



Cabinet

12 November 2014

Time 5.00 pm **Public Meeting?** YES **Type of meeting** Executive
Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Roger Lawrence (Lab)
Vice-chair Cllr Peter Bilson (Lab)

Labour

Cllr Steve Evans
Cllr Val Gibson
Cllr Andrew Johnson
Cllr Elias Mattu
Cllr Phil Page
Cllr John Reynolds
Cllr Sandra Samuels
Cllr Paul Sweet

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Dereck Francis
Tel/Email Tel: 01902 555835 or dereck.francis@wolverhampton.gov.uk
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

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Website <https://wolverhamptonintranet.moderngov.co.uk/uuCoverPage.aspx?bcr=1>
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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 (22 October 2014)** (Pages 1 - 4)
[For approval]
- 4 **Matters arising**
[To consider any matters arising from the minutes of the previous meeting]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET)

- 5 **Saving £500,000 from Senior Management Costs** (Pages 5 - 20)
[To approve a revised senior management structure for the Council]
- 6 **Anti-Social Behaviour Service Review and Options Appraisal for Future Service Delivery** (Pages 21 - 42)
[To approve a preferred option for the future delivery model of the Anti-Social Behaviour Service]
- 7 **Anti-Social Behaviour, Crime and Policing Act 2014** (Pages 43 - 50)
[To receive an update on local plans for implementation and to approve a proposed threshold and process for the 'Community Trigger']
- 8 **Securing Sufficient Accommodation for Looked After Children Strategy 2014-17** (Pages 51 - 70)
[To approve the latest strategy]
- 9 **Final Decision Regarding the 2015 Primary School Expansion Programme** (Pages 71 - 92)
[To consider the outcomes of the consultation and to approve the implementation of the 2015 primary school expansion programme in order to ensure the provision of sufficient schools places]
- 10 **Developing a Shared Urban Traffic Control (UTC), Development and Design Service** (Pages 93 - 102)
[To approve proposals to develop a merged UTC service with Walsall Council and to explore the potential for a fully developed Black Country shared UTC service]
- 11 **Exclusion of press and public**

[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below.]

PART 2 - EXEMPT ITEMS, CLOSED TO PRESS AND PUBLIC

12 Planning for Public Health (Pages 103 - 120)

[To consider the new public health responsibilities transferred to the Council and to support the public health priorities and how they will be delivered]

Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

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Cabinet Meeting

Minutes - 22 October 2014

Attendance

Members of the Cabinet

Cllr Roger Lawrence (Chair)
Cllr Peter Bilson (Vice-Chair)
Cllr Val Gibson
Cllr Andrew Johnson
Cllr Elias Mattu
Cllr Phil Page
Cllr John Reynolds
Cllr Sandra Samuels
Cllr Paul Sweet

Employees

Dereck Francis	Democratic Support Officer
Viv Griffin	Assistant Director - Health, Well Being and Disability
Kevin O'Keefe	Chief Legal Officer
Mark Taylor	Assistant Director, Finance

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
An apology for absence was submitted on behalf of Cllr Steve Evans.
- 2 Declaration of interests**
No declarations of interests were made.
- 3 Minutes of the previous meeting (1 October 2014)**
Resolved:
That the minutes of the previous meeting held on 1 October 2014 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 2015/16 Budget and Medium Term Financial Strategy 2015/16 - 2018/19**
Cllr Andrew Johnson presented the report that identified additional proposals to achieve the £25 million savings target agreed by Council on 5 March 2014. He recommended that the proposals be approved as the basis of consultations. In doing so he highlighted that:

- Since the June report significant additional work had resulted in the identification of a total of £9.0 million of additional savings proposals bringing the total to £27.1 million. £2.0 million had been identified to meet an additional deferred Community directorate target.
- Of the savings target of £123 million to address the budget gap in the Medium Term Financial Strategy (MTFS), £86 million of savings had been identified leaving £37 million of additional savings to be identified for 2015/16 in order to address the projected budget deficit over the medium term to 2018/19.
- Whilst delivering the savings had been difficult and not without pain, two external reports had commented on the way the Council has gone about it. The Council's external auditors PricewaterhouseCoopers in their report on the "financial resilience of the Council's finances" had said that the Council had robust systems and processes to manage its financial risks and was moving in the right direction. Also Eugene Sullivan, ex- chief executive of the Audit Commission, in his review of the process for the Council's MTFS and Budget had said that the Council's approach to five year planning was as good as he had seen anywhere else.
- The position on the projected uncommitted general fund balance. In order to support the savings programme in rebuilding general reserves it was proposed, similar to last year, to approve that expenditure during the remainder of 2014/15 be restricted to that which is essential to enable the Council to undertake its planned level of services.
- A technical change to the way the Council budgets for the way borrowing is repaid was proposed which would generate an annual saving of approximately £4.4 million. This proposal would require a separate approval by Full Council.
- It was no longer proposed to change Council employee terms and conditions by the reduction of hours from 37 to 35 per week and the freezing of increments.
- The current levels of uncertainty and the outlook for local government finances at present had led to the planning horizon for the current Medium Term Financial Strategy being restricted to four years. If the current level of uncertainty persisted this would be further reduced to three years from 2016/17.

Resolved:

1. That the budget and medium term financial strategy for the four year period 2015/16 to 2018/19 for general fund services be approved as the basis of budget consultation.
2. That the key budget assumptions, including budget parameters such as inflationary increases be approved.
3. That expenditure during the remainder of 2014/15 be restricted to that which is essential to enable the Council to undertake its planned level of services.
4. That authority be delegated to the Cabinet Member for Resources in consultation with the Assistant Director Finance to approve the final budget consultation arrangements.

5. That it be noted that due to the uncertainty surrounding the future of public finances in 2015/16 and beyond, the variability inherent in forecast assumptions and the difficulties in achieving the successful delivery of significant levels of challenging savings, the projected additional savings requirement in each of the next four financial years could still change significantly as more information becomes available.
6. That it be noted that due to the current level of uncertainty medium term financial planning had been restricted to a four year period in the Medium Term Financial Strategy.
7. That it be noted that the assumption regarding pay awards is subject to particular uncertainty with recent proposals by the Local Government Association still being discussed.
8. That it be noted that whilst the savings proposals identified are sufficient to rebuild general reserves to the minimum £10 million level in 2015/16, it is projected that general fund balances would be exhausted in 2016/17. This represents progress against the Council's agreed budget strategy but work must continue in order to achieve the further £35 million savings under that strategy to ensure that general fund balances are maintained in the medium term.

6 **Regeneration Compliance and Regulatory Policy Review**

Cllr John Reynolds requested approval to a revised Regeneration Compliance and Regulatory policy. The policy reflected best practice as laid down in a new Regulators' Code, as well as the outcome of systems thinking reviews within the Regeneration Service area. He informed Cabinet that Regulatory services were already operating the best practice set out in the Regulators' Code. The revised policy was therefore a rewrite and update in accordance with the Code. It also contained a shift in emphasis of regulatory activity more towards compliance assistance.

Resolved:

That the revised Regeneration Compliance and Regulatory policy be approved.

7 **Appointments to Outside Bodies**

Cllr Roger Lawrence proposed a change to the Council's representative on the Sandwell Youth Employment Commission.

Resolved:

That Cllr Daniel Warren replace Cllr Julie Hodgkiss as the Council's representative on the Sandwell Youth Employment Commission.

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Cabinet Meeting

12 November 2014

Report title	Saving £500,000 from Senior Management Costs	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Roger Lawrence Leader of the Council	
Key decision	Yes	
In forward plan	No	
Wards affected	All	
Accountable director	Keith Ireland, Managing Director	
Originating service	Strategic Executive Board	
Accountable employee(s)	Keith Ireland	Managing Director
	Tel	01902 554500
	Email	keith.ireland@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	6 November 2014

Recommendation(s) for action or decision:

The Cabinet is recommended to agree:

1. That the senior management structures attached as Appendix 1 to this report be approved for implementation on 1 January 2015.
2. That the savings in excess of £500,000 as detailed in the Medium Term Financial Strategy and Financial Implications section of this report be approved.
3. That the Leader of the Council in consultation with the Managing Director be authorised to make amendments to the structures moving forward where these are contained within the current cost envelope for senior management and appropriate consultation has taken place with relevant Cabinet Members and officers.
4. That as proposed to Council on 5 November 2014 an interim be appointed to cover the Strategic Director People until such times as a permanent appointment is made by a Special Appointments Committee of the Council.

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NOT PROTECTIVELY MARKED

5. That the lead officer for Safeguarding at Service Director level (currently the Director of Public Health) be reviewed by the Interim Strategic Director People in January 2015 to ensure the role is best aligned.
6. That Cabinet approves the change of roles for three posts as follows:

Assistant Director Education - to Director of Education
Assistant Director Governance - to Director of Governance
Assistant Director Finance - to Director of Finance (Assimilation)
7. That Council be recommended to establish a Special Appointments Committee to appoint the following posts:
 - a. Director of Education (Interviews before Christmas 2014)
 - b. Director of Governance (Interviews before Christmas 2014)
 - c. Strategic Director People (sometime in 2015)
8. That the Assistant Director Finance be assimilated into the role of Director of Finance with effect from 1 January 2015.
9. That all other posts within the new senior management structure be assimilated to or ring-fence interviews arranged or advertised in line with the Council's policies and procedures.
10. That Assistant Director roles be renamed Service Director to ensure accountability on the same grade as present.

Recommendations for noting:

The Cabinet is asked to note that further reports will be coming forward to Cabinet in January as follows:

Topic	Pre-Decision Scrutiny?
1. The Corporate Plan	Yes – November/December
2. Marketing of the City Council	Yes – November/December
3. Branding of the City Council	Yes – November/December
4. Customer Service Standards	Yes – November/December
5. Internal Communications Strategy	Yes – November/December
6. Revised approach to Directions Conferences	Yes – November/December
7. Revised Senior Management Terms and Conditions of Employment (Red Item)	No – as Council Decision

All of these are important steps in creating the One Council culture and the Confident Capable Council (C3) to deliver the Corporate Plan.

1.0 Purpose

- 1.1 This report seeks approval for a revised senior management structure for the Council. The report outlines how the Leader of the Council's target of a minimum of £350,000 saving will be met and exceeded. The report also creates the conditions to ensure a performance focused organisation with clearly accountable officer leadership.

2.0 Background

- 2.1 In 2010 a major restructuring was undertaken by the new Chief Executive. Over a period of time this led to savings in excess of £1.2 million from senior management costs.
- 2.2 This report outlines a further saving in management costs in excess of £500,000 whilst creating a new focus on performance and delivery of the City Council's Corporate Plan.

3.0 Progress, options, discussion, etc.

- 3.1 The Cabinet is recommended to adopt the new senior management structures as detailed in appendix 1 of this report.
- 3.2 The structures are based around the need to create simplicity and allow the full focus of senior management to be on delivering the Corporate Plan whilst acting as One Council to deliver a performance led business.
- 3.3 A key aspect of these proposals is to introduce more officer accountability. This is to create a structure whereby it is clear who the senior accountable officer is for each area of service delivery. Another aspect is the new Budget and Management Accountability contracts to be implemented from 1 April 2015. This will ensure that budget, employment and performance criteria are adhered to as one of every senior manager's work programme objectives.
- 3.4 The new structure also facilitates much greater strength in the corporate body to ensure business compliance which is required to maintain and improve efficiency within the backdrop of much reduced resources.
- 3.5 The Corporate Plan (currently being revised) will be the focus of the senior management and middle management objectives.

The structure proposed is based upon the simple model of:

- Corporate
- People
- Place

This structure replaces – Office of the Chief Executive, Delivery, Community and Enterprise and Education.

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NOT PROTECTIVELY MARKED

- 3.6 The new senior management structure has been developed and proposed by the Strategic Executive Board to address the Council's priorities. It also takes into account feedback and outcomes of Scrutiny reviews as well as other feedback from Councillors, Senior Officers and external comment.
- 3.7 **Corporate:** Any successful large business needs to have strength at its corporate core. These proposals create additional strengthened arrangements for the Corporate core to ensure that Policy, standards, performance, financial management and governance generally are clearly managed by the Corporate body once approved by Council or Cabinet.
- 3.8 **People:** Largely reflects the existing Community directorate with some re-alignment and clarification over service areas. The issue of safeguarding is one which requires continued thought as to leadership. Whilst it is currently led from within Public Health this could detract from the Public Health agenda and therefore needs careful consideration when the interim Strategic Director of People is appointed in the New Year (subject to this report being approved).
- 3.9 **Place:** This directorate grows considerably as a result of the restructure and the proposals create much greater logic with regard to the Council's City-wide activities including environmental activity. The City Environment will bring together functions from both delivery and the existing Enterprise and Education functions. The City Assets will create additional capacity for strategic transportation as this has been identified as an area of potential external funding opportunities in coming years. The City Assets also brings together the currently split elements of Corporate Landlord to further embed this aspect of work.
- 3.10 **Education:** The report proposes the creation of a Director of Education. Some feedback suggested that this should be in the People directorate. Whilst common in some Council's it is not recommended at this time for the City. Excellent progress has begun to be made with the improvement of standards and support services which the Council offers to schools. Headteachers have welcomed this proposal and it is recommended to give more corporate support to the Education agenda.
- 3.11 **Governance:** This post is being elevated from Assistant Director level to Director level with a range of services being moved to this area to create part of the strong corporate core. The Managing Director is currently the Monitoring Officer and the creation of this role gives him confidence that Monitoring Officer responsibilities will be effectively discharged.
- 3.12 **Finance:** The Director of Finance role reflects the need for this postholder (currently Assistant Director Finance) to take a greater role in corporate work and the discharge of S151 duties. The Director of Governance and Director of Finance will work closely together to ensure the strong corporate core is aligned.

- 3.13 The Director of Finance will be assimilated (Assistant Director Finance). The roles of Director of Education and Director of Governance will be advertised internally in the first instance at a salary of £100,000.
- 3.14 All other posts will be assimilated, ring-fenced or advertised in accordance with the Council's HR policies.

4.0 Financial implications

- 4.1 The following table details the savings that have been generated from previous senior management restructures.

Table 1 – Savings already delivered

	Year	Savings £000
Senior Management Restructure	2011	810
Deletion of Assistant Chief Executive Post	2012	116
Audit Services - Shared Arrangement - Deletion of 0.5 FTE Head of Internal Audit	2012	37
Deletion of the Head of Service post - Property Service	2013	74
Deletion of Head of Schools Organisation and Development Post	2013	74
Deletion of Assistant Director Leisure and Communities	2013	113
Total		1,224

- 4.2 The financial implications of the proposed senior management restructure for 2014 have been estimated taking into account employer's national insurance and pension contributions. The total estimated saving is £502,000, the details of the saving are shown in the following table.

