

Time	5.00 pm	Public Meeting?	YES	Type of meeting	Executive
Venue	Council Chamber - 4th Floor - Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH				

Membership

Chair	Cllr Ian Brookfield (Lab)
Vice-Chair	Cllr Stephen Simkins (Lab)

Labour

Cllr Obaida Ahmed
Cllr Paula Brookfield
Cllr Steve Evans
Cllr Bhupinder Gakhal
Cllr Dr Michael Hardacre
Cllr Jasbir Jaspal
Cllr Linda Leach
Cllr Beverley Momenabadi

Quorum for this meeting is three voting members.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact	Dereck Francis
Tel/Email	Tel: 01902 555835 or dereck.francis@wolverhampton.gov.uk
Address	Democratic Services, Civic Centre, 1st floor, St Peter's Square, Wolverhampton WV1 1RL

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Email	democratic.services@wolverhampton.gov.uk
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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declaration of interests**
- 3 **Minutes of the previous meeting** (Pages 3 - 8)
[For approval]
- 4 **Matters arising**
[To consider any matters arising from the minutes of the previous meeting]

DECISION ITEMS (RED - FOR DECISION BY THE COUNCIL)

- 5 **Wolves at Work 18-24 - Youth Employment** (Pages 9 - 14)
[To approve a series of dedicated and focused interventions to support 18-24 year olds into work over a 12 month period]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET)

- 6 **Draft Budget and Medium Term Financial Strategy 2022-2023 to 2023-2024**
(Pages 15 - 32)
[To provide an update on the Draft Budget and Medium Term Financial Strategy 2022-2023 to 2023-2024]
- 7 **Revised Corporate Health and Safety Policy and Health and Safety Update**
(Pages 33 - 64)
[To approve an updated Corporate Health and Safety Policy and receive an update on the management of health and safety across the Council]
- 8 **Fleet Telematics Policy and System** (Pages 65 - 86)
[To approve the introduction of a new fleet vehicle telematics policy]
- 9 **Wolverhampton Health Inequalities Strategy 2021-2023** (Pages 87 - 118)
[To endorse the partnership strategy developed by the Health and Wellbeing Together Board outlining a city approach to tackling health inequalities]
- 10 **Joint Black Country Regulators Operating Framework 2021** (Pages 119 - 142)
[To approve the Black Country Regulators Operating Framework 2021]

CITY OF WOLVERHAMPTON COUNCIL	Meeting of the Cabinet Minutes - 8 September 2021
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Attendance

Members of the Cabinet

Cllr Ian Brookfield (Chair)
Cllr Stephen Simkins (Vice-Chair)
Cllr Obaida Ahmed
Cllr Paula Brookfield
Cllr Steve Evans
Cllr Bhupinder Gakhal (Virtually)
Cllr Dr Michael Hardacre
Cllr Jasbir Jaspal
Cllr Linda Leach
Cllr Beverley Momenabadi (Virtually)

Employees

Tim Johnson	Chief Executive
Emma Bennett	Executive Director of Families
John Denley	Director of Public Health
Charlotte Johns	Director of Strategy
Claire Nye	Director of Finance
David Pattison	Chief Operating Officer
Laura Phillips	Deputy Director of People and Change
Laura Gittos	Head of Governance
Julia Cleary	Systems and Scrutiny Manager
Dereck Francis	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
No apologies for absence were received for the meeting.

- 2 **Declaration of interests**
No declarations of interests were made.

- 3 **Minutes of the previous meeting**
Resolved:
 That the minutes of the previous meeting held on 28 July 2021 be approved as a correct record and signed by the Chair.

4 **Matters arising**

There were no matters arising from the minutes of the previous meeting.

5 **Local Government Social Care Ombudsman (LGSCO) Report**

The recommendations contained in the report, Local Government Social Care Ombudsman Report, were moved by Councillor Ian Brookfield and seconded by Councillor Stephen Simkins.

Councillor Beverley Momenabadi reported on the circumstances of a Local Government Social Care Ombudsman (LGSCO) decision report and on a proposed Council/regional adoption agency response. The LGSCO report related to a complaint about an individual who made an inquiry about wishing to adopt a child in the city. It was noted that a number of factors are taken into consideration when individuals, couples or families wish to adopt a child. Numerous assessments are made at different stages around suitability, experience with children and the ability to provide a loving stable home. Unfortunately, not everyone who applies is suitable to adopt a child. With regards to the complainant, an initial assessment was made in May 2019 the outcome of which was not to invite the individual to proceed with the assessment process for adoption. The LGSCO found that the Council should have progressed to allow the individual to register her interest even though the Council knew she was assessed as being not suitable. One of the reasons that the Council did not progress to a register of interest was because it did not want to create a false sense of hope for the person applying. Following the LGSCO report, a small change had been made around the recruitment process and people's ability to register an interest at any anytime during the process. Councillor Momenabadi added that the Council is fully committed to increasing its numbers of adopters in the city and Mark Tobin, Head of Service and the adoption team do an incredible job of ensuring that a diverse range of adopters are recruited and assessed, but they would always recruit in a way which puts children first and does not create a false sense of hope for individuals who for whatever reason may not be suitable. She asked Cabinet to endorse the Council's and the regional adoption agency service response to the LGSCO decision report.

Resolved:

That the City of Wolverhampton Council and the regional adoption agency service response to the Local Government Social Care Ombudsman finding be endorsed.

6 **Severn Trent's Commonwealth Legacy Forest**

Councillor Steve Evans requested Cabinet support the principle of the Severn Trent Commonwealth Legacy Forest, including Tiny Forests that would complement the Council's wider support for the Commonwealth Games and the benefits they would bring to the city and region. He also sought delegated authority to enter into any relevant agreements to enable planting to take place on proposed sites should they be accepted and the terms of planting. In doing so he reported that the Legacy Forest and Tiny Forests would support action the Council had already taken through the Wolverhampton Tree and Woodland Strategy, the Climate Emergency Declaration; planting of over 2,000 trees in a number of open spaces across the city during 2020-2021 with plans to plant a further 20,000 trees during 2021/2022; and planting of the second Tiny Forest in the city at Moseley Road Open Space in Bilston.

Cabinet commended Severn Trent and the Council on the continuing campaign to green the city as far as possible and to make the city carbon neutral.

Resolved:

1. That the Council support the principle of the Severn Trent Commonwealth Legacy Forest and proposing sites for both the Legacy Forest and Tiny Forests on land owned or managed by the Council.
2. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Governance, to sign any relevant agreements to enable planting to take place on the proposed sites, should they be accepted and the terms of planting be considered acceptable to the Council.
3. That it be noted that the report seeks delegated authority in the case of sites being proposed and accepted but does not commit to Council to providing sites for the Commonwealth Legacy Forest or Tiny Forests, should sites not be identified and selected or should the terms of planting not be acceptable to the Council.

7 Revised Affordable Rents Policy for all New Build Wolverhampton Council Housing

The recommendations contained in the report, Revised Affordable Rents Policy for all New Build Wolverhampton Council Housing, were moved by Councillor Ian Brookfield and seconded by Councillor Stephen Simkins.

Councillor Bhupinder Gakhal reported on the salient points of the report on a proposal to amend the Council's current Affordable Rents Policy in order to protect the Social Rents of existing secure council tenants where they are being displaced as a result of council regeneration schemes. The report also proposed that for those council tenants who have a wish to return to new build properties within the regeneration area and have been temporarily decanted to a property acquired through the Market to Affordable Housing Conversion programme, that a Social Rent is charged for the duration of the decant period.

Resolved:

1. That Social Rents are applied to new build council properties only when allocated to a returning tenant(s) who are displaced as a result of an approved council led regeneration programme. This is only applicable for new build properties built without using grant funding.
2. That Social Rent is charged on properties purchased through the Market to Affordable Housing Conversion Programme only when the property is allocated to an existing tenant(s) who is required to temporarily decant to assist in the progression of the approved council led regeneration programme.
3. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Director of City Housing and Environment, to authorise future amendments to the City's Affordable Rents Policy for new build council housing.

8 **Help to Own Scheme Update and Governance**

The intention to make a key decision on the report 'Help to Own Scheme Update and Governance' at the meeting was not published in advance as required by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The decision was urgent and could not be reasonably delayed for the following reasons:

- The Governance structure and approvals process for the scheme has been drawn up and requires urgent approval to ensure proper management control and governance of the Help to Own Scheme.
- Variations need to be made to correct and clarify legal documentation prepared for the establishment of the scheme to ensure all contracts are correctly drawn up.

In light of the above, consent had been obtained for the key decision to be made at the meeting under the General Exception provisions.

The recommendations contained in the report, Help to Own Scheme Update and Governance, were moved by Councillor Ian Brookfield and seconded by Councillor Stephen Simkins.

Councillor Bhupinder Gakhal reported on the salient points of the update report on the high level of interest in the Help to Own scheme since its launch in April 2021, and on a proposed governance structure and approvals process for the scheme. Help to Own was a new affordable housing product being delivered in partnership with the West Midlands Combined Authority, which provided a rental solution to local residents that gave long term tenure security, the benefits of home ownership without the risks and complete flexibility to leave whenever the tenant wished.

Cabinet commended the scheme as a great example of the Council working with external partners to address the housing demand in the city and help local people to get onto the property ladder. Thanks were extended to the Mayor of the West Midlands Combined Authority, Andy Street for his support to the scheme.

Resolved:

1. That the governance structure and approvals process identified in the report be approved. Key decisions, as listed, would be reported to Cabinet for approval. Other operational decisions as noted are delegated to the Director of Finance and the Chief Operating Officer acting on behalf of the Council as a member of the Help to Own partnerships, and otherwise to the appointees to the scheme Management Board.
2. That the minor amendments to correct and clarify certain of the transaction documents signed on 16 April 2021 to establish the scheme and delegation to the Director of Finance and Chief Operating Officer of authority to approve on behalf of the Council as a member of HTO2 LLP be approved.
3. That it be noted that this is the first six monthly update on the scheme and shows a strong initial performance with 352 applications for the 100 houses. Of these 70 have been approved to date, 50.% from key workers and 61% from Wolverhampton residents.

4. That it be noted that the first 23 houses are expected to be delivered and occupied in September with the balance delivered in tranches over the following 6 months. Loans would be drawn down from the facility with the West Midlands Pension Fund to fund the purchase of each tranche.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet 20 October 2021
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Report title	Wolves at Work 18-24 – Youth Employment	
Decision designation	RED	
Cabinet member with lead responsibility	Councillor Ian Brookfield Leader of the Council	
Key decision	Yes	
In forward plan	No	
Wards affected	All Wards	
Accountable Director	Tim Johnson, Chief Executive	
Originating service	Chief Executive	
Accountable employee	Mark Taylor Tel Email	Deputy Chief Executive 01902 556609 mark.taylor@wolverhampton.gov.uk
Report to be/has been considered by	Regeneration Leadership Team Strategic Executive Board Leader's Briefing Cabinet Member Briefing – Education & Skills Cabinet Member Briefing – Children and Young People	5 October 2021 7 October 2021 11 October 2021 11 October 2021 11 October 2021

Recommendations for decision:

Cabinet is recommended to approve (subject to the support and endorsement of Full Council on 3 November 2021):

1. The launch of a new Wolves at Work 18-24 Programme of targeted interventions which puts our young people at the centre of activity and urgently delivers the step change needed in our City to give unemployed young people opportunities for secure, sustainable employment, apprenticeships, education or training.

2. An initial £3 million budget, from a combination of the Recovery Reserve and Covid Emergency Grant, to deliver Wolves at Work 18-24 and galvanise a 'One City' approach to create opportunities for our young people.
3. The establishment of a £100,000 'City Ideas Fund', initially (funded from the £3 million available), for City employers and partners to bid for and put forward ideas that will get more young people into sustained employment, apprenticeships, education or training.
4. The delegation of authority to the Leader of the Council, in consultation with the Chief Executive and the Director of Finance, to approve:
 - a. Wolves at Work 18-24 targeted interventions and the allocation of the associated budget (from the £3 million available).
 - b. The scope and governance arrangements for the 'City Ideas Fund'.

Recommendations for noting:

Cabinet is asked to note that:

1. Delivering Wolves at Work 18-24 is the Council and City's number one priority and needs a coordinated and sustained response from the Council, City employers and partners, the West Midlands Combined Authority and Government Departments, as a result:
 - a. The Leader of the Council will be the Lead Cabinet Member.
 - b. The Chief Executive will fulfil the role of Accountable Director, with day-to-day responsibility being delegated to the Deputy Chief Executive, who will fulfil the role of Senior Responsible Officer (SRO).
2. The Council is committed to holding a Wolves at Work 18-24 City Summit to bring together a range of key partners (local, regional and national) and employers to forge a 'One City' approach to tackling the underlying issues which transcend organisational boundaries.
3. The progress and impact of Wolves at Work 18-24 will be reported to Councillors as part of the established corporate performance and budget monitoring arrangements.
4. The existing Governance arrangements relating to youth unemployment within the Council and across the City, will be mapped and reviewed to ensure that they are making a positive contribution towards Wolves at Work 18-24.

1.0 Purpose

- 1.1 This Cabinet report seeks approval for the council to lead on developing and resourcing a comprehensive programme of targeted intervention – Wolves at Work 18-24 - to support young people currently claiming benefits and aged 18 to 24 into sustainable employment, apprenticeships, education or training.

2.0 Background

- 2.1 Children and young people, and youth employment, has always been a focus and priority for the Council and City. It features heavily in the Council's Relighting Our City plans.
- 2.2 Although youth unemployment has historically been a significant issue in our City, regrettably, since launching the Relighting Our City plan, unemployment figures have been further exacerbated by the ongoing impact of the pandemic. The City of Wolverhampton currently has the highest unemployment rate for 18-24 year olds in the UK, equating to 2,660 young people (NOMIS September 2021). This is despite the City being in the top quartile for 16-17 year olds for NEETs (Not in Education, Employment or Training).
- 2.3 The Council, however, remains resolute and committed to working with partners, employers and young people, to actively increase the levels of youth employment, especially as city employers are reporting high levels of vacancies.
- 2.4 With the end of the furlough scheme likely to further exacerbate this challenge, urgent intervention and action is required. It is clear that the Council cannot address this challenge in isolation, it is therefore absolutely essential that the Council leads and drives a coordinated and sustained response with City employers and partners, the West Midlands Combined Authority and Government Departments – a 'One City' Response, with young people and their voices at the centre of every element of the response.

3.0 A 'One City' Response

- 3.1 Despite the fact that there are already extensive and ambitious programmes and interventions in place to tackle this challenge, they are not having the desired impact. Therefore, a reinvigorated and comprehensive programme of targeted interventions will now be developed to support young unemployed people aged 18 to 24, into sustainable jobs, apprenticeships or training – Wolves at Work 18-24. As already stated, Wolves at Work 18-24 will ensure that young people and their voices are at the centre of every element of the response
- 3.2 These interventions will provide enhanced and targeted support to meet individual needs which will be backed up by a city-wide marketing and communications campaign to raise awareness and connect young people to opportunities.

- 3.3 Through a 'One City' response, Wolves at Work 18-24 will also aim to tackle inequalities within the City and disparities between different wards - the highest youth unemployment rate is currently in Bushbury South & Low Hill (18.7%), the lowest is Tettenhall Wightwick (7.9%). However, the urgent need to respond to this issue is highlighted by the fact that all of Wolverhampton's wards are above the English youth unemployment rate of 6.5% (NOMIS September 2021).
- 3.4 The first ambitious Wolves at Work 18-24 initiative will be a 'City Ideas Fund', this will be established from the approved budget of £3 million, with an initial allocation of £100,000. Set to be launched in the very near future, City employers and partners will be able put forward ideas and bid for funding to get more young people into sustained employment, apprenticeships, education or training. The focus will be to support new and innovative community-based activities and projects which will connect young people to job and learning opportunities. Delegated authority is being sought in this report to develop this approach.
- 3.5 The Council will also take the lead to set up a Wolves at Work 18-24 City Summit which will bring together a range of key partners and employers to forge the 'One City' approach required. This will be set up as a high priority, will involve young people to provide the opportunity for the City to 'step up' and collectively take action.
- 3.6 As this is the Council's and City's number one priority, the Leader of the Council will be the Lead Cabinet Member for Wolves at Work 18-24 and the Chief Executive will fulfil the role of Accountable Director. Day-to-day responsibility will be delegated to the Deputy Chief Executive, who will fulfil the role of Senior Responsible Officer (SRO).
- 3.7 A key component to any successful programme is effective governance, therefore, the existing governance arrangements relating to youth employment within the Council and across the City, will be mapped and reviewed to ensure that they are making a positive contribution towards Wolves at Work 18-24. Progress and performance of Wolves at Work 18-24 will be reviewed and analysed regularly to understand the impact of the programme and this will be reported to Councillors as part of the established corporate performance and budget monitoring arrangements.

4.0 Options Considered

- 4.1 There is only one real option to tackle this problem - adopting a 'One-City' approach with the Council taking on a City and system leadership role.

5.0 Reasons for decision(s)

- 5.1 This is the recommended option for decision as the council is in a unique position to lead on developing and resourcing a comprehensive programme of targeted intervention – Wolves at Work 18-24 - to support young people currently claiming benefits and aged 18 to 24 into sustainable employment, apprenticeships, education or training.

6.0 Financial implications

- 6.1 Approval is sought to establish an initial budget of £3 million, from a combination of the Recovery Reserve and Covid Emergency Grant, to fund the Wolves at Work 18-24 Programme.
- 6.2 As the work of Wolves at Work 18-24 develops, and the required initiatives and interventions start to emerge, it will be possible to estimate whether the £3 million will be sufficient to deliver this key priority for the Council and the City.
- 6.3 The initial £100,000 allocated to the 'City Ideas Fund' will be established from the approved budget of £3 million.
[CN/07102021/P]

7.0 Legal implications

- 7.1 The decision being recommend to Cabinet falls within the definition of an Amber Decision, as it is within the budget and policy framework approved by Council.
- 7.2 However, due to the significant financial resources being committed to Wolves at Work 18-24, the Leader of the Council felt it was important that the Cabinet secured the endorsement and support of Full Council with this important decision, as such the decision is being made by Cabinet and the endorsement of Full Council will be sought at the next meeting on 3 November 2021.
[DP/07102021/A]

8.0 Equalities implications

- 8.1 As stated above, Wolves at Work 18-24 will aim to tackle inequalities in the city given big disparities between different wards - the highest youth unemployment rate is in East Park (19.5%), the lowest is Tettenhall Regis (8.8%).
- 8.2 In addition, an equality analysis will be undertaken for all Wolves at Work 18-24 activity and targeted interventions.

9.0 All other Implications

- 9.1 Wolves at Work 18-24 will have a positive impact on the health and wellbeing of the city's residents as it will support for young people into sustainable employment, apprenticeships, education or training.
- 9.2 There is a risk that the City will go into another lockdown, this may impact the delivery of Wolves at Work 18-24.

10.0 Schedule of background papers

- 10.1 There are no schedule background papers.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet 20 October 2021
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Report title	Draft Budget and Medium Term Financial Strategy 2022-2023 to 2023-2024	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Ian Brookfield Leader of the Council	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Tim Johnson, Chief Executive	
Originating service	Strategic Finance	
Accountable employee	Claire Nye Tel Email	Director of Finance 01902 550478 Claire.nye@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	8 October 2021

Recommendations for decision:

The Cabinet is recommended to approve:

1. The updated draft budget strategy for 2022-2023 to 2023-2024.
2. That work continues to further develop proposals and further review the assumptions in the Medium Term Financial Strategy (MTFS), in order to ensure that a balanced budget can be set for 2022-2023 and future years.

Recommendations for noting:

The Cabinet is asked to note:

1. The Draft Budget and Medium Term Financial strategy remains aligned to the Council's priorities. The Wolves at Work 18-24 –Youth Employment report on this same agenda demonstrates the alignment of budgets to priorities and seeks approval to lead on developing and resourcing a comprehensive programme of targeted intervention to support young people currently claiming benefits and aged between 18-24, into sustainable employment, apprenticeships, education and training.

2. That the Council needs the Government to provide confirmation on future years funding as soon as possible, in order to ensure that the Council has a clear direction of funding available over the medium term.
3. That, despite austerity since 2010, the Council has a strong track record of managing money well, planning ahead and delivering excellent services. The financial implications of the pandemic have significantly distorted the Draft Budget and Medium Term Financial Strategy.
4. That, a number of assumptions have been made with regards to the level of resources that will be made available to the Council as detailed in this report. It is important to note that there continues to be considerable amount of uncertainty with regards to future income streams for local authorities over the forthcoming Spending Review period. At the point that further information is known it will be incorporated into future reports to Councillors. Any reduction in Government's allocation of funding to the Council would have a significant detrimental impact and further increase the budget deficit forecast over the medium term.
5. That, due to external factors, budget assumptions remain subject to significant change, which could, therefore, result in alterations to the financial position facing the Council.
6. That the overall risk associated with the 2022-2023 draft budget and medium term strategy is assessed as Red.

1.0 Purpose

- 1.1 The purpose of this report is to provide Councillors with an update to the Draft Budget and Medium Term Financial Strategy (MTFS) 2022-2023 to 2023-2024; and agree the next steps that will be taken in order to address the financial pressures faced by the Council over the medium term.
- 1.2 This is the second report of the financial year on the Draft Budget and Medium Term Financial Strategy (MTFS) for the period of 2022-2023 to 2023-2024.

2.0 Background

- 2.1 The City of Wolverhampton Council has built up a strong track record over many years of managing its finances well and, despite austerity; consistently setting a balanced budget. Over the last ten years the Council has identified budget reductions in excess of £235 million. Our approach to strategic financial management, aligning budgets to service priorities and improving services, and investing in transformation priorities, continues to put us in a strong financial position. The Wolves at Work 18-24 – Youth Employment report on this same agenda demonstrates the Council's commitment in aligning our budget to priorities and seeks approval to lead on developing and resourcing a comprehensive programme of targeted intervention to support young people currently claiming benefits and aged between 18-24, into sustainable employment, apprenticeships, education and training.
- 2.2 The 2021-2022 Budget and Medium Term Financial Strategy (MTFS) 2021-2022 to 2023-2024 was presented to Full Council for approval on 3 March 2021. Despite the impact of Covid-19, the Council was able to set a balanced budget without the need to make use of general reserves or the need to undertake fundamental service reviews in 2021-2022. However, it was projected that after taking into account the impact of the pandemic, the Council would be faced with finding further estimated budget reductions totalling £25.4 million in 2022-2023, rising to £29.6 million by 2023-2024.
- 2.3 The updated projected budget deficit assumes the achievement of budget reduction and income generation proposals amounting to £4.3 million over the three year period from 2021-2022 to 2023-2024.
- 2.4 The Covid-19 pandemic has significantly distorted the budget and MTFS. Due to this distortion, it is difficult to confirm the exact costs directly associated with the pandemic. It is important to note that the cost of dealing with the pandemic extend beyond the immediate period. It is not yet known how long the pandemic will go on for or what the level of future support will be required.
- 2.5 In addition, at the time of writing this report, there continues to be considerable uncertainty with regards to future funding streams for local authorities over the forthcoming multi-year Spending Review period. On 7 September 2021, Government announced that a three-year spending review will be held on 27 October 2021. Once further information is made available, updates will be provided to Councillors. Any

reduction in the Government's allocation of funding to the Council would have a significant detrimental impact and further increase the budget deficit forecast over the medium term.

- 2.6 On 28 July 2021 Cabinet approved the draft budget strategy 2022-2023. This report provides an update on the progress towards the budget strategy 2022-2023 and 2023-2024.
- 2.7 The Council is on track to set a balanced budget for 2022-2023, however, these proposals are mainly one-off and not sustainable over the medium term. Work has started to address the forecast budget deficit over the medium term as outlined in section 6 of this report. These proposals will continue to be developed and assumptions tested in order to provide a sustainable medium term strategy.

3.0 Relighting Our City

- 3.1 Alongside managing the emergency response to the pandemic, the Council has also undertaken extensive planning for recovery, which was approved by Cabinet in September 2020. Relighting Our City sets out the priorities which will guide the Council's approach as the organisation and the city starts to transition from the response to the recovery phase of the pandemic. These priorities together with the associated key actions and activity form a framework for recovery.
- 3.2 Within the Relighting Our City recovery commitment plan there are five overarching priorities for recovery, supporting the delivery of our Council Plan vision for Wulfrunians to live longer, healthier, and more fulfilling lives:
- Support people who need us most
 - Create more opportunities for young people
 - Support our vital local businesses
 - Generate more jobs and learning opportunities
 - Stimulate vibrant high streets and communities
- 3.3 On 17 March 2021, Cabinet received an update on the Relighting Our City recovery plan, outlining what the Council, working alongside its partners, has done against the priorities since the inception of the recovery commitment in September 2020. As well as reflecting on what had been achieved so far, the refreshed plan also provides an overview of future planned activity to support our commitment and the local economy to recover from the impact of the pandemic.
- 3.4 A new performance framework was created to monitor performance against these priorities and includes two different type of indicators; city indicators and impact indicators. In July 2021, Cabinet received an update on performance against the city indicators, relevant financial information and key areas of activity. On 17 November 2021, Cabinet will be presented with the second Performance and Budget Monitoring report of the 2021-2022 financial year.

3.5 It is vital that the city has the resources to be able to focus on recovery which will enable the city to address key challenges and assist the government to deliver its 'levelling up' agenda and capitalise on new opportunities as the city transitions out of the response phase of the pandemic

4.0 Five Year Financial Strategy

4.1 The Council's strategic approach to address the budget deficit is to align resources to Our Council Plan 2019-2024 which was approved by Full Council on 3 April 2019. In the coming months we will be engaging with city partners and communities to refresh our Council Plan 2019-2024 to ensure it continues to reflect the needs and priorities of local people.

