/08/23	0%	36
2.3	Specification sign-off (from ASC Director's / Project Board)		01/09/23	08/09/23	0%	6
3	Procurement Process				0%	-
1.19	Providers Market Engagement Event		19/09/23	19/09/23	0%	1
1.20	Review Procurement route options and timetable approval		18/09/23	18/09/23	0%	1
1.21	Develop SQ (Selection Questionnaire) & shortlisting technical questions		19/09/23	26/09/23	0%	6
1.22	SQ signed-off - Project Team					-
1.23	Develop Invitation to Tender Docs (ITT)		27/09/23	10/10/23	0%	10
1.24	ITT evaluation criteria/methodology/price schedules		27/09/23	10/10/23	0%	10

Project Start Date	22/11/22	10
Project Lead	Judith Culleton	

WBS	TASK	LEAD	START	END	% DONE	WORK DAYS
1.25	ITT document signed off		11/10/23	11/10/23	0%	1
3.7	Contract Notice published on Find a Tender website		12/10/23	12/10/23	0%	1
3.8	SQ, ITT documents published on Yortender website (available to download from Yortender)		12/10/23	14/11/23	0%	24
3.9	SQ & ITT return deadline		14/11/23	14/11/23	0%	1
3.10	Evaluate SQ's		15/11/23	22/11/23	0%	6
3.11	Identify non compliant submissions from SQ evaluation to iliminate from evaluating their tender quality submissions		15/11/23	22/11/23	0%	6
3.12	Vetting of tenderers that achieve minimum quality SQ threshold: Refs, H&S, Financial Accounts		15/11/23	22/11/23	0%	6
3.13	Evaluate shortlist ITT quality submissions (Evaluation Panel - Procurement to advise if any queries)		23/11/23	27/11/23	0%	3
3.14	Tenderers interview/presentations - quality evaluations				0%	-
3.15	Evaluate Tenderers Presentation (Evaluation Panel - Procurement to advise if any queries)					-
3.16	Evaluation of Tenderers Prices		28/11/23	28/11/23	0%	1
3.17	Recommendation for the contract award by Project Team				0%	-
3.18	Decision report completed and issued to CYC Decision Boards to approve recommendation				0%	-
3.19	Approval obtained from CYC Project Board/Executives				0%	-
4	Legal				0%	-
4.1	Contract terms & conditions developed		19/09/23	11/10/23	0%	17
4.2	TUPE information obtianed from current suppliers		19/09/23	11/10/23	0%	17
4.3	TUPE information complete and ready to be sent with ITT		11/10/23	11/10/23	0%	1
4.4	Contract terms & conditions & TUPE ready to issue with ITT		11/10/23	11/10/23	0%	1
5	Contract Award				0%	-

Project Start Date	22/11/22	10
Project Lead	Judith Culleton	

WBS	TASK	LEAD	START	END	% DONE	WORK DAYS
5.1	Contract Award report approvals obtained				0%	-
5.2	Governance procedures - Call In Members/Key Decision - Forward Plan				0%	-
5.3	Standstill Period (Contract Award stage)		06/12/23	17/12/23	0%	8
5.4	Inform successful and unsuccessful tenderer(s)		20/12/23	20/12/23	0%	1
5.5	Contract Award Notice published on Find a Tender		21/12/23	21/12/23	0%	1
5.6	Contracts signed by tenderer(s) and sealed by Legal				0%	-
6	Contract Mobilisation				0%	-
6.1	Contract Mobilisation	3 - 5 months				
6.2	Meetings regarding contract				0%	-
6.3	TUPE Transfer (between providers)		02/01/24	31/03/24	0%	64
6.4	Contract Start date		01/04/24	31/03/27	0%	783
6.5	Ongoing Provider Contract Management					-



City of York Council

Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Adult Social care Integrated Directorate
Service Area:	Adult Social care Integrated Directorate
Name of the proposal :	Reablement Service Recommissioning
Lead officer:	Judith Culleton
Date assessment completed:	3/02/2023 v1 3/5/2023 v2 18/07/2023 v3

Names of those who contributed to the assessment:

Name	Job title	Organisation	Area of expertise
Nicola Greenwood	Social Care Workforce Lead –	Humber and North Yorkshire Health and Care Partnership	Background Equality and Diversity

Edward Njuguna	Commissioner of Carer Services	City of York Council	Commissioner of Carers Services and lead of Carer Groups
Jan Kilmark	Project Officer Data and Systems	City of York Council	Equality and Diversity

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>The purpose of this proposal is that The City of York Council is going to review the existing Reablement service and based on data, feedback and changing priorities support the development of a new enhanced service that continues to provide person centred care and population needs.</p> <p>The current Reablement Service is supplied by an external Provider called Human Support Group (HSG). The contract has been in place for 11 years with various extensions to the contract utilised. The option that will be presented to our Executive Board for decision is that we approach the market to comply with Council Procedure Rules and Government Procurement Regulations 2015.</p> <p>A detailed specification, contract, and key performance measures will be developed that encompass the feedback, data, priorities, and outcomes that reflect customer and population needs. Providers who want to supply the service in the future will be part of a competitive tender process to confirm that they fulfil quality standards in service delivery. The Provider will need to deliver outcomes, and quality standards in relation to Equalities and Human Rights. This service is a statutory service that enables City Of York Council to achieve its statutory duties under the Care Act 2014.</p> <p>Eligibility criteria is:</p> <p>The Service is available to adults aged 18 years and over who live within the City of York Council boundaries and have been referred to the service by Adult Social Care (or any other agreed referrer as the 'One Team' / 'integrated intermediate care service' approach develops) as it is felt they would benefit from a short period of reablement and rehabilitation.</p> <p>The reablement service aims to restore people's independence following a period of ill-health or a hospital stay. It is a short-term intervention that involves intensive assessment and therapeutic work from one day to, ideally, a maximum of six weeks. The service is available to residents aged 18 years and over who live within the City of York Council boundaries and who have been referred to the service by the council's Adult Social Care (ASC) team.</p> <p>The reablement service is designed to:</p> <ul style="list-style-type: none"> • Promote independent living, especially after hospital discharge using an asset (strength-based approach) building upon people's skills, independence and interests

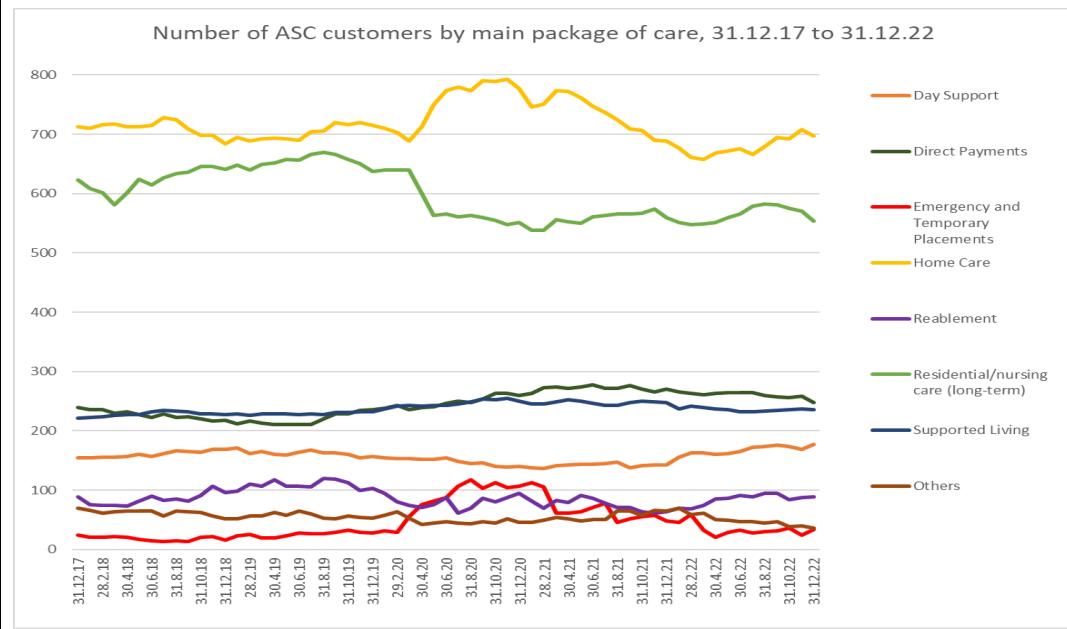
- Deliver an excellent customer – focused, cost-effective reablement service.
- Encourage lifetime wellbeing at home
- Promotes and supports a Home First Approach
- Is a strength based approach that builds on customers interests and skills

It is estimated that York is home to 38,735 people over the age of 65 which represents nearly a fifth of the total York population. Haxby and Wigginton ward comprises the highest number of older people with 3,804 residents. Fulford ward, with a total of 854 older residents, has the lowest representation.