Table 2 – Savings from the proposed 2014 Senior Management Restructure

	Year	Savings £000
Creation of the Hub for all transactional activities	2014	116
Deletion of Chief Executive and Strategic Director Posts and creation of Managing Director	2014	195
Deletion of Assistant Director - Corporate Services	2014	132
Deletion of Head of Finance Post (from 4 to 3)	2014	60
Deletion of Head of Service - Legal Services (from 4 to 3)	2014	70
Additional budget required to align the Director of Governance, Director of Education, Director of Finance and two Heads of Service posts to the correct grades. This includes oncosts at 30%	2014	(101)
Deletion of PA post	2014	30
Creation of three Business Manager posts (to be redeployments or funded from directorate budgets)	2014	-
Total		502

4.3 The Director posts will be on a grade of £100,000 to £110,000 with four incremental points. Each of these posts is currently an Assistant Director so **no new** posts are being created and the saving of £502,000 is net after these adjustments.

4.4 The known one off costs, associated with the savings of £502,000 from senior management, amount to £596,000, this therefore represents a payback period of 1.2 years. Well within the Council's parameter of 1.5 years. It should however be noted that all the one-off costs are funded corporately the savings will be delivered immediately against current senior management budgets.

5.0 Legal implications

5.1 These proposals follow appropriate legislative requirements.

6.0 Equalities implications

6.1 An initial equalities impact assessment has been undertaken.

7.0 Environmental implications

7.1 The new structure strengthens the commitment to environmental matters by creating a service area to focus on these fundamental aspects of the Council's Corporate Plan.

8.0 Human resources implications

- 8.1 The human resources implications will be dealt with in line with Council's policies. As this only relates to senior management greater flexibility will be expected from the relevant employees to reflect the agile and business led approach the Council needs to adopt.

9.0 Corporate landlord implications

- 9.1 The Corporate Landlord functions will all be joined up under the City Assets group within the Place Directorate.

10.0 Consultation

- 10.1 The Senior Managers were fully briefed on 2 October 2014 and asked to submit their feedback by close of business on 19 October. An extension to 26 October was given in some cases.

The proposals were also presented to:

- Senior Management Structures Councillor Reference Group – 15 October 2104
- Executive Team – 13 October 2014
- Unison Branch Secretary (x2) – 28 October 2014
- Joint SEB/CDB – 2 October 2014

11.0 Schedule of background papers

- 11.1 Report to Council on 17th September 2014.
Presentation to senior managers on 2 October 2014.
Presentation to Senior Management Restructuring Member Reference Group on 15th October 2014

Appendix A

City of Wolverhampton

Senior Management

Cabinet 10 December 2014

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Proposed structures

Our Approach



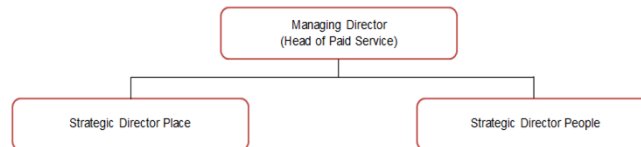
- Creating a fit for purpose management structure which delivers the Corporate Plan and makes savings
- A strong corporate core supporting a portfolio of work around themes of 'corporate' 'people' and 'place'

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Proposed structures

Strategic Executive Board

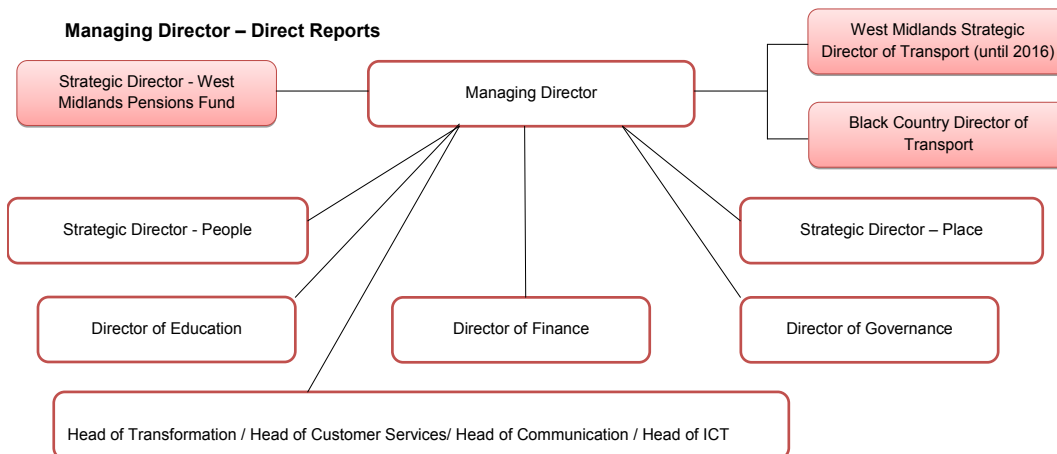


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Proposed structures

Managing Director – Direct Reports



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Proposed structures

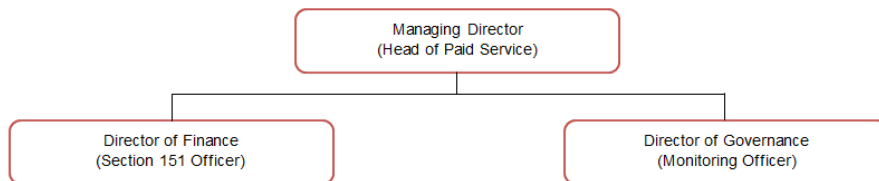
SEB	Managing Director, Strategic Director - Place, Strategic Director - People
0900 (informal SEB)	Managing Director, Strategic Director - Place, Strategic Director - People
SEB Meetings	Managing Director, Strategic Director - Place, Strategic Director – People, Director of Finance, Director of Governance, Director of Education (Strategic Director – WMPF – Ad Hoc)
SEB Strategy Meetings	Managing Director, Strategic Director - Place, Strategic Director – People, Director of Finance, Director of Governance, Director of Education, Head of Transformation, Head of Communications
Wider Leadership Team	Managing Director, Strategic Director - Place, Strategic Director – People, Strategic Director WMPF, Director of Finance, Director of Governance, Director of Education, - plus Service Directors (previously AD's), Head of Transformation, Head of Communications
Directions (to be renamed)	Agreed Directions list to be reviewed after the restructure. This is not only grade dependent make up.

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Proposed structures

Corporate Core

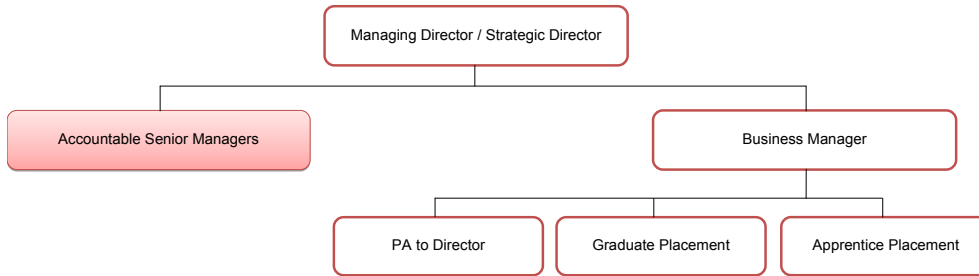


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Proposed structures

SEB Team Model *



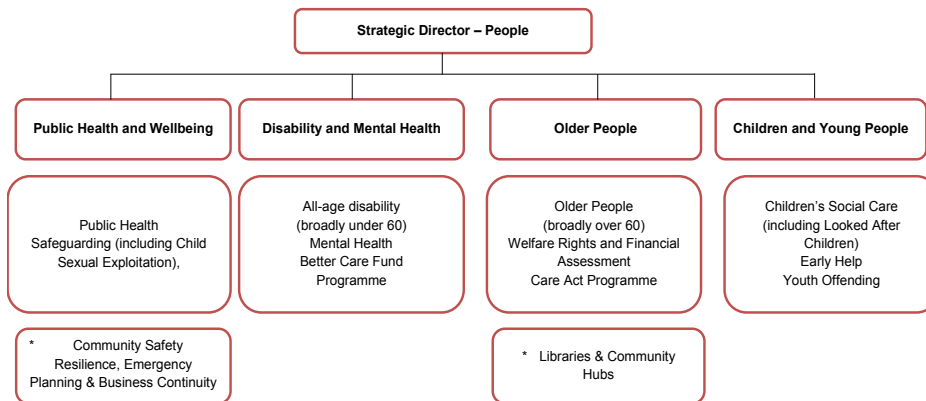
* The Strategic Director – Pensions is also covered by this model

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Proposed structures

Strategic Director – People



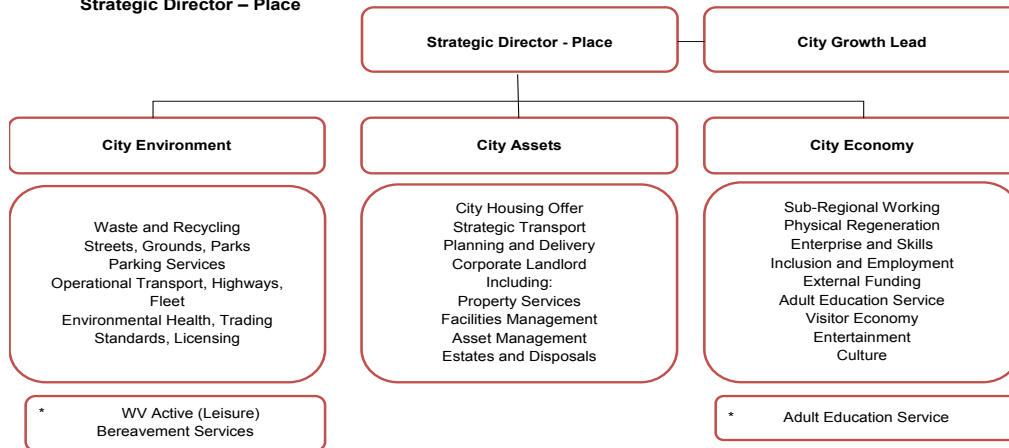
1. The Strategic Director People is the cross cutting lead for equality
2. * Cross cutting services
3. Safeguarding and special education needs – new closer working and matrix management arrangements being implemented
4. Corporate agreement to move towards a Joint Director with CCG with accountability for all budgets and activity that sits within the Better Care Fund

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Proposed structures

Strategic Director – Place



Issues

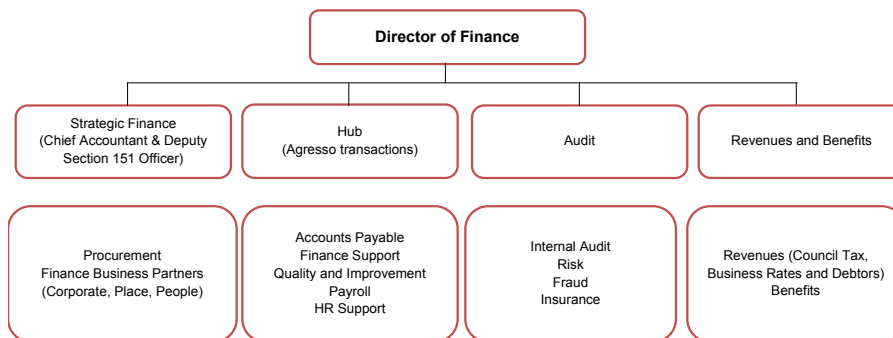
1. The Strategic Director Place is the cross cutting lead for Sustainability
2. * Cross cutting services

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Proposed structures

Director of Finance

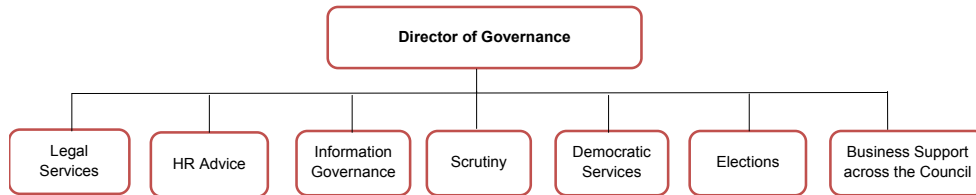


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Proposed structures

Director of Governance

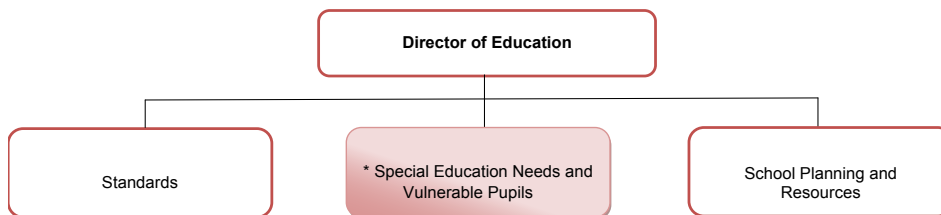


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Proposed structures

Director of Education



1. * Closer matrix working and new Head of Service from within existing Council budgets

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Notice of key decision to be made under General Exception provisions

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of notice: 4 November 2014
To: Councillor Peter O'Neill
Chair of Scrutiny Board
From: Keith Ireland
Managing Director

An intention to make the following key decision, which is to be considered by the Cabinet on 12 November 2014, was not publicised in advance as required by the Regulations.

Report title: Saving £500,00 from senior management costs
Classification: PUBLIC

The reason(s) for the omission from the forward plan of key decisions and the reason(s) why this decision cannot be delayed until the requisite 28 days have elapsed are:

The Strategic Executive Board wish to present the senior management restructuring proposals to Cabinet as soon as possible. The reasons for this is to maximise the savings, resolve appointments before Christmas wherever possible and start 2015 with the new structure in place. Delays will create instability within the senior management team.

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Cabinet Meeting

12 November 2014

Report title	Anti-Social Behaviour Service Review and Options' Appraisal for Future Service Delivery	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Elias Mattu Leisure and Communities	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Community Safety	
Accountable employee(s)	Name	Karen Samuels
	Tel	01902 551341
	Email	Karen.samuels@wolverhampton.gov.uk
Report has been considered by	Strategic Executive Board	18 September 2014
	Vibrant, Safe and Sustainable	2 October 2014
	Communities (VSSC) Scrutiny Panel	

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Approve the preferred option (Option 4) for the future delivery model of the city's anti-social behaviour service detailed in this report which recommends:
 - Overall management of the city's anti-social behaviour service by Wolverhampton Homes under a contractual arrangement with Wolverhampton City Council;
 - Monitoring of the contract through a robust performance management framework;
 - Transfer of Undertakings (Protection of Employment) (TUPE) of Wolverhampton City Council employees to Wolverhampton Homes and a revised staffing model.
2. Approve the proposal to retain the existing arrangements for the management of domestic noise complaints.