4.2 Our Council Plan 2019-2024 sets out how we will deliver our contribution to Vision 2030 and how we will work with our partners and communities to be a city of opportunity. The plan includes six strategic priorities which come together to deliver the overall Council Plan outcome of 'Wulfrunians will live longer, healthier and more fulfilling lives.' Resources will continue to be aligned to enable the realisation of the Council's priorities of achieving:

- Children and young people get the best possible start in life
- Well skilled people working in an inclusive economy
- More good jobs and investment in our city
- Better homes for all
- Strong, resilient and healthy communities
- A vibrant, green city we can be proud of

4.3 Covid-19 has had a significant international, national and regional impact and will continue to do so over the short and medium term. The pandemic has made the challenges faced in our local economy much harder. As detailed in section 3, the Council has developed its five-point recovery plan, 'Relighting Our City' which sets out the priorities which will guide the Council's approach as the organisation and the City starts to transition from the response to the recovery phase of the pandemic.

4.4 The Financial Strategy, approved by Council in March 2019, consists of five core principles underpinned by eight core workstreams. Using the Core Workstreams as the framework for the Financial Strategy detailed delivery plans are being developed all with a lead director. The Core principles and workstreams are:

- **Core Principles:**

- **Focusing on Core Business.** Focus will be given to those activities that deliver the outcomes local people need and which align to our Council Plan and Financial Strategy.
- **Promoting Independence and Wellbeing.** We will enable local people to live independently by unlocking capacity within communities to provide an effective and supportive environment.

- **Delivering Inclusive Economic Growth.** We will continue to drive investment in the City to create future economic and employment opportunities.
- **Balancing Risk.** We will ensure we base decisions on evidence, data and customer insight.
- **Commercialising our Approach.** We will boost social value in our City by maximising local procurement spend with people and businesses

- **Core Workstreams:**

- **Promoting Digital Innovation.** Improve access to digital services to empower local people to self-serve at a time and place that suits them whilst reducing 'traditional' operating costs.
- **Reducing demand.** Through early intervention and closer collaboration with local people we aim to reduce demand for services and support greater independence and resilience.
- **Targeted Service Delivery.** Our efforts will be focused in the areas and places that need us the most and where we can deliver the best possible outcomes within the resources available.
- **Sustainable Business Models.** We will develop the most efficient and effective services possible, within the significant financial constraints we face, to meet the needs of local people.
- **Prioritising Capital Investment.** Aligned to our strategic plan, investment will focus on the priorities that deliver the best possible return and outcomes for local people.
- **Generating Income.** Better understanding the markets we operate in will enable us to develop new, innovative income generation opportunities with partners where appropriate.
- **Delivering Efficiencies.** By reviewing our resources, business processes and better using technology, we will deliver services which meet customer needs efficiently and cost-effectively.
- **Maximising Partnerships and External Income.** We will take a much more strategic role, working with our partners, to identify opportunities to collaborate, share resources, reduce costs and seize funding opportunities.

5.0 Updated financial position - 2022-2023 Budget Strategy

- 5.1 On 28 July 2021, Cabinet approved the draft budget strategy for 2022-2023. It was reported that whilst the Council continues to operate with the uncertainty of Covid-19 and the current budget distortion, work has been undertaken to map out a draft budget strategy that will enable the Council to set a balanced budget for 2022-2023.
- 5.2 The assumptions used in the preparation of the Budget and MTFs remain under constant review and update. The following paragraphs provide an overview of the changes to corporate resource assumptions, growth and inflation, budget reduction targets and one-off opportunities. The Council is on track to set a balanced budget for 2022-2023, however, a number of the proposals for 2022-2023 are one-off and not sustainable over the medium term. Work has started to address the medium term gap as outlined in section 6.

Corporate Resources

- 5.3 On 7 September 2021, Government announced proposals to levy additional funding from an increase in national insurance to fund cost pressures within health and social care. It is anticipated that additional funding of around £12 billion per year nationally will be raised through a 1.25% levy, based on national insurance contributions. Of this £5.4 billion will be used to fund social care between 2022-2023 and 2024-2025. As outlined in section 7 of this report, the level and profile of this funding and any additional costs, in particular linked to the cap on care, and how this relates to the funding provided through the adult social care precept are not yet known. Updates will be provided in future budget reports once further information becomes available.
- 5.4 As previously reported to Cabinet, the Covid-19 pandemic has had a significant impact on Wolverhampton. The forecast collection fund deficit increased as a result of a decline in council tax and business rates collected during 2020-2021. The Council Tax base also reduced for 2021-2022 compared to 2020-2021, when taking into account increased numbers claiming Local Council Tax Support, lower collection rates and reprofiling of housing growth assumptions. These assumptions are currently being reviewed and updated for 2022-2023 and future years based on collection data for 2021-2022. These assumptions will continue to be tested and updates provided in future reports.

One-off Opportunities

- 5.5 On 16 June 2021 the outturn position for 2020-2021 was presented to Cabinet. It was noted that as a result of the overall outturn position, there was no call on the Future Years Budget Strategy (£2.3 million) and the Job Evaluation (£1.0 million) reserves. It is proposed that the use of these reserves is built into the 2022-2023 budget. In addition, it is also proposed that the Treasury Management Equalisation Reserve of £1.7 million be released in 2022-2023.
- 5.6 It was reported to Council that in the budget for 2021-2022 there was an estimated net cost of £6.4 million relating to the impact of Covid-19. Efficiencies across the Council enabled the Council to set a balanced budget despite this pressure. The Council has managed the use of Covid-19 grants very carefully which enabled some grant to be carried forward into the current financial year. It is proposed that in the first instance, £5.0 million of Covid-19 Emergency Grant is drawn down to support the underlying budget pressures in 2021-2022, thereby releasing general fund resources which can be utilised to meet the budget deficit in 2022-2023.
- 5.7 The use of capital receipts flexibility to fund revenue transformation has been extended until 2024-2025. Work has been undertaken to look at what extent capital receipts can be utilised in 2022-2023 to support the budget strategy and it is now proposed that £5.0 million is built into the budget for 2022-2023.

- 5.8 The outturn position for 2020-2021 did not require a number of grants to be drawn down to fund one-off expenditure within year. It is therefore proposed that one-off grants are utilised in 2022-2023 totalling £1.0 million.
- 5.9 It was reported to Cabinet in July 2021, that early indications are that there are some efficiencies across some services in 2021-2022. It is proposed that any underspends are transferred to a specific reserve to support the 2022-2023 Budget Strategy and reduce the level of capital receipts to pay for revenue transformation in 2021-2022. It is currently estimated that there could be underspends in the region of £4.0 million mainly across Corporate Services. Where ongoing underspends are identified, they will be reflected in the budget strategy for future years in a similar way to corporate contingency budget reductions, referenced in paragraph 5.10 below. This assumption will be kept under review and updates will be provided in future Performance and Budget Monitoring reports to Councillors, with the next update due to be presented to Cabinet on 17 November 2021.

Changes to Growth and Inflation

- 5.10 The outturn report 2020-2021 reported to Cabinet in June 2021, noted that a number of corporate contingencies have not been required in full. Work has been undertaken in conjunction with relevant service areas to determine the level of risk and contingency required for 2022-2023. It is therefore proposed that these contingency budgets are reduced by £2.2 million.
- 5.11 On the 7 September 2021, Government announced an increase to both employers and employees national insurance of 1.25% which will be ring-fenced to fund cost pressures across health and social care. The cost of a 1.25% increase is in the region of £1.0 million (excluding any pay award). The Government have announced that public sector employers will be compensated for this increase in costs. The budget therefore assumes there is net nil impact for the Council.

Revisions to Budget Reduction Targets

- 5.12 The Council highly value the contribution employees make in the delivering of its priorities. The July 2021 budget report to Cabinet proposed that the Staff Terms and Conditions budget reduction target of £1.2 million be deleted from the MTFS and that work would be undertaken to establish whether this adjustment could be offset by the possible inclusion of a vacancy factor. Work has now been carried out in conjunction with the relevant service areas on the level of vacancies held as a result of natural staff turnover throughout the year, and it is therefore proposed that a vacancy factor of £1.2 million replace the Staff Terms and Conditions proposal. The introduction of a vacancy factor will not mean a change to normal recruitment processes and in the event that the vacancy target is not delivered within year, the Budget Contingency Reserve will be used to offset any shortfall.

- 5.13 In addition, an in-depth review has been undertaken on existing budget reduction and income generation targets to ensure that the targets included in the MTFS remain deliverable over the medium term. It has been determined that £1.8 million of savings will not be delivered in 2022-2023 as originally planned. It is therefore proposed that these be deleted from the MTFS.

Efficiencies

- 5.14 The outturn position for 2020-2021 reported an underspend in the Treasury Management budget. As reported to Cabinet in the draft budget strategy on 28 July 2021, early indications are that there is an underspend in the Treasury Management budget in the current financial year. The level of borrowing required to support the capital programme has been reviewed and the treasury management forecast tested to ascertain the budget requirement for 2022-2023. It is therefore proposed the Treasury Management budget is reduced by £1.5 million.
- 5.15 The Council in the context of its role as a participating employer within the West Midlands Pension Fund (the Fund), was subject to a triennial actuarial valuation review in 2019-2020 which set the employer pension contribution requirements over the period from 2020-2021 to 2022-2023. Following discussions with the Fund, it was intended that the Council make an annual payment in April of each year for future services contributions in order to reduce the total costs and secure budget reductions. Furthermore, upfront payment of past service deficit contributions secured additional budget reductions for 2022-2023, which have now been reflected in the MTFS.
- 5.16 In addition, over a number of years, in-year efficiencies have been delivered across a number of services, without impacting of the delivery of Council priorities. It is therefore proposed that an in-year efficiency target is built into the budget to capture these potential efficiencies. In the event that this in-year target is not delivered, the Budget Contingency Reserve will be used to offset any shortfall.
- 5.17 The proposals outlined in the paragraphs above will enable the Council to set a balanced budget for 2022-2023. Work will continue over the coming months to review all assumptions outlined above in order to close the remaining forecast budget deficit of £1.1 million for 2022-2023; a further update will be presented to Councillors in December 2021. The overall impact of the revisions to the draft budget 2022-2023, arising from the items detailed in the paragraphs above have been reflected in Table 1 overleaf:

Table 1 – Draft Budget Strategy 2022-2023

	2022-2023 £000
Projected Budget Challenge as at February 2021	25,352
Changes to Corporate Resources	
• Review of Collection Fund deficit	(200)
One-Off Opportunities	
• Use of Budget Strategy Reserve	(2,347)
• Use of Job Evaluation Reserve	(1,000)
• Use of Treasury Management Reserve	(1,651)
• Use of Covid-19 emergency grant in 2021-2022 (creation of a reserve from efficiencies)	(5,000)
• Capital Receipts Flexibility	(5,000)
• Use of One-off grants	(1,000)
• Anticipated underspends in 2021-2022 to carry forward	(4,000)
• Underlying underspends – in year efficiencies	(1,500)
Changes to Growth and Inflation	
• Review of Corporate Contingencies and inflation assumptions	(2,175)
Treasury Management	
• Review of Treasury Management budget	(1,500)
Revisions to Budget Reduction Targets	
• Deletion of Staff Terms and Conditions	1,200
• Vacancy Factor to replace Staff Terms and Conditions	(1,200)
• Review of existing savings targets	1,800
• Efficiencies from upfront pension payment	(650)
Total	24,223
Projected deficit after impact of revisions	1,129

5.18 It is important to note that due to external factors, budget assumptions remain subject to significant change, which could, therefore, result in alterations to the financial position facing the Council.

6.0 Budget Strategy 2023-2024

- 6.1 The proposals outlined above provide a short-term plan for 2022-2023, but do not address the underlying budget deficit over the medium term. It was reported to Cabinet in July 2021, that the estimated budget deficit for 2023-2024 onwards would be in the region of £25 million. Work has also been undertaken to identify measures which will provide a sustainable medium term strategy and updates are provided in the following paragraphs.
- 6.2 The MTFs currently assumes that the Top Up Grant is cash flat. We are currently reviewing a number of different scenarios and the likely impact of any increase for inflation or growth.
- 6.3 As outlined in paragraph 5.3 and section 7, Government have announced additional funding for Adult Social Care which is not currently built into the MTFs. Whilst the level of funding has not yet been confirmed, work will be undertaken to estimate what this is likely to be in 2023-2024. At the point of writing, it is not known to what extent any additional funding will cover the additional costs arising as a result of the proposals. In addition, Council Tax and Business Rates assumptions will be reviewed in line with updated collection rates as the city begins to recover from the pandemic.
- 6.4 As detailed in paragraph 5.14 there was an underspend on the Treasury Management budget in 2020-2021 and current forecasts indicate an underspend in 2021-2022. The level of borrowing required to support the capital programme over the medium term will be reviewed and treasury management forecasts tested to ascertain if the budget can be reduced further in 2023-2024.
- 6.5 As outlined in paragraph 5.16, over a number of years in-year efficiencies have been delivered without impacting on the delivery of service priorities. It is therefore proposed that an in-year efficiency target be considered for 2023-2024 in order to capture these efficiencies.
- 6.6 A further review will be undertaken across corporate budgets to identify any further potential efficiencies, including the budget held for future credit losses (bad debt provision), with a review of reducing this budget in future years. Targeted work is underway to improve access and to analyse data on our outstanding debts in order to build on our One Council approach to engagement with customers in relation to debt.
- 6.7 The proposals outlined in this report, in relation to Treasury Management and efficiencies could reduce the budget deficit for 2023-2024 to below £20 million. This will be reduced further by any additional government grant funding, including inflation increases and adult social care funding. Given the current level of forecast deficit, it is likely that service led savings will need to be considered in order to set a balanced budget for 2023-2024.
- 6.8 It is important to note that there continues to be a level of uncertainty associated with emerging behavioural and operational changes arising as a result of the pandemic. This may continue to have significant ongoing financial implications for services provided by

the Council including, but not limited to, social care, public health and wellbeing and income generating services

- 6.9 Work will continue over the coming months to review all assumptions in the Medium Term Financial Strategy and due diligence will be undertaken to test the assumptions and proposals outlined above for 2023-2024 onwards. It is anticipated that a further update will be presented to Councillors in December.
- 6.10 The Final Budget Report which will be presented to Cabinet in February 2022 will include an extension of the MTFs to incorporate assumptions to 2024-2025, in line with the three year spending review.

7.0 Risk and Uncertainty

Social Care

- 7.1 On 7 September 2021, Government published 'Building Back Better: Our Plan for Health and Social Care'. This represents a plan to tackle twin challenges – the backlog in NHS resulting from the Covid-19 pandemic and the long standing systemic and funding challenges for delivering adult social care.
- 7.2 The plan represents the first stage of information being provided around the reforms, with initial focus upon the NHS waiting times. It then outlines, the proposals on reforming adult social care, with focus upon what both those who receive services will need to pay and the support they may receive, and briefly the additional funding that will be provided to local government to support the reformed system.
- 7.3 The Government announced that they will ensure local authorities have access to sustainable funding for core budgets at the Spending Review, and that they expect demographic and unit cost pressures will be met through Council Tax, social care precept, and long-term efficiencies.
- 7.4 The plans propose to introduce a new £86,000 cap on the amount anyone will need to spend on their personal care over their lifetime, which will come into effect from October 2023. In addition to this it is proposed that a £20,000 capital threshold will replace the current £14,250. For people with capital below £20,000, their contribution will be based on a financial assessment of their income only, for people with capital of between £20,000 and £100,000 20% of their capital will be added to their income to determine their contribution. People will pay the full cost for their care and support when they have capital above £100,000. Once the cap is reached, the local authority will pay for all eligible personal care costs. Work is currently underway to forecast the potential cost implications of the proposed changes.
- 7.5 The Government have indicated that it will levy in additional funding of around £12 billion per year from an increase of 1.25% on both employers and employees national insurance contributions. Of this, £5.4 billion will be used to fund social care between 2022-2023 and 2024-2025. The Spending Review 2021, which will set out the funding

totals for the next three years (2022-2023 to 2024-2025), will be delivered on 27 October 2021. The Government then plans to consult on proposals for distributing the additional funding for adult social care across local government. In addition, the Government will also publish a white paper on system reform for adult social care.

- 7.6 This increase in employer national insurance will also apply for providers of service to the council; including but not limited to social care providers. There is a significant amount of uncertainty on the financial implications of the impact of this increase along with the impact of the high inflationary costs on the cost of services and goods procured by the council.

Other Budget Risks

- 7.7 At the time of writing this report national negotiations are ongoing in respect of the pay award for 2021-2022. The 2021-2022 budget includes provision within employee budgets for a 1% pay award. However, it is anticipated that there is some provision within corporate budgets to accommodate an increase of up to 2% without having to find offsetting budget reductions in year. Any increase above 2% would require in year efficiencies to be made and increase the projected deficit for 2022-2023 and future years. The MTFs currently assumes 2% pay award for 2022-2023.
- 7.8 At the time of writing this report, there continues to be considerable uncertainties with regards to future funding streams for local authorities over the forthcoming financial year and medium term and it is particularly challenging to establish a medium term financial strategy at this point in time. On 7 September 2021, Government announced that a three-year spending review will be held on 27 October 2021. As further information is made available, updates will be provided to Councillors in future budget reports. Any reduction in the Government's allocation of funding to the Council would have a significant detrimental impact and further increase the budget deficit forecast over the medium term.
- 7.9 The cost of dealing with the pandemic extends beyond the immediate period. It is not yet known how long the pandemic will go on for or what level of future support required will be. It is anticipated that pressures will continue to emerge in many areas particularly in social care, public health and wellbeing and income generating services. The end of furlough, the impact of increases in National Insurance costs and inflation could also impact on the Council's income collection from council tax and business rates for years to come.
- 7.10 The overall level of risk associated with the Draft Budget and Medium-Term Financial Strategy (MTFS) 2022-2023 to 2023-2024 is assessed as Red. The following table provides a summary of the risks associated with the MTFs, using the corporate risk management methodology.

Table 2 – General Fund Budget Risk Register

Risk	Description	Level of Risk
Medium Term Forecasting	Risks that might materialise as a result of the impact of non-pay inflation and pay awards, uptake of pension auto enrolment, and National Living Wage.	Amber
Service Demands	Risks that might materialise as a result of demands for statutory services outstretching the available resources. This particularly applies to adults and childrens social care.	Red
	Risks that might materialise as a result of demands for non-statutory services outstretching the available resources	Amber
Identification of Budget Reductions	Risks that might materialise as a result of not identifying budget reductions due to limited opportunity to deliver efficiencies.	Amber
Budget Management	Risks that might materialise as a result of the robustness of financial planning and management, in addition to the consideration made with regards to the loss of key personnel or loss of ICTS facilities	Green
Transformation Programme	Risks that might materialise as a result of not delivering the reductions incorporated into the budget and not having sufficient sums available to fund the upfront and one-off costs associated with delivering budget reductions and downsizing the workforce	Amber
Reduction in Income and Funding	Risks that might materialise as a result of the multi-year Spending Review, and reforms to Business Rates Retention and the Fair Funding Review.	Red
	Risks that might materialise as a result of income being below budgeted levels, claw back of grant, or increased levels of bad debts.	Amber
	The risk of successful appeals against business rates.	

Risk	Description	Level of Risk
Third Parties	Risks that might materialise as a result of third parties and suppliers ceasing trading or withdrawing from the market.	Amber
Government Policy	Risks that might materialise due to structural uncertainties including the impact of exiting the European Union.	Red
	Risks that might materialise as a result of changes to Government policy including changes in VAT and taxation rules.	Red
Covid-19	Risk that the financial implications of Covid 19 including the Council's recovery will exceed the grant allocations awarded by Government and place further financial pressures on the council financial position over the medium term.	Red

8.0 Next Steps

- 8.1 A summary of the 2022-2023 budget setting process timetable is detailed below in Table 3.

Table 3 – Budget Timetable

Milestone	Deadline
Report to Cabinet following the Spending Review	December 2021
Report to Scrutiny Board	January 2022
Report to Cabinet following Local Government Finance Settlement	January 2022
Final Budget Report 2022-2023 to Cabinet	23 February 2022
Full Council Approval of Final Budget 2022-2023	2 March 2022

9.0 Continuous Conversations with Communities

- 9.1 It is vital that city partners, residents, businesses and voluntary community sector are actively engaged throughout the city's recovery and that there are opportunities to co-produce innovative solutions to the challenges the pandemic has brought. Relighting Our City will continue to be a 'living' document and be taken forward as a continuous conversation with our communities through our Commonplace platform.
- 9.2 Throughout the year we will continue to actively engage with our key stakeholders to understand the needs of the city and the things that matter most, seeking opportunities to co-produce innovative solutions to challenges and understand how we should prioritise the

use of our finite resources In the coming months we will be engaging with city partners and communities to refresh our Council Plan 2019-2024 to ensure it continues to reflect the needs and priorities of local people.

10.0 Evaluation of alternative options

10.1 In determining the financial strategy, consideration has been made to the deliverability of budget reduction and income generation proposals, and budget pressures. If we were not to implement the strategy outlined in this report, alternative options would need to be identified in order for the Council to set a balanced budget for 2022-2023.

11.0 Reasons for decisions

11.1 It is recommended that the updated draft budget strategy linked to the Five Year Financial Strategy, including changes to corporate resource assumptions and growth and inflation, for inclusion in the Draft Budget and Medium Term Financial Strategy 2022-2023 to 2023-2024 is approved by Cabinet. Cabinet will be provided with an update on progress in the Draft Budget and Medium Term Financial Strategy 2022-2023 to 2024-2025 report which will be presented to Cabinet in February 2022. In approving this strategy, the Council will be working towards identifying options to be able to set a balanced budget for 2022-2023.

12.0 Financial implications

12.1 The financial implications are detailed in the body of this report.
[MH/12102021/S]

13.0 Legal implications

- 13.1 The Council's revenue budgets make assumptions which must be based on realistic projections about available resources, the costs of pay, inflation and service priorities and the likelihood of achieving any budget reduction proposals.
- 13.2 The legal duty to spend with propriety falls under S.151 Local Government Act 1972 and arrangements for proper administration of their affairs is secured by the S.151 Officer as Chief Financial Officer.
- 13.3 Section 25 of the Local Government Act 2003 requires the Chief Financial Officer to report to the Council when it is making the statutory calculations required to determine its Council Tax. The Council is required to take this report into account when making its budget decision. The Chief Financial Officer's report must deal with the robustness of the budget estimates and the adequacy of the reserves for which the budget provides. Both are connected with matters of risk and uncertainty. They are inter-dependent and need to be considered together. In particular, decisions on the appropriate level of Reserves should be guided by advice based upon an assessment of all the circumstances considered likely to affect the Council.

- 13.4 The relevant guidance concerning reserves is Local Authority Accounting Panel Bulletin 77, issued by CIPFA in November 2008. Whilst the Bulletin does not prescribe an appropriate level of reserves, leaving this to the discretion of individual authorities, it does set out a number of important principles in determining the adequacy of reserves. It emphasises that decisions on the level of reserves must be consistent with the Council's MTFs, and have regard to the level of risk in budget plans, and the Council's financial management arrangements (including strategies to address risk).
- 13.5 In addition, Section 114 of the Local Government Finance Act 1988 requires the Chief Financial Officer to '...make a report ... if it appears to her that the Authority, a committee or officer of the Authority, or a joint committee on which the Authority is represented':
- (a) has made or is about to make a decision which involves or would involve the Authority incurring expenditure which is unlawful,
 - (b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Authority, or
 - (c) is about to enter an item of account the entry of which is unlawful.
- 13.6 The Chief Financial Officer of a relevant Authority shall make a report under this section if it appears to her that the expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.
- 13.7 These statutory requirements will have to be taken into account when making final recommendations on the budget and council tax requirement for 2022-2023.
[TC11102021/C]

14.0 Equalities implications

- 14.1 The method by which the MTFs for 2022-2023 is developed is governed by the Council Plan priorities described in sections 3 and 4, which itself was guided by consultation and equality analysis. Development of budget reduction proposals for Cabinet's consideration will include an initial equalities screening for each proposal and, where necessary, a full equalities analysis which will provide for an initial understanding of the equality impact of the draft proposals. All of this will enable Councillors to pay, "due regard" to the equalities impact of their budget decisions at that point in the budget development process. The resulting and final report to Cabinet and Council will contain a supporting equality analysis that will offer information across the whole range of proposals and in doing so enable Councillors to discharge their duty under Section 149 of the Equality Act 2010.

15.0 All other implications

- 15.1 The Covid-19 implications are detailed in the body of the report
- 15.2 Any human resource implications will be subject to consultation and managed in accordance with the Council's HR policies and processes

16.0 Schedule of background papers

- 16.1 [2021-2022 Budget and Medium Term Financial Strategy 2021-2022 to 2023-2024 –](#) report to Cabinet on 17 February 2021 and Full Council on 3 March 2021.
- 16.2 [Performance, Budget Monitoring and Budget Update 2021-2022](#) – report to Cabinet on 28 July 2021.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet 20 October 2021
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Report title	Revised Corporate Health and Safety Policy and Health and Safety Update	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Paula Brookfield Governance and Equalities	
Key Decision	Yes	
Wards affected	All Wards	
Accountable Director	David Pattison, Chief Operating Officer	
Originating service	Health and Safety	
Accountable employee	Tim Munro	Head of Service, Health and Safety
	Tel	07976751442
	Email	Tim.munro@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Health Safety and Wellbeing Board	17 March 2021
	Cabinet Member Briefing	14 July 2021

Recommendation for decision:

The Cabinet is recommended to:

1. Agree the adoption and implementation of the revised Corporate Health and Safety Policy.

Recommendation for noting:

The Cabinet is asked to note:

1. The progress with regard to managing health and safety in the organisation.

1.0 Purpose

- 1.1 Protecting the Health and Safety of employees and members of the public who may be affected by our activities is an essential part of risk management and must be led by the controlling minds in the organisation.
- 1.2 Commitment to the health and safety agenda of an organisation is demonstrated by the organisation having an agreed and signed Corporate Health and Safety Policy.
- 1.3 Organisations should also ask for assurance that their commitment to health and safety is being appropriately implemented through the agreed organisational arrangements and that appropriate resources are allocated to ensure objectives are met.