The York Joint Health and Wellbeing Strategy (2022-2032)¹² describes York's "changing demographics:

- *A growing and ageing population, with a 50% increase in the population over 80 in 2040.*
- *Projected growth in healthcare use: 4% increase in hospital use (annually)*
- *10% increase in social care (over 5yrs) 2.5% increase in GP use (over 5yrs).*

The graph below shows the use of Services Adult Social Care (ASC) offer within the city.



York's Joint Strategic Needs Assessment¹ projects care needs of some adults over the age of 65:

Population	2020	2040
Living with dementia	2,927	4,291 (+47%)
Needing care	11,380	15,207 (+34%)
Providing unpaid care	5,271	6,592 (+25%)

The reablement service will see an increase in demand due to the demographic characteristics detailed above and it is imperative that this service continues to be available with improvements in service delivery to meet population needs. Information about care needs will be included in specifications so that Providers understand the trends in population and areas of needs.

¹ York JSNA, April 2023 [JSNA | York Health & Wellbeing \(healthyork.org\)](http://JSNA | York Health & Wellbeing (healthyork.org))

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>The reablement service enables the council to meet several of its priorities such as the <i>Council Plan</i> stipulates an important outcome for our population of good health and wellbeing and is further supported by the key principles for the York Health & Wellbeing Board of:</p> <ul style="list-style-type: none"> • Ensure that we work together in true partnership for the good of the people of York • Involve local people in identifying the challenges and redesigning services (surveys and engagement) • Promote equality of opportunity and access for all communities, and challenge discrimination if it arises <p>In addition, one of the eight core outcomes within the <i>Council Plan</i>² is; “<i>Good health and wellbeing</i>.” The plan states that the Council aims to; “Use innovative strategies to support individuals’ independence, health and wellbeing, enabling people to stay in their own homes (Home First) or communities for longer and significantly reducing admission rates to residential care”.</p> <p>The reablement service is currently in the process of being recommissioned as the current contract cannot be extended and an Equality Impact Assessment is required to inform the impact of the services on different groups within York.</p> <p>As a local authority, the City of York Council (CYC) has a duty under the <i>Care Act 2014</i>, to prevent, reduce and delay formal intervention for people with care and support needs. CYC provides reablement to those who require it. The Care Act dictates that this must be provided free of charge for a period of up to 6 weeks. This is for all adults, irrespective of whether they have eligible needs for ongoing care and support. Although such types of support will usually be provided as a preventative measure under section 2 of the Act, they may also be provided as part of a package of care and support to meet eligible needs. In these cases, regulations also provide that reablement cannot be charged for in the first 6 weeks, to ensure consistency.</p> <p>The adult social care reform white paper ‘<i>People at the Heart of Care</i>’ sets out an ambitious 10 year vision for the transformation of support and care in England. The vision puts people at its heart and revolves around 3 objectives:</p> <ol style="list-style-type: none"> 1. People have choice, control and support to live independent lives 2. People can access outstanding quality and tailored care and support 3. People find adult social care fair and accessible <p>Alongside this approach a key priority is the continued development of our Home First Model where one of the 5 key priorities outlines in City of York Council’s (CYC) <i>All Age Market Position Statement</i>³ is to “ The reablement service plays a pivotal role in terms of supporting the pathway and reenabling people to return home (Home First) with or without support depending on individual needs”.</p>

	<p>Legal duties to comply with the accessible information standard for publicly funded care. NICE guidance (NG74) Overview Intermediate care including reablement Guidance NICE Reablement is a CQC regulated service and CQC regulations apply https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulations-service-providers-managers</p> <p>The legislations detailed above strengthen and support the ethos and outcomes of York Council's policies and strategies detailed in this equality impact assessment and fully supports the Home First Principle in York.</p>
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² City of York Council Plan, 2019-2023, [City of York Council Plan 2021](#)

³ All Age Market Position Statement, City of York Council, 2023-2025 [all-age-market-position-statement-2023-to-2025 \(york.gov.uk\)](#)

1.3	Who are the stakeholders and what are their interests?
	<p>Stakeholders: The York Multiple & Complex Needs Network, YOPA (York Older People's Assembly, Age Friendly York Older Citizens Group, Reablement - care and support pathway attendees, Reablement Responsive customer voice group, Live Well York Site, CYC Reablement Task and Finish Group, CYC operational teams, CYC social work teams, CYC Brokerage team, ASC Social Work and Occupational Therapy Teams, NHS Humber and North Yorkshire Integrated Care Board, Existing and past users of the reablement service, Voice of past reablement customers - report from contract, Age UK, Healthwatch, York Advocacy, York Sensory Service, York and Scarborough Hospital NHS Foundation Trust, Carers Strategy Group, York Carers Centre, Providers – bulletin, local Area Co-ordinators, GP from York Place, Nimbuscare, York Integrated Care Team(YICT), Community Response Team(CRT), CYC's independent living communities (for +55s) Rapid Assessment & Treatment Service (RATS"), Independent Care Group(ICG), The Tees, Esk and Wear Valleys NHS Foundation Trust (TEWV), Providers. Primary Care Networks (ie GP's), Support for Veterans and York Interfaith.</p> <p>Interests: The current intermediate care (Hospital) pathway is under redesign and review as the new care and support pathway. The reablement service is a critical part of the service delivery for service users, residents, carers and professionals. The stakeholders identified must have the opportunity to voice their opinions on the developments of the reablement service to shape the future service. Some people within the stakeholder groups have experienced the reablement service first-hand when being discharged from hospital and other people within the stakeholder group may require the reablement services in the future as either a patient or carer. It is vitally important that we engage with networks and people to gain a full understanding of how any barriers or challenges when accessing or receiving the service can be improved upon and embedded into the redesign process, documentation, and contract measures to ensure equality across York for all its residents. A survey in February 2023 was circulated to stakeholders and a Customer Voice Report is currently being produced to feed into the specification and associated tender documents.</p>

1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019-2023) and other corporate strategies and plans.
	The reablement service is focused on City of York residents being in good health and wellbeing with Home First being an integral outcome for our residents as evidence supports that people that return home stay more independent. This will enable people to be supported to make healthier choices and that health and social care services are quick to respond to those that need them. This includes meeting the 6-week target for reablement and/or reduce the length of time that people need reablement support and prevent readmissions to hospital by returning home with any equipment, telecare and/or medications rather than enter long term care i.e., resident care.

The new service will have additional elements in the specifications of what we want the new service to deliver. The service will be therapy lead with occupational therapists as part of the service delivery to enable people to gain the support, confidence, equipment, and independence to return home.