3. Approve the proposal to procure a single supplier for legal services for anti-social behaviour legal work.
4. Approve the application of a consistent approach to managing anti-social behaviour cases in Tenant Management Organisation (TMO) properties by the introduction of a city-wide anti-social behaviour policy.

1.0 Purpose

- 1.1. To consider options for the future delivery of the city's Anti-Social Behaviour (ASB) Service (detailed in Appendix 1).
- 1.2 To approve the preferred option (Option 4) for the future delivery model of the city's ASB service detailed in this report.

2.0 Background

- 2.1 Tackling ASB is the top priority for the residents of Wolverhampton. Indeed, when questioned in the Residents' Opinion Survey 2013 about how they feel about their area, their biggest concern for their neighbourhood (36%) and city (42%) was ASB.
- 2.2 In response to feedback from service users and Councillors during 2011 and 2012 a joint review of ASB services was carried out by WCC's (former) Anti-social Behaviour Unit (ASBU) and Wolverhampton Homes (WH) to identify whether there were opportunities for an improvement in service to those residents of Wolverhampton who were experiencing ASB. The scope of the review was to consider the options for an improved service to include the feasibility of a single, cross tenure service to Wolverhampton residents.
- 2.3 Councillors were invited to contribute to the service review through two reports that were presented to the Safer Communities Scrutiny Panel. Recommendations from the Safer Communities Scrutiny Panel were incorporated into a final report that was approved by Cabinet in November 2012, recommending a new co-located model of service delivery between WCC and WH.
- 2.4 In May 2013, the new Wolverhampton ASB Team was launched; the key features of the service are:
 - A co-located team comprising seven WCC and 13 WH staff.
 - A 'patch-based' delivery model whereby the city is divided into six co-ordinated areas that are co-terminus with Council Ward boundaries and neighbourhood policing areas.
 - WH has overall management responsibility of the ASB service, which is delivered through a service level agreement (SLA) with WCC. Under this arrangement, members of WCC staff previously assigned to the ASB Unit are seconded to WH.
 - A cross housing tenure service that also deals with non-housing ASB, e.g., city centre issues, open spaces, etc.
 - Tenant Management Organisations (TMOs) and Registered Social Landlords (RSLs) continue to manage their own ASB cases, however, the ASB Team is available to offer advice and support when requested to do so.
 - One central ASB reporting point of contact available to members of the public through City Direct.
- 2.5 It was agreed that the new co-located ASB service would be reviewed after one year. At a meeting of the VSSC Scrutiny Panel on 15 March 2014, Councillors provided input into the scope of the 12 month review, which was agreed would consider:

- Performance and governance
- Consistency and simplification
- New drivers for change
- Budget reductions
- An options' appraisal and recommendations for future service delivery

2.6 Councillors were invited to contribute to the 2014 service review through a pre-decision report that was presented to the VSSC Scrutiny Panel on 2 October 2014. At the meeting, the VSSC Scrutiny Panel endorsed the recommendations contained within this report.

3.0 Findings of ASB Service Review 2014

3.1 Performance and governance

3.1.1 Number of cases dealt with

The table below provides a comparison of the number of new cases dealt with before and after the launch of the new ASB Team.

	Number of new ASB cases				Total no. of new cases
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	
2012/2013 (pre-ASB Team)	536	629	325	435	1925
2013/2014 (post ASB Team)	583	607	401	440	2031
	% increase of new cases since start of ASB Team				+5.2%

This represents an overall increase in new cases of 5.2% since the ASB Team started.

3.1.2 Compliance with service standards

The ASB Team service standards are currently under review; however, the following have been applied during the 2013/14 period:

- Category A: Serious – interview complainant within 1 working day
- Category B: Persistent – interview complainant within 2 working days
- Category C: Nuisance – interview complainant within 5 working days

The table below provides a comparison of compliance with service standards before and after the launch of the ASB Team.

Category of case	Comparison of compliance with service standards	
	2012/13 (pre-ASB Team)	2013/14 (post-ASB Team)
Category A	75.7%	75.7%
Category B	68.1%	67.1%
Category C	58.3%	71.5%

Compliance with service standards for Category A and B cases has remained static; there has been a 13% increase in compliance with service standards for Category C cases.

Cabinet is requested to note that 100% compliance with service standards is extremely unlikely to be achieved. There are a number of factors which mean that complainants cannot be interviewed within the specified time period; these include:

- Where the complainant is anonymous;
- Where the complainant is unavailable for interview because of other commitments;
- Where the complainant does not wish to pursue their complaint any further;
- Where the person reporting the ASB is a partner agency, e.g., a police officer, concierge officer, neighbourhood wardens, etc*;
- Where the reported ASB is subject to a police investigation whereby it would not be appropriate to interview the complainant as to do so may prejudice a criminal investigation.

* Cabinet is also requested to note that since the new ASB Team has been in place, enhanced working relationships with partner agencies have resulted in an increase in the number of ASB reports from these agencies.

3.1.3 Legal and non-legal remedies

- Prevention:

Preventative work plays a key role in stopping the escalation of ASB. Below are examples of preventative work the ASB Team delivers:

- Members of the ASB Team undertake presentations on ASB in schools across the city, often in conjunction with Junior Warden Schemes.
- The ASB Prevention Officer has forged close links with WH Housing Support Team and together they are working with families on the Wolverhampton 'Families in Focus' (FiF) programme.
- Development of a FiF family fire course where parents and children work together on problem solving which leads to a BTEC qualification.
- Development of a WH diversionary activity programme including Wolves Kickz project in Bilston and Whitmore Reans, Kik FM music project, Theatre Company presentations to young people on ASB.

- Enforcement action:

Below is a summary of enforcement action taken:

Enforcement Activity	2012/13 (pre ASB Team)	2013/14 (post ASB Team)
Anti-social Behaviour Orders (ASBOs)	4	11
Anti-social Behaviour Injunctions (ASBIs)/Undertaking to the Court	17	15
Notice of Seeking Possession (NOSP) – WH tenancies	58	84
Suspended Possession Orders granted	4	1
Evictions	4	2

3.1.4 Customer satisfaction

The table below provides a comparison of customer satisfaction rates before and after the launch of the new ASB Team.

Comparison of satisfaction with how case was dealt with pre and post ASB Team		
	Overall satisfaction with how case was dealt with %	Overall satisfaction with outcome %
2012/2013 (pre-ASB Team)	85.1	82.5
2013/2014 (post ASB Team)	91.7	88.8
% increase in satisfaction since start of ASB Team	+6.6%	+6.3%

Cabinet will note that there has been an overall increase in customer satisfaction rates since the new ASB Team commenced.

3.1.5 Views of stakeholders

Within the Service Review, consultation with a range of stakeholders (including partner agencies, Councillors, customers and staff) has been conducted and the following themes have emerged:

What works well:

- The team works well together, WCC and WH staff have integrated well and all support each other;
- The vast majority of stakeholders are of the view that the team is providing a better service for customers (which is borne out by the customer satisfaction levels);
- Working relationships between the ASB Team and partners are strong, particularly the neighbourhood policing teams and WH Concierge Officers;
- Councillors who have accessed the ASB Team on behalf of their constituents have indicated they are generally pleased with the service they have received.

Areas for improvement:

- There is concern about the loss of the 3.0 FTE WCC posts under the WCC Medium Term Financial Strategy (MTFS), and the impact this will have on victims and on neighbourhoods and communities across the city (see Section 4).
- Because of the volume of cases, the focus of the team is on reacting to ASB reports as they come in. There is a strong feeling that there is a need for more proactive work to be done, including targeted work in neighbourhoods and communities where there is under-reporting.
- There was a strong feeling from city centre partners and businesses that more attention should be given by the ASB Team to the city centre. It was suggested that a 'business district' team was created that would mirror Wolverhampton Local Policing Unit's model which supports the city's business areas of the city;
- Some Councillors and other partners felt that more work should be done on publicising the ASB reporting line;

- Some Councillors and other partners asked that key contact names/contact details for the ASB Team be provided to all councillors;
- Some Councillors asked for more feedback on ASB cases in their areas;
- One Councillor felt that noise nuisance should come under the remit of the ASB Team;
- Some staff felt that the current staffing structure is too 'flat' and that the ratio of ASB Co-ordinators to Officers is too high; some felt there was not enough separation of duties to justify the pay differential between the ASB Co-ordinators and ASB Officers;
- The implementation and management of the 'Community Trigger' process (part of the ASB, Crime and Policing Act 2014 which came into force on 20 October 2014) will be undertaken by the ASB Team and the ASB Co-ordinators will have a key role in this process. There is concern about how, under the current structure, the team will have the capacity to deliver on this statutory area of work.

3.1.6 Governance arrangements

In terms of governance, WH currently has overall management responsibility of the ASB service, which is delivered through a service level agreement (SLA) between WCC and WH. The SLA is monitored by the WCC Assistant Director – Partnerships, Economy & Culture, the Head of Community Safety as well as WH Director of Housing through quarterly performance management framework (PMF) reporting. The quarterly PMF report contains data on the number of new cases, customer satisfaction, enforcement action, data trends and equalities monitoring. This report enables senior officers to monitor progress as well as highlighting any areas of business where remedial action may need to be taken. It is felt that this PMF reporting is robust and captures all the information necessary to ensure that the ASB service is effective.

3.1.7 Benchmarking against other similar organisations

The following information is drawn from Housemark ASB benchmarking report for 2013/2014.

Number of ASB cases per 1000 properties:

- Results based on data from 147 social landlords.
- Wolverhampton ASB Team manages 89 cases per 1000 properties.
- The average is 49 properties per 1000.
- Wolverhampton is ranked 127 out of 146 for case to property ratios.

Customer satisfaction:

- Results based on data from 66 social landlords
- For 2013/14, 92% of ASB complainants who accessed Wolverhampton ASB Team were satisfied with the way their ASB complaint was dealt with. The average is 76%.
- Wolverhampton is ranked 11 out of the 66.
- 89% of ASB complainants who accessed Wolverhampton ASB Team were satisfied with the outcome of their ASB complaint. The average is 70%. Wolverhampton ranked 12 out of 66.

Average cost of a case (2013/14):

- The average cost per ASB case was £372.25 (compared to £505.39 for 2012-13 – pre-ASB Team).
- The Housemark data for 2013/14 is not yet available; however, the national average cost per ASB case for 2012/13 was £709.

Average number of days taken to resolve ASB cases:

- Results based on data from 68 social landlords.
- Wolverhampton ASB Team took an average of 46 days to resolve an ASB case.
- The national average is 95 days.
- Wolverhampton ranked 8 out of 68.

3.1.8 Summary of performance

- The number of new ASB cases has increased by 5.2% compared to the previous year;
- Compliance with service standards has remained static. However, this is due largely to an increase in referrals from partner agencies which would not require the same response times as members of the public but, nevertheless, are included in the reporting parameters of the IT case management system;
- When compared to 2012/13, customer satisfaction rates have risen and are significantly higher than the national average;
- The average cost of managing ASB cases by the ASB Team has reduced and the average cost per case is significantly lower than the national average;
- The average time the ASB Team has taken to resolve ASB cases is significantly lower than the national average;
- Feedback from stakeholders on the effectiveness of the new ASB Team has been largely positive; there is a general feeling that customers are receiving a much better service;
- ASB Team staff feel that more proactive work is needed in neighbourhoods and communities, and some staff feel that the team structure is not working as well as it could do;
- There is strong support for more ASB resources to be deployed to the business areas of the city.

In summary, the data that is available and stakeholder feedback suggests that the co-located ASB Team is working effectively. Comments and suggestions about the team structure and the need for more proactive work to be carried out have been considered in the Options' Appraisal shown at Appendix 1 in this report.

3.2 Consistency and simplification

3.2.1 Arrangements for dealing with domestic noise

It was agreed at the VSSC Scrutiny Panel meeting on 13 March 2014 that consideration of domestic noise complaints should be included within the first year review of ASB services. Consequently, the officers carrying out the ASB Service Review have liaised with WCC Environmental Health to source details about their current delivery, data,

volume of cases, performance and officer views on future service delivery; the information provided by Environmental Health is detailed below.

Under the current arrangements, Wolverhampton ASB Team deals with complaints of domestic noise in Wolverhampton Homes' tenancies. WCC's Environmental Health Public Protection Team deals with domestic noise in private housing. If, however, there is any associated ASB relating to private housing noise cases (e.g., verbal abuse, harassment, etc), then Public Protection will refer the case to the ASB Team; the ASB Team and Public Protection often work jointly on such cases.

Under these arrangements, up until 2014, Environmental Health have generally received and dealt with an average of 3,200 requests for service regarding noise every year. This figure covers all noise categories including domestic, dogs, commercial and industrial. Of this total, an average of around 1,200 have related to complaints concerning noise experienced out of normal office hours and approximately 1,000 requests for service each year have concerned domestic noise (i.e. voices, DIY, TV noise etc). The responses to these requests/complaints were made by a group of Senior, District and Compliance Officers with the specific cases allocated to employees of different grades in line with the complexity of the cases. In other words, the more complex cases involving technical and protracted investigations have been allocated to the more specialist Senior Officers whilst the high volume, less complex matters have been allocated to the more general Compliance Officers. 94% of these service requests/ complaints were responded to within the target time of 5 days.

- However, the 2014 savings' programme required that Regulatory Services reduce its ongoing spend by nearly £900K over the 2013/14 – 2014/15 financial years. In order to achieve this level of savings it was necessary to review both the Regulatory Services structure, the level/type of request complaint the service will be able to respond to in future and a number of key support budgets. Based on the outcome of the reviews a reduction of approximately 60% of the service's managerial/supervisory resource and 25% of the front line resource plus reductions to key support budgets was necessary. In addition, the following changes concerning the noise service will be implemented as from 1 October 2014:
- As a result of the savings' targets and associated review, it was clear that a business case no longer existed to maintain the out of hours service. Accordingly, it was decided to replace the out of hours service with an emergency only service which, from 1 October 2014, will only respond in cases where an individual's health, safety and wellbeing are at serious imminent risk.
- Out of hours requests/complaints will continue to be logged and, where appropriate, responded to the following working day. Where no visit is necessary, advice will be provided.
- In addition, noise cases involving Wolverhampton Homes are no longer referred to Environmental Health to review and are instead, fast tracked through to the ASB Team by City Direct.
- There is now a single lead officer in relation to all noise issues including domestic, commercial and industrial as well as those received via the emergency arrangements. This officer is Anna Spinks who is one of six new Service Leaders replacing the previous three Service Managers and 13 Section Leaders under the previous

structure. This Service Lead will develop policy and procedure in relation to noise issues going forward.