2.0 Background

- 2.1 Health and safety law places duties on organisations, employers and Directors who can be personally responsible when these duties are breached.
- 2.2 Having a written Health and Safety Policy is a legal requirement under Section 2 (3) of the Health and Safety at Work etc. Act 1974.
- 2.3 It is a subsequent requirement to revise and update an organisations health and safety policy on a regular basis or as and when circumstances change.
- 2.4 City of Wolverhampton Council current Corporate Health and Safety Policy was last updated in 2018.
- 2.5 The main changes in this revision are:
 - A. clearer demarcation and sections on, the Statement of Intent, Organisational Responsibilities and Organisational Arrangements, as stipulated in Health and Safety Executive guidance.
 - B. updates with regards to the Chief Operating Officer having delegated responsibility for health and safety on behalf of the Chief Executive.
 - C. removal of duplicated responsibilities.
 - D. updates on the 'health and safety arrangements' to reflect the 'Plan, Do, Check, Act' methodology adopted by City of Wolverhampton Council for managing health and safety.
 - E. clear reference to a commitment to work with and involve Trades Unions in all aspects on maintaining health and safety standards, and the methods of consultation on health and safety matters, in particular, through Operational Health and Safety Groups, and the Strategic Health Safety and Wellbeing Board.

3.0 Progress

- 3.1 The report at Appendix 2 describes progress during the last 12 months with regards to managing health and safety.

3.2 The report is the first received by Cabinet from the Health and Safety team but as described in the report, it is proposed to present an annual health and safety report going forward.

4.0 Reasons for decision(s)

4.1 There are potentially serious risks for City of Wolverhampton Council and its operations from inadequate consideration of health and safety issues. The punitive measures include not only enforcement powers of inspectors but can include both personal and corporate liability proceedings. As a significant presence in the West Midlands, City of Wolverhampton Council is a high profile case, particularly if things go wrong. However, Sensible risk management **is** about:

- Ensuring that employees and the public are properly protected
- Providing overall benefit to society by balancing benefits and risks, with a focus on reducing real risks – both those which arise more often and those with serious consequences
- Enabling innovation and learning not stifling them
- Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action
- Enabling individuals to understand that as well as the right to protection, they also have to exercise responsibility

Sensible risk management **is not** about:

- Creating a totally risk-free society
- Generating paperwork mountains
- Scaring people by exaggerating or publicising trivial risks
- Stopping important recreational and learning activities for individuals where the risks are managed

5.0 Financial implications

5.1 There are no direct financial implications to the Council as a result of the recommendations of this report.

[MH/12102021/P]

6.0 Legal implications

6.1 Legal implications and the relevant legislation regarding the City Councils health and safety responsibilities are described above.

[TC/121021/D]

7.0 Equalities implications

7.1 As the Health and Safety Policy is a revision of an existing document the equalities impact of the revision has been considered as part of its consultation through

Governance Leadership Team and Strategic Health Safety and Wellbeing Board. There are no additional equalities implications arising from this report.

8.0 All other implications

8.1 There are no other known implications that require consideration.

9.0 Schedule of background papers

9.1 There are no additional background papers.

10.0 Appendices

10.1 Appendix 1: Proposed Corporate Health and Safety Policy

10.2 Appendix 2: Health and Safety Management Report September 2021

Corporate Health and Safety Policy

Approved by Strategic Health, Safety and Wellbeing Board : Date : March 2021
Reported to Cabinet : October 2021

City of Wolverhampton Council Corporate Health and Safety Policy

Introduction

This policy identifies the key elements of our health and safety management system. It details the commitment City of Wolverhampton Council has for maintaining and improving the health, safety and welfare of its staff and others, including our customers, service users and residents who may be affected by our activities.

Our staff are a key resource and it is essential that risks to their health and safety are properly controlled through an effective health and safety management system and commitment at all levels within the organisation.

City of Wolverhampton Council recognises the important role confident strategic leadership and effective management control plays in establishing a positive safety culture and preventing incidents, work related ill-health and accidents.

We are committed to improving health and safety performance, and this policy provides the framework for this to be achieved. City of Wolverhampton Council values the important contribution that staff and union appointed safety representatives make in improving health and safety. A partnership approach to managing health and safety is crucial to the organisation meeting its objectives for maintaining and improving health and safety performance.

Suggestions for improvement on any health and safety related issues are always welcomed and should be addressed through your manager or safety representative.

STATEMENT OF INTENT

City of Wolverhampton Council attaches great importance to the health, safety and welfare of its employees, considering this management responsibility equal to that of any other management function, believing that the preservation of human and physical resources is an important means of minimising costs and ensuring customer satisfaction.

It is the policy of City of Wolverhampton Council to provide safe and healthy working conditions for all employees and to enlist the active support of employees in fulfilling their own health and safety responsibilities in order that City of Wolverhampton Council achieves a continuous improvement to health and safety performance.

The objectives of the policy are:-

- 1) To promote standards of health, safety and welfare that comply with the provision and requirements of the Health and Safety at Work etc. Act 1974 and all other statutory provisions, ACOP's (approved codes of practice) and guidance.
- 2) To provide and maintain safe and healthy workplaces and working environments, the safe transportation and handling of articles and substances, safe systems and methods of work and to protect employees, and others, including members of the public, in so far as they come into contact with foreseeable work hazards.
- 3) To provide all employees with the information, instruction, training and supervision that they need to work safely and efficiently and to develop safety awareness amongst employees.
- 4) To maintain a constant and continuing interest in health and safety matters applicable to the organisations activities by involving and consulting with employees on relevant matters.

City of Wolverhampton Council Health and Safety Policy will be reviewed and revised as often as is necessary in the light of changing circumstances and statutory requirements.

Chief Executive City of Wolverhampton Council Insert Date Here

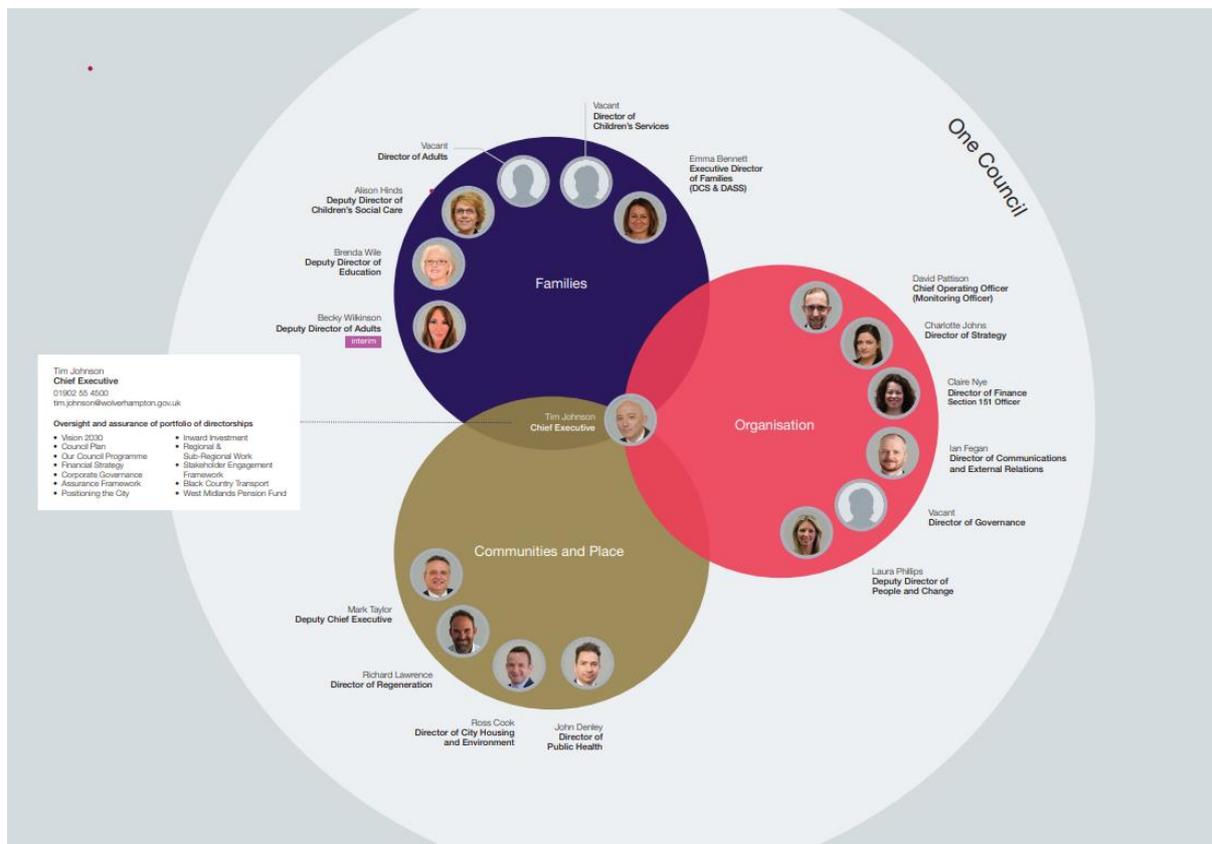
Leader of the City of Wolverhampton Council Insert Date Here

ORGANISING FOR HEALTH AND SAFETY

Any employee, including Directors, Heads of Service, Managers, Supervisors, Team Leaders, may be found criminally liable if he/she has not fulfilled their duties under the Health and Safety at Work etc. Act 1974 or relevant legislative requirements.

The hierarchy of responsibilities and organisation for effective health and safety management is shown in the organisational chart below.

The organisational framework identifies the responsibilities and relationships, which help to promote a positive health and safety culture. This section of our policy identifies individuals who are responsible for delivering the policy commitments.



City of Wolverhampton Council Senior Team

City of Wolverhampton Council's Senior Team accept their responsibilities with regards to ensuring effective implementation of health and safety systems and procedures. In particular they will :

1. Take responsibility and "ownership" of health and safety
2. Approve the strategic health and safety action plan and monitor its implementation and progress
3. Receive sufficient information a minimum annually, during their usual meeting cycle, to satisfy themselves that health and safety throughout City of Wolverhampton Council is being effectively managed, and where appropriate, consider recommendations for improvements.

4. Be provided with sufficient information and training to enable them to act with due diligence and to effectively discharge their duties under this policy.
5. Appoint one of the team to champion and lead on implementation of health and safety
6. Follow good practice set out by the Health and Safety Commission and The Institute of Directors in guidance Document "Leading Health and Safety at Work".
7. Receive specific and routine reports from officers with responsibilities for health and safety on the standards of health and safety management being achieved and recommendations for any necessary changes with regards to roles and responsibilities for ensuring health and safety.

Chief Executive

The Chief Executive has overall responsibility for the Health and Safety Policy, and for ensuring that adequate funds and resources are available to meet both organisational and statutory health and safety requirements. The Chief Executive will ensure that the effectiveness of health and safety policy is continually reviewed and will ensure that periodic reports are provided to Cabinet.

The Chief Executive will have ultimate responsibility for ensuring that health and safety policy objectives are met and that such are implemented across the organisation. In particular they will :

1. Accept, by signing of this Policy, that they have overall responsibility for the day to day management of health and safety.
2. Ensure that City of Wolverhampton Council Senior Management Team are competent to fulfil their health and safety duties required by this policy and act as role models for the benefit of promoting a positive health and safety culture.
3. Ensure that health and safety planning is incorporated into business planning processes and that departmental plans support the implementation of the Strategic Health and Safety Action Plan in relation to health and safety. They will call for periodic reports on the implementation of the plans.
4. Ensure that all Directorates have adopted adequate systems for the undertaking of risk assessments and the implementation of safe systems of work within their departments.
5. Keep up to date with changes and developments in health and safety legislation, best practice and relevant management standards
6. Ensure the Health and Safety Policy is reviewed annually and approved.

Director of Governance - Delegated responsibility for Health and Safety.

The Director of Governance has been delegated responsibility to act on behalf of the Chief Executive with regards to the implementation of health and safety policy and practice.

In particular they will :

1. Be responsible for the co-ordination of health and safety within City of Wolverhampton Council and regularly review the Health and Safety Policy.
2. Ensure compliance with City of Wolverhampton Council' Health and Safety Policies and encourage best practice at all levels of management and staffing.

3. Be responsible for updating and advising elected members and Senior Management Team on health and safety matters.
4. Authorise new or revised health and safety procedures as appropriate
5. Be responsible for ensuring health and safety policies are developed and formulated
6. Ensure health and safety objectives and priorities are identified.
7. Will ensure that adequate resources, including financial resources, are available to train staff on health and safety matters.

Director and Assistant Directors

The Deputy Chief Executive, Directors and Assistant Directors have overall responsibility for giving effect to health and safety, and will :

1. Be responsible for the day to day management of health and safety within their teams and will ensure that their Senior Managers and managers are committed to the Health and safety Policy and arrangements for its implementation.
2. Be responsible for the effective management, monitoring and progression of health and safety issues within their directorate or business unit,
3. Ensure that effective management systems are in place to achieve high standards of health and safety.
4. Call for periodic reports on the progress of health and safety issues from within their own teams and also from the City Councils health and safety team on corporate health and safety matters.
5. Will liaise and ensure full co-operation not only with, but also between, managers and supervisors to ensure that they are in compliance with their responsibilities and company policies and procedures.
6. Ensure full co-operation with appointed Safety Representatives and other personnel appointed in matters relating to health and safety, whilst maintaining and encouraging a positive attitude towards health and safety.
7. Be responsible for ensuring that their teams health and safety plans adequately reflect the corporate health and safety objectives.
8. Establish management arrangements within their teams and ensure that risk assessments are undertaken; control measures identified, actions implemented; and associated performance standards are met.
9. Be responsible for obtaining and co-ordinating specialist health and safety advice. They will liaise on health and safety matters with the, Chief Executive, City of Wolverhampton Council Health and safety team, Health Safety and Wellbeing Committee and any other relevant specialist to ensure effective planning and implementation of policy and arrangements.
10. Keep up to date with changes and developments in health and safety legislation, best practice and relevant management standards, in particular with regards to their specific area of responsibility.
11. Actively encourage the participation and involvement of their staff in relation to health and safety matters. They will each demonstrate their own commitment by acting as exemplars for health and safety, undertaking periodic safety Inspections of the workplace.

City of Wolverhampton Council Health and Safety Team

The City of Wolverhampton Council health and safety team will :

1. Ensure that City of Wolverhampton Council's Health and safety policies and procedures are fit for purpose based on business need and statutory requirements.

2. Provide competent advice regarding the development of best practice guidance, operational procedures, and management and staff working instructions.
3. Attend regular consultative Health Safety and Welfare Committee meetings with Trade Unions with the aim of fostering good joint working relations and oversee joint initiatives.
4. Agree with the Director of Governance health and safety objectives and priorities.
5. Assist in the identification of health and safety training needs and selection and appointment of training providers either internal or external to City of Wolverhampton Council.
6. Provide or commission advice on the impact of any legislative change in relation to health and safety and develop improvements in systems and working practices to meet the challenges of national policy initiatives.
7. Determine and implement a planned program of health and safety audits based on risk priorities to monitor health and safety management systems.
8. Assist managers in developing and implementing health and safety risk management systems relevant to their area of operation.
9. Ensure City of Wolverhampton Council has access to a suitable process for the undertaking of assessments required under the Control of Hazardous Substances Regulations 2005. To provide training and awareness to the City of Wolverhampton Council employees responsible for undertaking the assessments to ensure they are able to complete suitable and sufficient assessments.
10. Develop and implement a regular programme of inspection of fixed work places (Offices) to ensure compliance with statutory requirements.
11. Support where necessary the Human Resources/ Occupational Health function in matters relating to Safety, Welfare and Health.
12. Provide relevant specialist health and safety input to the preparation of pre-tender and construction phase health and safety plans.
13. Maintain a system for the reporting of accidents, produce associated statistics and arrange a common procedure for the reporting and investigation of accidents.
14. Following notification of accidents to the health and safety team to assess the need for investigation, and where indicated as necessary in accordance with City of Wolverhampton Council policy to conduct appropriate investigations.
15. Provide relevant health and safety input to ensure effective internal communication with staff relating to health and safety matters, including, but not limited to, attendance at team meetings, articles for staff briefings, and health and safety bulletins.

Managers and Supervisors

The terms managers and supervisors includes all members of staff with responsibility for managing and directing the activities of others.

Managers and supervisors are directly responsible for ensuring that rules, regulations, procedures and codes of practice relating to health and safety of employees and others affected by the work of their team are correctly interpreted and implemented for all activities within their area of responsibility.

Managers and supervisors must therefore :

1. Understand and ensure the implementation the Corporate Safety Policy rules and statutory requirements applicable to all operations under their control.
2. Ensure that all employees under their control are aware of the Corporate Health and safety policy.
3. Be responsible for developing, where appropriate section specific policies and procedures to complement the organisations Health and Safety Policy in order to

- adequately control known health and safety risks.
4. In order to comply with the Health and safety at Work etc. Act 1974 they must ensure that, for their team, there is adequate provision for :
 - 1) Safe articles, protective clothing, plant tools, equipment and systems of work.
 - 2) Safe arrangements for the use, handling, storage and transportation of substances and materials.
 - 3) Premises used by employees and members of the public shall be safe and not present a hazard to the users or occupants.
 - 4) Sufficient information, instruction, training and supervision to enable all employees to avoid hazards and contribute positively to their own health and safety at work.
 - 5) A safe access and egress to and from the place of work.
 - 6) Adequate health and welfare facilities.
 - 7) A healthy working environment.
 5. Represent and advise the appropriate Director, Assistant Director or manager as requested on all matters of health and safety.
 6. By undertaking risk assessments for all activities carried out by employees under their control, ensure that all risks to health and safety of employees, and members of the public which may arise from the work of the section are identified and adequately controlled by whatever means identified as appropriate by the risk assessment.
 7. Ensure that all health and safety records, certificates, licenses and reports pertaining to their area of responsibility (employee and equipment) are satisfactory and up to date.
 8. Ensure that all appropriate remedial action is taken in respect of all reported defects and complaints relating to health and safety.
 9. Keep up to date with and implement where applicable any new health and safety measures and circulate any relevant information to each level of employee under their control.
 10. Ensure full co-operation with appointed Safety Representatives and other personnel appointed in matters relating to health and safety.
 11. Require and encourage a positive attitude towards health and safety within their own area of responsibility. This must include ensuring that there is a regular formal means to pass health and safety information out to employees and also to allow employees to raise health and safety matters with their manager. Regular feedback on matters raised must also be given.
 12. Take whatever disciplinary action is necessary against any employee not carrying out their responsibilities under health and safety legislation, or organisational Health and Safety Policy.
 13. To ensure that all employees are aware of the first aid arrangements.

Employees

All employees have an equal responsibility for ensuring and maintaining health and safety in the workplace.

City of Wolverhampton Council supports and encourages employee participation in health and safety. This is because we recognise that active employee involvement helps to:

- ✓ promote a positive health and safety culture
- ✓ develop effective risk control measures and realistic safe systems of work
- ✓ reduce accidents and work-related ill health.

To achieve this participation, we will:

- ✓ promote open, frank and constructive consultation with employees and their nominated representatives
- ✓ promote employee engagement
- ✓ make sure employees have the facts they need to make an informed contribution

All employees must :

1. Ensure that they understand the contents of the organisations Corporate Health and Safety Policy, a copy of which is readily available, and also be aware of health and safety arrangements for their particular job and place of work.
2. Use the correct and safe tools and equipment for the job, also to use all safety equipment \ protective clothing provided, and adopt a safe method of working at all times.
3. Keep tools, equipment, plant, machinery and protective equipment in good condition to prevent injury to themselves or others.
4. Report any defects or hazards to their immediate supervisor.
5. Develop a personal concern for safety, both for themselves and for others around them, particularly trainees and young persons.
6. Suggest ways of eliminating hazards by reporting to their immediate manager or supervisor.
7. Co-operate with internal and external representatives and their immediate manager or supervisor on matters relating to health and safety.
8. Set a personal example and ensure safe working practices are observed at all times.
9. Be aware of and carry out the requirements of health and safety legislation, and the safety instructions issued to them.
10. Work in a safe and responsible manner, avoiding accidents and not causing hazards to themselves or others.
11. Ensure that they are not rendered unfit for work through alcohol or drugs.
12. Not intentionally or recklessly interfere with any plant or equipment or clothing provided in the interests of health and safety for their own use or use by others.
13. Report to their supervisor in accordance with the accident reporting Policy any accidents or near miss incidents.
14. Consider the health and safety of colleagues and members of the public, and will not act in any way which could cause harm to others.

Human Resources Team

The human resources team will assist and support the implementation of this policy. In particular they will :

1. Monitor absence resulting from industrial injuries. Liaise with the Health and Safety team.
2. Be responsible for procuring, implementing and monitoring occupational health arrangements.
3. Provide support to assess when necessary the requirement for any reasonable workplace adjustments.

Workforce Development Team

The workforce development team will assist and support the implementation of this policy. In particular they will :

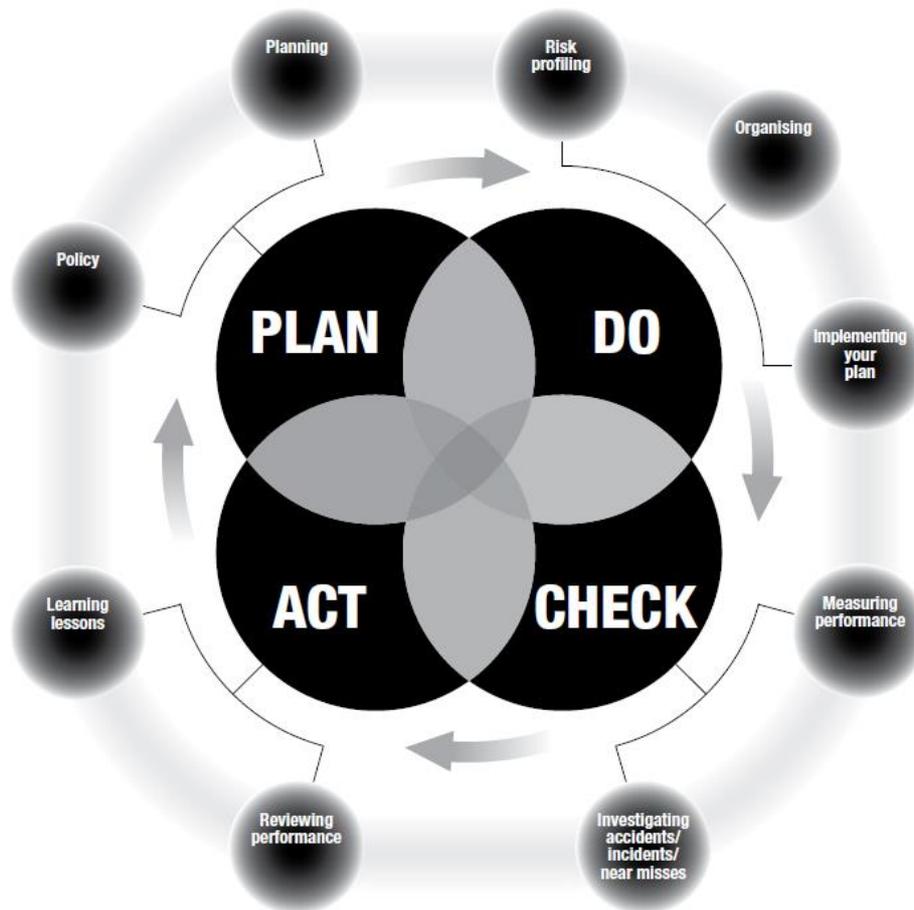
1. Maintain all health and safety training records.
2. Arrange and if required deliver health and safety training.

City of Wolverhampton Council Health and Safety Advisers shall

1. Be responsible to the Director of Governance for monitoring and improving the organisations health and safety standards.
2. Ensure that the organisations Corporate Health and Safety Policy is in line with legislative requirements and updated when necessary.
3. Maintain a system for the reporting of accidents, produce associated statistics and arrange a common procedure for the reporting and investigation of accidents.
4. Act as the recipient of, and be responsible for, the distribution of documentation and guidance on health and safety related matters.
5. Liaise with and advise the Elected Members, Directors, Assistant Directors, Managers, Supervisors and others on all aspects of health and safety legislation and precautions necessary to ensure good safety practice.
6. Give appropriate input to any health and safety training courses arranged.
7. Liaise with the Health and Safety Executive and other external bodies, with a direct interest in the health and safety of the City of Wolverhampton Council employees.
8. Be responsible for monitoring health and safety compliance in City of Wolverhampton Council by providing advice, training and support for operational managers
9. Assist in any investigation necessary to determine the circumstances of all RIDDOR accidents and advise managers, supervisors and employees as necessary.
10. Undertake and review Workplace health and safety assessments and periodic inspections of working practices (office based and otherwise).
11. Undertake an annual programme of audits.
12. Undertake health and safety related training directly or via appropriate third parties.
13. Provide or commission advice on the impact of any legislative change in relation to health and safety and develop improvements in systems and working practices to meet the challenges of national policy initiatives.
14. To assist City of Wolverhampton Council officers to assess and evaluate the principal contractor's construction phase plan(s) and other CDM related documents and advise on any improvement or amendments required to meet these regulations.