Local defined outcomes

The anticipated outcomes for the service are:

- Early intervention and prevention in York
- Reduced unplanned hospital admissions.
- Reduced readmissions to hospital.
- Reduced length of hospital stays.
- Reduced care home admissions.
- Improved health and wellbeing.
- Reduced duplication of service provision.
- Improved satisfaction for people who use the service.
- We will ensure that residents voice is heard and is part of the strategies going forward, building on the social care survey and JSNA.
- People who use services and their Carers are fully involved in the design and implementations of future services.

Initial analysis of the feedback from the Customer survey and Health and Social Care survey enabled people to have a voice. Key themes from comments that they would like to see improved were; information and guidance; staffing; visits; communication between services; about me; technology and equipment.

These themes were supported by several comments: '*Staff all kind and compassionate with my mum. very professional*'; '*Reablement is a perfect way for Customers to gain independence*'; '*Everyone told me what I needed*'. '*The reablement service website needs updating with more information*'. '*Leaflets should be provided to participants about what to expect and their entitlement*'. This feedback will be used to shape specifications so that they meet needs identified through the survey.

Our Priorities 2023 - 2024



ASC Vision

We will support people to receive good quality safe services in their own homes through assessment and appropriate support, we will aim to maximise peoples own potential and reduce inequalities across the city.

Values

We Work Together
We Improve
We make a difference

Partnerships

Through collaboration with partners and the sharing of ideas, assets, skills and knowledge, we will create a future for York that better meets all our needs.

Communities

We value local communities and will help them to provide care and support to their families, friends, neighbours and colleagues.

Accountability

We will ensure good governance and links with the ICS, strong performance management that will influence decision making, good financial oversight and control and transparent decision making through key health and social care boards.

MARKET SUSTAINABILITY

- Commission and provide services where possible jointly with health that are effective, efficient and of good quality
- Build on locality based delivery ensuring care and support is available to suit the needs of the locality.
- Commission services to support people to live longer healthier lives across all age groups.
- Budget Management

EARLY INTERVENTION & PREVENTION

- Support residents to access community opportunities at the right time in the right place.
- Ensure we have the right mechanisms in place to safeguard and protect our most vulnerable residents.
- Ensure that all residents have equal access to services they require and challenge areas of inequality.
- Ensure children and young people have a seamless transition into adulthood.

CO-PRODUCTION

- We will ensure that residents voice is heard and is part of the strategies going forward, building on the social care survey and JSNA.
- People who use services and their carers are fully involved in the design and implementation of future services.

WORKFORCE

- To develop a workforce development strategy with health partners.
- To strengthen and build upon recruitment and retention policies, working with the Principal Social Worker to develop flexible roles
- Reduction in the use of agency and building strong high performing teams
- A review of the current ASC workforce to be carried out to inform effective use of current delivery

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	Source of data/supporting evidence	Reason for using
	City of York Council Plan, 2019-2023, City of York Council Plan 2021	Outlines York's key priorities
	York JSNA, June 2022, JSNA Ageing Well (healthyork.org)	Population data
	All Age Market Position Statement, City of York Council, 2023-2025 all-age-market-position-statement-2023-to-2025 (york.gov.uk)	Includes outcomes for City of York Population and outlines key priorities
	York Local Health and Wellbeing Strategy 2022-2032, York Joint Health & Wellbeing Strategy	Details the health and wellbeing priorities for the city will be and how these will be addressed
	York Dementia Strategy, 2022-2027, Annex A.pdf (york.gov.uk)	Dementia priorities and data
	Service data	Data from current contract delivery
	City of York All Age Commissioning Strategy 2023-2025	Includes outcomes for City of York Population as well as detailing key priorities
	Findings from the survey for older people in York, December 2017, Annex A - 2017 Older People Survey sent to HWBB.pdf (york.gov.uk)	Findings from the survey of older people in York 2017
	Surveys and feedback from current services with those who access the services. Survey sent to stakeholders listed above. 2 surveys: 1 for customers and Carers who have and who have not experienced the service. 1 for Health, Social Care and other Professionals. Report being developed.	February – March 2023

Healthyork.gov.uk	Deprivation in York 2019, Latest Indices of Multiple Deprivation
Yorks Human Rights City Network Indicator Report	Seeking to Rebuild
Survey for Customers and Professionals (Health and Social Care)	Feedback from customers who have used and not used the service. Stakeholders were sent the surveys links to distribute. Paper copies were also made available. Letters and paper surveys sent to people who had used the service.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.
Gaps in data or knowledge	Action to deal with this
Current data collected as performance data provides limited information.	Develop specification and key performance measures to catch data required by Health Social Care, Other Professionals and Government returns
Trends in needs so that what is being commissioned is meeting the needs of the population as detailed throughout this Equality Impact Assessment.	Develop key performance measure to capture this.
Pregnant service users of the Reablement service	Develop key performance measure to capture this data.
Data regarding sexual orientation of service users	Develop key performance measure to capture this data.
Service usage broken down into age	Develop key performance measure to capture this data.

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.
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Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>The evidence below demonstrates through population data that we have an increasing ageing population and that our residents aged 18 – 64 account for 64.2% of York's population. Therefore it is likely that the demand on the Reablement services will increase and could have a potential spike in demand for residents currently in the 18 – 64 age range in the future.</p> <p>York's current population is 202,821 (2021 census), due to rise to almost 215,000 people by 2030. Currently in York, a lower proportion of people are offered reablement services than the national average and also the majority of York's statistical neighbours. It is estimated that York is home to 38,735 people over the age of 65 which represents nearly a fifth of the total York population. Haxby and Wigginton ward comprises the highest number of older people with 3,804 residents. Fulford ward, with a total of 854 older residents, has the lowest representation.</p> <p>There has been an increase of 15.8% in people aged 65 years and over, an increase of 0.4% in people aged 15 to 64 years, and a decrease of 3.2% in children aged under 15 years.</p> <ul style="list-style-type: none"> • York's population is on the whole healthy, but this is not true of all communities and groups • There are predicted to be large increases in the number of people with dementia. • More older people are helped to live at home in York than the national average, but access to intermediate care remains a priority. <p>By 2030, it is estimated that the 65+ population in York will have increased by 17% and the 85+ population in York will have increased</p>	+	H