- Discussions will progress with City Direct to develop more streamlined approaches for dealing with the higher volume of requests/complaints of the lowest priority (e.g., one-off referrals involving a single barking dog or noise from a summer garden party). It is intended to explore the feasibility of extending the use of standard letters and advice packs to deal with complaints of this nature in future.

Although it would be possible to lift and shift the domestic noise service out of Environmental Health (around 1000 requests p.a.) there are a number of issues this would generate and a number of associated difficulties:

- Noise can potentially give rise to a statutory nuisance under the Environmental Protection Act 1990. Other nuisance types include dust, effluvia, animals, premises etc.
- All nuisances have to be dealt with in a specific fashion as set out in statute culminating in the issue of an appealable legal notice and in the case of noise nuisance, potentially involving the seizure of sound generating equipment.
- The expertise around noise and nuisance lies within Environmental Health where there are a number of trained and competent employees capable of responding to requests for service and complaints whether domestic, commercial or industrial and whether they arise during day time, weekend or evening.
- There is a set procedure within Environmental Health for authorising appropriately experienced employees to undertake such work. In authorising employees, the Council is required to satisfy itself they are competent to identify statutory nuisances correctly and deal with them in accordance with legal provisions. The reputational risk to the authority of making an incorrect assessment of a noise nuisance could be significant.
- The bespoke equipment used in many domestic noise investigations is located in Environmental Health where employees are trained in its use and it is also used in other noise investigations.
- Noise issues are often closely linked to other environmental issues such as pests, drainage problems, untidy premises, accumulations and fly-tipping etc. It is common for Environmental Health employees to encounter these matters when responding to noise complaints and the training and general competences of these officers enables them to do so without the need for a hand-over.
- The new Service Lead has responsibility for all noise issues including commercial, industrial and domestic sources. This arrangement enables a consistent approach to be adopted across Wolverhampton City Council and also promotes consistency across the region and nationally as there are well established liaison arrangements in place across the Midlands specifically put in place for this purpose.
- The current arrangements provide a single point of contact for all statutory nuisance issues and, with the exception of Wolverhampton Homes premises where it can be dealt with efficiently as a tenancy related matter, all noise issues as well.
- A significant proportion of the higher volume issues are dealt with by Grade 5 Compliance Officers. It is difficult to calculate the average cost of a domestic noise complaint but it is believed to be in the region of £75 - £100. This is mainly because very few have escalated to result in legal action.

In view of the above detail, it is suggested the provision of an on-going domestic noise service is best placed within Environmental Health where it has been delivered successfully from for a great number of years. To unpick these arrangements would have a number of disadvantages which appear to outweigh any advantages.

3.2.2 Commissioning of legal services

Under the current arrangements, legal work relating to ASB in Council tenancies managed by WH is outsourced to a private firm of solicitors. Legal work relating to private and non-housing related ASB is provided by WCC's Legal Department.

This arrangement continues to work well. The vast majority of ASB legal work affects Council tenancies. The outsourcing of work to private solicitors enabled WH to make significant savings. The use of different solicitors has not presented any major issues to the team and both continue to provide an excellent legal service. WH's contract with the private solicitors has been extended for a final year and expires in April 2015 and will have to be re-tendered. WCC has expressed an interest in competing for the tender when advertised.

Although the current arrangements work, it is recommended that consideration be given for there to be a single supplier of legal services with regard to ASB. Dealing with one supplier will ensure consistency of approach and advice across all ASB managed by the team and, subject to a procurement process, may realise further efficiencies. The same standards will apply to all cases with one contract/service level agreement.

3.2.3 Management of ASB cases in TMO properties

Under existing arrangements, TMOs are responsible for investigating and managing ASB complaints relating to tenancies within its area. Each of these organisations is responsible for tenancy enforcement action within their own managed stock. The ASB Team is available to provide expert advice and support to TMOs if required.

In order to improve the management of ASB cases and clearly define areas of responsibility, a protocol has been developed between the TMOs and the ASB Team.

The ASB Team will continue to provide expert advice and support to the TMOs if required. Examples of this are advice on casework, assistance with acceptable behaviour contracts, training of staff, and the shadowing of ASB Officers.

Referrals of vulnerable victims of ASB may also be made by the TMOs to the Victim and Witness Support Officer who is based within the ASB Team

A survey on the management of ASB was circulated to the TMOs. It is clear from the results that there is not one ASB policy that is being employed city-wide across all Council tenancies. Work will commence, in partnership with the TMOs, to introduce a new city-wide ASB policy that reflects best practice and the new ASB legislation

3.2.4 Human Resources (HR) implications relating to staff terms and conditions

As outlined above, since May 2013, WCC staff have been seconded to WH but remain on WCC terms and conditions. Since the implementation of the new ASB Team, some disparities have been highlighted between WCC and WH pay, terms and conditions and policies. These include:

- A significant pay/grading differential between WCC and WH staff as a result of Single Status;
- Enhancements for WH staff working outside of normal hours which have been withdrawn from WCC staff under Single Status;
- Car allowances;
- Differences in the Management of Attendance Policy between the two organisations.

Whilst these issues have been well managed and contained there is a need to resolve them in the interests of long term employee relations. Consequently, these have been considered as part of the options' appraisal for future management of the service.

Following any potential transfer of staff, the new employer can negotiate changes to terms and conditions which have been covered by an existing collective agreement or other arrangement, following the appropriate 'waiting period' after transfer, which is currently 12 months. Any such renegotiation must ensure that the overall contract is not less favourable to the employee in question (Collective Redundancies and TUPE). Normal consultation to vary terms and conditions would be required to be undertaken by Wolverhampton Homes.

Wolverhampton Homes would be in a position to renegotiate, after 12 months, terms and conditions from the collective agreement, provided that overall the employee's contract is no less favourable as a result. In addition, changes to transferred employees' terms and conditions as a result of the transfer itself are invalid; however, a change could be valid if the principal reason for it is, for example, an economic, technical or organisational reason, which brings about changes to the numbers or functions of the workforce.

4. New drivers for change

4.1 ASB, Crime and Policing Act 2014

The ASB, Crime and Policing Act 2014 came into force on 20 October 2014. The Act sees the previously available 19 powers reduced to 6. Of particular note is the introduction of 'The Injunction'; this replaces the Anti-social Behaviour Order (ASBO) and existing ASB Injunction. The Injunction is similar to the existing ASB Injunction which is currently only available to social housing providers. The injunction is housing tenure-neutral and is designed to be a quicker and less costly legal power to address behaviour that causes harassment, alarm and distress to members of the public. Notification has recently been received from the Home Office of a slight delay to the implementation of the new Injunction; this is now likely to come into force at the end of January 2015.

Also of note is the Community Trigger, the aim of which is to enable members of the public to hold agencies to account if they feel the ASB they are reporting is not being dealt with. The proposed threshold for the Community Trigger and arrangements for

managing the process locally are detailed in a separate report to be presented to Cabinet on 12 November 2014. It is proposed that the ASB Team Manager will manage the Community Trigger process in Wolverhampton. Working alongside the ASB Co-ordinator Wolverhampton Local Policing Unit (LPU), the ASB Team Manager will be responsible for ensuring the Community Trigger is managed appropriately and in line with Home Office guidance.

Cabinet is requested to note that there is no additional funding available from government for implementation of the new legislation. The Community Trigger process, which is a statutory requirement, will have to be managed within existing ASB Team resources and the increased workload involved in managing the Community Trigger process should not be underestimated. The impact of these changes will be kept under review, as it is likely to result in a further reduction in the ability of the ASB service to respond to enquiries.

The new ASB legislation places a greater emphasis on agencies working closely together to ensure ASB is dealt with effectively. In Wolverhampton, relationships across partner agencies are already strong. However, from July 2014, the ASB Co-ordinator from Wolverhampton Local Policing Unit is now based in the ASB Team office for half of the week. It is felt this move will enhance information sharing and place us in a stronger position to identify vulnerable victims of ASB and act accordingly.

4.2 Budget reductions

A savings target of £150,000 has been identified for the WCC Community Safety Service (which includes the WCC ASB Team staff) and is included in the Medium Term Financial Strategy (MTFS) for 2015/16. This savings target is profiled as £35,000 reduction in 2015/16 financial year and £115,000 in 2017/18. This will potentially result in a reduction of 3.0 FTE WCC posts from the ASB Team.

Also, in addition, an indicative 5 year WH management fee freeze is proposed by the Council from 2014/15.

Feedback from staff and partner agencies has raised concerns about the impact the loss of the 3.0 ASB Team posts will have on service users and service delivery.

A full equality analysis has been completed which outlines the impact of proposed cuts to the WCC ASB service from 2017/18. This analysis has revealed that a higher than average number of women and disabled clients access the service, indicating that these groups are more likely to be more negatively impacted as a result of reductions in service.

As well as carrying out enforcement activity, a key focus of the ASB service is supporting victims of ASB as well as preventative work to stop ASB escalating. Feedback from stakeholders suggests that a reduction of posts within the ASB Team will lead to an escalation of ASB which will be more costly in the longer term. Furthermore, in light of the significant reductions in youth services across the city, there is an expectation that there will be an increase in demand for ASB prevention work amongst young people.

The concerns about the potential loss of posts from the ASB Team have been recognised and the recommended option detailed in Section 5 retains 2 of the 3 posts, whilst still allowing the proposed budget reductions to the WCC Community Safety service to be realised. This will help to reduce any loss in service to the above groups with protected characteristics.

5. Options' appraisal and recommendations

5.1 Options

The ASB Service Review has considered the feedback from stakeholders and also the HR issues raised. Accordingly, four options have been developed for consideration detailing how ASB services across the city could be delivered going forward. A full options' appraisal is detailed in Appendix 1 but below is a summary of the four options:

- **Option 1: Revert back to two separate ASB functions**
This option will see the ASB service split, with a return to the ASB Unit (WCC) managing ASB in private housing and non-housing ASB; the WH staff returning to their previous posts and ASB cases managed by generic WH Estate Managers.
- **Option 2: Retain the existing staffing structure and management arrangements**
This option will retain the existing staffing structure (Appendix 1). WCC staff will continue under the secondment arrangement to WH.
- **Option 3: New staffing structure and TUPE transfer of WH staff to WCC**
This option will see a new staffing structure. A total of 13 WH staff will TUPE transfer to WCC.
- **Option 4 – New staffing structure and TUPE transfer of WCC staff to WH**
This option would see a revised staffing structure. WCC staff will TUPE transfer to WH. 2 of the 3 ASB Team posts identified to be deleted under the MTFs will be retained by WH. Under this proposal, the WCC savings will be realised in line with the current savings profiling, with WH funding 50% of the posts from April 2015 until March 2017 and 100% of the posts from April 2017 onwards.

5.2 Preferred option – Option 4

- 5.2.1 The preferred option, which has been developed in response to feedback from all stakeholders, is Option 4. The key features and advantages of this option are detailed in Appendix 1.
- 5.2.2 Under this option, WH would have overall management responsibility of the city's ASB service under a contractual arrangement with WCC. The council would maintain oversight and influence over the service through contractual arrangements and service monitoring through a robust performance management framework.
- 5.2.3 The structure that will be proposed will retain the same number of posts, with existing WCC staff TUPE transferring to WH.
- 5.2.4 When fully implemented, the overall cost of the proposed new structure will realise savings of £78,000, but with a net increased cost to WH of around £11,000. This reflects that the funding provided by WCC will reduce as part of its financial cuts.

6.0 Financial implications

- 6.1 The total cost of the ASB Team (WCC and WH staff) structure at top of spinal point and 2014/15 prices is £683,000. The maximum cost to WCC of this structure is £264,000. Savings of £150,000 have been identified across the Community Safety Service (which includes the WCC ASB Team staff) between 2015/16 and 2017/18. This includes the potential deletion of 3 WCC posts from the ASB Team.
- 6.2 The preferred Option 4 is based upon WCC continuing to fund four posts within the structure not affected by budget saving proposals by an adjustment to WH annual management fee. WH will provide funding for 50% of the costs of 2 of the 3 posts identified to be deleted under the WCC Savings' Programme from April 2015 until March 2017 in line with the current profiling of this saving WH will then fund 100% of these 2 posts thereafter. When fully implemented in 2017/18, the proposed structure will realise annual savings of £89,000 for WCC.

	2014/15	2015/16	2016/17	2017/18	Total
<i>WCC Funding</i>	263,900	228,900	228,900	174,700	896,400
<i>WH Funding</i>	419,900	454,900	454,900	431,300	1,761,000
Total	683,800	683,800	683,800	606,000	2,657,400
Increased cost to WH per annum	n/a	35,000	-	(23,600)	11,400
Reduced cost to WCC – per annum	n/a	35,000	-	54,200	89,200

- 6.3 If the TUPE transfer of WCC staff to WH goes ahead, any annual adjustment to the WH annual management fee for salary costs will be in line with the current increment points of the WCC staff affected.
(CF/30102014/E)

7.0 Legal implications

- 7.1 Sections 5 and 6 of the Crime and Disorder Act 1998 require the Council and other responsible authorities to formulate and implement strategies to reduce crime and disorder in the area.
- 7.2 Section 17 of the Crime and Disorder Act 1998 (amended) requires the Council along with the other Responsible Authorities to exercise their functions with due regard to do all that they reasonably can by way of preventing crime and disorder, ASB, substance misuse and re-offending in the locality.
- 7.3 As outlined in 3.1 above, the ASB, Policing and Crime Act came into force from 20 October 2014. A separate report on the new legislation will be presented to Cabinet on 12 November 2014.
- 7.4 Under the TUPE Regulations 2014, the terms and conditions of any employees transferring to the new employer remain as they currently exist. However, as stated in paragraph 3.2.4 above, terms and conditions from a collective agreement can be

renegotiated after 12 months following the transfer provided that, overall, the contract is no less favourable to the employee. Wolverhampton Homes would be in a position to renegotiate, after 12 months, terms and conditions from the collective agreement, provided that overall the employee's contract is no less favourable as a result. In addition, changes to transferred employees' terms and conditions as a result of the transfer itself are invalid; however, a change could be valid if the principal reason for it is, for example, an economic, technical or organisational reason, which brings about changes to the numbers or functions of the workforce.

[AW/30102014/N]

8.0 Equalities implications

8.1 A full equality analysis has been completed which outlines the impact of proposed cuts to the WCC ASB service from 2017/18. A higher than average number of women and disabled clients access the service, indicating that these groups are more likely to be more negatively impacted as a result of reductions in service. However, the preferred Option 4 mitigates this by retaining 2 of the 3 posts identified to be deleted under the WCC MTFs, thus allowing the current level of service for victims of ASB to continue.