HEALTH AND SAFETY ARRANGEMENTS

The Senior Team of City of Wolverhampton Council have adopted the Health and Safety Executive Guidance HS (G) 65 Health and Management Framework System.



They recognise that the management of health and safety requires the same degree of expertise and standards as any other core business activity, if it is to effectively control risk and prevent harm to people.

Planning for Health and Safety

Planning is the essential to ensure that our health and safety procedures really work in practice. Planning involves identifying priorities and setting key objectives, identifying hazards, assessing risks, implementing standards of performance and developing a positive culture. City of Wolverhampton Council will:

- ✓ produce an annual health and safety plan that identifies objectives that are realistic measurable and achievable
- ✓ establish management arrangements, risk control systems and workplace precautions
- ✓ set performance indicators where appropriate
- ✓ utilise appropriate compliance standards in the plan
- ✓ ensure the participation and involvement of employees and their representatives

Measuring our Health and Safety Performance

Measurement is essential to maintain and improve health and safety performance. We need to know where we are, where we want to be and identify the differences and why.

We will measure our performance by having both active monitoring (checking before things go wrong) and reactive monitoring (checking when things didn't go as planned and understanding why.)

This will be achieved by:

- ✓ setting appropriate standards
- ✓ having in place good risk control strategies
- ✓ monitoring that City of Wolverhampton Council is complying with health and safety requirements that are relevant to its activities
- ✓ maintaining accurate records and investigating near misses, work related ill-health, incidents and accidents and identifying their causes
- ✓ benchmarking our performance against similar public sector organisations.

The agreed performance indicators measure Health and Safety compliance as set out in health and safety regulatory requirements.

Performance is reported to the Strategic Health, Safety and Wellbeing Board.

Auditing and Reviewing

Health and safety management audits are used to check that our policy, organisation and systems are effective and relevant.

We use audits and reviews to improve our ability to manage risk, especially by:

- ✓ checking levels of compliance with our health and safety performance indicators against legislation and good practice
- ✓ analysing near misses, work-related ill-health and injuries for causes and trends
- ✓ identifying areas where performance can be improved
- ✓ feeding audit findings into a management action plans with a timetable for implementation
- ✓ checking that agreed objectives are achieved within a given time scale
- ✓ communicating audit outcomes to relevant meetings and committees

Consulting on Health and Safety

Effective consultation is essential if City of Wolverhampton Council is to satisfy its commitment to promote a collaborative approach to health and safety.

City of Wolverhampton Council will consult on the introduction and modification of policies and procedures in respect of health and safety. The consultation will take place through working groups and the following formal consultation machinery.

Statutory Safety Representatives

Safety Representatives are statutory representatives of employees. City of Wolverhampton

Council has adopted a system whereby these are nominated by recognised Trade Unions. They are recognised by the organisation in order that they may keep under review measures taken to ensure the health and safety at work of employees, and to consult with management on the development of health and safety policy.

In particular Statutory Safety Representatives may:-

- 1) Investigate hazards, dangerous occurrences and accidents occurring in the workplace.
- 2) Make representation on matters affecting the health, safety and welfare of employees.
- 3) Make workplace inspections, as they consider necessary.
- 4) Consult with Health and Safety Executive Inspectors.
- 5) Be given time off work with pay in order to pursue their function or undertake training necessary to effectively fulfil their role.

Strategic Health, Safety and Wellbeing Board

Purpose

The Strategic Health, Safety and Wellbeing Board has been established to take a strategic overview of health, safety and wellbeing issues affecting City of Wolverhampton Council.

Functions of the Strategic Health, Safety and Wellbeing Board

1. To agree the implementation of Policy to ensure compliance with statutory obligations and Approved Codes of Practice regarding Health, Safety and Welfare.
2. To review measures taken to promote health, safety and welfare within the organisation.
3. To monitor the provision and effectiveness of safety training.
4. To consider relevant reports submitted by management and/or recognised safety representatives.
5. To receive reports of visits made by the Health and Safety Executive.
6. Consider the implementation of health and safety legislation, HSE alerts, and good practice guides and recommend appropriate action.
7. Receive health and safety inspection and audit reports and recommend appropriate action to address any issues identified.
8. Receive reports on near misses, work related ill health, incident and accident reports and recommend appropriate action.
9. Provide a means for communication to employees about the implementation of City of Wolverhampton Council's health and safety management system including the planning, organising, monitoring and reviewing of company measures to ensure the health and safety and welfare of its employees.
10. Play a key role in actively monitoring and driving improvements in the health and safety performance of the organisation.
11. Provide City of Wolverhampton Council with a means of sharing ideas, highlighting examples of good practice and promoting a positive Health and safety culture.

Membership

1. Membership will consist of a sufficient number of team representatives to ensure that as far as possible all employee groups are represented on the committee in addition to eligible Trade Union representatives.

2. It is the responsibility of the Directors to ensure that each section within their service is adequately represented.
3. In addition, any other person may be invited on an ad-hoc basis for the purpose of presenting reports or advice as appropriate.
4. There is a standing invitation for the Cabinet Member with responsibility for health and safety to attend as an observer.
5. The Strategic Health, Safety and Wellbeing Board is chaired by the Director of Governance.
6. The Strategic Health, Safety and Wellbeing Board members will undergo any necessary training for them to be able to undertake their roles effectively.

Meetings

1. The Strategic Health, Safety and Wellbeing Board will meet at least quarterly and these will be scheduled annually in advance.
2. Minutes of the meetings will be taken by a member of the health and safety team and agenda and papers distributed to members a minimum of 5 working days in advance of meetings.
3. Action points and minutes from meetings will be distributed to members within 10 working days of the meeting.

Other arrangements

Supporting continuous improvement

We believe that continuous improvement is an important part of effective health and safety management. To achieve this, we will:

- maintain an effective health and safety management system
- systematically review and refine our policies, procedures and arrangements
- set minimum standards and performance indicators for health and safety
- measure our performance and benchmark it with similar organisations
- publish regular reports on our findings
- use the information positively to improve performance.

Communicating on Health and Safety

City of Wolverhampton Council will provide effective communication channels in respect of health, safety and wellbeing. Communication will be supported by:

1. Publishing the health and safety policy and distributing to managers.
2. Providing copies on the management system and the staff web home page in health and safety.
3. Providing health and safety briefings on relevant health and safety issues.
4. Undertaking tool box talks, team briefings and including health and safety as a standing agenda item at meetings.
5. Utilising the e-mail system to provide information on health and safety.
6. Meetings with partners and contractors
7. Informing residents and members of the public of relevant health, safety and wellbeing information via newsletters and attending meetings

Delegated Corporate Landlord Responsibilities

Hazard	Responsible Person	Technical Expert
Management of Asbestos	Julia Nock	Neal Shore
Management of Legionella	Julie Bell - Barker	Richard Jones
Management of Gas	Julie Bell - Barker	Richard Jones
Management of Fire	Managed Corporate Buildings - Julia Nock Schools - Head Teacher	Neal Shore Fire Alarms and Emergency Lighting — John Sherrard
Management of Electrical	Managed Corporate Buildings — Julie Bell Barker Schools - Head Teacher	John Sherrard
Management of Passenger Carrying Lifts	Managed Corporate Buildings — Julie Bell Barker	Richard Jones via Zurich Engineering (inspection service attached to the current insurance policy)

Site Duty Holders

A site duty holder is appointed at each corporate building to monitor health and safety arrangements including but not limited to :

Asbestos
 Fire
 First Aid
 General Environment
 Electrical
 Gas
 Passenger Carrying Lifts
 Legionella

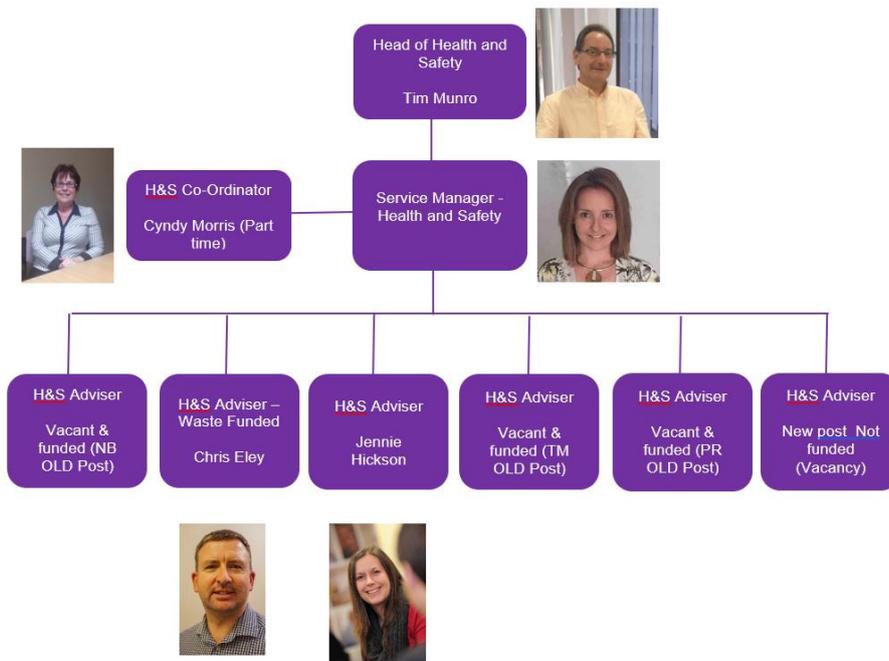
City of Wolverhampton Council
Health and Safety Management Report
September 2021

1.0 Purpose of the Report

- 1.1 To update members as to the progress and changes made with regard to managing health and safety.

2.0 Introduction and Background

- 2.1 This report will focus on the achievements and work priorities of the health and safety team, and a view of planned objectives for the next 12 months.
- 2.2 Strategically the overall responsibility for health and safety remains with the Chief Executive and Directors of the Council. In January 2020 delegated responsibility for health and safety moved from the Deputy Chief Executive to the Director of Governance.
- 2.3 Operationally, the Council's specialist health and safety team now sits within the Governance Directorate. Previously the health and safety team reported through the Corporate Assurance Team which following a review of the health and safety function during 2020 SEB made the decision to move the team within responsibility of the Director of Governance in line with the Chief Executives delegated responsibility.
- 2.4 The team structure was initially strengthened and made more directly accountable with the introduction of a Head of Health and Safety post, which was appointed to in November 2020. The Head of Service - Health and Safety in conjunction with the Director of Governance carried out a review of the remaining team structure to ensure that the team is fit for purpose and able to deliver to the needs of the organisation.



The proposed team structure shown above has been progressed and evaluated from a financial and human resources point of view. The financial cost of the above proposed structure requires an increase in the staffing budget for the Service Manager position and one additional Health and Safety Adviser post. The increase of £83,115 has been met from within existing Governance budgets. The first phase has been completed with an internal applicant, Natalie Barrow, successfully being appointed to the Service Manager – Health and Safety post. Previously Natalie was in one of the teams now vacant Health and Safety Adviser posts.

3.0 Discussion

- 3.1 This section of the report describes key areas of health and safety work during the previous 12 months. It describes the leadership required for health and safety and also, following the plan, do, check, act methodology for effective health and safety management, described and supported in Health and Safety Executive publication HS(G)65 '*Managing for Health and Safety*', provides an overview of recent work in progressing the health and safety agenda within the Council. The publication can be accessed [here](#) and relevant extracts are shown in *italics* in the following paragraphs.
- 3.2 *Protecting the health and safety of employees, partners or members of the public who may be affected by our activities is an essential part of risk management and must be led by the senior post holders in the Council. Failure to include health and safety as a key business risk in decisions can have significant business impact. Many high-profile safety cases have been rooted in failures of leadership.* Health and safety law places duties on organisations and employers, and directors can be personally liable when these duties are breached: members have both collective and individual responsibility for health and safety. Following effective systems and processes for managing health and safety will help the Council find the best ways to lead and promote health and safety, and therefore meet our legal obligations.

- 3.3 Plan Requirements : Senior leadership within the Council should set the direction for effective health and safety management. *They need to establish a health and safety policy that is much more than a document – it should be an integral part of our organisation’s culture, of its values and performance standards. All members should take the lead in ensuring the communication of health and safety duties and benefits throughout the organisation. Directors must develop policies to avoid health and safety problems and must respond quickly where difficulties arise or new risks are introduced; other senior leaders must make sure that health and safety is properly addressed. Health and safety should appear regularly on the agenda for appropriate strategic meetings. The Chief Executive can give the clearest visibility of leadership, but organisations find it useful to delegate this responsibility to an appropriately positioned and responsible Director. The presence in the senior leadership team of a health and safety director can be a strong signal that the issue is being taken seriously and that its strategic importance is understood. An independent Cabinet member can act as a scrutineer – ensuring the processes to support organisations facing significant health and safety risks are robust.*
- 3.4 The submitted amendments for a revision of the Council’s Corporate Health and Safety Policy make it clear that the Council is committed to ensuring the health, safety and welfare of employees and persons affected by our activities. It also reinforces the clear responsibilities at both strategic and operational level for leading, managing and implementing effective health and safety practice. The Chief Executive has delegated responsibility for health and safety to the Chief Operating Officer, who provides a regular update to the Cabinet Member with responsibility for health and safety. The Head of Service ; Health and Safety, attends these meetings on a quarterly basis to provide a strategic overview on health and safety practice and also an operational perspective with regards to health and safety performance indicators.
- 3.5 In addition to a health and safety policy effective planning of health and safety requires organisations to have an agreed strategic Health and safety Plan, aligned with corporate values and objectives to implement its health and safety strategy. The Council’s current Health and Safety Plan was last formally reviewed in 2019. It is now timely that this plan is reviewed and realigned with the Relighting our Council, and Relighting our City plans. The Chief Operating Officer has required the Head of Service - Health and Safety to review the existing plan and prepare an update for discussion and approval at both Strategic Health Safety and Wellbeing Board and SEB.
- 3.6 Do : *Delivery of the health and safety agenda depends on an effective management system to ensure, so far as is reasonably practicable, the health and safety of employees, customers and members of the public. Organisations should aim to protect people by introducing management systems and practices that ensure risks are dealt with sensibly, responsibly and proportionately. In particular :*
- a) *Leadership is more effective if visible – Senior leaders can reinforce health and safety policy by being seen on the ‘shop floor’, following all safety measures themselves and addressing any breaches immediately.*

- b) *Consider health and safety when deciding senior management appointments.*
- c) *Having procurement standards for goods, equipment and services can help prevent the introduction of expensive health and safety hazards. The health and safety arrangements of partners, key suppliers and contractors should be assessed: their performance could adversely affect ours.*
- d) *Setting up a strategic committee, chaired by a senior executive, can make sure the key issues are addressed and guard against time and effort being wasted on trivial risks and unnecessary bureaucracy.*
- e) *Providing health and safety training to some or all of the senior post holders in an organisation can promote understanding and knowledge of the key issues.*
- f) *Supporting worker involvement in health and safety, above the legal duty to consult worker representatives, can improve participation and help show our commitment.*

3.7 With regards to the 'doing' phase of effective health and safety management there are a number of initiatives relevant to the points above which have been progressed during the last year :

- a) As part of the Council's approach to Covid control a process was developed and implemented whereby all services which were to remain operational completed specific Covid risk assessments which were reviewed and approved by the Head of Service - Health and Safety and Director specifically responsible. These were then shared and reviewed on an ongoing basis with employees. Where services paused their delivery and looked to resume through the pandemic, a process was agreed by SEB which required an initial 'in principal' approval to resume the service, a service and task specific Covid risk assessment to be developed and then agreed through the health and safety team, Human Resources, Trades Union consultation, Corporate Landlord, and final approval was granted during a review of all the above by Central Recovery Group.

Once agreed for a return to service re-assurance visits have also been undertaken to monitor the effectiveness and implementation of agreed Covid controls at site.

- b) Health and safety considerations in procurement can have more implications with regards to risk management in construction and facilities related contracts. The health and safety team continues to provide specific advice with regards to the health and safety elements of contracts where appropriate. Examples include Wolverhampton Homes waste management, City of Wolverhampton Council and Wolverhampton Homes window cleaning contracts and various City Centre redevelopment activities.

These reviews have identified a need for more formal and robust process to ensure that no procurement contract which should receive a more detailed health and safety input, misses this vital assessment. As a result the Head of

Procurement and Head of Service - Health and Safety are developing a revision to current procurement processes to ensure this happens every time it needs to.

- c) The communication and consultation methods for health and safety continue to be followed as described in the Health and Safety Policy. Operationally this takes place through six Operational Health and Safety Groups, each chaired by an appropriate Head of Service. They each meet quarterly, approximately 4 weeks before each Strategic Health Safety and Wellbeing Board. Each meeting is supported by a member of the health and safety team, an HR representative and one or more trades union representatives. These meetings have been reconfigured to ensure all services can be represented and the process of setting each meetings agenda and reviewing action items given more assurance, with the Chair meeting with the health and safety teams representative prior to, and post meeting. Reports from each of the meetings are provided to the next Strategic Health Safety and Wellbeing Board. The Strategic Health Safety and Wellbeing Board meets [quarterly] and itself has agreed revised terms of reference and is now chaired by the Chief Operating Officer to provide the necessary strategic leadership on health and safety matters and a route for any significant risks to be raised with SEB/Councillors.
- d) A current and up to date knowledge of a pragmatic and proportionate approach to managing health and safety at a senior level is fundamental to ensuring that health and safety is taken seriously and receives appropriate senior level commitment. Previously some members of SEB had attended the IOSH Safety for Senior Executives workshop. Following changes in the senior leadership of the organisation additional workshops have been arranged to ensure that all postholders at Director and Head of Service level hold this qualification and have the tools to effectively integrate health and safety into their business as usual activities. The delivery will take place between September and December 2021 and will see around 90 employees at this level complete this course deemed mandatory for their role. At an operational level, all managers and supervisors are required to attend an 'in house' managing health and safety qualification developed and delivered by the health and safety team. This programme is currently underway and has moved to a virtual delivery model during the current Covid pandemic. We plan for one course to be run each month.

3.8 Check : *Monitoring and reporting are vital parts of a health and safety culture. Management systems must allow the organisation to receive both specific (e.g. incident-led) and routine reports on the performance of health and safety policy. Much day-to-day health and safety information need be reported only at the time of a formal review. But only a strong system of monitoring can ensure that the formal review can proceed as planned – and that relevant events in the interim are brought to the organisations attention.* In particular :

- a) Effective monitoring of sickness absence and workplace health can alert the board to underlying problems that could seriously damage performance or result in accidents and long-term illness.

- b) The collection of workplace health and safety data can allow the board to benchmark the organisation's performance against others in its sector. Appraisals of senior managers can include an assessment of their contribution to health and safety performance.
- c) Boards can receive regular reports on the health and safety performance and actions of contractors. Some organisations have found they win greater support for health and safety by involving workers in monitoring. It is worth noting here that the Health and Safety Team actively engage with the recognised Trades Unions in carrying out joint workplace inspections and visits with their formally appointed Statutory Safety Representatives. These take place for both planned activities/routine inspections and other special purpose visits. An example of this is that during the last 12 months, upto end September, 16 joint inspections have taken place to workplaces where services are looking to resume service delivery from, and weekly employee health and safety surgeries take place in waste services.
- d) As part of the Corporate Health and Safety Plan rereferred to in section 3.5 (Plan Requirements) the Chief Operating Officer has required the Head of Service - Health and Safety to develop a suite of relevant health and safety data monitoring information which can be used on an ongoing and comparative basis to monitor and report on health and safety performance within the organisation. This information will form part of these reports in the future.

3.9 This section aims to provide an overview of both operational activity, and information relating to the implementation of health and safety policy. It covers both the action taken to date and also the work which continues to be delivered by the health and safety team.

Coronavirus ; The ongoing pandemic has led to a significant change in the daily work of the health and safety team. It is not appropriate here to detail all activities related to this but highlights include :

- a) Providing support to the procurement and adult services team in vetting the quality, suitability and compliance of personal protective equipment items required to ensure safe working practice with Covid. This included face coverings, safety glasses, safety visors, gloves, face masks for aerosol generating procedures, and hand sanitiser. During March 2020-August 2020 around 40 certifications were checked each day. Currently most items of personal protective equipment are procured through the Governments portal, but none the less the quality and suitability of items of personal protective equipment require to be checked after each delivery received to ensure its acceptability, and this continues to be provided through the health and safety team. In addition to the above, ongoing minuted personal protective equipment assurance meetings take place between Chief Operating Officer, Head of Health and Safety, Head of Procurement and Head of Service Adult Provision. Initially at the height of the pandemic these took place on a twice weekly basis, but as supplies have stabilised and our procurement routes become better

established have moved to a fortnightly basis. The purpose of the meetings is to identify any emerging supply issues at an early stage, monitor usage across the council to ensure adequate stocks are available when called for and ensure that items of personal protective equipment supplied to employees is not only health and safety compliant but also fit for purpose.

- b) Support, training and guidance on risk assessment and safe working practice in setting up and running the food hub at Aldersley Leisure Village. During the establishment of the food hub the health and safety team were on site to advise on emerging health and safety issues and ensure that the operational managers and teams involved received appropriate health and safety support. Overall the health and safety team initially supported the delivery of 14 induction sessions and conducted 8 briefings with regards to employees personal safety whilst making food deliveries.
- c) Support, training, guidance and reassurance visits in setting up and operating the various Lateral Flow Test Sites across the City. As the City rolled out its local testing sites the health and safety team working closely with colleagues in public health provided both site support and involvement in delivery of training in ensuring whether at City Council sites or third party sites the service took place safe and without foreseeable risk. To date the team have supported with 7 individual site setups and thereafter, at each site, fortnightly assurance inspections.
- d) Working in collaboration with Public Health colleagues providing support, training and guidance in setting up both the fixed and mobile Covid vaccination sites across the City.
- e) Support to 51 local authority and 59 non-local authority educational establishments with regards to producing Covid risk assessment for their establishments. This was done via holding three specific workshops for the headteachers and business managers initially, and reviewing their documentation once completed. Ongoing support, and further workshops, has been provided as legal and best practice guidance has changed and remains a significant and important part of the health and safety team's work. This support has been well received by headteachers and business managers, and the health and safety team have established themselves as a valuable resource for schools to consult with and seek advice from.
- f) Monitoring and carrying out appropriate investigation of each reports of employees who has tested positive for Covid is a legal requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. Infection attributable to workplace transmission then becomes reportable under the regulations. A total of 348 reports have been received in the health and safety team across the City Council and reviewed by them. Six of these have to date have been attributed as workplace transmission and reported to the Health and Safety Executive. A further 433 cases have been reported in school settings of which 19 were reported the Health and Safety Executive. As a result

of the notifications we have been contacted by the Health and Safety Executive who have advised that they intend to take no further action against the Council as a result of these workplace transmissions.

It is worth noting that the workplace transmissions occurred due to lapses by individuals in following the Covid secure requirements documented in service and setting risk assessments, such as not socially distancing during break times, sharing of vehicles with individuals outside of their own household, and sharing of food and drinks. As a follow up to each of these events a briefing note was prepared by the health and safety team and circulated to all manager/supervisors and employees reminding them of the importance in following the Covid secure requirements.

- g) Homeworking assessments – At the start of the pandemic the Health and Safety Executive made a statement that employees working from home was a temporary arrangement and needed no additional consideration than that given to employees occasionally working from home. As the pandemic has remained with us they have updated their view of this requiring employers to consider homeworking arrangements for employees accordingly. In response to this the health and safety team working with Human Resources, ICT and Agresso Business team have developed an online form for all employees carrying out any element of homeworking. The intention of this process is that the Council as the employer can show it has considered employees homeworking arrangements and where appropriate taken action to ensure that homeworking arrangements are compliant with health and safety requirements.

Completion of the homeworking assessment automatically processes requests for additional equipment to be used at home, including IT peripherals (Screens, mouse, keyboards), provision of a DSE compliant chair, and if necessary access to suitable office accommodation, as well as any specialist equipment required in compliance with 'reasonable adjustments' resulting from employees personal circumstances or special needs.

To date 2873 assessments have been sent out to employees to complete. A total of 1775 have been completed by employees (61%). The health and safety team continue to prompt and chase up both managers and employees to complete the relevant parts of the assessments. In order to ensure as large a take up as possible we are actively looking at alternative ways to contact and remind employees and managers of the requirement for them to complete the assessments, including making the completion of the homeworking assessments as a pre-requisite for the testing of portable electrical appliances which is shortly due to be embarked on.

- 3.10 Building Compliance Issues : Whilst a number of the Council's building initially were, and some still do, remain unoccupied our legal compliance responsibilities continue, whether occupied or not.

On re-opening or resumption of services these compliance duties need to receive adequate and necessary scrutiny to ensure that not only are we compliant with our duties, but that employees and service users accessing the buildings can do so safely.

At the height of the pandemic additional planning and agreement took place with colleagues in Corporate Landlord to ensure that our approach was not only compliant but also pragmatic. Initially we had a number of buildings which remained operational, but service providers for compliance issues had downscaled their response as a result of lockdown. The process for ensuring our buildings remained safe and able to open when required necessitated the team in Corporate Landlord agreeing with service providers what we needed from them and securing that commitment. This was an issue presented not only across the corporate estate but across educational establishments likewise. It was important that site responsible persons for all buildings received timely accurate information for their buildings to ensure that for those that were open they operated safely, and those that planned to re-open to deliver essential services to our residents could do so without unnecessary delay, and fully compliant.