	<p>by 27% from 2020. Within York, there are approximately 135,536 residents aged 18 – 64, which is 64.2% of the population.</p> <p>According to Health York.org People in York can expect to be in good health until 77 years old. In the final years of life, an average person might have 1-2 years where they have 'high care needs' i.e. help getting dressed and another year with 'medium care needs' i.e. daily help preparing meals.</p> <p>York is already part of the UK Network of Age Friendly Communities. Age Friendly York will:</p> <ul style="list-style-type: none"> • enable people to live healthy and active lives • encourage communities to treat people with respect, regardless of their age <p>The figures above demonstrate that the population will increase and may need to utilise the reablement service so there will be a potential increase in demand.</p> <p>More older people are helped to live at home in York than the national average, but access to intermediate care remains a priority.</p> <p>The introduction of a new enhanced reablement service will provide more accessible care and support with a therapy lead service where people of York will be enabled to return home with equipment, confidence, technology, right levels of medication if required, tailored care and support to meet people's needs to enable people to get home sooner and promote their independence. There will also be a requirement for the Provider to sign post people who feel isolated and/lonely to be linked to community support, voluntary sectors and the Local Area Co-ordinator for the area they live in.</p>		
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	All services commissioned by CYC are available to residents of York under the individual service criteria. Further information can be found on the Live Well York site that can be accessed https://www.livewellyork.co.uk/		
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Disability	<p>The way that social care is organised and delivered can be a critical factor in disabled people being able to exercise their human rights over a large proportion of their adult lives. Independence is a fundamental human rights principle which underpins other human rights. The Joint Committee on Human Rights report on the rights of disabled people to independent Living (2012) reaffirms the importance of independent living principles for all disabled people, including those that are using the Reablement service to get them Home.</p> <p>Information and guidance such as leaflets about the service must be available in different formats to enable residents to fully understand what the Reablement service is; such as easy read, braille. This was feedback from the recent survey 'The reablement service website needs updating with more information. Leaflets should be provided to participants about what to expect and their entitlement'.</p> <p>Training for staff will be a requirement of the new contract and specification to enable them to support a wide range of disabilities so that our residents can access the reablement service and feel supported when receiving care.</p> <p>The All-Age Commissioning and Contract Team will monitor the performance of the contracts against the requirements set out within it.</p> <p>The Council will comply with all relevant and forthcoming legislation, Equalities Act 2010, Human Rights Act 1998.</p> <p>Evidence below demonstrates that we have a population that has a variety of disabilities, and each person is an individual with their own needs.</p> <p>Other work on population health management has looked at the issue of people who live with multiple long-term conditions (multimorbidity):</p>	+	M
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	<ul style="list-style-type: none">• 10.7% of the York practice population have multimorbidity; this represents 24,124 people.• 2.7% of the population have a physical and mental health comorbidity.• Number of proportion of people with disabilities in Yorkshire and The Humber (18.9%, 1.0 million). <p>According to MHA Around 4 million older people (40% of people aged 65 and over) have a limiting long-term illness or disability, and it is estimated that this will rise to over 6 million older people by 2030.</p> <p>Around 850,000 people (most of whom are aged 50 or over) are living with dementia in the UK, and Alzheimer's UK predicts that this figure will rise to 1 million people by 2025. Of these, around a third (288,000) are currently living in residential care settings.</p> <p>According to CQC, disabled people under 65 may use social care for long periods – even for the whole of their lives, whether they have a physical or sensory impairment, a learning disability or use mental health services.</p> <p>The National Autistic Society (NAS) has reported a 61% increase in the autism since 2005. According to the All Age Autism strategy 2017-2021 York, there are estimated to be 1,635 adults with autism in York, either diagnosed or undiagnosed and 388 children.</p> <p>The Council will comply with all relevant and forthcoming legislation, Equalities Act 2010, Human Rights Act 1998.</p> <p>Reablement and people with dementia</p> <ul style="list-style-type: none">- service providers deliver a more personalised reablement approach drawing on a person's strengths, creating an enabling	
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	<p>care environment that helps realise the potential abilities of people living with dementia.</p> <ul style="list-style-type: none">- Staff will be appropriately trained to ensure they have knowledge of assessment methods and how to build on the remaining ability of the person with dementia. <p>People with communication difficulties, learning difficulties and/or sensory impairment.</p> <ul style="list-style-type: none">- The provider will have appropriate communications strategies to enhance choice and control.	
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Gender	<p>The service is open to all genders. There could be cultural restrictions or preferences whereby a specific care worker is requested by gender. This will be part of finding a care package by our Brokerage team but cannot always be guaranteed. This issue will be considered by the provider who will employ both female and male carers dependent on the availability of workforce within the market.</p> <p>From the survey carried out 49% of people that responded did not want to share their gender. 33% were female and 15% were male.</p> <p>According to mid-year population estimates published by the ONS in 2019, males account for 48.2% of York's 201,672 population, while females made up 51.8% of the total. Life expectancy: A gap between wards in York of 10.1 years (Male) and 7.9 years (Female).</p> <p>More information about the Reablement service can be found All on the Live Well York site that can be accessed https://www.livewellyork.co.uk/</p>	+	Low
Gender Reassignment	<p>The service is open to both men and women regardless of any possible previous gender reassignment / and transgendered people. The service is provided where reablement potential is identified after a stay in hospital. Specifications will state that a person that uses the Reablement service must be treated with dignity and respect and receive person centred care.</p>	+	Low
Gender Reassignment	<p>The Equalities Act 2010 identifies nine protected characteristics and Gender Reassignment if one of them. In York those with protected characteristics are known as <i>Community of Identity</i>.</p> <p>The Council's Equalities duties state: advance equality of opportunity between persons who share a relevant protected characteristic and</p>	+	Low

	<p>persons who do not share it for our customers and people who work within the Health and Social Care system.</p> <p>City of York Council plans to establish further system-level, collaborative networks, such as the LGBTQIA. The network will improve the experience of working with CYC by raising awareness of LGBTQIA concerns across the council and in the community.</p> <p>CYC Workforce Development Unit- MyLo also offers LGBTQ, e-learning accessible for all ASC workforce the module will enable vulnerable individuals to feel respected, cared and dignified by our colleagues, team and customers.</p>		
Pregnancy and maternity	<p>Reablement is available for everyone over 18 (with eligibility criteria) there may be customers who receive the service that are childbearing age adults. There is limited data available on pregnant users of the reablement. Between 2016 and 2017, conception rates increased by 2.6% for women aged 40 years and over. For the second year running, this was the only age group to see an increase. For the fifth year in a row, the largest percentage decrease in conception rates happened among women aged under 16 years (12.9%).</p>	+	Low
Race	<p>Reablement services are available to all customers over the age of 18. People accessing this service will be treated with dignity and respect and their Race and Culture needs will be detailed in their care plans and/or discharge records.</p> <p>The official proportion of people from a BAME background is lower than the national average at 5.7%, Census data expected in 2022, show numbers have increased, and the diversity of York varies across the city, with 15.1% of people in Hull Road ward from a BAME background.</p>	+	Low

	<p>The city has become more culturally and religiously diverse with a Black and Minority Ethnic (BME) population of 9.8% (non-White British) compared to 4.9% in 2001.</p> <p>In 2021, 92.8% of people in York identified their ethnic group within the "White" category (compared with 94.3% in 2011), while 3.8% identified their ethnic group within the "Asian, Asian British or Asian Welsh" category (compared with 3.4% the previous decade).</p> <p>The percentage of people who identified their ethnic group within the "Other" category ("Arab" or "Any other ethnic group") increased from 0.5% in 2011 to 1.0% in 2021.</p> <p>Our survey of more than 4,000 people aged 65 and over who had used health or social care services recently shows that older people from ethnic minority backgrounds tend to use services less frequently (68% said they use them about once every 2 to 3 months or once in the last 6 months, compared with 58% of people from White British backgrounds).</p> <p>Provider will source interpreters where English is not their first language and provide information in designing multi-lingual leaflets. The Council would provide links to Local Area Co-ordinators to the Provider as they would share important Local information for local communities.</p>		
Religion and belief	<p>Cultural sensitivity plays an important role in the relationship between religion and healthcare. Many peoples' identities are informed by their race, culture, ethnicity, gender, or religion. When it comes to receiving medical care, many patients will make decisions based on their identity in some or all these categories. The cultural sensitivities will be listened to and will shape their care and support whilst receiving the Reablement services e.g., enabling them to participate in cultural and religious activities.</p>	+	Low