9.0 Environmental implications

9.1 There are no environmental implications associated with this report.

10.0 HR implications

10.1 As outlined above, Wolverhampton ASB Team is a co-located service comprising of 7 WCC and 13 WH staff. WCC staff are seconded to WH but remain on WCC terms and conditions which includes a significantly higher basic salary level following Single Status. Since the implementation of the new ASB team, significant disparities have been highlighted between WCC and WH terms and conditions and policies. If the TUPE transfer goes ahead, WH would be in a position to renegotiate, after 12 months, terms and conditions from the collective agreement, provided that overall the employee's contract is no less favourable as a result. In addition, changes to transferred employees' terms and conditions as a result of the transfer itself are invalid; however, a change could be valid if the principal reason for it is, for example, an economic, technical or organisational reason, which brings about changes to the numbers or functions of the workforce.

11.0 Corporate landlord implications

11.1 The ASB Team will continue to be housed within WH premises. There are no corporate landlord implications relating to the proposals contained within this report.

12.0 Schedule of background papers

12.1 Report to Safer Communities Scrutiny Panel on 26 January 2012, ASB Service Review (Agenda Item 7).

- 12.2 Report to Safer Communities Scrutiny Panel on 13 September 2012, ASB Service Review (Agenda Item 5)
- 12.3 Report to Cabinet on 14 November 2012, ASB Service Review (Agenda Item 5D).
- 12.4 Report to VSSC Scrutiny Panel on 13 March 2014, Progress report on the Wolverhampton Anti-social Behaviour (ASB) Team and scoping paper for one year service review (Agenda Item 9).
- 12.5 Report to VSSC Scrutiny Panel on 2 October 2014, Report on ASB Service Review and options' appraisal for future service delivery (Agenda Item 5).

Options' appraisal for future management arrangements of Wolverhampton Anti-social Behaviour (ASB) Team

1. Purpose of report

The ASB Service Review has considered the feedback from stakeholders and also the human resources (HR) issues raised. Accordingly, four options have been developed for consideration detailing how ASB services across the city could be delivered going forward. The options considered are outlined in Section 2 below.

Cabinet is requested to **approve the preferred option (Option 4) for the future delivery model of the city's anti-social behaviour service which recommends:**

- Overall management of the city's anti-social behaviour service by Wolverhampton Homes under a contractual arrangement with Wolverhampton City Council;
- Monitoring of the contract through a robust performance management framework;
- Transfer of Undertakings (Protection of Employment) (TUPE) **of Wolverhampton City Council staff to Wolverhampton Homes and a revised staffing model.**

2. Options

Option 1 - Revert back to two separate ASB functions

This option will see the ASB service split, with a return to the ASB Unit (WCC) managing ASB in private housing and non-housing ASB; the WH staff return to their previous posts and ASB cases are managed by generic WH Estate Managers.

Option 1 – Advantages	Option 1 - Disadvantages
<ul style="list-style-type: none">• No disparities in pay, terms and conditions between WCC and WH staff	<ul style="list-style-type: none">• Potential reduction in customer satisfaction• Potential duplication of resources• Loss of specialist service provided to WH customers• Return of confusion amongst customers about where they should report ASB• Loss of 3 ASB Team posts under the WCC Medium Term Financial Strategy (MTFS) which will lead to significant reduction in service and potentially reduced customer satisfaction

Option 2 - Retain the existing staffing structure and management arrangements

This option will retain the existing staffing structure. WCC staff will continue under the secondment arrangement to WH.

Option 2 – Advantages	Option 2 - Disadvantages
<ul style="list-style-type: none"> • High level of customer satisfaction • No duplication of resources • Specialist ASB service provided to all customers, irrespective of housing tenure and incorporates non-housing ASB • Single point of contact for customers to report ASB 	<ul style="list-style-type: none"> • Loss of 3 ASB Team posts under the WCC MTFs which will lead to significant reduction in service and potentially reduced customer satisfaction • Significant disparities in pay, terms and conditions between WCC and WH staff • ‘Flat’ structure that restricts opportunities for proactive work and limits ability for targeted work in areas/communities where there is under-reporting • Does not address staff and trade union concerns about lack of differential in duties between higher and lower graded posts • Limits capacity of the team to implement and manage new ASB legislation

Option 3 – New staffing structure and TUPE transfer of WH staff to WCC

This option will see a potentially new staffing structure. WH staff TUPE transfer to WCC.

Option 3 – Advantages	Option 3 - Disadvantages
<ul style="list-style-type: none"> • Retain high level of customer satisfaction • No duplication of resources • Specialist ASB service provided to all customers, irrespective of housing tenure and incorporates non-housing ASB • Single point of contact for customers to report ASB • Revised structure may provide enhanced ASB service to the business sector • Addresses staff concerns about lack of differential in duties between higher and lower graded posts • No disparities in pay, terms and conditions between WCC and WH staff • May allow capacity for management of new ASB legislation 	<ul style="list-style-type: none"> • Loss of 3 ASB Team posts under the WCC MTFs which will lead to significant reduction in service and potentially reduced customer satisfaction • Significant increase in salary costs to bring 13 WH staff in line with WCC grades under Single Status • Increase in salary costs (as above) would necessitate a reduction in the number of posts within the ASB Team, which will ultimately result in a significantly reduced service and potential reduction in customer satisfaction • Employee relations issues of transferring staff

Option 4 – New staffing structure and TUPE transfer of WCC staff to WH

This option will see a new staffing structure. WCC staff will TUPE transfer to WH. 2 of the 3 posts due to be deleted under the WCC MTFs will be retained. Under this proposal, £0.035M of the £0.150M WCC savings will be realised earlier than 2017/18, with WH funding 50% of the posts until March 2017 and 100% of the posts from April 2017 onwards.

Option 4 – Advantages	Option 4 - Disadvantages
<ul style="list-style-type: none"> • Overall reduction in salary costs to WCC • Earlier realisation of WCC budget reductions (Community Safety) • Retention of 2 of the 3 posts identified to be deleted under the WCC MTFS • Retain high level of customer satisfaction • No duplication of resources • Specialist ASB service provided to all customers, irrespective of housing tenure and incorporates non-housing ASB • Single point of contact for customers to report ASB • Revised staffing structure will allow more proactive work and enable planning and more targeted work in areas/communities where there is under-reporting across the co-ordinated areas • Revised structure will provide enhanced ASB service to the business sector • No disparities in pay, terms and conditions between WCC and WH staff • Addresses staff concerns about lack of differential in duties between higher and lower graded posts • Allows capacity for management of new ASB legislation 	<ul style="list-style-type: none"> • Employee relations issues of transferring staff • Increased cost to WH

3. Preferred option

3.1 The preferred option which has been developed further is Option 4.

3.2 Under this option, WH would have overall management responsibility of the city's ASB service under a contractual arrangement with WCC. The council would maintain oversight and influence over the service through contractual arrangements and service monitoring through a robust performance management framework.

3.3 Accordingly, a proposed structure, which will be informed by officers and stakeholder feedback, will be produced in response to a number of issues, including HR issues (detailed in Section 3.2.4 of the covering report), implementation and management of the

new ASB legislation, the need for an improved ASB service to businesses and more planned/proactive work in our neighbourhoods and communities.

The structure will retain a similar number of posts. However, the overall costs will eventually be reduced by a reduction in the number of higher graded posts and the introduction of entry-grade posts. The key features of the recommended option (Option 4) are:

- A TUPE transfer of 7 WCC staff to WH;
- An overall reduction in the cost of the ASB service;
- The retention of 2 of the 3 ASB Team posts identified under the WCC MTFS;
- A reduction in the number of co-ordinated areas which will result in a reduction in the number of supervisors;
- The creation of entry-level posts that will manage lower level ASB cases;
- An ASB Team Manager who will provide strategic management of the team as well as day-to-day operational management and who will continue to fulfil statutory functions on behalf of WCC;
- A structure that will enable officer capacity for management of ASB casework as well as placing a greater focus on planned/proactive work and management/implementation of the new ASB legislation;
- The creation of a 'business district' ASB team which will focus on ASB issues in the city centre and other business areas. This will complement the drive to encourage new businesses and increased footfall into the city's shopping areas;

3.4 Clearly, any new structure will take a period of time to fully implement and, in accordance with TUPE legislation, existing employees will have a right to protected terms and conditions at the point of transfer. WCC employees currently receive a significantly higher level of salary as a consequence of Single Status that was implemented in 2012. The intention is to protect these conditions until such time as the salary of those involved in the transfer are ameliorated with WH salary scales. Currently equivalent WH employees receive a temporary honorarium as a supplement to their basic salary. This will simultaneously reduce as the proposed structure is implemented.

3.5 Before implementation is reached, there will be a need to protect existing employees whilst grades are equalised. Although this will delay realising the savings, the funding from WCC will reduce in stages so that the associated costs can be offset. If the proposals are approved, 50% of WCC's budget saving requirements will be realised in 2015/16, two years earlier than anticipated.

3.8 In 2017/18, when it is anticipated the structure will be fully implemented, the ratio of funding will be 29% WCC and 71% from WH. The activities of the ASB Team split across housing revenue account (HRA) and WCC general fund is broadly comparable. Indeed, during the quarter ended 31st March 2014 there were 80% of cases relating to Wolverhampton Homes managed properties and 20% relating to non HRA related issues, many of which are more time consuming and require intensive management.

4. Consultation and implementation

- 4.1 Indicative discussions have been held with WCC service managers, WCC and WH HR officers and legal officers as well as UNISON. The proposals have been considered and endorsed by the Vibrant, Safe and Sustainable Communities Scrutiny Panel and Wolverhampton Homes' Board. If the recommended delivery model is approved by WCC Cabinet, a formal consultation period with employees affected and their trades union representatives will be required.
- 4.2 If the proposal is approved, it is intended that implementation will be phased over time with posts being ring-fenced to affected staff as appropriate. Any posts remaining vacant following implementation of the new structure will be advertised internally within WCC and WH.
- 4.3 Subject to Cabinet approval, it is proposed to formally consult upon a TUPE transfer of WCC employees to WH which, if agreed, will take effect no later than 1 April 2015.

5. Financial Implications

- 5.1 The financial implications are outlined below.

The preferred Option 4 is based upon WCC continuing to fund four posts within the structure not affected by budget saving proposals by an adjustment to WH annual management fee. WH will provide funding for 50% of the costs of 2 of the 3 posts identified to be deleted under the WCC Savings' Programme from April 2015 until March 2017 thus realising an accelerated saving for WCC of £35,000 per annum (two years earlier than proposed). WH will then fund 100% of these 2 posts thereafter. When fully implemented in 2017/18, the proposed structure will realise annual savings of £89,000 for WCC.

	2014/15	2015/16	2016/17	2017/18	Total
<i>WCC Funding</i>	263,900	228,900	228,900	174,700	896,400
<i>WH Funding</i>	419,900	454,900	454,900	431,300	1,761,000
Total	683,800	683,800	683,800	606,000	2,657,400
Increased cost to WH per annum	n/a	35,000	-	(23,600)	11,400
Reduced cost to WCC – per annum	n/a	35,000	-	54,200	89,200



Cabinet Meeting

12 November 2014

Report title	Anti-Social Behaviour, Crime and Policing Act 2014	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Elias Mattu Leisure and Communities	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Community Safety	
Accountable employee(s)	Name	Joanne Mason
	Tel	01902 552967
	Email	Joanne.mason@wolverhampton.gov.uk
Report has been considered by	Vibrant, Safe and Sustainable Communities (VSSC) Scrutiny Panel	2 October 2014
	Strategic Executive Board	9 October 2014

Recommendation(s) for action or decision:

The Cabinet is recommended to:

Approve the proposed threshold for the Community Trigger and the suggested process for its provision.

1.0 Purpose

- 1.1 To brief Cabinet on the new legislation relating to anti-social behaviour (ASB), provide an update on plans for local implementation and seek the approval of Cabinet on the proposed threshold and process for the Community Trigger.

2.0 Background

- 2.1 The ASB, Crime and Policing Act 2014 contains a number of measures to protect the public; this includes provision for tackling ASB, dangerous dogs, forced marriage, sexual harm and illegal firearms used by gangs and in organised crime. It also includes changes to improve the provision of services to victims and witnesses. In addition, the Act will take forward further police reform as well as improving the effectiveness of extradition arrangements and the efficiency of the criminal justice system.
- 2.2 The Act came into force on 20 October 2014. However, notification has been received from the Home Office of a slight delay in implementation of the new [Civil] Injunction; this is now likely to come into force in January 2015.
- 2.3 This report focuses on the ASB element of the Act (parts 1 – 6) which is designed to introduce simpler, more effective powers for tackling ASB and provide better protection for victims and communities, act as a deterrent to perpetrators and give victims a say in the way their complaints are dealt with.
- 2.4 The existing ASB powers are being streamlined from 19 to 6 and are designed to be faster, more flexible and allow professionals to stop ASB and seek to change behaviour.
- 2.5 A report on the new legislation was presented to the Vibrant, Safe and Sustainable Communities (VSSC) Scrutiny Panel on 2 October 2014. At the meeting, Councillors were satisfied with the arrangements for local implementation of the new ASB legislation and endorsed both the proposed threshold and process for managing the Community Trigger (further details are provided in 4.2 - 4.4 below).

3.0 Summary of new ASB tools and powers

- 3.1 The new tools and powers may be categorised into three areas; 'people', 'places' and 'giving victims a say'.
- 3.2 The 'people' section of the Act brings in a new [Civil] Injunction that replaces the Anti-social Behaviour Order and the Anti-social Behaviour Injunction and a Criminal Behaviour Order which replaces the Criminal Anti-social Behaviour Order.
- 3.3 The 'places' section of the Act introduces Community Protection Notices, Public Spaces Protection Orders, Closure Notices and Closure Orders, some of which may be used by either the local authority or the police, or both. This part of the legislation replaces a range of existing environmental and premises closure powers. The existing police Dispersal Order and Direction to Leave will be replaced by a new Dispersal Power.
- 3.4 More detail on the new ASB powers can be found in Appendix 1.

3.5 'Giving victims a say'

The Act includes two new measures which are designed to give victims and communities a say in the way ASB is dealt with; these are the Community Remedy and the Community Trigger.

3.5.1 The Community Remedy, which is to be available to police officers, is designed to give victims a say in the out-of-court punishment of perpetrators for low-level crime and ASB selected from a menu of possible actions. The Community Remedy is closely aligned to existing restorative justice interventions currently in use through West Midlands Police; Wolverhampton Local Policing Unit are therefore well placed to deliver on this part of the new legislation within the defined guidance framework.

3.5.2 The Community Trigger gives victims the right to request a review of their case where the locally defined threshold is met. Further information on the Community Trigger is provided in Section 4.2 below.