The key areas included those relating to fire safety, asbestos, and legionella. It is good to note that these issues have received appropriate specialist input to ensure that we have not re-occupied any building that we were not satisfied were safe and that buildings which remained open did so in a compliant manner. The table below shows a summary of the position as of March 2021 with regards to compliance related issues :

Fire Risk Management	%	Comments
Assets with a valid fire risk assessment (FRA)	99	excludes leased assets / leased areas in multi occupancy assets (responsibility of lessee) and voids (separate risk assessments)
Asbestos Management		
Assets with valid Management Survey	97	CWC requirement for Corporate, Community assets and maintained schools. Additionally for leased assets during voids between occupancy
Legionella Management		
Assets with valid Legionella risk assessment	94	

Whilst it is pleasing to see that in these 3 main areas of compliance there are current assessments and condition surveys it should be noted that remedial work to

address the required works in the areas of fire risk management and legionella management are currently behind schedule. A solution to rectify this is currently being discussed and agreed with the Head of Projects and Works. Regarding the requirement to re-inspect asbestos containing materials on an ongoing basis, this is currently being addressed by extending the remit in the current asbestos surveying and sampling contract to include re-inspections.

3.11 *Act* : A formal strategic review of health and safety performance is essential. It allows the organisation to establish whether the essential health and safety principles – strong and active leadership, worker involvement, and assessment and review – have been embedded in the organisation. It tells us whether our systems are effective in managing risk and protecting people.

1. Performance on health and safety and wellbeing is increasingly being recorded in organisations' annual reports to investors and stakeholders. Good health and safety performance should be celebrated at a central and local level.

As mentioned previously in this report health and safety features on the monthly meetings between the Chief Operating Officer and Cabinet member holding responsibility for that portfolio. These meetings include operational updates and any specific matters requiring attention.

In addition the Chief Operating Officer reports on the quarterly Strategic Health Safety and Wellbeing Board meetings to SEB.

It is noted that previously there has not been an agreed formal reporting mechanism to Councillors on health and safety matters. It is therefore proposed that following this report an annual health and safety report be provided to Cabinet on an ongoing basis going forward.

4.0 Conclusion

- 4.1 The last 2½ years have seen significant changes in the personnel, structure and reporting arrangements of the health and safety team, together with the national and local pressures of the Coronavirus pandemic.
- 4.2 Overall the team have responded proportionally and pragmatically to the health and safety requirements of the City Council and our City's residents. It has been a challenge to provide this but the professional approach of the team and the One Council of the Council as a whole in responding to the challenges across a broad range of business as usual and Covid related demands has not only raised the profile of the importance of effective health and safety management across the services delivered by the City Council, but developed stronger working relationships between the team and services.
- 4.3 The demands on the health and safety team have been acknowledged by the senior management team in the organisation in supporting the provision of additional resources to ensure that the health and safety team will be in an excellent position to respond to both current and future demand.

- 4.4 It would be pertinent to highlight that whilst the overall assessment of the provision of a health and safety service is in a good place, there is more that can and needs to be done with regards to embedding a constructive health and safety culture in all areas of the organisation and ensuring that health and safety risk is managed in the same business as usual way as other business and operational risks.
- 4.5 For any local authority there are potentially serious risks for inadequate consideration of health and safety issues. The punitive measures include not only enforcement powers of inspectors but can include both personal and corporate liability proceedings. The key is sensible and pragmatic risk management namely:
- Ensuring that employees and the public are properly protected
 - Providing overall benefit to society by balancing benefits and risks, with a focus on reducing real risks – both those which arise more often and those with serious consequences
 - Enabling innovation and learning not stifling them
 - Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action
 - Enabling individuals to understand that as well as the right to protection, they also have to exercise responsibility

Sensible risk management **is not** about:

- Creating a totally risk free society
 - Generating paperwork mountains
 - Scaring people by exaggerating or publicising trivial risks
 - Stopping important recreational and learning activities for individuals where the risks are managed
- 4.6 The Council is in a positive place in respect of the way in which it is meeting its Health and Safety duties and will continue to ensure that it takes these risks seriously and delivers on these duties.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet 20 October 2021
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Report title	Fleet Telematics Policy and System	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans City Environment and Climate Change	
Key decision	No	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Ross Cook, Director of City Housing and Environment	
Originating service	Fleet Services	
Accountable employee	Oliver Thomas	Climate Change Project Manager
	Elizabeth Hartle	Business Support Manager - Fleet
	Tel:	01902550121 01902551190
	Email	Oliver.thomas@Wolverhampton.gov.uk Elizabeth.Hartle@Wolverhampton.gov.uk
Report to be/has been considered by	City Housing and Environment Leadership Team	31 August 2021
	Strategic Executive Board	7 October 2021

Recommendations for decision:

The Cabinet is recommended to:

1. Approve the telematics policy proposal to support the introduction of a telematics system.
2. Endorse the introduction of a telematics system to aid in fleet monitoring, driver behaviour, and the Council's climate change targets, subject to business case development.

Recommendations for noting:

The Cabinet is asked to note that:

1. The report does not require approval for funding towards the telematics system. A business case will be developed in due course for subsequent budget approvals.

1.0 Purpose

- 1.1 The purpose of this report is to seek approval to introduce a new fleet telematics tracker policy to support the transformation and electrification of the Council's Fleet Services.
- 1.2 Additionally, the report also seeks to outline plans to introduce a telematics system to be integrated into all fleet vehicles.

2.0 Background

- 2.1 The City of Wolverhampton Council has a fleet of over 500 vehicles including hired vehicles and plant that are required in order to help deliver a diverse range of services.
- 2.2 Drivers of fleet vehicles are subject to greatest on the job risk to their own wellbeing, and to the wellbeing of other road users, which has implications on the Council's insurance premiums.
- 2.3 The implementation and operation of vehicle telematics system will support the Council in achieving its aim of providing a safe, efficient, and environmentally friendly modern fleet.
- 2.4 Vehicle telematics systems are on-board multifunctional monitoring devices that are plugged into a vehicles on-board computer. The devices collect vehicle data that can be used to help improve the operational efficiency of the fleet, whilst also providing evidence on driver behaviour, and the behaviour of other road users pertaining to road traffic accidents.
- 2.5 Unlike most modern fleets, the majority of Wolverhampton Council's fleet lacks a modern telematics system. Fleet services have identified a need to introduce one.
- 2.6 The Council's Green Fleet Review conducted by Energy Savings Trust to support fleet electrification plans, recommended introducing a telematics system across all our fleet vehicles – no exceptions, a first step towards electrification, and thus a critical step in the Council Climate Change plans.
- 2.7 Before a system could be deployed, however, it was advised to develop an overarching policy framework that sets the conditions and parameters of the proposed system and the utilisation of collected data.
- 2.8 A fleet Telematics/tracker policy has been in development over the past two years. Subject to its approval, Fleet Services will begin to progress plans to procure and install a telematics system.

3.0 Progress, options, discussion, etc.

- 3.1 A draft policy which underpins the system's legitimacy, was developed to outline the data usage requirement for the Council, to safeguard the drivers, protect the identify of customers and ensure that collection of the data does not breach data protection regulations (GDPR).

- 3.2 The proposal requires installation of a telematics device on all council corporate vehicles alongside vehicle cameras (dashboard cameras) to record a multitude of data such as:
- A. Vehicle usage (mileage, hours of use etc.)
 - B. Idle time (details of excessive idling times)
 - C. Speeding events (breaches of speed in all areas)
 - D. Harsh events including cornering, acceleration, braking (for focused training requirements)
 - E. Carbon emissions and fuel usage
 - F. Parking locations (operator licence fleet)
 - G. Maintenance alerts where applicable (taken from on board Engine Management CPU)
 - H. Other virtual geographic boundaries as requested
- 3.3 The system will collect some personal data, but the data will only be used for the purposes listed above, and any data used for disciplinary purposes within the council, will first have to adhere to the policy outline.
- 3.4 A full copy of the policy proposal is contained within Appendix 1.
- 3.5 The Policy has been reviewed and endorsed by the following stakeholders:
- A. Fleet Personnel
 - B. Human Resources
 - C. Information Governance
 - D. Transport Asset Group (TAG)
 - E. Trade Unions (Head of City Transport outlined the document to the TU, 23 Feb 21 and again 27 Apr 21 after making amendments)
- 3.6 Further endorsement through a second round review of the policy has been achieved from Human Resources, Information Governance, and the Trade Unions, with final endorsement by the unions on the 28 September 2021.
- 4.0 Evaluation of alternative options**
- 4.1 Option 1 – to make no changes to the existing policy. This would result in rejection of the proposed policy and an inability to implement the telematics system required, and the subsequent benefits to the Council.

4.2 Option 2 – fully endorse the proposed policy for incorporation into council corporate policy. This would enable development of the business case for implementation, and the introduction of a future system to support fleet transformation.

4.3 The recommended option is option 2

5.0 Reasons for decision(s)

5.1 The policy will lay the foundation for the physical system, which in turn will:

- A. Support a move towards the Council's commitment to be net carbon zero by 2028.
- B. Provide additional protection to employees by assisting the management of occupational road risk to meet our health and safety responsibilities.
- C. Reduce carbon emissions and improve air quality.
- D. Support logistics planning and vehicle utilisation for effective service provision
- E. Reduce costs associated with the maintenance of vehicles
- F. Assist with the location of vehicles that have broken down or have been stolen.
- G. Record drivers' hours to evidence of compliance with the Road Transport Directive.
- H. Help safeguard employees against vexatious complaints and allegations.
- I. Assist in work planning (e.g. planning routes and schedules, reducing 'dead' mileage, knowing which vehicle is closest to an emergency, making best use of vehicles, etc.).
- J. Provide information on who is responsible for a vehicle at all times to help meet the requirements of the Goods Vehicle Operator's Licence
- K. Provide information on driver behaviour to improve safety.
- L. Assist in protecting the Council and its employees from claims arising from such incidents involving any Road Traffic Accidents (RTA)

5.2 In June 2022 the Council will be procuring an insurance provider. Progressing with the telematics system in the near term for delivery within the next six months, will have direct consequences on the Council's insurance premiums for the next five years.

6.0 Financial implications

6.1 There are no direct financial implications from this policy paper. However, it must be noted that introduction of a telematics system would require capital and/or revenue investment, the costs of which are yet to be determined.

6.2 Introduction of a telematics system could produce savings for the local authority. According to the Energy Savings Trust Report, improved vehicle monitoring, and fuel management could realise fuel savings of between 5% and 15%. For context, a 5%

reduction in fuel use across our existing diesel refuse collection, heavy commercial and light commercial vehicles, would save £50,000 worth of diesel every year.

6.3 There are also potential revenue benefits for the Council's insurance premiums which are due for Renewal in June 2022. However, implications on insurance premiums are hard to quantify but may be negotiable through the procurement process depending on the system selected and the additional safety features included to hedge against risk.

6.4 The assumed cashable benefits from a telematics system require further exploration.

6.5 A full business case for a telematics system will be developed and brought for future approvals.

[SB/17082021/C]

7.0 Legal implications

7.1 There are direct and indirect legal implications from the telematics policy.

7.2 Directly, the new policy outlines a requirement for data collection of fleet operators. As per the policy, the data should be recorded and stored in alignment with GDPR and our internal governance arrangements.

7.3 Failure to adhere to GDPR and the telematics policy, or if data is used inappropriately by the council, then the Council could be open to litigation.

7.4 Indirectly, the data collected by a telematics system could provide supporting evidence in favour of the council with regards to legal disputes, in particular where RTA claims are made against the Council.

[TC/01102021/B]

8.0 Equalities implications

8.1 An equalities impact assessment was conducted 2 February 2021. The only item identified was that if telematics was used to support fleet consolidation, it should not negatively or disproportionately impact disabled drivers.

9.0 All other implications

Information Governance Implications

9.1 Some of the information recorded by the vehicle technology and telematics equipment is considered to be personal data under General Data Protection Regulation (GDPR) as it allows anyone accessing the system to identify an individual driver and their behaviour.

9.2 Different user profiles could be built into the system to enable levelled access according to their user level and their needs to access the system, such as those with standard monitoring duties, or line managers etc.

9.3 All data will be processed in accordance with GDPR.

- 9.4 The use of the vehicle telematics system, its functionality, and the information it holds, must be proportionate, transparent, and reasonable. Driver data on the operation of a specific vehicle will only be used for the purposes listed in 3.3 above.
- 9.5 The data recorded by the vehicle telematics system will be managed in line with the Council's governance policies and procedures, to help provide management information about vehicle use for insurance claims, legal proceedings and if necessary, resolve any complaints or allegations made against the Council or its employees.
- 9.6 Advice for accessing information can be sought through Information Governance, but the Head of City Transport will be responsible for approving or rejecting any requests to access information.
- 9.7 Two clarifications were provided by Information Governance that have since been incorporated into the policy, that:
- A. full Information Governance impact assessment will be carried out upon procurement of the telematics system to outline any risks and identify subsequent mitigations.
 - B. It be made clearer within the policy that the vehicle tracking, and monitoring would do so inside and outside of work hours to monitor unauthorised usage.
- 9.8 These changes have been made and noted for the remainder of the project.
- 9.9 A guidance note will be developed upon implementation to ensure that all affected parties are able to utilise the policy effectively.
- 9.10 Any changes to the policy will require approval by the working group which is detailed within appendix 1 of the policy protocols.

Human Resources Implications

- 9.11 The policy itself has direct implications on Human Resources in that it outlines the need to capture data and information relating to employee activities, with regards to driver behaviour.
- 9.12 The data can, if required and justified, be used for incident investigations and to monitor fleet usage.
- 9.13 The implication of data collection and usage are included within the policy, and the requirements for access to data are outlined
- 9.14 The Trade Unions have been engaged for comment and for input into the policy to ensure that employee safeguarding is protected.
- 9.15 The policy includes explanation that any data used for these purposes should be requested and justified through the data application process. The use of the data has been covered with the policy protocols and principles.

- 9.16 Formalisation of a new policy and inclusion on corporate systems will be carried out by Human Resources, in line with existing policies and procedures.
- 9.17 Any future changes to the policy will be done so in accordance with the procedures outlined within appendix 1 of the telematics policy via the establishment of the telematics policy working group, which will include all relevant internal parties and ensured representation from the Trade Unions.

Health and safety Implications

- 9.18 Introduction of the policy will have no bearing on health and safety; however, the telematics system will have significant benefits for a health and safety at work, through monitoring of vehicle and driver behaviour and introduction of driver performance targets.

Climate Change Implications

- 9.19 The Telematics policy will have no direct bearing on the Council's climate change targets. However, introduction of a telematics system will be critical for fleet monitoring and the ongoing transformation programme towards electric fleet vehicles.
- 9.20 Improved driver behaviour has the potential to improve vehicle fuel economy, saving energy and carbon emissions.
- 9.21 As per the Energy saving trust Green Fleet Report, improved fuel management from improved driver behaviour could reduce fuel consumption by 5 – 15%. A 5 % reduction in fuel use would produce 117 tonnes of CO2 savings every year.

10.0 Schedule of background papers

- 10.1 02.02.2021 - Signed Equalities impact Assessment for Fleet Telematics System

11.0 Appendices

- 11.1 Appendix 1: Telematics/Tracker Policy

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Fleet Telematics Policy

Using Vehicle Tacking and Driver Behavior Data.

Created:

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1.0 The Aim of the Policy

- 1.1 City of Wolverhampton Council has a fleet of over 500 vehicles including hired vehicles and plant that are required to help deliver a diverse range of services.
- 1.2 It is recognised that driving is one of the most hazardous work activities undertaken by employees and contributes to carbon emissions and a reduction in air quality. This policy will support the Council's commitment to be net carbon zero by 2028 having declared a Climate Emergency.
- 1.3 The implementation and operation of vehicle technology and telematics systems will support the Council in achieving its aim of providing a safe, efficient and environmentally friendly fleet.
- 1.1 This policy sets out the general principles for the use of technology and telematics equipment in vehicles operated by City of Wolverhampton Council.
- 1.4 This policy should be read in conjunction with Appendix 1 the Vehicle Telematics and Technology Protocols.

2.0 Definitions

- 2.1 Vehicle technology and telematics are defined as systems employed within Council vehicles to measure and record data and information relating to the use of vehicles and service provision and include:
 - A. Vehicle telematics
 - B. In cab technology
 - C. Vehicle cameras (No inward facing cameras are planned for this policy)

3.0 Scope

- 3.1 This policy applies to:
 - D. All fleet vehicles operated by the council, council owned or hired
 - E. All employees and others who operate and/or drive fleet vehicles operated by the council.
- 3.2 The policy does not apply to employees who use their own vehicles on council business.

4.0 Roles and Responsibilities

- 4.1 In addition to general roles and responsibilities set out in City of Wolverhampton Council's Health and Safety Driving at Work Policy and Procedure and other relevant employment policies, the following specific roles and responsibilities are defined:

- F. **The Fleet Manager** will be responsible for the selection, procurement, installation, maintenance, monitoring of vehicle telematics and provision of training for employees. They will also be responsible for managing information generated by the telematics in accordance with UK Data Protection laws (General Data Protection Regulation 2016/679, Data Protection Act 2018) GDPR UK.
- G. **The Health and Safety Lead** is responsible for providing advice and guidance in terms of the operation and use of the equipment and information generated, as it relates to health, safety, and wellbeing.
- H. **Line Managers** at all levels are responsible for ensuring that employees who operate and/or drive fleet vehicles understand how to operate the equipment, if required and how the information generated will be used. Line Managers are also responsible for ensuring that these employees comply with this policy and activate the equipment prior to driving a fleet vehicle.
- I. **Employees** are responsible for ensuring that they comply with this policy and utilise the equipment provided appropriately.

5.0 Principles

- 5.1 The Council will use vehicle technology and telematics devices and the information that they provide for the purposes of:
 - J. Providing additional protection to employees by assisting the management of occupational road risk to meet our health and safety responsibilities
 - K. Reducing carbon emissions and improving air quality
 - L. Helping to plan the logistics and vehicle utilisation for the provision of effective services
 - M. Reducing costs associated with the maintenance of vehicles
 - N. Assisting with the location of vehicles that have broken down or have been stolen
 - O. Recording drivers' hours to provide evidence of compliance with the Road Transport Directive
 - P. Helping to safeguard employees against vexatious complaints and allegations
 - Q. Assisting in work planning (e.g. planning routes and schedules, reducing 'dead' mileage, knowing which vehicle is closest to an emergency, making best use of vehicles, etc.)
 - R. Providing information on who is responsible for a vehicle at all times to help meet the requirements of the Goods Vehicle Operator's License

S. Providing information on driver behaviour to improve safety.

T. In circumstances involving any Road Traffic Accidents (RTA) this information will also assist in protecting the Council and its employees from claims arising from such incidents.

5.2 If any poor practice or misconduct is observed through analysis of the system an employee will be made aware of any concerns the use of technology and telematics has identified and be provided with an opportunity to express their viewpoint before any decision as to further action are reached and will follow HR Performance Management and/or Disciplinary guidelines. (see appendix 1)

6.0 Maintenance, Storage, Handling and Access to Records

6.1 Some of the information recorded by the vehicle technology and telematics equipment is considered to be personal data under GDPR as it allows anyone accessing the system to identify an individual driver and their behaviour.

1.2 The use of the vehicle telematics system, its functionality, and the information it holds, must be proportionate, transparent, and reasonable. Driver data on the operation of a specific vehicle will only be used for the purposes listed in 5.1 above.

6.2 Personal data must be processed in accordance with GDPR.

6.3 The data recorded by the vehicle telematics system will be managed in line with the Council's governance policies and procedures in particular the Records Management Policy and the Records Retention and Disposal Policy, to help provide management information about vehicle use for insurance claims, legal proceedings and if necessary, resolve any complaints or allegations made against the Council or its employees.

6.4 The Head of City Transport and/or the Fleet Manager will be responsible for approving or rejecting requests to access this information when a complaint has been made or a serious incident has occurred and there is a need to investigate. Prior to approving or rejecting a request advice may be sought from Information Governance.

6.5 General information and trends can be monitored and reported on to inform strategies to reduce carbon emissions, improve air quality and help to reduce occupational road risk.

6.6 Typical data that will be recorded by the system will include, but is not limited to:

A. Vehicle position and location

B. Vehicle speed

C. Harsh vehicle acceleration

D. Harsh vehicle braking

E. Engine idling time

F. Harsh cornering

6.7 The data can be requested at any time, but it cannot be viewed until written consent has been given as set out in 6.5 above.

7.0 Use of Records

7.1 If the data has been reviewed in accordance with 6.4 above, an employee will be made aware of any concerns the use of technology and telematics has identified and be provided with an opportunity to express their viewpoint before any decision as to further action are reached, and will follow HR Performance Management and/or Disciplinary guidelines.

8.0 Implementation and Review of the Policy

8.1 The Policy will undergo consultation with the Trade Unions for its development.

8.2 This Policy is operational from the date of approval and replaces any previous policies, procedures and/or local agreements.

8.3 Any future review or revision will be undertaken in consultation with the Trade Unions.

9.0 Appendix 1 Vehicle Telematics and Technology Protocols

Introduction

This document is an appendix to the Council's Corporate Vehicle Tracker Policy. These protocols are designed to set out a series of rules and guidelines to ensure the system is used to maximum benefit for the Council and is not misused to the detriment of its workforce.

As part of the roll out of a Corporate Telematics system, a working group shall (initially) meet on a bi-monthly basis to review working practices, the suitability of the protocols, any required updates and dissemination of information regarding any changes to service areas. This working group will (as a minimum) comprise of:

- Procurement
- Fleet Services
- Trade Unions
- Driver Representatives
- Telematics Supplier representative (when required)

Index:

- **GDPR**
- **Roles and Responsibilities**
- **Monitoring**
- **Appendix 2 - Application for driver data**

Appendices 1 Vehicle Telematics and Technology Protocols

GDPR

For further information in respect of Data Protection and Privacy please see the Council's [Data Protection policy](#) and [Privacy Statement](#).

The following paragraphs set out how the Council intends to use information recorded by Telematics systems, ensuring compliance with the principles above.

Information recorded by the vehicle tracking system is considered to be personal data because it allows persons accessing the system to identify an individual, the driver and their behaviour.

Therefore, the use of the vehicle tracking system, its functionality, and the information it holds, must be proportionate, transparent, and reasonable.

The council acknowledges that while the system does collect and identify personal data, that collection of personal data is covered by UK Data Protection laws (General Data Protection Regulation 2016/679, Data Protection Act 2018).

A full information governance impact assessment will be carried out prior to implementation of the telematics system to identify any potential information risks, and mitigations.

The system will be used to:

- Record drivers' hours for the road transport directive and provide written evidence of both duty and driving time.
- Provide evidence of actual service delivery and secure continued confidence in the delivery of important and valued front line services, enabled by having a quality controlled and managed fleet.
- Improve security and the health and safety of the workforce, particularly lone workers.
- Protect council assets **through the monitoring of authorised and unauthorised use of vehicles**

The data recorded by the vehicle tracking system will be managed in line with City of Wolverhampton Council's Governance policies and procedures in particular the [Records Management Policy and the Records Retention and Disposal Policy](#), to help provide management information about vehicle use for insurance claims, legal proceedings and if necessary resolve any complaints or allegations made against the Council or its employees.

Appendix 1 Vehicle Telematics and Technology Protocols

The system fitted to all CWC fleet provides accurate data on the following areas as a minimum:

- Vehicle utilisation (details of underutilised fleet for example, where a service area has a number of vehicles with very low mileage or infrequent use, the system can be used to inform the service on how to maximise the use of these resources or, share the resource across services) and will form part of the fleet logistics support within relevant service areas.
- Vehicle usage (mileage, hours of use, **out of hours use, unauthorised use, etc.**)
- Idle time (details of excessive idling times)
- Speeding events (breaches of speed in all areas)
- Harsh events including cornering, acceleration, braking (for focused training requirements)
- Carbon emissions and fuel usage
- Parking locations (operator license fleet)
- Maintenance alerts where applicable (taken from on board Engine Management CPU)
- Other virtual geographic boundaries as requested

Roles and Responsibilities

Telematics can provide a suite of reporting information starting at a holistic fleet level, right through to individual driver statistics.

The system Provider will issue reports to Fleet Services and to those who require access to the information and to the relevant Service managers. The data shall be analysed for any trends or anomalies prior to it being shared with TAG (Transport Asset Group).

Telematic reports will be customised to produce data relevant to each particular section.

Where vehicle maintenance information is available this will be used to arrange repair/maintenance works by Fleet Services.

Appendix 1 Vehicle Telematics and Technology Protocols

Service Managers shall have responsibility for using the data contained in the reports to maximise the use and efficiency of their fleet and driver behaviour standards.

Should such analysis identify areas of good practice then individual drivers will be notified and their good performance will be acknowledged. (Examples of good practice to be documented, could include reduced speeding events or increased MPG over a sustained period of time).

Transport Asset Group working with Fleet Management, shall have responsibility for recommending any changes to the fleet based on their analysis of the data, such as cross-departmental sharing of assets and fleet rationalisation.

Access levels shall range from view only to access all areas. Employees accessing the system shall be allocated a user profile. These user profiles shall have different levels of access according to their need to access the system.

The different user profiles shall be developed with the Provider of the system. User profile categorisation could be set out as follows:

System administrators

Fleet Services [named officers yet to be determined] – shall have full access to all areas of the system.

Managers

Service Managers will have relevant access to driver data, vehicle information and basic tracking information and reports. Relevant in this context means specific to the teams they directly manage.

Operational employees

Operational employees (such as Supervisors, Team leaders, Fleet Admin etc.) will have access to amend/change back-office system parameters as appropriate.

Drivers

To assess their own performance drivers can ask for reports and information from their manager or team leader.

Access

Pre-requisites for having access to the system will be that the telematics system will be accessed with proper intent and used for the purposes described above only.