	<p>.In 2021, 43.9% of people in York described themselves as Christian (down from 59.5%), while 6.9% did not state their religion (down from 7.8% the decade before).</p> <p>There are many factors that can cause changes to the religious profile of an area, such as a changing age structure or residents relocating for work or education. Changes may also be caused by differences in the way individuals chose to self-identify between censuses. Religious affiliation is the religion with which someone connects or identifies, rather than their beliefs or religious practice.</p>		
Sexual orientation	<p>No Data Available. The survey results had limited information provided about sexual orientation. All services commissioned by CYC are available to residents of York under the individual service criteria.</p> <p>The Human Rights Act provides people with a right to not disclose this information, and this must be respected.</p>	+	Low
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	<p>In 2021, 4.6% of York residents (aged five years and over) reported providing up to 19 hours of unpaid care each week. This figure decreased from 7.2% in 2011. These are age-standardised proportions.</p> <p>According to the Census 2021, females were statistically significantly more likely to provide unpaid care than males in every age group up to 75 to 79 years; however, from the age of 80 years onwards, males were statistically significantly more likely to provide unpaid care.</p> <p>In both females and males, the older age groups provide the highest hours of unpaid care per week. In females, those aged between 75 to 79 years and in males, those aged between 85 to 89 years provided the highest percentage of 50 hours or more of care compared with all other age groups.</p>	+	Medium

	<p>Reablement Services will communicate with Carers and loved ones when people are in use of the service and will gain information on an individual needs as they will know them best and care plans will be developed with this information to ensure that customers needs are known and used to shape their care.</p> <p>The following organisations offer support and advice for carers, and those in need of care:</p> <p>York Carer Centre https://yorkcarerscentre.co.uk/</p> <p>Crossroads https://www.tuvida.org/</p> <p>Age UK https://www.ageuk.org.uk/york/</p> <p>York and Selby Alzheimer's Society</p> <p>https://www.alzheimers.org.uk/support-services/Selby-++York+Local+Service+Office/York-++Selby+Dementia+Information+Service</p>		
Low income groups	<p>Ways that promote reablement as a care option and ensure everyone has access to information, including hardest to reach people.</p> <p>When reablement service is ending service provider will link in with Local Area Co-ordinator to signpost to income maximisation and benefit advice agencies, health services and community services.</p> <p>The service is a non-chargeable (for up to 6 weeks, integrated with health) service to all assessed adults. Signposting is part of the Reablement service, and this should include signposting to income maximisation and benefit advice agencies, health services, etc. as well as other community services such as Age UK, Yorkshire Housing,</p>	+	M

	<p>Healthwatch and other VCSE organisations/services that the council has in place.</p> <p>Carers Trust just launched the results of their recent survey showing 1 in 7 unpaid carers are using foodbanks as a result of soaring living costs and 63% are worried about being able to afford paying bills.</p> <table border="1" data-bbox="534 377 1563 711"> <thead> <tr> <th colspan="2">Cost of Living Crisis</th></tr> </thead> <tbody> <tr> <td>Food and everyday shopping</td><td>Plus £134 increase in September 2022</td></tr> <tr> <td>Transport & fuel costs</td><td>+ 70% this year</td></tr> <tr> <td>Housing costs</td><td>+ int.rates & rents</td></tr> <tr> <td>Energy costs</td><td>+ int.rates & rents</td></tr> <tr> <td>Source of information: York cost of living summit</td><td></td></tr> </tbody> </table>	Cost of Living Crisis		Food and everyday shopping	Plus £134 increase in September 2022	Transport & fuel costs	+ 70% this year	Housing costs	+ int.rates & rents	Energy costs	+ int.rates & rents	Source of information: York cost of living summit			
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Source of information: York cost of living summit															
Veterans, Armed Forces Community	<p>The City of York has signed the Armed Forces veteran's covenant. It is an agreement that no one who has ever served in the Armed Forces, or their families, should be disadvantaged because of their service.</p> <p>In practice, this does not mean that Armed Forces personnel receive preferential treatment compared to other people, but that everyone agrees to work together to ensure that the Armed Forces community can access the same level of service as non-serving citizens.</p> <p>This information should be shared and detailed on any care plans to ensure that any symptoms from their service days are incorporated into how they want their care to be shaped to meet their individual needs when receiving care and support in the Reablement service.</p>	+	Low												
Other															

Impact on human rights:		
List any human rights impacted.	<p>At the heart of human rights, is the concept of dignity. Dignity can include factors such as autonomy, social inclusion, justice, respect, independence, and privacy. The 3 most relevant Human Rights that need to be considered for reablement are:</p> <ul style="list-style-type: none"> - Right not to be tortured or treated in an inhuman or degrading way - Right to respect for private and family life - Right not to be discriminated against <p>Personalisation is at the heart of reablement and an opportunity to embed a human rights-based approach.</p> <p>People accessing the Reablement Service will have their human rights protected and people will be encouraged to exercise their human rights.</p> <ul style="list-style-type: none"> - Commissioners and the Provider will take an approach which respects a person's dignity, values, their right to choose and make decisions based on their personal needs and beliefs. - Service providers ensure equal access for all. - Provide assurances that staff are trained to understand the importance of human rights in the delivery of the service and ways in which they can support it. People should be able to discuss their preferences and make choices in how and when their care is delivered, breaking down any barriers in communication to enable this. - Relationship between the person receiving and those delivering support. A relationship centred on promoting human rights and ensuring that decisions are made together which helps individual lead a dignified and fulfilling life, free from discrimination and degrading treatment. 	

	<ul style="list-style-type: none"> - Where possible to have consistency of workers to enable a relationship to be built between the individual and the workers, and for progress to be properly monitored. - Staff are empowered to speak up about their training needs or impact of delivering the service. <p>Ongoing reflection and feedback from users of the service to learn and improve Human Rights and Equalities Board. The City of York Council and the York Human Rights City Steering Group established the Human Rights and Equalities Board with a remit to:</p> <ul style="list-style-type: none"> • provide strategic direction for the council's human rights and equalities work • tackle the issues raised within the York Human Rights City Indicator Report <p>Any services being developed and put in place to provide person centred care must adhere to these principles.</p>		
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Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

High impact (The proposal or process is very equality relevant)	There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.
Medium impact (The proposal or process is somewhat equality relevant)	There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights
Low impact (The proposal or process might be equality relevant)	There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights

Step 5 - Mitigating adverse impacts and maximising positive impacts.

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
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There will be no negative impact on the above groups and subsequent customers of the Reablement services. Any impacts will be managed as part of an assessment of individuals needs and care and support services will be designed in accordance with information provided by the customer.

The service will not change but the provider may, but they will be delivering services in accordance with the robust specification. The survey completed has positive comments 'The service was essential, it meant I could come home and be safe' and 'Reablement is a perfect way for Customers to gain independence'.

Solutions in the above EIA have been provided to provide reassurance that any impacts that we foresee will be minimised by the actions outlined in the EIA.

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
	<ul style="list-style-type: none">No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.
	<ul style="list-style-type: none">Continue with the proposal (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.	
Option selected	Conclusions/justification

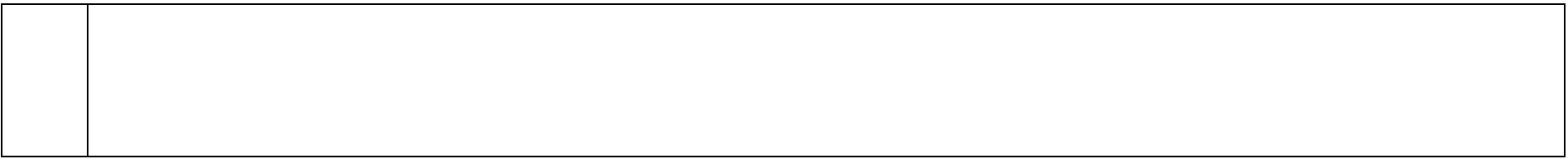
No major change to the proposal	The proposal for the Reablement service will have a positive impact in providing services for the population of York enabling customers to return Home First to an environment they recognise with the care and support required to increase confidence and their independence.
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Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
Outcomes for customers and impacts outlined in EIA	Produce the voice of the customer from the surveys returned	Judith Culleton	July - September 2023
Documentation	Robust specifications and contract documents to be updated incorporating the needs from the surveys for example provision of information	Judith Culleton	July – January 2023
Equality and Human Rights Act	Quality Assurance	Laura Williams	