4. Local implementation of the legislative change

4.1 Local implementation of the legislation

The new ASB powers contained within the Act (detailed in Sections 3.1 – 3.4) came into force on 20 October 2014 (with the exception of the Injunction – see 2.2 above) and Cabinet is requested to note that there is very little discretion about how the powers are implemented locally. An ASB legislation Task and Finish Group, comprising officers from across relevant agencies, has produced local processes and procedures to guide us through implementation of the new legislation.

4.2 The Community Trigger

One area of the Act where there is local discretion is the Community Trigger. As mentioned in Section 3.5.2, the Community Trigger gives victims the right to request a review of their case, where the locally defined threshold is met. The key features of the Community Trigger are detailed below:

- The threshold for the Community Trigger is to be defined by agencies and the procedure should meet the needs of victims and communities locally.
- The Community Trigger is specifically designed to deal with ASB. However, ASB can often be motivated by hate and the Home Office guidance suggests that relevant bodies may wish to include reports of these incidents in their Community Trigger.
- The Community Trigger can be used by a victim of ASB or another person acting on their behalf, such as a carer or family member, Member of Parliament or Councillor.
- The victim can be an individual, a business or a community group.
- Any member of the public, irrespective of their housing tenure, can request a review of their case. Consequently, as well as local authorities and the police, registered social housing providers, including tenant management organisations and housing associations, will have a statutory responsibility to participate in the review process.

- If the threshold is met, this will trigger a multi-agency review of the complainant's case to determine whether the agency responsible for responding to the ASB has acted appropriately.
- Where further actions are necessary an action plan will be discussed with the victim, including timescales.
- Although the outcome of the review will be communicated to the responsible agency and the complainant, there are no sanctions attached to the legislation requiring the responsible agency to comply with review panel recommendations.
- The legislation states that relevant bodies must publish information covering the number of applications for Community Triggers received, the number of times the threshold for review was not met, the number of ASB case reviews carried out and the number of ASB case reviews that resulted in recommendations being made.

4.3 Proposed Community Trigger Threshold

Discussions have been held with local authority community safety colleagues across the West Midlands and senior officers from West Midlands Police about the need to apply a consistent approach across the region in relation to the new legislation and, in particular, the Community Trigger. Consequently, extensive work has been done on developing a West Midlands wide threshold/definition for the Community Trigger whilst, at the same time, allowing local discretion on the review process and timescales.

Having considered the Home Office guidance about the inclusion of ASB that is motivated by hate, the West Midlands local authorities and the police feel that hate crime should be included within the Community threshold/criteria. Therefore, the threshold that is being put forward, in consultation with all West Midlands' local authorities and West Midlands Police, is as follows:

- ***An individual has reported three separate incidents relating to the same problem in the past six months to the Council, Police or your landlord;***
- ***OR***
An individual has reported one incident or crime motivated by hate (due to race, religion, disability, sexual orientation or transgender identity) in the last six months and no action has been taken;
- ***OR***
At least five people have made reports about the same problem in the past six months to the Council, Police or your landlord and no action has been taken.

Cabinet is requested to note that there is no additional funding available from government for implementation of the new legislation. The Community Trigger process, which is a statutory requirement, will have to be managed within existing ASB Team resources and the increased workload involved in managing the Community Trigger process should not be underestimated. The impact of these changes will be kept under review.

4.4 Implementing the Community Trigger in Wolverhampton

It has been agreed that the Community Trigger process in Wolverhampton will be managed by the ASB Team Manager. Working alongside the ASB Co-ordinator from Wolverhampton Local Policing Unit (LPU), the ASB Team Manager will be responsible for ensuring the Community Trigger is managed appropriately and in line with Home Office guidance.

A draft process map for the management of the Community Trigger is attached (Appendix 2). Cabinet is requested to approve the Community Trigger threshold and process for managing requests for reviews.

4.5 Partnership working and information sharing

The ASB, Crime and Policing Act 2014 places a greater emphasis on agencies working closely together to ensure ASB is dealt with effectively. In Wolverhampton, relationships across partner agencies are already strong. However, from July 2014, the ASB Co-ordinator from Wolverhampton Local Policing Unit is now based in the ASB Team office for half of the working week. It is felt this move will enhance information sharing and place us in a stronger position to identify vulnerable victims of ASB and act accordingly.

4.6 Representatives from the Council are involved in a project chaired by Legal Services of West Midlands Police where the West Midlands Authorities (Dudley, Sandwell, Walsall, Wolverhampton, Solihull, Birmingham and Coventry) are combining their efforts to develop joint documents and uniform practices, to share experiences of what worked well and not so well in the past and to develop strategies which react to the challenges arising from the legal implications of the new Act. If this project is successful, where appropriate, a uniform approach built upon good established practices can be adopted in relation to preparation for and documentation submitted to courts when the new Act is used by any of the West Midlands Authorities. In order to achieve success, it is recognised that, at times in the past, information sharing has not been as effective as it should have been. This new approach may necessitate the development of new information sharing protocols and/or amendments to existing protocols.

4.7 Communications' Strategy

The Task and Finish Group has worked on a cross-agency Communications' Strategy. This includes information about the new tools and powers, especially the Community Trigger, on the Council's and partners websites, other social media as well as utilising traditional methods of communication. A briefing for Councillors will also be prepared during the coming weeks.

5.0 Financial implications

5.1 There is no additional funding from government to deliver the new ASB legislation so any delivery costs will need to be contained within approved budgets for the service. The City Council's Medium Term Financial Strategy (MTFS) has identified £150,000 savings from across the Community Safety Service between 2015/16 and 2017/18. The associated loss of posts may impact on the ASB Team's capacity to deliver the new legislation.

- 5.2 Proposals to mitigate the risks of the proposed loss of service relating to the cost savings were included in the ASB Service Review report presented to SEB on 18 September 2014; were discussed at the VSSC Scrutiny Panel on 2 October 2014 and will be considered by Cabinet on 12 November 2014.
[CF/28102014/B]

6.0. Legal implications

- 6.1 Sections 5 and 6 of the Crime and Disorder Act 1998 require the Council and other responsible authorities to formulate and implement strategies to reduce crime and disorder in the area.
- 6.2 Section 17 of the Crime and Disorder Act 1998 (amended) requires the Council along with the other Responsible Authorities to exercise their functions with due regard to do all that they reasonably can by way of preventing crime and disorder, ASB, substance misuse and re-offending in the locality.
- 6.3 The ASB, Policing and Crime Act 2014 came into force on 20 October 2014; the civil injunction is due to come into force in January 2015. A plan is in place detailing how Wolverhampton is implementing the new tools and powers.
[AW/29102014/R]

7.0 Equalities implications

- 7.1 As outlined in Section 4.7, the Community Trigger will be publicised as widely as possible via traditional communication channels as well as social media. Community groups and third sector organisations, including communities of interest, will be included in the communications' plan.
- 7.2 In addition, equalities' data will be collated in relation to Community Trigger case review requests. If this monitoring reveals a lack of take-up from certain groups with protected characteristics, then agencies will carry out a targeted promotion of the Community Trigger amongst those groups of people.

8.0 Human resources implications

- 8.1 Please refer to Section 5 above which details proposals under the MTFs for the loss of posts from the Community Safety Service.

9.0 Schedule of background papers

- 9.1 There are no background papers associated with this report.

NEW POWERS

Issued by the Court to deal with individuals

		The test	Details	Penalties on breach
Part 1	Civil Injunction Issued by the court to stop a person committing ASB	<ol style="list-style-type: none"> 1. Behaviour likely to cause harassment, alarm or distress (non-housing); or 2. Conduct capable of causing nuisance or annoyance (housing); and 3. Just and convenient to grant the injunction to prevent ASB. 	<ul style="list-style-type: none"> • (1) Applied for by council, police and others but not social landlords • (2) Applied for by the police, councils and social landlords • Issued by the court • Prohibitions and positive requirements 	<ul style="list-style-type: none"> • Breach is not a criminal offence • Over 18s: Unlimited fine or up to 2 years in prison • Under 18s: Supervision or activity requirement, detention, as a last resort, of up to 3 months for 14-17 year olds
Part 2	Criminal Behaviour Order Issued by a criminal court after a person is found guilty of an offence	<ol style="list-style-type: none"> 1. Causing harassment, alarm or distress; and 2. Help in preventing the offender from engaging in such behaviour by addressing the underlying issues. 	<ul style="list-style-type: none"> • Applied for by the prosecution at the request of council or police • Issued by the court • Prohibitions and positive requirements 	<ul style="list-style-type: none"> • Breach is criminal offence • Adults: Summary conviction - up to 6 months in prison and/or a fine. Conviction on indictment – up to 5 years in prison and/or a fine. • Under-18s: 2-year Detention and Training Order.

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Used by the police to move problem groups or individuals on

		The test	Details	Penalty on breach
Part 3	Dispersal Power Requires a person committing, or likely to commit ASB to leave an area for up to 48 hrs. (Immediate)	<ol style="list-style-type: none"> 1. Causing those in the locality harassment, alarm or distress (or crime and disorder); and 2. Direction necessary to remove or reduce the likelihood of the ASB. 	<ul style="list-style-type: none"> • Can determine the time, area and even the route to leave • Can confiscate items used • Requires sign off by Inspector 	<ul style="list-style-type: none"> • Breach is a criminal offence • Failure to move on – up to £2,500 fine and/or up to 3 months in prison • Failure to hand over items – up to £500 fine

Issued by councils, the police and social landlords to deal with problem places

		The test	Details	Penalty on breach
Part 4, Ch 1	Community Protection Notice Stops a person, business or organisation committing ASB which spoils the community's quality of life (Immediate)	<ol style="list-style-type: none"> 1. A detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality; and 2. The conduct is unreasonable. 	<ul style="list-style-type: none"> • Written by council or police officer or landlord • Requirement to stop things, do things or take reasonable steps • Can include undertaking remedial action or seizing items 	<ul style="list-style-type: none"> • Breach is a criminal offence • A fixed penalty notice of up to £100 • A fine of up to £2,500, or £20,000 for businesses.
Part 4, Ch 2	Public Spaces Protection Order Stops people committing ASB in a particular public place	<ol style="list-style-type: none"> 1. A detrimental effect on the quality of life of those in the locality; and 2. Persistent or continuing nature, unreasonable. 	<ul style="list-style-type: none"> • Restrictions set by the council • Consultation with those affected • Can be enforced by the police 	<ul style="list-style-type: none"> • Breach is a criminal offence • A fixed penalty notice of up to £100 • A maximum penalty of a £1,000 fine or a fixed penalty notice.
Part 4, Ch 3	Closure Power This would allow the police or local council to close premises where ASB was being committed, or was likely to be committed. (Immediate)	<ol style="list-style-type: none"> 1. Nuisance to the public; or 2. Disorder near those premises; and 3. Necessary to prevent the nuisance or disorder from continuing, recurring or occurring. 	<ul style="list-style-type: none"> • Notice up to 48 hrs out of court – cannot stop owner accessing property • Order up to 6 months agreed by court – can restrict all access. 	<ul style="list-style-type: none"> • Breach is a criminal offence • Notice: Up to 3 months in prison • Order: Up to 6 months in prison • Both: Unlimited fine for residential and non-residential premises.

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Cabinet Meeting

12 November 2014

Report title	Securing Sufficient Accommodation for Looked After Children Strategy 2014-17	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Val Gibson Children and Families	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Sarah Norman	
Originating service	Children, Young People and Families	
Accountable employee(s)	Martyn Sargeant	Democratic Services Manager
	Tel	01902 555043
	Email	martyn.sargeant@wolverhampton.gov.uk
Report to be/has been considered by	Community Directorate Management Team	20 October 2014

Recommendation(s) for action or decision:

The Cabinet is recommended to:

Endorse the strategic approach to the provision of services for looked after children (LAC) set out in the Securing Sufficient Accommodation for Looked After Children Strategy attached to this report.

1.0 Purpose

- 1.1 The purpose of the report is to obtain the Cabinet's endorsement for the latest Securing Sufficient Accommodation for Looked After Children Strategy which sets out how the City Council plans to fulfil this duty over the next 3 years (2014-17). It is a requirement that the Strategy is formally approved by the Council.

2.0 Background

- 2.1 A Sufficiency Duty was placed on local authorities in Section 22G of the Children Act 1989 and this has been reinforced by the Draft Statutory Guidance Securing Sufficient Accommodation for Looked After Children (2009). Section 22G requires local authorities to take reasonably practicable steps that secure sufficient accommodation for looked-after children under their care who cannot live at home and whose circumstances indicate that it would be in a child's best interest to be accommodated by the local authority. There is a requirement to ensure access to a sufficient range of placements so that, whenever it is in the interests of a looked-after child, they can be placed locally with access to the full range of services and support necessary.

3.0 Overview of the Strategy

- 3.1 The Strategy has been developed within the context of the need to balance obtaining better outcomes for Looked After Children within a financial climate where the increasing LAC population has placed increasing strain on placement budgets. The implementation of the Strategy will contribute to achieving more cost effective placements for children and young people who are admitted to the care of the City Council.
- 3.2 A key strategic drive within the strategy is to increase the proportion of LAC who are placed in family based settings and to reduce the reliance on residential care where possible. To this end the Strategy relates to decisions already taken by the Council to decommission the residential homes that it owns and manages and to end most of the existing block contracts with an external provider of residential care. It is recognised that for some young people in care, residential placements will be the best match to their needs and provision for these situations are being made via continued membership of the regional residential framework.
- 3.2 The Strategy highlights continuing work to broaden the range and capacity of placement options available for Looked After Children including the drive to recruit more mainstream foster carers as well as establishing of a new Specialist Foster Care service which will address the needs of those young people with complex needs who might otherwise be placed in residential homes.
- 3.3 In its conclusion the Strategy identifies 6 key themes which will be critical to the successful delivery of the Strategy over the next three years. These key themes will form the basis for a Sufficiency Strategy Implementation Plan which will be produced following the sign off of the Strategy and this will be used to monitor the achievement of the Strategy's aims going forward.

4.0 Financial implications

- 4.1 The report has no direct financial implications.
- 4.2 The strategy relates to how placements for looked after children will be managed over the next three years. The approved budget for 2014/15 for the Looked after Children's Service is £29.4 million.
[NM/30102014/S]

5.0 Legal implications

- 5.1 The production of the Strategy fulfils the Sufficiency Duty placed on local authorities in Section 22G of the Children Act 1989 which has subsequently been reinforced by the Draft Statutory Guidance Securing Sufficient Accommodation for Looked After Children (2009).
RB/03112014/O

6.0 Equalities implications

- 6.1 A Stage 1 Equality Analysis Form has been completed and submitted to the Equalities Team for comment. The Strategy itself highlights changes in the LAC population with regard to age and ethnicity. However, the feedback from the Equalities Team has highlighted the need for a more detailed analysis of the LAC population with regard to all the "protected characteristics" going forward. Similarly a more detailed analysis will also be required in terms of establishing whether there are any differentials in terms the experience of children and young people in care. These issues will form a specific strand of the implementation plan which will be formulated following the formal approval of the Strategy.
- 6.2 Inclusion of a specific equalities strand in the implementation plan will ensure that in future there will be a much more robust data set and analysis to underpin the Council's on-going commitment to equality outcomes for children and young people in care.