Release of Telematics data

Anybody requiring data from the Telematics system that they are unable to access by logging in (due to their user profile access restrictions) must fill out a formal, written request using the data information release form (Appendix 2). The request for information shall be reviewed by the Head of City Transport or the Director or Deputy Director of City Environment in their absence. Information shall only be released where there is a clear and justifiable reason for doing so.

Monitoring

The Council will monitor its fleet to:

- 1) Analyse vehicle movements to maximise vehicle utilisation, service delivery and enhance efficiency.
- 2) Evidence that our vehicles operate within the speed limits and comply fully with statutory requirements, including but not exclusively:
 - a) Operator's License,
 - b) Construction and Use,
 - c) Driving License and Driver's Hours regulations and legislation covered by Road Traffic Act 1991,
 - d) Goods Vehicle (Licensing of Operators) Act 1995,
 - e) The Community Drivers' Hours and Recording Equipment Regulations 2007,
 - f) The Motor Vehicles (Driving Licenses) (Amendment) (No.3) Regulations 2004
 - g) The Road Vehicles (Construction and Use) (Amendment) (No.4) Regulations 2003.
- 3) In circumstances involving any Road Traffic Accidents (RTA) this information will also assist in protecting the Council and its employees from claims arising from such incidents.
 - a) Help support the police and insurers in tracing any stolen vehicles and recovering those assets.
 - b) Monitoring of the data regarding fuel consumption and related emissions through the vehicle management system which will help with the collection of data and reporting of fuel consumption with regard to CO2 and NOX emissions.
- 4) Monitor of Driver Behavior to reduce the fuel consumption and costs which will further improve our efficiency of service delivery and protect Council jobs/services
- 5) Respond with absolute confidence to customer enquiries and complaints on driver related issues.
- 6) Provide management and supervisors with vehicle location information to manage its fleet.
- 7) Provide additional systems to support lone working and driver safety.
- 8) Use the reports generated to manage driver training objectives and reduce road risk to drivers and members of the public.

If any poor practice or misconduct is observed through analysis of the system:

- 1) In the first instance such intelligence will be shared with the appropriate individual in the service area in order to ascertain the reasons for any variation in driver behaviour standards.
- 2) Where driver behaviour issues are identified, these will be raised informally with drivers in the first instance with a view to resolving the issues through training (such as driver assessment) or mentoring, without any further escalation.
- 3) The driver shall be given a reasonable period in which to address the driver behaviour issue that is proportionate to the severity of the issue. Fleet Services can provide advice as to what might be appropriate in this regard. If improvement is not made in line with agreed timescales performance could be addressed through application of the capability procedure. If the driver is responsible of misconduct, then action through the disciplinary procedure could be pursued.
- 4) This agreement will be recorded (copy to 1:2:1) as a written (electronic) record so there can be no ambiguity about what was agreed. This written record shall be shared with Fleet Services and will remain on file in line with existing Council policies and procedures.
- 5) If driver behaviour does not improve in line with the agreement, or, the issue was of a serious nature (for example, where the driving has presented a serious risk to the Health and Safety of others, or, where there is a clear breach of the Council's conduct policy) then the service may investigate this issue further and where appropriate, the Council's disciplinary procedures may be used.
- 6) No action will be taken against any employee until a proper and thorough investigation has taken place and the employee given the opportunity to explain his/her actions.
- 7) Requests for information in support of any disciplinary procedure will have to be requested through fleet services on the "Application for driver data form" by the nominated investigating officer appointed by HR.
- 8) The information data for any disciplinary investigation shall only be made available where the driver's behaviour has been raised informally with the employee and there had not been improvement, or where the driver behaviour is of a serious nature.

10.0 Appendix 2 Application form for driver data / report

Application Unique Reference Number

Manager request

Human Resources request

Operative request

HR appointed Investigation Officer request

Name

Date

Request Details:

Date and Time in scope

Telematics fob ref

Reason for request:

Submission to be forwarded to Head of City Transport for Approval / Access declined

Head of City Transport:

Name

Application Approved

Date

Application Declined

Reason for refusal (if applicable)

Submission to be forwarded to Director or Deputy Director in the absence of Head of City Transport for Approval / Access declined

Director / Deputy Director:

Name

Application Approved

Date

Application Declined

Reason for refusal (if applicable)

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet 20 October 2021
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Report title	Wolverhampton Health Inequalities Strategy 2021-2023	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Jasbir Jaspal Health and Wellbeing	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	John Denley, Director of Public Health	
Originating service	Public Health	
Accountable employee	Madeleine Freewood	Stakeholder and Engagement Manager
	Tel	01902 553528
	Email	madeleine.freewood@wolverhampton.gov.uk
Report to be/has been considered by	Directorate Leadership Team	22 September 2021
	Strategic Executive Board	30 September 2021

Recommendation for decision:

Cabinet is recommended to:

1. Endorse the Wolverhampton Health Inequalities Strategy for 2021-2023.

1.0 Purpose

- 1.1 To endorse the Wolverhampton Health Inequalities Strategy developed by The Health and Wellbeing Together Board.
- 1.2 The strategy is presented in Appendix 1.

2.0 Background

- 2.1 Health Inequalities are systematic, unfair and preventable differences in health outcomes by deprivation, protected characteristics and inclusion groups. Evidence suggests Covid-19 is exacerbating existing health inequalities with negative impacts falling disproportionately on more deprived, disadvantaged and excluded groups and individuals.
- 2.2 Health and Wellbeing Together, is the local name given to Wolverhampton's Health and Wellbeing Board. It is a statutory, multi-agency board established under the Health & Social Care Act 2012. The board is where key leaders from the health, care and wider system come together to improve the health and wellbeing of the local community. Membership includes the City of Wolverhampton Council, Black Country & West Birmingham Clinical Commissioning Groups (CCGs), Healthwatch Wolverhampton, Royal Wolverhampton NHS Trust, West Midlands Police, Black Country Healthcare NHS Foundation Trust, University of Wolverhampton, Wolverhampton Safeguarding Board, West Midlands Fire Service, Third Sector Partnership and the Wolverhampton Voluntary Sector Council.
- 2.3 In recognition of the impact of Covid-19 on health inequalities in the City, the Health and Wellbeing Together Board has produced a strategy to guide a system response to pro-actively address these inequalities building on the strengthened working relationships fostered during response to the pandemic.
- 2.4 The implementation of the strategy and development of an associated high-level monitoring framework will provide the opportunity for partners to align activity, enable system join-up, identify gaps and prevent duplication. It also supports the ambition of the Council to 'Relight', as we recover from the impact of Covid-19 and ensure no-one in the City is left behind.

3.0 Summary

- 3.1 The strategy outlines the health inequalities challenge in the City and outlines a set of guiding principles agreed by board partners to be adopted in response to this challenge.
- 3.2 It commits the board to agreeing a high-level monitoring framework as a means to share practice and hold each-other to account, and in doing so will enable mainstream services and resources to be better aligned to prioritise and address health inequalities in the city.

- 3.3 It advocates the use of the HEAT tool¹ as a means to systematically address health inequalities in design and delivery of services.
- 3.4 The strategy also outlines a commitment for board partners to:
- Increase our understanding around health inequalities and our local population – including developing and implementing an agreed approach to data capture, data linkage and data sharing
 - Work collaboratively across all parts of the health and care system to join-up and promote and embed action to reduce health inequalities
 - To work in partnership with local people, groups and forums to ensure health and care pathways are informed and co-produced by people with lived experience, under-represented and protected groups.
- 3.5 The desired outcomes of doing so are detailed on page 21 and include:
- Not worsening health inequalities and working to reduce them.
 - Having a better understanding of how health inequalities impact on local people, or groups of people, and being able to improve access to health and care services and the quality of those services as a result.
 - Supporting our population by providing them with the skills, training and tools to access digitally enabled services, ensuring no-one is left behind in doing so.
 - Listening and engaging with communities who need most support, deepening partnerships with community and voluntary sector.
 - Seeking to improve green space and make it easier and safer for people to be physically active.
 - Working together to increase opportunities for local people to access jobs and training, including in health and care related professions.

4.0 Evaluation of alternative options

- 4.1 Option one would be to make no change, and in doing so not endorse the city strategy. This would result in the exclusion of the City of Wolverhampton Council from a strategy delivering against shared partner outcomes, increasing the likelihood of uncoordinated activity across the system and potentially resulting in duplication or lack of action.
- 4.2 Option two would be to endorse the city strategy thereby supporting the guiding principles in the strategy including the commitment to develop and contribute to a monitoring framework. This will provide the opportunity for partners to align activity,

¹ <https://www.gov.uk/government/publications/health-equity-assessment-tool-heat>

enable system join-up, identify gaps and prevent duplication, giving additional impetus and urgency to address health inequalities in the city.

4.3 The recommendation is to follow Option 2.

5.0 Reasons for decision

5.1 By endorsing the Wolverhampton Health Inequalities Strategy for 2021-2023 the City of Wolverhampton Council is committing to understanding health inequalities in the wake of the pandemic and undertaking a systematic and joined-up approach to ensure no-one is left behind as we seek to recover and relight the City.

6.0 Financial implications

6.1 The work highlighted within the report will be met via existing budgets within Public Health and Families Directorate as appropriate.
[JB/11102021/L]

7.0 Legal implications

7.1 Health Inequalities are systematic, unfair and preventable differences in health outcomes including protected characteristics as covered by the Equalities Act 2010.
[TC/11102021/B]

8.0 Equalities implications

8.1 The development and implementation of a health inequalities strategy for the City will take account of inclusion groups, the protected characteristics as covered by the of the Equalities Act 2010, as well as the impact of Covid-19 on the Black, Asian, Ethnic Minority groups within the population of Wolverhampton.

9.0 All other implications

9.1 Health and Wellbeing Together has a statutory duty to produce a Joint Health and Wellbeing Strategy, which addresses key priorities for the population. A health inequalities strategy for the City will further strengthen this.

9.2 The strategy recognises that Covid-19 has exacerbated health inequalities in the City and that Covid-19 recovery needs to be predicated on a response that accurately recognises where health inequalities exist in the city, the impact of the pandemic on health inequalities and consensus on how partners can work together at pace to prevent inequalities getting worse and reduce them.

10.0 Schedule of background papers

10.1 [Wolverhampton Health Inequalities Strategy 2021-2023](#) - Health and Wellbeing Together Board 13 October 2021.

11.0 Appendices

11.1 Appendix 1: Wolverhampton Health Inequalities Strategy 2021-2023



City of Wolverhampton

**Health &
Wellbeing
Together**

Wolverhampton Health Inequalities Strategy 2021-2023

Supporting Relight and Recovery for the City

Contents

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		Supporting documents	27



Front cover: ‘Playing Out’ – Great Hampton Street, Wolverhampton

Foreword

In Wolverhampton stark inequalities continue to exist in the conditions in which people are born, grow, work, live, and age. In turn these inequalities have an adverse effect on people's health and wellbeing.

Covid-19 has further exacerbated these existing health inequalities with negative impacts falling disproportionately on more deprived, disadvantaged and excluded groups and individuals. Alongside the bereaved, there are many people who are suffering from long term physical and mental impacts of Covid-19. There are also many who have been affected financially, which brings its own health consequences. This strategy represents our combined response to pro-actively addressing these inequalities with a renewed sense of urgency and pace. We aim to do this by building on the strengthened partnership working galvanised through our collective efforts to address the pandemic.

Health and Wellbeing Together is the forum where key leaders from the health, care and wider system come together to improve the health and wellbeing of the local community. The board works towards reducing health inequalities and supports the development

of improved and joined up health and social care services. It is therefore particularly well placed to be the system catalyst for the development and delivery of a strategy to address health inequalities as we seek to 'relight' and recover as a city from Covid-19.

The aim of this strategy is to provide a framework for addressing the board's growing well, living well and ageing well priorities with the aim of enabling Wolverhampton and the wider system to "Build Back Fairer."¹ It is a deliberately short action-orientated document. It outlines our joint commitment to understand health inequalities in the city and undertake a systematic and joined-up approach to ensure no-one is left behind.



Councillor Jasbir Jaspal
Cabinet Member for Health and Wellbeing
Chair of the Health and Wellbeing Together Board



Paul Tulley
Wolverhampton Managing Director, Black Country and West Birmingham CCGs
Vice-chair Health and Wellbeing Together Board

¹ <https://www.health.org.uk/publications/build-back-fairer-the-covid-19-marmot-review>

Introduction:

Understanding what we mean by ‘health inequalities’

Health Inequalities are systematic, unfair and preventable differences in health across the population, and between different groups within society. The Kings Fund² describe health inequalities in the following way:

Inequalities of what?

Health inequalities are ultimately about differences in the status of people’s health. But the term is also commonly used to refer to differences in the care that people receive and the opportunities that they have to lead healthy lives, both of which can contribute to their health status.

Health inequalities can therefore involve differences in:

- **Health status**, for example, life expectancy and prevalence of health conditions
- **Access to care**, for example, availability of treatments
- **Quality and experience of care**, for example, levels of patient satisfaction
- **Behavioural risks to health**, for example, smoking rates
- **Wider determinants of health**, for example, quality of housing.

<https://www.kingsfund.org.uk/publications/what-are-health-inequalities>

The ‘inequalities of what’ question then leads to another question:

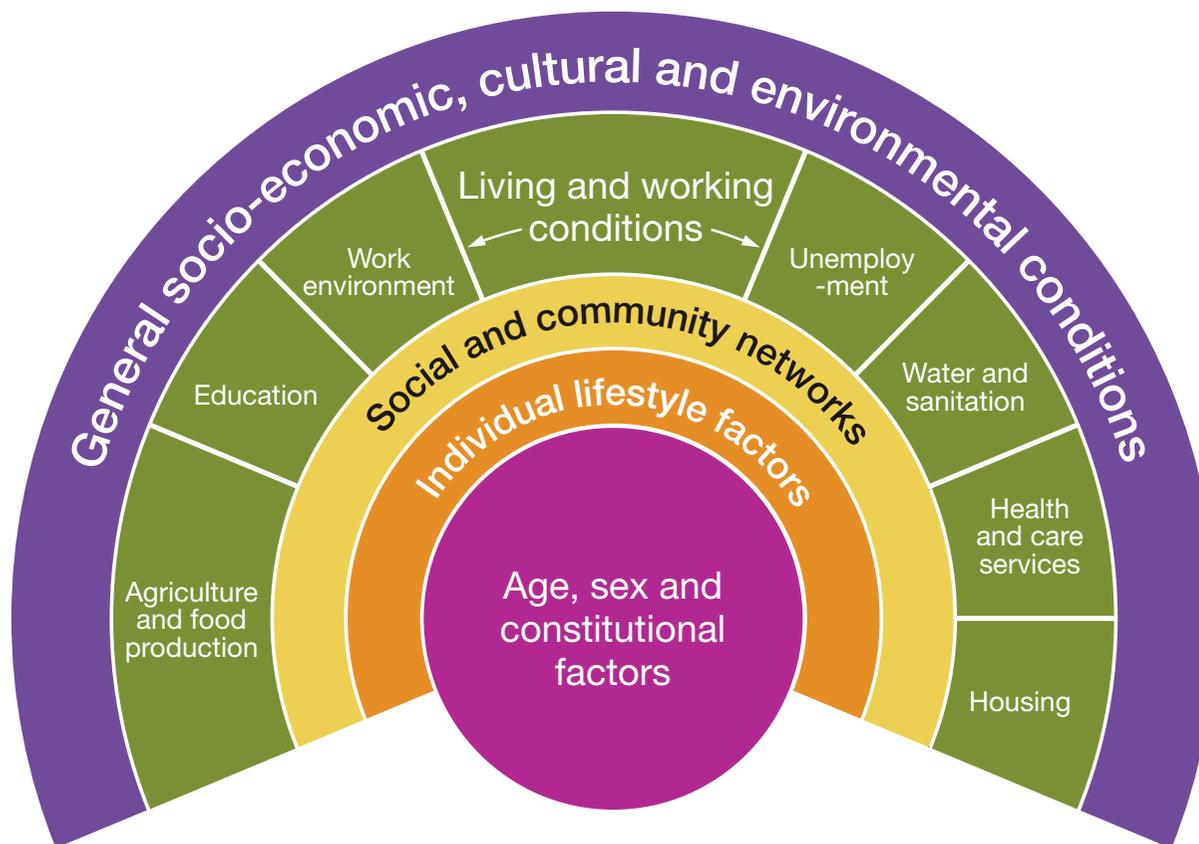
Inequalities between whom or between which groups?

Differences in the status of people’s health and the things that determine it can be experienced by people grouped by a range of factors. For this reason, in England, health inequalities are often analysed and addressed by policy across four factors:

- **Socio-economic factors** e.g. a person’s lived social and economic experiences and realities. This can include education, income and occupation, place of residence etc.
- **Geography.** Evidence demonstrates that people living in the most deprived areas face worse health inequalities in relation to health access, experiences and outcomes. A definition of deprived area is based on a number of characteristics included in the index of Multiple Deprivation – Income Deprivation, Employment Deprivation; Education, Skills and Training Deprivation; Health Deprivation and Disability; Crime; Barriers to Housing and Services; Living Environment Deprivation. Both urban and rural areas can be deprived.
- **Specific characteristics or ‘protected groups’** including those protected in law by the Equality Act 2010 e.g. age, disability, gender reassignment, marriage and civil partnership (but only in respect of eliminating unlawful discrimination), pregnancy and maternity, race—this includes ethnic or national origins, colour or nationality; religion or belief—this includes lack of belief, sex, sexual orientation.
- **Socially excluded groups**, sometimes referred to as ‘inclusion health groups’. This is used to refer to a number of groups of people who are not usually well provided for by healthcare services, and have poorer access, experiences and health outcomes. The definition covers people who are homeless and rough sleepers, vulnerable migrants (refugees and asylum seekers), sex workers, and those from the Gypsy, Roma and Traveller communities.

People can experience different combinations of these factors and there can also be multiple interactions between the factors.

The ways in which social, economic and physical environments interact with individual biological factors and behaviours to shape health status is often visually represented using this diagram.



Source: Dahlgren and Whitehead, 1991

By seeking to understand what health inequalities are and define who may experience them, we can then focus on how to respond as a system. Currently health inequalities shorten people's lives and lead to avoidable years of people living with impaired health and wellbeing. They also cost the NHS, wider public sector and national and local economies billions of pounds.

Effectively tackling differences in health outcomes starts with a recognition of the different inter-related drivers of health inequalities. While we can improve access to and quality of services, it is clear an NHS response cannot deal with these disparities alone. It requires local systems to work together with strong leadership, joint planning, ambition and scale.

As an outcome of this strategy we seek not to worsen health inequalities and to proactively work to reduce them. To achieve this requires a multi-agency approach.

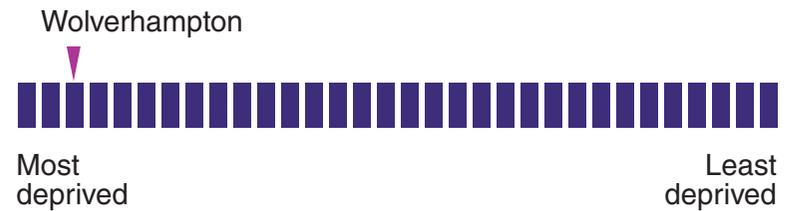
Where are we starting from?

Life expectancy

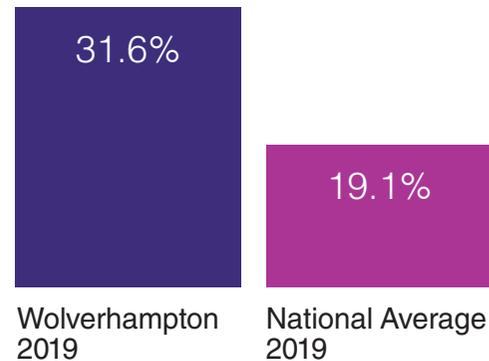
Life expectancy is a key measure of a population's health status. We already know there is a large difference in life expectancy in our city, driven in part by deprivation. This is illustrated on pages 8 and 9 of this document. Increasing life expectancy is one of the goals of Wolverhampton's vision for Public Health 2030.²

Even before Covid-19, Wolverhampton was ranked 24th out of 317 using the indices of deprivation measure. The city also experienced high levels of child poverty, 31.6% in 2019 compared to a national average of 19.1%.³ Early indications are that Covid-19 will have worsened deprivation for people living in the city. For example, Wolverhampton is in the top five in the country for the highest unemployment rate amongst young people aged 18 – 24 years and top ten in the country for unemployment overall (age 16-64).

Indices of Deprivation Index



Child poverty



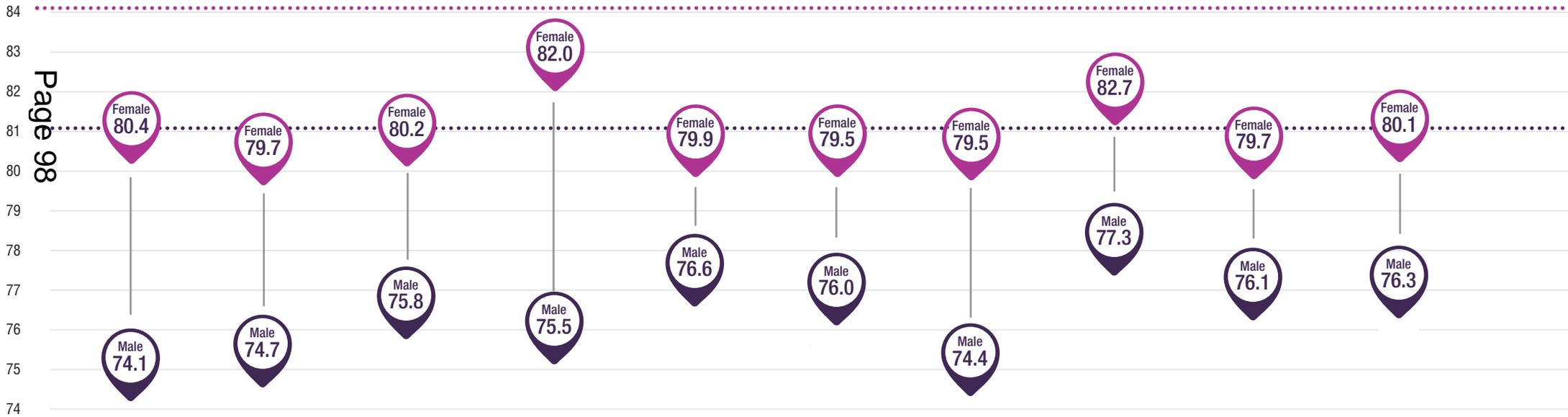
2 https://www.wolverhampton.gov.uk/sites/default/files/pdf/The_vision_for_Public_Health_2030.pdf

3 <https://insight.wolverhampton.gov.uk/Home/Report/8ce971cf-f973-4148-9f98-abac58b27f7a>

Life expectancy at birth

MOST DEPRIVED

- 1
BILSTON EAST
- 2
BUSHBURY S. AND LOW HILL
- 3
EAST PARK
- 4
ST PETER'S
- 5
ETTINGSHALL
- 6
HEATH TOWN
- 7
GRAISELEY
- 8
BILSTON NORTH
- 9
FALLINGS PARK
- 10
BLAKENHALL



Page 98

YEARS



2030 vision for life expectancy
 Female (84 years)
 Male (81 years)

City deprivation ranking
 1 Most deprived
 20 Least deprived



Page 99

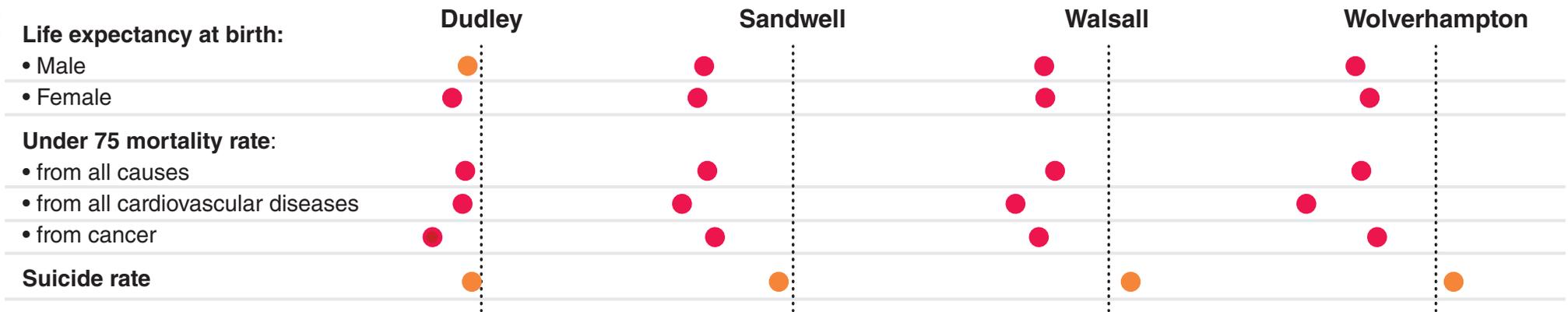


Across the Black Country mortality from conditions considered preventable is relatively high and there is a high prevalence of long-term conditions, especially in relation to hypertension, diabetes, chronic kidney disease, chronic heart disease, depression, and dementia.

The Black Country has some of the highest infant mortality rates in the country – smoking rates in pregnancy remain high, and breast-feeding rates are low.

Rates of falls and hip fractures in older people are high, as are households living in fuel poverty meaning people are exposed to the risk of cold housing in winter exacerbating long-term conditions.

Those in contact with mental health services have a life expectancy 18.4 and 15.2 years shorter, respectively, than the rest of the local population.