Step 8 - Monitor, review and improve

8. 1	<p>How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>The approach to the market for the Reablement service reflects the journey outlined in our commissioning Strategy as this has been developed to focus on outcomes and principles for commissioning services, in line with the Council's Strategy and plan. Each contract will have Key Performance Indicators that will measure the outcomes with our providers included in the specifications. Training and outcomes expressed as part of the returned surveys will be incorporated into key documents.</p> <p>The procurement of the new contracts should have no negative impact on the end recipient of services. Any future changes will be assessed at the time they are proposed; however, it is unlikely that any of these will have a negative impact.</p>



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RE-COMMISSIONING OF THE REABLEMENT SERVICE IN YORK

Appendix C

PURPOSE OF REPORT

The purpose of this report is to provide performance data and information for our current service, York Reablement Services. The report also provides data regarding hours and referral outcomes, CQC performance and Safeguarding performance for our customers. 720 customers received the Reablement Services in 2022/2023 enabling them to return Home significantly reducing the need of higher costs services such as Residential care. 98% remained at home following short term intervention.

The service fully supports the Councils Home First approach to provide better outcomes for people in their own homes and enables the Council to deliver its statutory duties under the Care Act 2014.

CARE QUALITY COMMISSION (CQC) RATING

Human Support Group (HSG) currently delivers the York Reablement Services and have an overall service rating of 'Good'. CQC definition of 'Good' is; the service is performing well and meeting our expectations.

The service is rated on four individual areas safe, effective, caring, responsive and well-led. The service is due an inspection from CQC.

- Safe
- Effective
- Caring
- Responsive
- Well-Led

CONTRACT, COMMISSIONED HOURS AND PERFORMANCE

The current contract stipulates that 647 hours a week should be delivered. This service is a crucial delivery element of the intermediate pathway as the service plays a vital role in caring, supporting and

rehabilitating customers. As part of this contract, TUPE costs are paid to support the staff that transferred from the Council when the service was outsourced to the market in October 2017. These monies pay for the Council conditions and pension contributions that was transferred with the staff. The rate that is paid per hour for the service is £25.79 and the remaining budget supports other overheads and costs associated with the service. Our current budget for 2023/2024 is £1,169,100.00 using expenditure code 34530. Table 1 demonstrates the budget distribution.

Table 1 - Level Of Spend For Areas Of Contract Delivery			
Area	Hours	Cost per week	Cost per year
Service delivery	647	£16,686.13	£867,678.76
Other associated costs and Overheads	n/a	n/a	£301,421.24
TOTAL BUDGET 23/24			£1,169,100

PERFORMANCE DATA

The contract delivery has not reached the 647 hours target for the lifetime of the contract due to workforce issues discussed later in the report. Table 2 below represents the delivered hours versus the target hours for 24 weeks between January 2023 to June 2023. The lowest level of hours delivered is 406 and the highest 527, with an average of 481 hours delivered.

Table 2 - Reablement Service Target v Delivered Hours
1/1/2023 - 12/06/2023

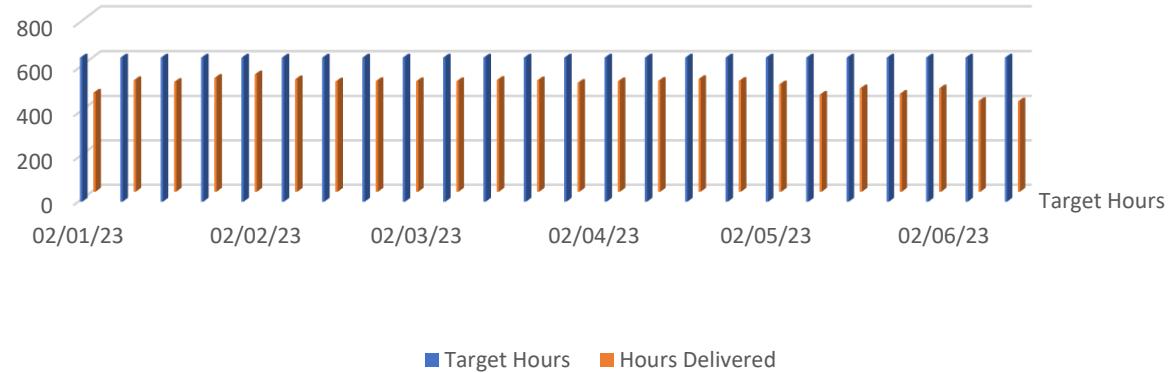


Diagram 2 above, is for a period of 24 weeks between January 2023 to June 2023 in terms of hours delivered. The total delivery for 24 weeks should be 15,528 hours and actual delivery was 11,555 a shortfall of 3,973, The shortfall in hours is at a total cost of £102,463.67. Therefore, for the new recommission we would need to fully explore cost implications and saving targets attributed against the contract.

Fluctuating hours of delivery are influenced by several factors such as levels of staff delivering the service, staff sickness, holidays taken by staff, number of referrals and allocation of care packages to HSG from different sources. If large care packages move on and patients have been discharged home and referrals reduce in numbers or are not allocated this has an impact on service hours delivered. Therefore, these elements must be explored as part of the new service to reduce these factors so that hours delivered do not impact on the target hours. The long-term list (over maximum of 6 weeks) has significantly reduced from 47 customer in 2022 to 11 at the beginning of 2023.

However, table 3 (below) demonstrates that the current contract is delivering preferred outcomes for people, returning home (Home First). Table 3 provides performance data relating to a customer's destination once they have received their 1 – 6-week reablement.

Table 3 - Customer Outcomes once received HSG Reablement Services 1st January 2023 - June 2023	Number of Customer	%
Residential / Nursing home	5	2
Own Home - Same care	67	23
Own Home - Reduced care	41	14
Own Home -Increased care	5	2
Own Home - no ongoing care	130	44
Independent Living Community	0	0
Acute hospital	47	16
Mental health hospital	0	0
Hospice	0	0
Died	2	1
Another setting not mentioned above (please specify)	0	0
Total Numbers	297	100

The data above does not include people whom HSG have worked with that become medically unfit or people who are a delayed discharge due to many factors such as waiting for equipment, transport and/or medication provision.

CONTRACT MANAGEMENT

Commissioners and Contract Managers and HSG are meeting fortnightly to work in partnership to improve the delivery of hours and to continue to deliver outcomes for customers as detailed in table 3 above.

One of the main areas of difficulty in terms of contract delivery throughout the lifetime of the contract has been securing and retaining workforce to fulfil the contract. The link below is information pertaining to the issues of workforce in York produced by Skills for Care.

<https://www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/Workforce-intelligence/documents/Local-authority-area-summary-reports/Yorkshire-and-Humber/2022/York-Summary.pdf>

HSG have reviewed their recruitment process and put in place improvements to help improve and streamline recruitment and screening activities. This has enabled them to recruit 2 new care workers with 5 carers booked into training. They have also recruited a new assessor to increase the number of assessments they can complete due to an increase in demand, and this will increase capacity to complete assessments and discharge people from the service.



CUSTOMER VOICE REPORT FOR THE YORK REABLEMENT SERVICES

Background of Engagement

The Reablement Service has provided care and support for 488 customers during 2022/2023. York Council have a statutory duty to provide Reablement Services for its residents under the Care Act 2014. The main principle of the Care Act 2014 is to help to improve people's independence and wellbeing and for care providers and carers to promote a person-centred approach to the care and support they provide.