7.0 Environmental implications

- 7.1 There are no specific environmental implications relating to this report and appended papers.

8.0 Human resources implications

- 8.1 The Strategy makes reference to children's residential homes which are owned and managed by the Council, and the plans, and the consequent loss of jobs. These plans have already been considered and approved by Cabinet in September 2014.

9.0 Corporate landlord implications

- 9.1 The Strategy makes reference to children's residential homes which are owned by the Council, two of which are managed by the Council directly and two which are managed by an external provider (the Cambian Group). The plans to decommission three of these premises have already been considered and approved by Cabinet.
- 9.2 One of the homes , The Wergs, will be leased by the Cambian Group for at least one more year and thus will continue to operate as a children's home. The future of Red Gables and Upper Pendeford Farm will be managed through the Council's normal disposal processes.

10.0 Schedule of background papers

- 10.1 Proposals Regarding Children's Residential and Fostering Provision presented to Council Cabinet meeting 10 September 2014

WOLVERHAMPTON CITY COUNCIL

SUFFICIENCY STRATEGY 2014-17

1. INTRODUCTION

Wolverhampton City Council has a commitment to ensuring that the needs of children and young people who are looked after by the Local Authority (Looked After Children (LAC)) are met and this document forms part of a wider strategic context in terms of delivering better outcomes for vulnerable children, young people and their families. This wider strategic context includes the Children and Young People and Families Plan, the 'Families r First' Transformation Programme, and the Early Help Strategy. Consequently, this document should be read in conjunction with a range of relevant documents including 'Statement of Purpose' documents produced by key service areas. All these strategic contexts shared a common vision of ensuring that families get the right help, at the right time and in the right place. This approach applies as much to helping children and young people live safely at home and preventing admission to care, by embedding the Troubled Families approach and developing Early Help services, as it does to those children and young people who do become looked after.

A Sufficiency Duty was placed on local authorities in Section 22G of the Children Act 1989 and this has been reinforced by the Draft Statutory Guidance Securing Sufficient Accommodation for Looked After Children (2009). The strategy sets out how this duty will be met over the next 3 years.

The strategy document has been developed at a time when Wolverhampton's LAC population has been steadily rising since 2009. Between 1st April 2009 and 1st April 2014 the numbers of LAC have risen by 215% (from 363 to 783). Whilst there has been a general increase in the LAC populations of local authorities across the country, the size of increase in Wolverhampton has been above that experienced elsewhere. These circumstances have placed considerable financial pressure of the Council and its partners, however, the key focus of the Sufficiency Strategy has been on maintaining and improving the quality of services and ensuring that needs are appropriately met with the belief that in pursuing these priorities, improvement in the financial position will follow. The overall approach to LAC emphasises the need to ensure that only those children and young people who need to be in care are accommodated. Wolverhampton's Families r First Programme is predicated on the desire to do everything we can to allow children and young people to live and grow up safely within their families and communities. This has led to greater emphasis being placed on early help and prevention initiatives and the development of appropriate and effective alternatives to care. For those children and young people

who need to be in care, we continue to ensure that placements are the most appropriate and represent the best value for money.

1.1 Vision

Wolverhampton's vision is to provide sufficient high quality placements for children and young people in its care which enable them to achieve their potential. The aim of providing the right placement in the right place, at the right time lies at the heart of Wolverhampton's Sufficiency Strategy.

1.2 Key Statements

- Views and meaningful participation of children and young people to be sought wherever possible.
- Wolverhampton is implementing its 'Families r First' programme which focusses on supporting children and young people to continue to live safely with their families.
- We are hopeful that new ways of working, especially the New Operating Model, will result in more effective working with families which will contribute to safely reducing the number of children and young people being admitted to care.
- Wolverhampton Council aims to be the main provider of fostering for our children in care. To meet this aspiration our fostering service needs to continue achieving year on year growth.
- All our internal services will work towards obtaining, or remaining, "good" to "outstanding", as judged by Ofsted.
- Wolverhampton will work towards finding the widest possible range of placement choice, from within its own resources, to meet the demands of all children in care.
- Wolverhampton will ensure that placements meet the full range of needs.
- Wolverhampton will review its response and commissioning approach to meeting the most complex and unusual needs such as complex health and therapeutic needs and in particular those for adolescents.
- All placements to aspire to a no disruption principle.
- Medium to long term placements with Independent Fostering Agencies and the private residential sector will only be commissioned when the specific needs of the child or young person require a specialist placement that cannot be achieved from within the authority's own provision.

- We will commission short term or emergency placements from the independent and voluntary sectors, both fostering and residential, only when full internal capacity has been reached or when the specific needs of a child are such that their placement could not be made internally.
- Wolverhampton will seek to commission placements with independent providers as part of a larger regional commissioning group so as to assure best value.
- Permanence placements will be achieved through adoption, special guardianship and residence orders, with appropriate financial and aftercare support as appropriate and applicable.
- Foster placements which can meet the needs and wishes of children on a long-term basis to be developed and supported.
- Young people leaving care will be offered the opportunity to remain in their foster home or children's home until they reach 18 and, in the case of children in foster care beyond 18, if that is their wish through a Staying Put policy.

A range of other semi-independent living arrangements such as supported lodgings and semi-independent supported housing will be commissioned where young people choose not to, or are unable to remain in their foster home or residential unit until 18.

- This strategy will be reviewed each year to examine trends and act upon them accordingly.

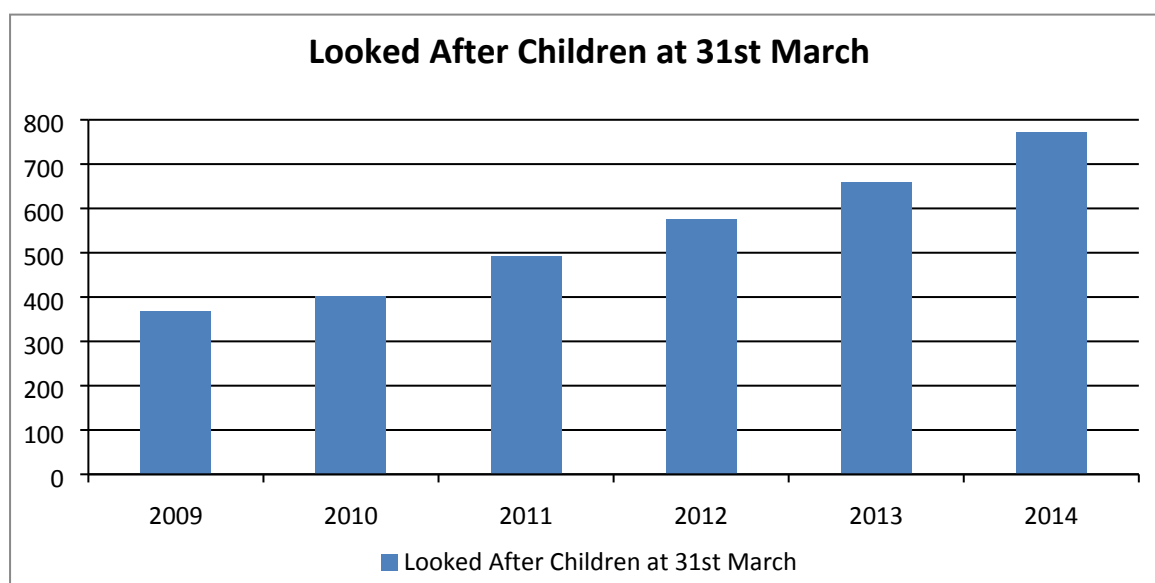
1.3 Key Targets

- To increase the number of new internal approved foster carer households by recruiting a minimum of 40 households a year, and losing a maximum of 15 fostering households per year.
- To review internal residential homes in line with the changing population and analysis of needs; outcomes; young person's views; available resources and balance between residential and family based care.
- To continue to explore and develop partnership working both regionally and sub-regionally.
- Market development and management (how? -strategically and operationally)
- To redress the imbalance between the use of internal and external placements in line with identified needs on a population wide and individual level.

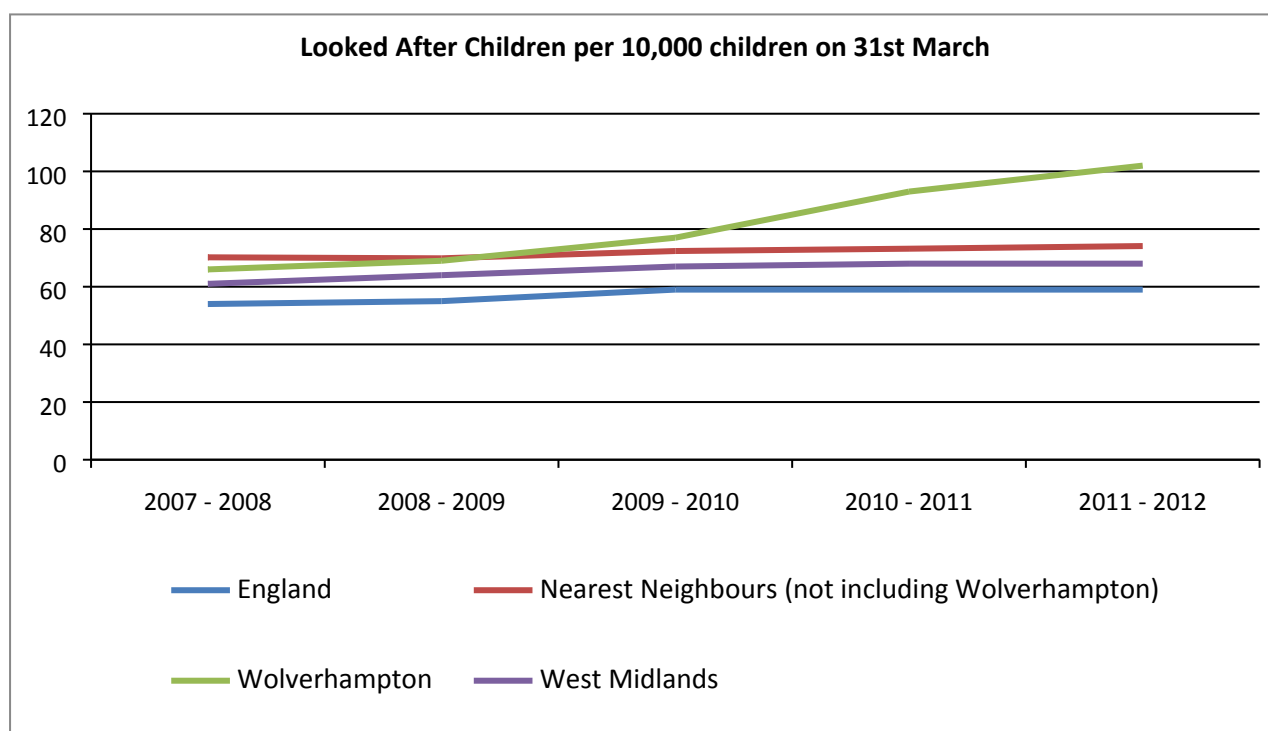
- To develop, maintain and support robust kinship care support arrangements as an alternative to placement within 'stranger' placements.
- To support pro-active discharge from care, where appropriate.
- To increase the number of Wolverhampton approved adopters each year for the next three years. The target for 2014-15 is 36 new adopters approved. As part of this, to show a proportionate decrease in the number of externally purchased placements and reduce the time children wait for a placement.
- To ensure transition and preparation for independence planning begins at 14.

2. NEEDS ANALYSIS

Between 31st March 2009 and 31st March 2014 the numbers of children and young people looked after by the Council increased by 215% (from 367 to 772).



The increase in numbers of children in care has not been unique to Wolverhampton. Both nationally and within Wolverhampton's statistical neighbour group of Local Authorities, increases in the number of children in care per 10,000 population has been experienced. However, the increase in Wolverhampton has been significantly greater than other statistical neighbours.



Age Breakdown of LAC

Age (years)	31 st March 2009		31 st March 2010		31 st March 2011		31 st March 2012		31 st March 2013		31 st March 2014	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Under 1	26	7.1	27	6.7	36	7.3	34	5.9	46	6.7	51	6.6
1-4	68	18.5	96	23.9	139	28.2	156	27.1	169	25.6	174	22.5
5-9	89	24.2	84	20.1	99	20.1	133	23.1	154	23.3	193	25.0
10-15	135	36.8	149	37.1	166	33.7	193	33.6	217	32.9	248	32.1
16+	49	13.3	46	11.4	52	10.6	59	10.3	74	11.2	106	13.7
TOTAL	367		402		492		575		660		772	

Numbers of Children and Young People in Care by Placement Type

	31 st March 2009		31 st March 2010		31 st March 2011		31 st March 2012		31 st March 2013		31 st March 2014	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Placed for adoption	19	5.2	25	6.2	14	2.8	22	3.8	37	5.6	36	4.7
Friends & Family	28	7.6	24	6.0	27	5.5	34	5.9	44	6.7	44	5.7
Internal foster care	196	53.4	212	52.7	214	43.4	197	34.3	160	24.2	157	20.3
Purchased foster care	57	15.5	69	17.2	160	32.5	238	41.4	287	43.5	381	49.3
Fostering Sub-Total	300	81.7	330	82.1	415	84.3	491	85.4	528	80.0	618	80.0
Secure	0	--	0	--	2	0.4	0	--	6	0.9	2	0.3
“Internal”*	28	7.6	23	5.7	26	5.3	26	4.5	27	4.1	28	3.6
“External”	9	2.4	12	3.0	20	4.1	16	2.8	19	2.9	28	3.6
Residential Sub-Total	37	10.1	35	8.7	48	9.4	42	7.3	52	7.9	58	7.5
Placed with parents	19	5.2	22	5.5	21	4.3	30	5.2	52	7.9	56	7.2
Independent living	7	1.9	9	2.2	6	1.2	7	1.2	11	1.7	21	2.7
NHS/Medical	1	0.3	1	0.2	0	--	1	0.2	2	0.3	3	0.4
Mother & Baby Unit	0	--	0	--	1	0.2	1	0.2	3	0.4	1	0.1
YOI/Prison	0	--	4	1.0	0	--	1	0.2	2	0.3	1	0.1
Residential school	2	0.5	0	--	0	--	1	0.2	2	0.3	1	0.1
Other	1	0.3	1	0.2	1	0.2	1	0.2	8	1.2	13	1.7
TOTAL	367		402		492		575		660		772	

In terms the proportional use of different placement options, residential placements have decreased from 10.1% on 31st March 2009 to 7.5% on 31st March 2014. Fostering placements account for 80% of all placements and this has changed relatively little when comparing 31st March 2009 and the same date in 2014.