National average: ⋮ Compared to national average: ● Worse ● Similar ● Better

https://fingertips.phe.org.uk/profile/health-profiles/area-search-results/E12000005?search_type=list-child-areas&place_name=West%20Midlands

Where are we starting from?

Healthy life expectancy

Another key measure of health inequality is how much time people spend living in good health. Before Covid-19, healthy life expectancy in Wolverhampton for both men and women was already worse than the national average. This means people in the city are likely to spend less years of their life in a state of 'good' general health in comparison to the rest of the country. This has significant implications for people's quality of life and demand on local health and social care services.

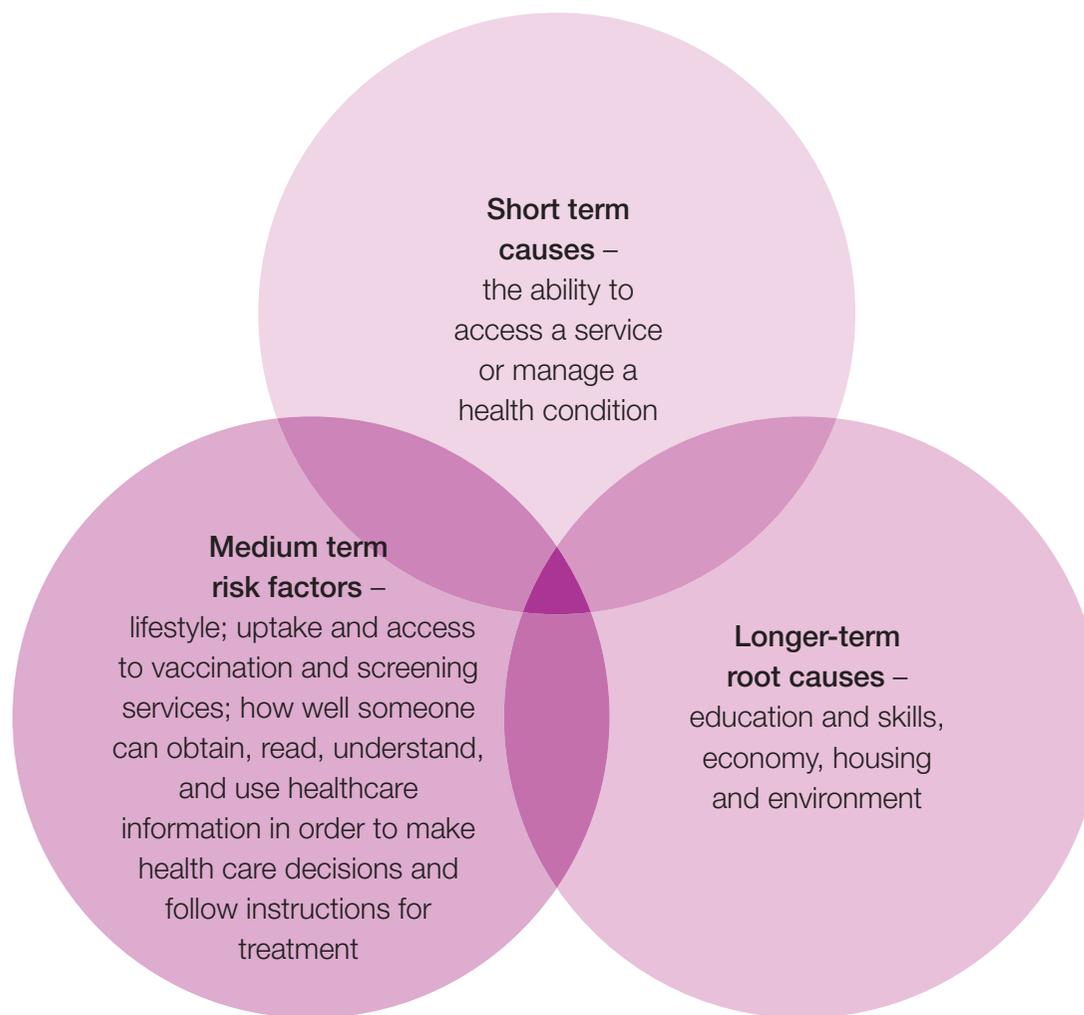
As highlighted in the introduction a range of factors including socio-economic conditions, geography, belonging to a protected group or socially excluded group can all impact on people physical health and mental wellbeing, resulting in health inequalities. They shape the environmental, social and economic contexts of people's lives through education, income, employment, housing, exposure to air pollution and digital exclusion.

For example:

- Socio-economic conditions can trigger chronic stress hormone pathways affecting mental health and inflammatory responses.
- Where people live and work can impact on their level of exposure to pollutants, including air pollution, which in turn impacts on respiratory and cardiovascular disease.
- There can be disparity of experience related to different protected characteristics - mental health, substance misuse problems (depression and anxiety, drug and alcohol misuse) and involvement in criminal activity dominate in young adulthood. Musculoskeletal problems (including back pain, neck pain and arthritis) become increasingly common in later working age. Other non-communicable diseases including neurological disorders and sense organ diseases (such as hearing and sight loss), and unintentional injuries (especially falls) become more prominent in older age.
- Belonging to a socially excluded group can impact on your ability to access a service, for example homeless people can find it difficult to register with a GP.

The environments in which people are born, live, learn and work can also inform people's lifestyle choices. For example, we know that in Wolverhampton smoking is the biggest preventable cause of inequalities and accounts for over half of the difference in risk of premature death between social classes. We also know that hospital related stays for alcohol harm is one of the top four causes of premature death and poor quality of life related to deprivation; and alcohol specific conditions for Wolverhampton residents are worse than the national average and West Midlands region.

Healthy life expectancy can therefore be understood as being a result of the interplay between short term causes, medium term risks and longer-term root causes:



Addressing these factors requires a system response, with each member of the board having a part to play. To do this effectively requires a robust understanding of the lived experience of people. The board notes that whereas data on age, sex, deprivation and ethnicity is widely collected, data on health outcomes for socially excluded groups is not often readily available. As a board we are therefore committed to making a concerted and concerted effort across the system on proactive engagement and better data capture in this area and then use this data to inform policy and improve outcomes for these groups.

In addition, as we emerge out of the pandemic, we want to have the fullest picture possible of the impact of health inequalities on residents in the city. This will involve seeking to have a better understanding of quality of life by taking into account a wide range of indicators, such as mental wellbeing, community assets and local conditions.



Vision and rationale

Our collective vision is based on an understanding that health inequalities are not inevitable and that taking action to tackle health inequalities requires improving the lives of those with the worst health outcomes, fastest. Covid-19 recovery needs to be predicated on a response that accurately recognises where health inequalities exist in the city, the impact of the pandemic on health inequalities and consensus on how partners can work together at pace to prevent inequalities getting worse and reduce them. This sense of urgency is heightened by a view that we cannot allow the legacy of Covid-19 in the city to be one that further entrenches poverty and inequalities.

Before Covid-19, Health and Wellbeing Together and partners across the system, both locally and regionally, were already committed to tackling health inequalities with associated work programmes and activity in train. The impetus for a strategy at this point in time is the recognition that Covid-19 has accelerated existing health inequalities and that the actions we take in response will have direct consequence on people's health and wellbeing – now and in the future.

The Wolverhampton Public Health Annual Report 2020-21⁵ provides an overview of the pandemic to date including the impact of Covid-19 upon different populations in the city. It illustrates that people's experience of the pandemic has not been uniform. The report discusses the factors most associated with Covid-19 transmission and mortality. For example, people experiencing deprivation are more likely to be exposed to Covid-19.⁶ They are more likely to live in overcrowded accommodation, or work in jobs in sectors where they are likely to be at higher risk of exposure to the virus. They are also less likely to be able to work from home, self-isolate, or access adequate sick pay. Deprived communities are more likely to experience poorer general health and people with existing poor health are at greater risk from Covid-19 should they contract it. There has also been a disproportionate impact of Covid-19 on people from Black, Asian and Minority Ethnic Groups. Underlying health conditions, occupational exposure and a range of other factors are also likely to be important when considering ethnicity. The report also addresses the indirect implications of Covid-19 and the associated restrictions, for example the increased risks to victims of abuse and exploitation who may have been at an increased risk from abusers and felt less able to seek support.

⁵ <https://www.wolverhampton.gov.uk/health-and-social-care/health-and-wellbeing>

Pre-existing health inequalities⁶

People in deprived areas, Black, Asian and other Ethnic Minorities

Increased prevalence of non-communicable diseases (e.g. diabetes, heart disease)

Vulnerability

Chronic increase in stress hormones reduces immunity

Susceptibility

Less likely to be able to work from home, more reliant on public transport

Exposure

Overcrowded housing, inability to isolate, population density

Transimission

Job losses (especially in leisure, hospitality and retail) leading to increases in risky behaviours and mental health problems

Increased workload and stress for key workers

Reduced levels of care for non-urgent conditions

Coronavirus pandemic

It is not just the immediate impact of Covid-19 that has a health inequalities dimension. It is likely that the longer-term impacts of the pandemic will disproportionately impact particular groups, communities and individuals too.

6 Adapted from <https://jech.bmj.com/content/jech/early/2020/06/13/jech-2020-214401.full.pdf>

While the on-going health complications associated with Long Covid are not yet fully understood, it is reasonable to think that where particular groups, communities or geographical locations have experienced a higher rate of Covid-19 they are also more likely to experience higher rates of Long Covid. This will lead to a double hit that keeps people out of work and places additional pressure on the health and care system.

The Public Health 2020-21 annual report also highlights the impacts of the pandemic and associated lock-downs upon access to primary and secondary care. For example, cancer screening and cardiovascular checks were significantly reduced during 2020 creating a legacy that will impact on both life expectancy and healthy life expectancy going forward.

The economic, social and educational impacts of Covid-19 are also likely to disproportionately impact particular groups and individuals. We are already aware that disruption to education during the pandemic risks widening the gap in future health outcomes, with children and young people from disadvantaged backgrounds more likely to experience a greater deterioration in their educational outcomes. Issues such as digital exclusion also disproportionately impacted some individuals, young people and families more than others, affecting their ability to access remote learning and services.



Measures to protect people from Covid-19 in the future, such as the roll out of the vaccination programme, also need to have a commitment to equitable distribution so there are no barriers to participation for any individual or community.

This strategy recognises that community empowerment is central to efforts to reduce health inequalities. For some communities this will mean ‘removing structural barriers to participation and for others facilitating and developing capacity and capability through personal and community development’.⁷ Health and Wellbeing Together recognise this and has already committed to a place-based approach which builds on local assets and works with local people to ‘co-produce’ sustainable solutions to local issues, creating capacity and resilience.

⁷ <https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on>

Striving for a city with a physically and mentally healthy and resilient population is not only a moral and social imperative, it also has a positive economic benefit. The City of Wolverhampton's council led Covid-19 recovery commitment Relighting Our City, highlights the need to develop an approach to both employment and health inequalities, acknowledging the critical influences that social determinants of health can and do have. Supporting the Council's pandemic recovery is the Wolverhampton Pound initiative, a pledge from major public sector organisations in the city to drive more of their collective £834 million pound spend back into communities to generate new opportunities and local jobs.

To achieve our vision Health and Wellbeing Together constituent partners will adopt a set of guiding principles supported by an agreed high-level monitoring framework and tools. This framework and related tools will be applied to the future activity of the board in the realisation of its growing well, living well and ageing well priorities as outlined in the Joint Health and Wellbeing Strategy 2018-2023.⁸ They will also support a culture that seeks to embed a commitment to tackling health inequality across new and emerging shared priorities in the wake of Covid-19 and wider service design and delivery going forward.

⁸ <http://wellbeingwolves.co.uk/pdf/Joint%20H&W%20Strategy%202018-23.pdf>

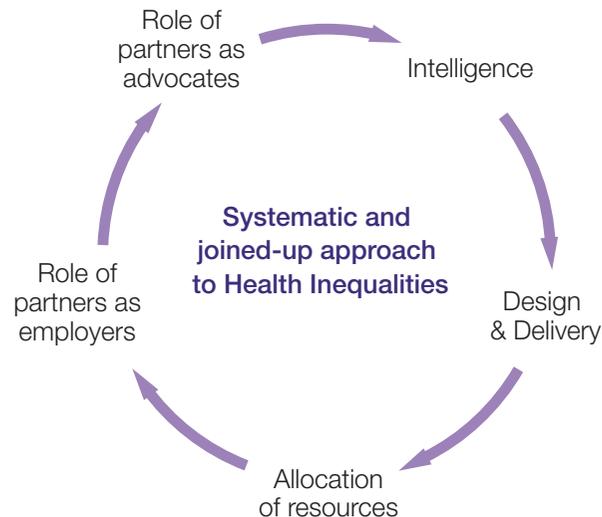


Wolves at Work Team supporting residents into work

Our guiding principles

The local health and social care landscape is composed of multiple overlaid geographical areas often extending beyond the city boundary. To achieve our collective vision the role of the Health and Wellbeing Together board is to act as ‘enabler’ and ‘connector’, ensuring system join-up, both at city level and via our contribution to the wider regional activity. It will achieve this by providing an overarching set of guiding principles and tools that facilitate and embed an agreed approach to tackling health inequalities for the citizens of Wolverhampton in a way that is tangible and outcome focused.

To support this the member organisations of Health and Wellbeing Together are committing to adopting the following:



In our decision making and use of intelligence:

- Adopting an agreed approach to data capture, linkage and sharing across the system to understand and respond to population need.
- Using a framework approach, for example by making use of the tools in the toolkit section of this report, to provide a systematic assessment of health inequalities across the system so as to collectively identify gaps and areas of alignment and to use this intelligence to inform action.

In our design and delivery of services:

- Exploring the impact of decisions on health inequalities early in the decision-making process and actively considering how the design of a service may increase inequalities or disproportionately disadvantage one community.
- Using linked data to understand and address equity of access to services and design services that are easy to navigate.
- Creating a culture that promotes and enables communities to be actively involved in shaping and coproducing activity to reduce health inequalities.
- Working collaboratively to promote and enhance digital inclusion.
- Being innovative and ambitious, with a firm view that health inequalities are not inevitable.

In our allocation of resources

- Committing to needs-based commissioning, allocating health and care resources proportionate to need.
- Collectively taking pro-active action across the life course to reduce health inequalities including investing in prevention, the wider determinants and giving every child the best start in life.
- Embedding measures that promote and enable an inclusive economy, for example working in partnership with anchor network groups on the adoption of Community Wealth Building principles to reorganise and control the local economy so that wealth is not extracted but broadly held and is generative.
- Exploring opportunities to re-shape procurement frameworks aligned to the Wolverhampton Pound initiative.
- Using our collective assets to create economic and social value in the local community.

As employers:

- Valuing staff through parity of recruitment, promotion and employment, with a commitment to build a workforce representative of the local area.
- Supporting career opportunities for local residents and under-represented groups including through the use of apprenticeships.
- Embedding workforce wellbeing initiatives to promote work-life balance and recognise where staff have been particularly impacted by being on the front-line of Covid-19.

As advocates

- Considering the impact on the environment and climate change of our policy decisions including raising environmental awareness, reducing carbon emissions and increasing sustainability.
- Pro-actively identify opportunities to have a positive impact on the wider determinants of health for example through planning, licensing and housing functions, use of assets and green space and provision of facilities for usage by community groups.

Collectively, as a strategic board

- Through delivery of our strategic plans and a commitment to hold ourselves and each-other to account.

Our local priorities

Our guiding principles articulate a shared commitment and agreed method for addressing health inequalities across the city and wider health and care system. Our local priorities are underpinned by the board's Joint Health and Wellbeing Strategy and will also flex over time both as we achieve progress, and in response to forthcoming changes due to national policy or context.

In 2021 Health and Wellbeing Together has agreed the following local priorities up until 2023 when the board's Joint Health and Wellbeing Strategy is next up for review.

We have committed to:

- Increase our understanding around health inequalities and our local population – including developing and implementing an agreed approach to data capture, data linkage and data sharing
- Work collaboratively across all parts of the health and care system to join-up and promote and embed action to reduce health inequalities
- To work in partnership with local people, groups and forums to ensure health and care pathways are informed and co-produced by people with lived experience, under-represented and protected groups.



If we achieve this, outcomes for local people should feel like this:

As a citizen living in Wolverhampton:

- We will not worsen health inequalities; we will work to reduce them.
- We will have a better understanding of how health inequalities impact on local people, or groups of people, and be able to improve access to health and care services and the quality of those services as a result.
- We will support our population by providing them with the skills, training and tools to access digitally enabled services, ensuring no-one is left behind in doing so.
- We will listen and engage with communities who need most support, deepening partnerships with community and voluntary sector.
- We will seek to improve green space and make it easier and safer for people to be physically active.
- We will work together to increase opportunities for local people to access jobs and training, including in health and care related professions.

As a person receiving support from our health and care system:

- Health and care services are more accessible, particularly those at risk of exclusion because of personal, economic or social factors.
- We will improve how we proactively identify the health and care needs of our population in order to identify and put in place support and treatment that our population need in order to stay well.
- We will invest in preventative programmes which proactively engage those at greatest risk of poor health outcomes.
- We will work together to make best use of funding for the benefit of local people.

Each organisation represented on the Health and Wellbeing Together Board will have a unique part to play in achieving these outcomes:

Health and Wellbeing Together Board
sets the strategy for population health and wellbeing inequalities

Health and Wellbeing Strategy priorities

- 1 Early years 2 CYP mental wellbeing 3 Workforce 4 City centre
5 Embedding prevention 6 Integrated care 7 Dementia friendly city

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Direct influence on equity of access and outcomes

NHS and care providers

Informed by One Wolverhampton Place-based Partnership initial priorities

- Integrated care for people with complex needs, including end of life
- Mental health
- Healthy ageing
- Children and young people

Council

Informed by the 'Relight' recovery plan to

- Support people who need us most
- Create more opportunities for young people
- Generate more jobs and learning opportunities
- Grow or vital local businesses
- Stimulate vibrant high street and communities

--Direct Influence wider determinants

Commissioners

Informed by Wolverhampton's Local Commissioning Board place-based priorities and Black Country wide ICS strategy, including a focus on:

- Diabetes, obesity and smoking
- Elective treatment restart
- Mental health and early intervention
- Vaccination

Wider public sector

including West Midlands Police and West Midlands Fire Service

Anchor institutions

e.g. University of Wolverhampton

Healthwatch

Voluntary and community sector

– early intervention and prevention activities and mitigating the impact of Covid-19 on citizens

Faith sector and other partners

Influence of actions taken as anchor institutions (workforce, contracts, estates)



Health and Wellbeing Together recognises it has a strategic, not an operational role, and looks to all system partners to be able to demonstrate their organisational contribution to tackling health inequalities both at place and within the wider context of Integrated Care System arrangements. This will be an iterative process with each partner identifying activity to support the implementation of the

strategy and the Board will be asking for evidence that the principles have been applied in practice through the delivery of this activity. Partners, supported by experts in Public Health, will hold each other to account for defining action and measuring progress. Wherever possible, action will be aligned and coordinated between partners, to maximise impact across the system.

How we will measure impact

A high-level monitoring framework will be used by Health and Wellbeing Together to measure the impact of the implementation of the guiding principles and tools included in this strategy. The framework recognises that board partners will be responsible for the delivery of their individual workstreams. This includes the One Wolverhampton Place-based Partnership on behalf of the health and care system.

Thematic update reports will be presented to the board providing a summary of partnership activity, the lead partner for delivery and a status update. The sharing of regular progress reports will provide both assurance and the opportunity for partners to align activity, enable system join-up, identify gaps and prevent duplication. It will also enable the board to identify where data and insight may be limited and new research or engagement needed.



Toolkit

To present and measure impact in addressing health inequalities in the city requires a systematic approach supported by evidence. This includes data, expertise and experience of health inequalities and success of interventions. There is a wealth of existing guidance and evidence that partners can utilise. Board partners are committed to paying due regard to these tools and in particular the Health Equity Assessment Tool.

Health Equity Assessment Tool (HEAT)

A template which poses a series of questions and prompts, designed to help the user systematically assess health inequalities related to their work programme and identify what you can do to help reduce inequalities.

<https://www.gov.uk/government/publications/health-equity-assessment-tool-heat>

Other sources of information and data can also be used to inform decision making:

Wolverhampton Joint Strategic Needs Assessment

Public Health led resource of high-quality needs assessments, situated within the WVIInsight microsite, a repository for local data.

<https://insight.wolverhampton.gov.uk/Help/JSNA>

Local Authority Health Profiles

An online resource providing an overview of health for each local authority in England intended as ‘conversation starters’ to help local government and health services make plans to improve the health of their local population and reduce health inequalities.

<https://fingertips.phe.org.uk/profile/health-profiles>

Conclusion

Health and wellbeing issues are complex and multifaceted. To meet the needs of local people requires partners to work together strategically and in a coordinated way. It is this approach that has the power to maximise the health and wellbeing impact of everything we do.

This strategy and collective commitment to the guiding principles represents our ambition to create environments and opportunities for everyone to thrive and stay well, making Wolverhampton a City where people want to live and work, where people's health is improving and health inequalities are diminishing.

When health and care services are required, we want to ensure they are built around the people who need them - focussed on improving their experiences and their outcomes. By working together to tackle health inequalities we are committed to ensuring everyone has the best chance to grow, live and age well.

Supporting Documents

City of Wolverhampton 2020/21 Public Health Annual Report

<https://www.wolverhampton.gov.uk/sites/default/files/2021-08/Public-Health-Annual-Report-2020-21.pdf>

Health Equity in England: The Marmot Review 10 Years On

Produced by the Institute of Health Equity and commissioned by the Health Foundation to mark 10 years on from the landmark study Fair Society, Healthy Lives (The Marmot Review).

The report highlights that:

- people can expect to spend more of their lives in poor health
- improvements to life expectancy have stalled, and declined for the poorest 10% of women
- the health gap has grown between wealthy and deprived areas
- place matters – living in a deprived area of the North East is worse for your health than living in a similarly deprived area in London, to the extent that life expectancy is nearly five years less.

<https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on>

Unequal pandemic, fairer recovery: The COVID-19 impact inquiry report

The Health Foundation's COVID-19 impact inquiry has draws on a broad range of available evidence to consider two main questions:

1. How were people's experiences of the pandemic influenced by their pre-existing health and health inequalities?
2. What is the likely impact of actions taken in response to the pandemic on the nation's health and health inequalities – now and in the future?

<https://www.health.org.uk/sites/default/files/upload/publications/2021/HEAJ8932-COVID-Impact-210705.pdf>

You can get this information in large print, braille,
audio or in another language by calling 01902 551155

wolverhampton.gov.uk 01902 551155

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City of Wolverhampton Council, Civic Centre, St. Peter's Square,
Wolverhampton WV1 1SH

CITY OF WOLVERHAMPTON COUNCIL	Cabinet 20 October 2021
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Report title	Joint Black Country Regulators Operating Framework 2021	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans City Environment and Climate Change	Councillor Bhupinder Singh City Assets and Housing
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Ross Cook, Director of City Housing and Environment	
Originating service	City Housing and Environment	
Accountable employee	Chris Howell Tel Email	Commercial Regulation Manager 01902 554554 Chris.howell@wolverhampton.gov.uk
Report to be/has been considered by	City Housing and Environment Leadership Team	14 September 2021

Recommendations for decision:

The Cabinet is recommended to:

1. Approve the revised Black Country Regulators Operating Framework 2021.
2. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with Director of City Housing and Environment to agree minor amendments to the Black Country Regulators Operating Framework following future bi-annual reviews.

Recommendation for noting:

The Cabinet is asked to note:

1. That Wolverhampton's Private Sector Housing service are now included in the operating framework.

1.0 Purpose

- 1.1 To inform Cabinet of the review that has taken place of the Joint Black Country Regulators Operating Framework 2021.
- 1.2 To seek approval for the revisions and to seek delegation to the Cabinet Member for City Environment and Climate Change in consultation with the Director of City Housing and Environment for further bi-annual minor amendments.

2.0 Background

- 2.1 The draft Joint Black Country Regulators Operating Framework was approved at Cabinet on 16 September 2015 subject to consultation and minor amendments.
- 2.2 Within the document there is a requirement to review the document bi-annually. The review commenced in July and the four black country authorities have participated in the review.
- 2.3 The document attached at appendix 1 is the agreed final version.

3.0 Review.

- 3.1 In addition to grammatical and layout changes the key updates made are:
 - Private Sector Housing added to the services in scope
 - Investigatory Powers Act 2016 to list of powers applicable to conduct of investigations and sanctions.
 - Addition of Civil penalties as a consequence of failure to comply with a statutory notice.

4.0 Evaluation of alternative options

- 4.1 Option one would be to make no change to the existing policy. This would result in an out-of-date policy, not reflective of recent regulatory practices.
- 4.2 Option two would be to partially implement the recommendations of this report. For example, requiring minor amendment changes to be approved by Cabinet. This would result in unnecessary time and resources being used for minor matters that can be adequately addressed by the Cabinet Member for City Environment and Climate Change in consultation with the Director of City Housing and Environment

5.0 Reasons for decision

- 5.1 The policy is due for review.
- 5.2 The Private Sector Housing service has moved into the regulatory group of services. This policy sets the regulatory standards to which Private Sector Housing will operate.

6.0 Financial implications

- 6.1 There are no direct financial implication arising from this report.
- 6.2 All costs associated with the delivery of regulatory functions in accordance with the operating framework can be accommodated within approved City Environment revenue budgets
[SB/16092021/A]

7.0 Legal implications

- 7.1 There are no direct legal implications arising from this report.
- 7.2 No legal proceedings are instigated without the requisite consultation with Legal Services. Prosecutions are authorised by the Head of Service or a Director in consultation with the Solicitor to the Councillor nominee who will have regard to the adopted regulatory policy in addition to the Code for Crown Prosecutors and other relevant guidance and legal issues in making a determination.
[SH/16092021/E]

8.0 Equalities implications

- 8.1 There are no equalities implications arising from this report.