This report is a summary of engagement work undertaken as part of the recommission of Reablement Services. This report summaries the views from customers who responded to the survey. The outcomes will be used to shape the new service being commissioned and will inform specifications, pathway development and key measures for the service and contracts to ensure they meet the needs of our customer by developing and improving service provision.

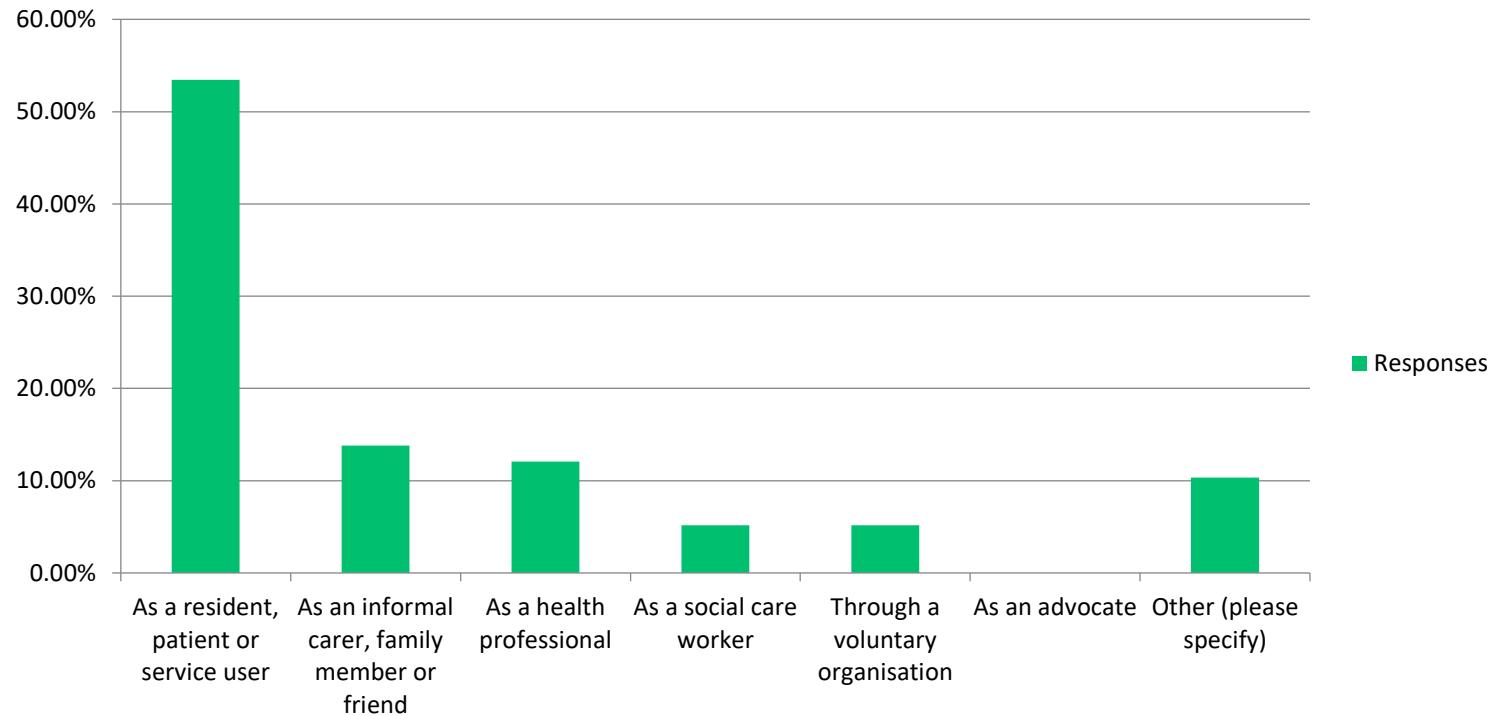
The aim of our engagement survey was to:

- Provide our customers with opportunities to influence and shape services for the future, based on their experiences, ideas and views.
- Highlight relevant examples of views and experiences (positive and negative)

Surveys were made available on the Council website and in paper form. Paper surveys were sent to the 488 people who experienced the service in 2022/2023. A wide range of networks and services in both Health, Social care and Voluntary Community Services and Carer network were sent the survey to circulate to customers whom may not of experienced the service but whom may have opinions on how they would like to receive the service if they need it in the future. Carers were also asked to provide their opinions and experiences to help shape the future service.

Overall Response of Customer Survey

How did you first come across the Reablement Service?



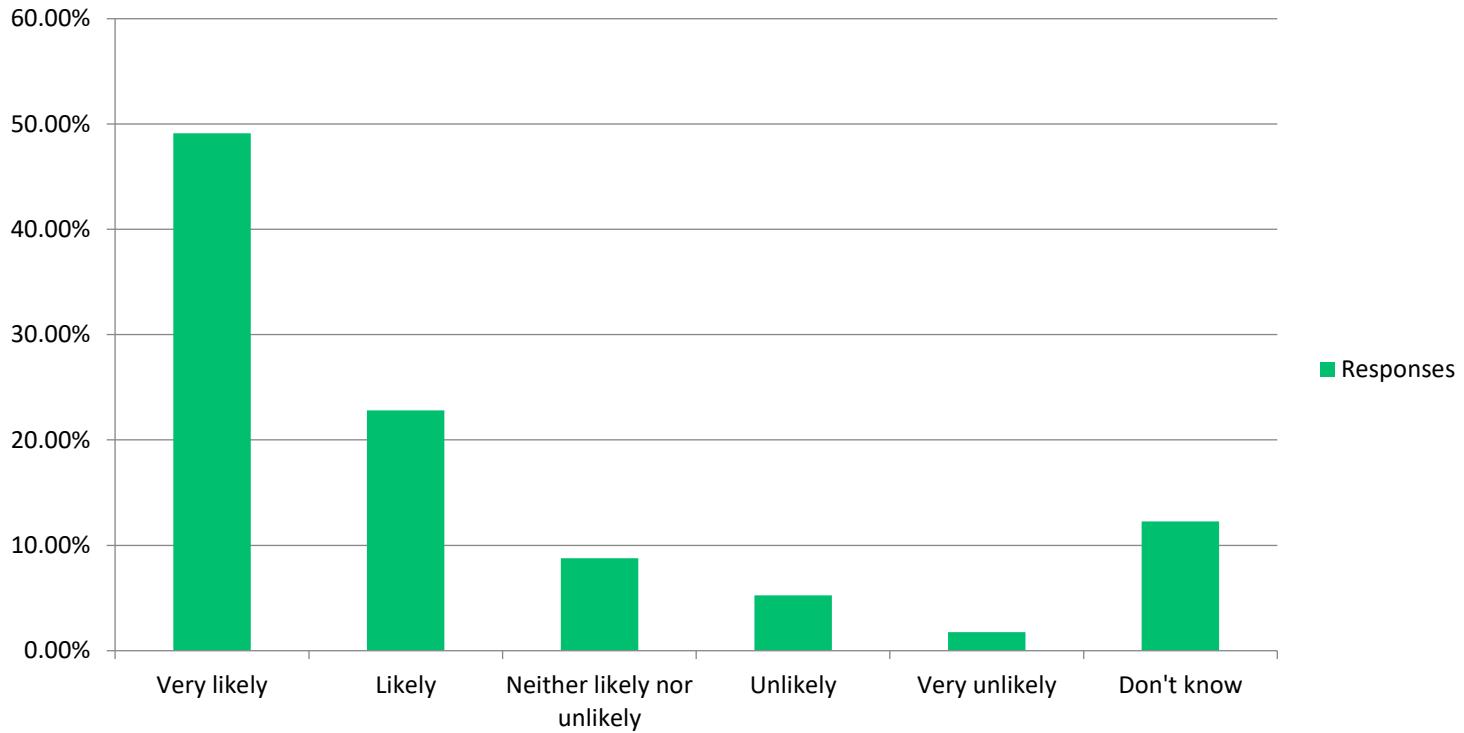
How did you first come across the Reablement Service?

Of the responses:

- 54% were residents, patient or customers
- 14% were informal carers, family member or friend
- Of those that responded 45% had experienced the Reablement Service

Overall Response of Customer Survey

How likely are you to recommend our Reablement Service to friends and family if they need similar care or support?



- Of the responses 50% are very likely to recommend the Reablement Services and 23% are likely
- A total of 73% that were likely to recommend services to their friends and family

Themes Analysed from Customer Feedback, this will enable them to shape future services

Professional surveys will also be analysed to shape the service

Information and guidance

Home First Visits

Staff

Communications & multiple Reablement's

About me. Strength Based/Circles of Care

Technology and Equipment

The majority of Customer comments are in the theme colours to show the links

Positive and ways to improve services feedback from customers about the Service and Staff provision. Thanks to all who provide Services to our customers. Thank you to all our customers and professionals who responded

Question 1

“How would you rate the service you were offered by the reablement service?”

Customer Feedback

The service and family kept me fed and safe.

The service was essential, it meant I could come home and be safe

Staff all kind and compassionate with my mum. very professional

Most carers were very good. All short of time for visit, made me feel pressured when very ill in fact morning was very stressful and actually cried when they left

Would be giving a higher level of assessment if more staff available plus shorter waiting time

I don't feel I could have got better without your help

The timing was a bit off as am an early riser, I did most things myself

Some difficulty if there was a change in personal

Carers are well trained, very helpful and flexible and arrive as expected.

Reablement is a perfect way for Customers to gain independence.

I am 68 and broke my leg, I live alone and the service helped me recover.

Good proactive working; client focussed; important; necessary

Customer Feedback

“Did you have opportunity to talk about things that you wanted to achieve(outcomes) at the start of reablement and do you feel that you managed to achieve them?”?

Question 2

No discussion with me about my own preferred outcomes

Everyone told me what I needed.

Communication was good, got everything sorted and it work just as we wanted.

Excellent communication from the staff

I saw Carer a lot of times she said lets work together to improve help together

Ensuring parents/carers are given information about how the services work across children and adult services

Police are unhelpful

Always felt in the morning visit were too busy for me, some were very good

Shortage of staff to respond is an issue

Preparing meals, medication, discussing

The discharge from hospital was too rushed so no time for discussion.

This was difficult as my husband constantly deteriorated and even with all the support offered to make him as comfortable as possible he passed away while still receiving the support.

There needs to be clear explanation and understanding of the term reablement at the very first point of introduction. That it is there to re-able and that the customer needs to have specific and achievable goals that are Reablement applicable. Otherwise you are setting the customer and the service up to fail unfortunately.

Customer Feedback

Question 3
“Do you have any recommendations on how the service could be improved?”

Significant Improvement in the self awareness and interpersonal skills/psychological understanding of staff. The provision of psychological support. If this was done in a group led by a psychologist	Notes left to be read and answered. hard when daughter communicates with carers and has no response	After initial care plan would be good if carer discusses plan with user as both would know what is expected of them	My Legs are very weak due to having M/S for lone time, so am unable to stand only with gutter frame to walk	Bad Management. Carers should be given more time for a visit.
Increased staffing levels-trained staff	Very good when they came in, they were going to send a physiotherapy to do some exercise but that hasn't materialised-about 5 to 6 weeks ago.	Some difficulty if there was a change in personnel.	The reablement service website needs updating with more information. Leaflets should be provided to participants about what to expect and their entitlement.	As it turned out we had community response team for 2 and half weeks, transferred to HSG for 4 weeks then transferred to Allot Healthcare the day my husband passed away. It would have been better if we could have stayed with same team, but it was difficult to know that the end would come so quickly.
More funding, just not enough support available for needs staff do a brilliant job but do not have the time or resources to deliver the service needed	The wide range of visiting times does concern most patient , i feel the time bands need to be narrowed.	After being signed off after a few days. It maybe worth visiting after a couple of weeks to make sure patient is still able to manage at home		Better communication between services! A formal review towards the end of the 6 weeks reablement. Clear pathways to other services for access at the end of reablement.
<p>Do you have written infNeeds to be led by a Therapist to carry out initial assessment and set SMART goals. This then needs to be clearly communicated to support staff - what the goals are, when the goals will be reviewed (2 weeks in, half way point for example) and when the period of re-ablement ends and how the goals / process will be evaluated.</p> <p>Establishing this in the service isn't a quick thing, otherwise as mentioned you won't do the service justice and you will set up all involved to fail.</p> <p>I think you also need to be clear with staff / customers across CYC and the NHS who isn't suitable for Reablement. You will dilute the service and how effective it can / should be if it ends up being a catch all for anyone needing care. As it's not about care, it's about re-abling people. If care is needed, this is clearly a very different thing.</p> <p>Information that is given to people about reablement and the aim of it.</p>				

Question 4

“Please provide any comments you would like to make?”

Customer Feedback

Thanks for all the help.	Great staff, we appreciate all the help.	I was helped and looked after extremely well and would have no hesitation using the service again.	I depend on my wife for all meals and drinks my wife is my carer after morning washing and dressing A wonderful partner and wife
I felt really well supported in caring for my very frail 99 year old mum after her time in hospital	Thanks for your concern	Some of carers v. good. Some passed their stress to you. V.bad when you are v. ill before going into hospital again	Staff are frustrated at the lack of opportunity to expand their service
Excellent people doing a first class worthwhile job	Front line service priorities are unclear but communication could be better about what the service can provide and what help there is for the future. Links with social services med improvement so participant don't feel left adrift.	The reablement care was there but he was unable to take any steps forward.	The whole team were outstanding. I could not fault them. Really encouraging and supportive.
There is lots of Information but maybe it could be available at the point of need. During Covid I was diagnosed with breast cancer and needed to get to Jimmy's in Leeds for treatment. I was told 'there used to be a bus' and in spite of being told that I was told to isolate I was forced to take a very busy bus which was really distressing. At Jimmys I found there was transport but it had to be booked. Luckily I avoided Covid	There is no follow up after being signed off which maybe useful for the elderly person	Costings can be prohibitive & CYC really needs to consider the future of care in the community, for all older people, & how services can interact to provide circles of support.	See above, It's not at all clear whether you need a referral to the service or if can just ring up and request help.

Reablement Service Recommission

Next Steps

- The presentation is the voice of the customer from the surveys received
- This engagement report will shape the newly commissioned service
- Specifications, pathway development, contracts and contract performance measures will be developed from the feedback received.
- Data from Professionals is being analysed and will also be used to shape the recommission of the Reablement Service.
- Key documentation will be developed with a group of stakeholders to ensure it reflects the needs of our population

Annex E: Data Protection Impact Assessment (DPIA)

Procurement of Reablement Service / ASC Community Contracts

DPIAs are an essential part of our accountability obligations. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to conduct a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. A DPIA is a 'living' process to help manage and review the risks of the processing and the measures we will have in place on an ongoing basis. It will need to be kept under review and reassess if anything changes.

The DPIA "screening questions" and initial "data mapping" identified there will be processing of personal data, special categories of personal data and / or criminal offence data in the procurement of the Reablement Service/ ASC Community Contracts and the ongoing provision of this service. This means we will continue with the DPIA as part of the ongoing project/ plan/ procurement.

The DPIA will help us to:

- systematically analyse, identify, and minimise the data protection risks of this project/ plan/ procurement.
- assess and demonstrate how we comply with all our data protection obligations.
- minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what we want to achieve.

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