9.0 All other implications

- 9.1 This are no other implications arising directly from this report.

10.0 Schedule of background papers

- 10.1 Cabinet – 16 September 2015 - [Joint Black Country Regulators Operating Framework](#)

11.0 Appendices

- 11.1 Appendix 1: BC Regulators Operating Framework August 2021 Final.pdf.

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Black Country Regulators Operating Framework

August
2021

CONTENTS

Regulator and
Business
Charter

Black Country
Local
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Enforcement
Policy

Black Country
Local
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Service
Standards



Walsall Council

CITY OF
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COUNCIL

Black Country *LEP*



Joint Statement of the Black Country Authorities Chief Executives

The four Local Authorities in the Black Country are responsible for protecting people's health, safety and wellbeing as well as the environment and amenities. They are responsible for promoting economic growth and employment opportunities.

Key to supporting these objectives is a regulatory regime that balances support and enforcement. Providing advice that supports businesses to thrive and grow through all stages of the business lifecycle, whilst targeting formal enforcement actions at those businesses that breach the legislation contrary to our local needs and priorities and obtaining an unfair competitive advantage.

Similarly, residents and communities thrive best when they can enjoy the highest standards of local amenities and benefit from high levels of consumer protection.

It is recognised by each of the Local Authorities, as well as by national government, that business often operates on a wider basis than a single Local Authority. Following initiatives, such as "Better Business for All" and working with the Black Country Local Enterprise Partnership, it is recognised that businesses and communities alike thrive and are supported by providing consistency and certainty as far as possible.

Work through the Better Business for All (BBfA) partnership also contributes to a requirement in the WMCA second devolution deal to promote growth.

'The WMCA will work with partners, including Government (BEIS), Local Enterprise Partnerships and Growth Hubs to develop a strategic approach to regulatory delivery, building on the Better Business for All national programme, overcoming regulatory barriers and supporting local priorities for growth and reform.'

Therefore, the four Local Authorities have developed a single operating framework that includes a;

- Regulator and Business Charter
- Black Country Local Authorities Enforcement Policy
- Black Country Local Authorities Service Standards

The Black Country's regulatory focus, through its various compliance and consenting activities and functions, is based around four central principles:

- We will ensure that we enforce the law in a fair, equitable and consistent manner
- We will work to assist businesses and others in meeting their legal obligations
- Our focus will be on prevention rather than cure, where appropriate.
- We will take action against those who breach the law or act irresponsibly

This framework has been developed in conjunction with key stakeholders, including local business and enforcement partners.

Black Country Local Enterprise Partnership Regulator and Business Charter

Aim

The aim of this Charter is to make arrangements between the regulatory services of the Local Authorities in the Black Country and the local business community to provide a regulatory environment that;

- Reduces the regulatory burden on businesses.
- Promotes dialogue between businesses and regulatory services.
- Improves the business perception of regulators.
- Encourages the right balance between encouragement, education and enforcement.
- Develops a joint offer of support from regulatory services for businesses.
- Builds trust between regulators and businesses.

Delivery of the Charter will help promote success in business whilst continuing to provide public protection.

The Charter sets out roles and responsibilities for both regulators and the business community to achieve this aim.

Implementation

Local regulatory services directly influence the prosperity and well-being of our community. Regulation delivered effectively and efficiently, can help businesses grow and, in turn, generate jobs and the tax revenues that benefit the whole community.

Local authorities and national regulators will work in collaboration and align their services to deliver the following commitments:

Local regulatory services will;

1. Support businesses by providing advice and guidance that helps them understand and meet their responsibilities.
2. Create an environment where businesses feel confident to seek advice from a regulator without fear of attracting enforcement activity.
3. Take ownership of any enquiry made to us by business until a satisfactory response is made. Make advice about regulation accessible to business through a website/phone app single point of contact.
4. Ensure that all service delivery staff are competent and adopt a professional attitude when engaging with business. Consistency seminars will be provided to ensure that regulation is applied fairly and effectively across the LEP area, and to improve business understanding among staff.
5. Take a risk and intelligence led approach to all compliance and enforcement activities, ensuring protection of consumers, workers, public health and the environment whilst providing a level playing field for business. Recognition will be given to businesses that can demonstrate effective controls.
6. Improve transparency by publishing our approach to compliance and enforcement that explains what the regulator will do and why.
7. Consult with local businesses to shape service delivery and develop innovative regulatory approaches that promote business success.

8. Be accountable to business, giving them confidence to make comment and criticism through the proposed LEP feedback mechanism.

The Chambers of Commerce, Federation of Small Businesses and trade organisations will encourage the business community, through publicity, forums, emails and mail shots to:

1. Access regulatory advice by asking any regulator a question or through the web.
2. Be confident in approaching regulators for advice without fear of enforcement activity.
3. Use the proposed LEP feedback mechanism to provide feedback, good and bad, after interactions with regulators.
4. Build a positive relationship with regulators that improves compliance amongst the business community and supports business growth within the LEP area.
5. Acknowledge the contribution made by regulators and support positive publicity when there are improvements in business engagement with regulatory services.
6. Help other businesses to succeed through participating in a business mentor scheme.
7. Engage in business and Regulator forums, and other opportunities, to shape regulation delivery in the LEP area.

Evaluation and review

This Charter will be reviewed and revised on a biennial basis



Walsall Council

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WEST MIDLANDS FIRE SERVICE

Black Country Local Authorities Enforcement Policy

Enforcement Policy for Dudley Council, Sandwell Council, City of Wolverhampton Council and Walsall Council

A. Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006, Part 2, requires the Local Authorities named above to have regard to the Principles of Good Regulation when exercising a specified regulatory function¹. For Local Authorities, the specified functions include those carried out by the services referenced in Annex 1.

We will exercise our regulatory activities in a way which is:

- (i) Proportionate – the Regulators’ Code promotes proportionate regulatory activity, which includes taking appropriate action where non-compliance is identified. The Public Interest Stage contained in the Code for Crown Prosecutors and can be accessed at: http://www.cps.gov.uk/publications/code_for_crown_prosecutors/ will always be considered when determining whether it is right to prosecute. Our activities will reflect the impact of the offending on those living in, working in and visiting the area and enforcement action taken will relate to the seriousness of the offence.
- (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in a consistent manner.
- (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities and intelligence.

B. Regulators’ Code

The Regulators’ Code has been a central part of the Government’s better regulation principles for some time now. Its aim is to embed a risk based, proportionate and targeted approach to regulatory inspection and enforcement.

The Local Authorities and services have had regard to the Regulators’ Code in the preparation of this policy. In certain instances, we may conclude that a provision in the Code is either not relevant, is outweighed by another provision or does not legally apply to some aspects of regulatory activity. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

The Regulators’ Code can be accessed at

<https://www.gov.uk/government/publications/regulators-code>

¹ Specified by the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, available at www.legislation.gov.uk

C. The Code for Crown Prosecutors

When deciding whether to prosecute the Local Authorities must have regard to the provisions of the Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- a. Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, each Local Authority will consider what evidence can be used in court, is reliable and credible. They must also consider if there is any material which might undermine the prosecution or assist the defence. They must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender for each offence

- b. Public Interest Test - is it in the public interest for the case to be brought to court?

Each Local Authority will balance factors for and against prosecution carefully and fairly, considering each case on its merits. Before deciding that prosecution is appropriate each Local Authority will consider the matters detailed in the Code which, in the opinion of the Local Authority, are relevant and will have regard to the public interest. Their decision will reflect the impact of the offending on those living and working in the Boroughs.

D. Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

E. Conduct of Investigations and Sanctions

All investigations will be carried out under the following legislation and in accordance with statutory powers and controls and any associated guidance or codes of practice, in so far as they relate to the Local Authorities:

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Criminal Justice and Police Act 2001
- the Human Rights Act 1998
- The Protection of Freedoms Act 2012 (Code of Practice for Powers of Entry and Description of Relevant Persons) Order 2015
- General DATA Protection Regulation (GDPR)
- Data Protection Act 2018
- Consumer Rights Act 2015
- Investigatory Powers Act 2016
- Any other legislation which may be enforced

Breaches of legislation found in premises owned or run by the Local Authority will be treated in accordance with this policy as would a breach in other businesses. In addition, details of the breach will be brought to the attention of the appropriate head of service and/or director.

i. Compliance Advice, Guidance and Support

The Local Authorities use compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal caution') will set out what should be done to rectify the breach and to prevent re-occurrence. We will always make it clear what is a legal requirement and what is best practice. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction, but it may be presented in evidence.

The Local Authorities recognise that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Local Authorities will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Local Authorities recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

ii. Voluntary Undertakings

The Local Authorities may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Local Authorities will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

iii. Statutory (Legal) Notices

In respect of many breaches the Local Authorities have powers to issue statutory notices. These include but are not limited to:

Abatement Notices

Prohibition Notices and Orders

Emergency Prohibition Notices and Orders

Improvement Notices

Emergency Remedial Action

Such notices are legally binding. In relation to some notices local authorities can recover the cost associated with serving them.

Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or civil penalty and/or, where appropriate, the

carrying out of work in default, the costs of which may be recovered at a later date.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient. Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

iv. Seizure /Forfeiture

Certain legislation enables authorised Enforcement Officers to seize goods, equipment or documents that may be required as evidence for possible future court proceedings. This may include, for example, unsafe food, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods. When Enforcement Officers seize goods, an appropriate receipt will be given to the person from whom the goods are taken.

v. Financial penalties

The Local Authorities have powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine and does not appear on an individual's criminal record. If a fixed penalty is not paid, the relevant Local Authority may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach the relevant Local Authority will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

If fixed penalty notices are available, it is the discretion of each Local Authority to opt to issue a fixed penalty notice. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is considered more appropriate than the issue of a fixed penalty notice.

vi. Injunctive Actions, Enforcement Orders etc.

In some circumstances a Local Authority may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

Local Authorities are required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, Local Authorities will usually

only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

vii. Simple Caution

The Local Authorities have the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Local Authority is likely to consider prosecution.

A record will be kept of the Caution and it may influence a decision to institute proceedings should a person be found to be infringing the law in the future.

The Caution may be cited should an individual subsequently be found guilty of an offence in a Court of Law.

If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

viii. Prosecution

Where the circumstances warrant it and the alternative actions detailed previously in this policy are considered inappropriate, then prosecution may result. Any decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutors and in consultation with the Council's legal services.

The criteria to be considered will include where relevant: -

- a) The nature of the alleged offence;
- b) Where appropriate, the previous history of the party concerned;
- c) The likelihood of a successful prosecution;
- d) The availability and quality of evidence and of any witnesses and their willingness to co-operate;
- e) The public benefit from prosecution and the significance of the case;

Each Local Authority may prosecute without prior warning or recourse to alternative sanctions where the circumstances warrant it and the evidence to support the case is available.

Prosecution will only be considered where the relevant Local Authority is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s). Due consideration will be given to the availability and compliance with any relevant statutory defence.

Before deciding that prosecution is appropriate, the relevant Local Authority will consider all relevant circumstances carefully and will have regard to the public interest and, where appropriate, the views of any victim, injured party or other relevant person or impact on the community.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any assets or profits which have resulted

from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

ix. Refusal/Suspension/Revocation of Licences

The Local Authorities issue a number of licences and permits and also have a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment. A review of a licence may be considered in addition to or as an alternative to any other action. When considering future licence applications, each Local Authority may take previous breaches and enforcement action into account.

x. Proceeds of Crime Applications

Local Authorities either through their own Officers or in co-operation with the Police may make application under the Proceeds of Crime Act 2002 to restrain and/or confiscate the assets of an offender. The purpose of any such proceedings is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

Subject to the needs of an investigation, officers will notify the individuals or business that they are subject to investigation as soon as is reasonably practicable. The Authorities will endeavour to make timely decisions about the progress of the investigation and decisions on the most appropriate action. The person or business subject to any investigation will be informed of the outcome.

F. Complaints and Appeals

Where any enforcement action is conducted under legislation which contains a specific appeals procedure, you will be advised of that procedure at the required time.

Should there be any concerns or complaints about the actions of any authorised officers of the relevant Local Authorities, then these should be made in the first instance to the manager of the service or team in question. If the matter is not resolved at this stage, each Authority has a formal complaints procedure which should then be followed. Details of how to make a formal complaint to each Local Authority can be found at Annex 2

G. Equal Opportunities

The Local Authorities are committed to delivering their operational activities in accordance with Equal Opportunities Policies and the regions commitment to Equalities. Officers are also committed to work flexibly to meet service users' needs as far as practicably possible.

H. Monitoring and Review

All proposed enforcement actions shall be assessed against this policy by the investigating officers concerned in conjunction with line or the service manager and legal services team of each Local Authority, where appropriate Each Local Authority will monitor performance against this policy.

This policy will be subject to a biennial review.

Annex 1 Services within Scope of This Policy

<p>Dudley Metropolitan Borough Council</p> <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Licensing • Waste Enforcement 	<p>Sandwell Metropolitan Borough Council</p> <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Licencing • Private Sector Housing • Environmental Protection • Environmental Enforcement
<p>Walsall Metropolitan Borough Council</p> <p>Business Compliance</p> <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Licensing • Animal Health and Welfare <p>Community Protection</p> <ul style="list-style-type: none"> • Unauthorised Encampments • Environmental Crime & Waste Enforcement • Statutory nuisances & anti-social behaviour • Highway Safety • Licensing Enforcement 	<p>City of Wolverhampton Council</p> <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Environmental Crime • Waste Enforcement • Highways enforcement • Licensing • Unauthorised Encampments • Private Sector Housing

Annex 2 - How to Comment or Complain

Comments and complaints can be made to each authority as detailed below:

Dudley Council	Telephone	Email
Environmental Health	0300 555 2345	EnvSafetyHeath.DUE@dudley.gov.uk Food.DUE@dudley.gov.uk
Trading Standards	01384 817997 (Business)	ts.online@dudley.gov.uk
Licensing	01384 815489	
Waste Enforcement	0300 555 2345	

In the first instance, complaints should be addressed to:
Public Protection Manager (Food and Trading Standards) or
Public Protection Manager (Environmental Safety and Health) Dudley MBC,
4 Ednam Road,
Dudley DY1 1HL

If the matter is not resolved, further details on the corporate complaints procedure can be found at: <http://www.dudley.gov.uk/resident/your-council/compliments-comments-complaints/>

Sandwell Council	Telephone	Email
Environmental Health	0121 368 1177	ehs_enquiries@sandwell.gov.uk
Trading Standards	0121 368 1177	trading_standards@sandwell.gov.uk
Licensing		licensing_team@sandwell.gov.uk
Environmental Protection	0121 368 1177	Environmental_protectionteam@sandwell.gov.uk
Environmental Enforcement	0121 368 1177	Enviro_enforcement@sandwell.gov.uk

In the first instance, complaints should be addressed to:

Head of Regulatory Services
Sandwell Metropolitan Borough Council
P.O. Box 2374, Sandwell Council House
Oldbury, West Midlands, B69 3DE

If the matter is not resolved, further details on the corporate complaints procedure can be found
http://www.sandwell.gov.uk/info/200195/contact_the_council/283/feedback_and_com

Walsall Metropolitan Borough Council	Telephone	Email
Environmental Health	01922 653366	environmentalhealth@walsall.gov.uk
Trading Standards	01922 653040	tradingstandards@walsall.gov.uk
Community Protection	01922 653060	communityprotection@walsall.gov.uk

Complaints or Compliments should be addressed to the Regulatory Services Manager - Business Compliance or the Regulatory Services Manager - Community Protection

Walsall Council
The Civic Centre
Darwall Street
Walsall
WS1 1TP

If the matter is not resolved, further details on the corporate complaints procedure can be found at [Complaints / compliments \(Tell Us\) \(walsall.gov.uk\)](http://walsall.gov.uk/complaints-compliments)

City of Wolverhampton Council	Telephone	Email
Trading Standards	03454 040506	customer.services@wolverhampton.gov.uk
Environmental Health	01902 551155	customer.services@wolverhampton.gov.uk
Licensing	01902 551155	customer.services@wolverhampton.gov.uk

In the first instance, complaints should be addressed to:
Commercial Regulation Manager City of Wolverhampton Council,
Civic Centre,
St Peter's Square,
Wolverhampton WV1 1SH

If the matter is not resolved, further details on the corporate complaints procedure can be found at <https://www.wolverhampton.gov.uk/complaints>

Black Country Local Authorities Service Standards for Dudley Council, Sandwell Council, City of Wolverhampton Council and Walsall Council Regulatory Services

A. What You Can Expect from Regulatory Services In The Black Country

This document explains what you can expect of Regulatory Services across the Black Country Local Authorities' Regulatory Services. Whether you are run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet.

B. Areas We Regulate

Each Local Authority delivers the following services

<p>Dudley Metropolitan Borough Council</p> <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Licensing • Waste Enforcement 	<p>Sandwell Metropolitan Borough Council</p> <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Licencing • Private Sector Housing • Environmental Protection • Environmental Enforcement
<p>Walsall Metropolitan Borough Council</p> <p>Business Compliance</p> <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Licensing • Animal Health and Welfare <p>Community Protection</p> <ul style="list-style-type: none"> • Unauthorised Encampments • Environmental Crime & Waste Enforcement • Statutory nuisances & anti-social behaviour • Highway Safety • Licensing Enforcement 	<p>City of Wolverhampton Council</p> <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Environmental Crime • Waste Enforcement • Highways enforcement • Licensing • Unauthorised Encampments • Private Sector Housing

C. How We Deliver Our Services

We make a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper
- Protect and promote the health and wellbeing of our residents

We determine our activities by assessing the needs of local people and our business community and considering the risks that require addressing. We do this through engagement with a range of groups and organisations, including:

- local communities and local community forums
- elected members
- the voluntary sector
- individual businesses and business organisations
- partners and stakeholders

This is done through the use of complaints, intelligence, data and other information available to us and our partners and reflecting each Local Authority's strategic priorities. In this way we ensure our resources are targeted appropriately in the light of these local needs and of national priorities.

We carry out all our activities in a way that supports those we regulate to comply and grow:

- We ensure that information, guidance and advice is available to help you to meet legal requirements (see Helping you to get it right at section E below).
- We carry out inspections and a wide range of other enforcement activities to check compliance with legal requirements, and we target these checks where we believe they are most needed (see Inspections and other compliance visits at section F below).
- We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary (see Responding to non-compliance at section G below).
- We provide a range of services to businesses, including e.g. licences, registrations, issue of certificates (see Requests for our service at section H below).

Our services will be delivered in accordance with the requirements of the [Regulators' Code](#)

D. Working with You

In all your dealings with us you can expect, and will receive, an efficient and professional service. Our officers will:

- Be courteous and polite
- Always identify themselves by name in dealings with you, and provide you with contact details
- Seek to gain an understanding of how your business operates
- Provide details of how to discuss any concerns you may have
- Agree timescales, expectations and preferred methods of communication with you
- Ensure that you are kept informed of progress on any outstanding issues.

We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with them to ensure that you receive the best service.

E. Helping You to Get It Right

We want to work with you to help your business to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it. We will not take enforcement action just because you tell us that you have a problem.

Information and guidance on meeting legal requirements is available through the Business Companion Website www.businesscompanion.info In addition there is a regional Trading Standards Business News Service which is published quarterly on line <http://portfolio.cpl.co.uk/portfolio/TSBN>

Where you need advice that is tailored to your particular needs and circumstances we will:

- Discuss with you what is required to achieve compliance
- Provide advice that supports compliance and that can be relied on
- Provide clear advice that can be easily understood and implemented
- Distinguish legal requirements from suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance.

The Local Authorities in the Black Country operate the “Home Authority” principal. Any business based within the area of each Local Authority and which trades on a regional or national basis may benefit from a single source of advice in a specific area of legislation for all their business operations. Further, the Local Authorities in the Black Country operate the Primary Authority scheme. This provides that businesses which have been accepted onto the scheme and have signed a formal Primary Authority Agreement can benefit from Assured Advice. Advice provided under the Primary Authority Regime is chargeable on a cost recovery basis.

Certain other areas of work undertaken by the Local Authorities, including licensing regimes, certain other business advice, and certain metrology services are also chargeable. Details of each Local Authority’s fees are available on each Local Authority’s website or can be provided on request.

F. Inspections and Other Compliance Visits

We monitor and support compliance in a number of different ways including through inspections, sampling visits, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of risk, we won’t visit without a reason.

We will give you notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate. This requirement excludes food and feed premises which have an exemption under the Powers of Entry Code of Practise.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required

- Provide a written record of the visit.

G. Responding to Non-Compliance

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy.

We deal proportionately with breaches of the law as set out in our Enforcement Policy, available at each Local Authority website, including taking firm enforcement action when necessary.

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Agree timescales that are acceptable to both you and us, in relation to any actions required
- Provide in writing details of how to appeal against any advice provided, actions required, or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you, where required, until the matter is resolved

H. Requests for Our Services

We clearly explain the services that we offer, including details of any fees and charges that apply.

In responding to requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Acknowledge your request
- Tell you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
- Inform you of the outcome as appropriate

Contact details for the services in each authority can be found at Annex 1.

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence, unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf, or there is an operational reason why we need to do so. We will respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance each Local Authority's Data Protection Policy, a copy of which is available on their respective websites or can be provided on request.

I. Our Team

We have a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. We have arrangements in place to ensure the ongoing professional competency of all officers.

Where specialist knowledge is required in an area outside of our expertise, we have arrangements in place, with both neighbouring Local Authorities and other regulatory organisations, to call on additional resources as necessary.

J. Working with Others

We work closely with other council services such as Planning and Economic Regeneration and our aim is to provide a streamlined service to you.

We are part of a much wider regulatory system within the area of the four Local Authorities. We have good working relationships with other regulators such as West Midlands Police, DEFRA, West Midlands Fire & Rescue, and this enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, to help target regulatory resources.

Our officers are familiar with the work of our partners and can signpost you to the advice and guidance you need. We are members of the Central England Trading Standards Authorities (CEnTSA); Central England Environmental Health Partnership; Licensing Regional Groups and the Black Country Local Enterprise Partnership.

K. Having Your Say

- **Complaints and appeals**

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way or asked you to act in a particular way. You can contact the manager of the service which is dealing with this matter.

We manage complaints about our service, or about the conduct of our officers, through each Authority's Corporate Complaints Policy. Details can be found at Annex 2

- **Feedback**

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time, but we would welcome your feedback at any time. You can provide feedback using the contact details in Annex 1.

Any feedback that we receive will be acknowledged, considered and responded to.

- **Developing our services with you**

We have a number of groups that we consult with to ensure that we are delivering our services to meet your needs. We currently work with the Black Country Local Enterprise Partnership, the Black Country Chamber of Commerce, and local business groups in each authority.

Annex 1 - How to Comment or Complain

Comments and complaints can be made to each authority as detailed below:

Dudley Council	Telephone	Email
Environmental Health	0300 555 2345	EnvSafetyHeath.DUE@dudley.gov.uk Food.DUE@dudley.gov.uk
Trading Standards	01384 817997 (Business)	ts.online@dudley.gov.uk
Licensing	01384 815489	
Waste Enforcement	0300 555 2345	

In the first instance, complaints should be addressed to:

Public Protection Manager (Food and Trading Standards) or
Public Protection Manager (Environmental Safety and Health) Dudley MBC,
4 Ednam Road,
Dudley DY1 1HL

If the matter is not resolved, further details on the corporate complaints procedure can be found at: <http://www.dudley.gov.uk/resident/your-council/compliments-comments-complaints/>

Sandwell Council	Telephone	Email
Environmental Health	0121 368 1177	ehs_enquiries@sandwell.gov.uk
Trading Standards	0121 368 1177	trading_standards@sandwell.gov.uk
Licensing		licensing_team@sandwell.gov.uk
Environmental Protection	0121 368 1177	Environmental_protectionteam@sandwell.gov.uk
Environmental Enforcement	0121 368 1177	Enviro_enforcement@sandwell.gov.uk

In the first instance, complaints should be addressed to:

Head of Regulatory Services
Sandwell Metropolitan Borough Council
P.O. Box 2374, Sandwell Council House
Oldbury, West Midlands, B69 3DE

If the matter is not resolved, further details on the corporate complaints procedure can be found

http://www.sandwell.gov.uk/info/200195/contact_the_council/283/feedback_and_com

Walsall Metropolitan Borough Council	Telephone	Email
Environmental Health	01922 653366	environmentalhealth@walsall.gov.uk
Trading Standards	01922 653040	tradingstandards@walsall.gov.uk
Community Protection	01922 653060	communityprotection@walsall.gov.uk

Complaints or Compliments should be addressed to the Regulatory Services Manager - Business Compliance or the Regulatory Services Manager - Community Protection

Walsall Council
The Civic Centre
Darwall Street
Walsall
WS1 1TP

If the matter is not resolved, further details on the corporate complaints procedure can be found at [Complaints / compliments \(Tell Us\) \(walsall.gov.uk\)](http://walsall.gov.uk/complaints)

City of Wolverhampton Council	Telephone	Email
Trading Standards	03454 040506	customer.services@wolverhampton.gov.uk
Environmental Health	01902 551155	customer.services@wolverhampton.gov.uk
Licensing	01902 551155	customer.services@wolverhampton.gov.uk

In the first instance, complaints should be addressed to:
Commercial Regulation Manager City of Wolverhampton Council,
Civic Centre,
St Peter's Square,
Wolverhampton WV1 1SH

If the matter is not resolved, further details on the corporate complaints procedure can be found at <https://www.wolverhampton.gov.uk/complaints>