However, in terms of placement providers within these categories there has been a significant shift in the balance between “internal” and “external” provision. Residential has changed from a 3:1 ratio in favour of “internal” provision to a 1:1 ratio in March 2014. With regard to foster care (excluding Family and Friends) the ratio has changed from 3.4:1 in favour of internal foster care to 1:2.4 in favour of externally provided foster carers. (The number of LAC placed with external foster carers

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has increased over the 6 year period by 568%). There has also been an increase (+195%) in the number (and percentage) of LAC placed with parents 19 to 56.

There have also been positive increases in the number of children placed for adoption (+89%) and young people were in independent living placements (200%).

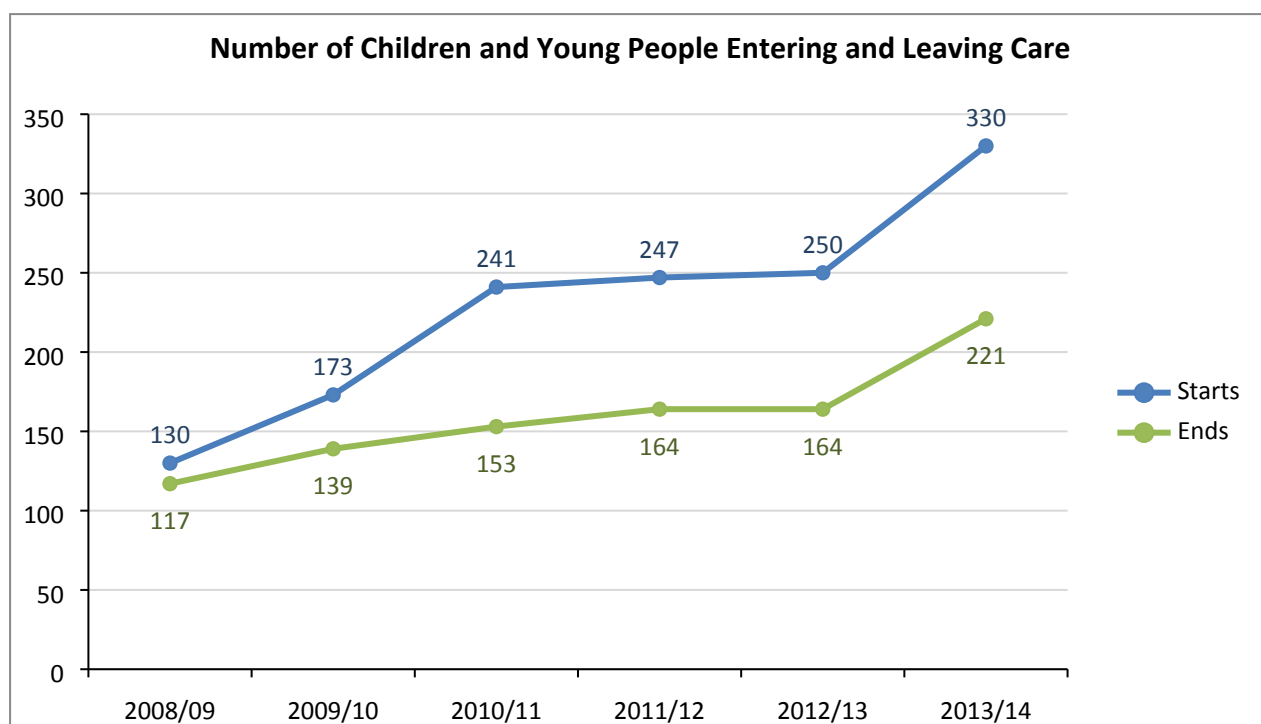
Number of Children in care by Ethnicity

	31 st March 2009		31 st March 2010		31 st March 2011		31 st March 2012		31 st March 2013		31 st March 2014	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Asian / Brit - Bangladeshi	0	--	0	--	1	0.2	0	--	0	--	1	0.1
Asian / Brit - Indian	13	3.5	14	3.5	9	1.8	11	1.9	17	2.6	20	2.6
Asian / Brit - Other Asian	0	--	1	0.2	1	0.2	1	0.2	1	0.1	6	0.8
Asian / Brit - Pakistani	0	--	2	0.5	5	1.0	5	0.9	2	0.3	9	1.2
Black / Brit - African	2	0.5	4	1.0	2	0.4	5	0.9	12	1.8	22	2.8
Black / Brit - Caribbean	21	5.7	21	5.2	40	8.1	36	6.3	43	6.5	53	6.9
Black / Brit - Other black	1	0.3	1	0.2	8	1.6	7	1.2	7	1.1	11	1.4
Chinese	4	1.1	4	1.0	6	1.2	3	0.5	3	0.4	3	0.4
Declined to say	0	--	0	--	0	--	0	--	0	--	2	0.3
Gypsy / Roma	0	--	0	--	0	--	1	0.2	1	0.1	1	0.1
No information	1	0.3	0	--	1	0.2	3	0.5	5	0.8	2	0.3
Mixed - other	2	0.5	4	1.0	16	3.2	24	4.2	26	3.9	24	3.1
Mixed - White/Asian	13	3.5	8	2.0	9	1.8	11	1.9	13	2.0	15	1.9
Mixed - White/ Black African	0	--	0	--	2	0.4	3	0.5	3	0.5	6	0.8
Mixed - White/Black Carib	39	10.6	37	9.2	38	7.7	50	8.7	57	8.6	68	8.8
Other ethnic group	16	4.4	16	4.0	16	3.2	10	1.7	28	4.2	28	3.6
Traveller of Irish Heritage (CYP only)	3	0.8	4	1.0	3	0.6	3	0.5	0	--	0	--
White British	248	67.6	282	70.1	328	66.7	392	68.2	429	65.0	490	63.5
White - Other	4	1.1	4	1.0	7	1.4	10	1.7	13	2.0	11	1.4
TOTAL	367		402		492		575		660		772	

The overall rise in LAC numbers has been reflected in all ethnicity categories with the exception of Chinese and Traveller of Irish Heritage. Some of the increases in numbers have been relatively small and it should be borne in mind that the data in the table relates to “snapshots” taken on a particular day each year. The majority continue to be White British and whilst the numbers have increased, White British LAC proportionately made up a smaller element on 31st March 2014 (63.5%) than on the same date in 2009 (67.6%). In terms of proportional representation, there have been notable increases with regard to Pakistani, Black/British Other, and Mixed Other.

Entering and Leaving Care

Between 2009/10 and 2011/12 the gap between entries to and exits from care started to increase. The gap stabilised for two years but in 2013/14 the gap increased again. In 2014 Wolverhampton has initiated its Families r First Transformation Programme which going forward will have a significant impact in reducing the LAC population and its focus on this and promoting permanence will see this gap gradually reduced.



Number of Admissions to Care by Age Group

Age (years)	2008/09		2009/10		2010/11		2011/12		2012/13		2013/14	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Under 1	30	23.1	30	17.3	37	15.3	40	16.2	48	19.2	54	16.4
1-4	29	22.3	61	35.3	76	31.5	64	25.9	67	26.8	79	23.9
5-9	28	21.5	34	19.6	46	19.1	55	22.3	48	19.2	64	19.4
10-15	31	23.8	38	22.0	62	25.7	70	28.3	56	22.4	89	27.0
16+	12	9.2	10	5.8	20	8.3	18	7.3	31	12.4	44	13.3
TOTAL	130		173		241		247		250		330	

Overall admissions to care have increased by 153% between 2008/9 and 2013/14. The age categories which have seen the biggest increases have been 16 years+ (267% - although this category has the lowest overall numbers), 10-15 years (187%) and 1-4 years (172%).

Number of children leaving care by duration of stay

Duration of stay		2008/09		2009/10		2010/11		2011/12		2012/13		2013/14	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Under 6 weeks	6	15	12.8	28	20.1	37	24.2	35	21.3	27	16.5	49	22.2
6 weeks to 6 months		17	14.5	28	20.1	20	13.1	37	22.6	23	14.0	44	19.9
6 months to 1 year		6	5.1	19	13.4	16	10.5	21	12.8	20	12.2	22	9.9
1 year to 3 years		29	25.0	28	20.1	46	30.1	37	22.6	51	31.1	62	28.0
3 years to 5 years		14	12.0	20	14.4	11	7.2	15	9.1	16	9.8	23	10.4
Over 5 years	5	36	30.1	16	11.5	23	15.0	19	11.6	27	16.5	21	9.5
TOTAL		117		139		153		164		164		221	

In overall terms the number of children and young people leaving care has risen by 88% between 2008/09 and 2013/14. The number and proportion of children and young people leaving care after being looked after for 1 year or less has increased. In 2008/09 32% of children leaving care had been in care for 1 year or less compared to 52% in 2013/14.

The number of children and young people leaving care after 5 years or more was considerably less in 2013/14 compared to 2008/09 (long term comparison) but approximately the same as 2011/12 (mid term comparison).

Number of children leaving care by reason for leaving:

Reason for Leaving	2008/09		2009/10		2010/11		2011/12		2012/13		2013/14	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Care taken over by another local authority	1	0.8	1	0.7	2	1.3	3	1.9	0	--	0	--
Returned home	38	32.5	71	51.1	80	52.3	90	56.2	74	45.1	104	47.1
Move to independent living	13	11.1	8	5.7	9	5.9	7	4.4	6	3.6	1	0.4
Transferred to Adult Social Care	0	--	0	--	0	--	0	--	0	--	0	--
Sentenced to custody	2	1.7	1	0.7	4	2.6	0	--	1	0.6	4	1.8
Reached 18 th birthday	28	23.9	21	15.1	23	15.0	20	12.5	21	12.8	34	15.4
Adopted	24	20.5	19	13.7	21	13.7	21	13.1	36	21.9	50	22.6
Residence Order granted	1	0.8	4	2.9	4	2.6	9	5.6	7	4.3	2	0.9
Special Guardianship granted	5	4.3	7	5.0	7	4.6	8	4.9	17	10.4	24	10.8
Any other reason	5	4.3	7	5.0	3	2.0	6	3.6	2	1.2	2	0.9
TOTAL	117		139		153		164		164		221	

Between 2008/09 and 2013/14 there were notable increases in the numbers of children and young people leaving care via adoption and Special Guardianship Orders. "Returning home", has been the most prevalent reason for children and young people leaving care year on year across the time period.

3. CURRENT PROVISION

FOSTERING

Fostering placement needs have continued to be met by the provision of both internal and external service provision. However, the ability to increase the internal foster carer pool has failed to keep pace with the rapid rate of increase in LAC population and therefore there has been a significant increase in the use of Independent Foster Care agencies to find placements.

Internal Fostering

As highlighted above the use of internal foster cares has declined. This reflects the fact that the overall pool of internal foster carers available has declined. The recruitment of new foster carers has continued to be a priority for the Council and there has been some success in this but the need to recruit even more foster carers remains a priority

The Council's foster care service has been restructured as part of the wider restructuring of Looked After Children's Services. The service fulfils a number of functions which include:

- Recruitment, initial contact, training, and assessment of foster carers which is delivered by a mixed model of service disciplines including the local authority's Marketing and Communications team and City Direct.
- Support and development which includes supervision, post approval training and support to temporary, permanent, and family and friends foster carers. In addition, assessments are carried out for existing foster carers who wish to consider permanent placements for children who are in their care. Again there is a mix of service provision with Heantun Care contracted to provide a peer-led support which includes a 24/7 helpline and a buddying scheme
- Family finding for permanency which identifies permanent families and assessing them for children who are requiring permanent placements with foster families.
- Family and Friends which provides training, assessment, development and support to Family and Friends (Connected Persons) foster carers.

In addition, both internal fostering and residential services are supported by the Placement Team which seeks to source the best matched fostering and residential placements for looked after children and young people.

External Purchased Fostering

With the rising LAC population the use of foster carers from Independent Fostering Agencies (IFAs) has also risen significantly (by 568% - 31st March 2009 compared to

31 March 2014). Over the last three years Wolverhampton has used 44 IFAs to provide placements with the overwhelming majority (86%) being sourced from the regional foster care framework of which Wolverhampton is a part.

RESIDENTIAL

Residential placement needs have continued to be met by a mix of both “internal” and “external” placement options. On 31st March 2014 there were 51% more residential placements compared to the same date in in 2009. The size of “internal” provision has remained relatively constant over that time period (despite some changes noted below) and therefore the increased demand has been met by accessing “external” residential placements.

Internal Residential

On the 1st April 2014 “internal” residential provision consisted of 29 places which were provided under three categories of provision:

- Homes owned and managed by the Council
- Homes owned by the Council but managed by an external provider
- Homes owned and managed by and external provider working under a block contract

Service Name	Provider	Units
Red Gables	City Council (owned and managed)	6
Upper Pendeford Farm	City Council (owned and managed)	6
Merridale Street West	City Council premises/service delivery - Advanced Child Care	4
The Wergs	City Council premises/service delivery - Advanced Child Care	4
Stafford Road	Advanced Child Care (Block Contract)	4
Brooklands Parade	Advanced Child Care (Block Contract)	5
Total		29

However, the Council has subsequently reviewed and agreed a strategic plan to change the Councils approach to residential care in general and its “internal” provision in particular. The plan aims to support the drive to increase the proportion of LAC who are placed in family settings and reduce the use of residential

placements. This will result in the phased decommissioning of the two homes owned and managed by the Council and the termination of the block contracts in relation to The Wergs, Stafford Road and Brooklands Parade. The arrangements for Merridale Street West will continue as this home provides for the needs of looked after children and young people with very complex needs.

External residential

Whilst the number of “internal” residential placements has remained static over the last three years the use of externally provided has increased by 211% (9 on 31st March 2010 compared to 28 on 31st March 2014). Over the last three years Wolverhampton has used 22 external residential placement providers who have been sourced from the regional residential framework.

Adoption and Permanence

In terms of recruitment and initial training of adopters Wolverhampton has been involved in developing Adoption Black Country (ABC) which is a sub-regional joint venture approach to adoption with the other three Black Country local authorities (Dudley, Sandwell, and Walsall). This collaborative approach to recruiting and training adopters was further enhanced recently by the opportunities provided by the Adoption Reform Grant.

The Council’s Adoption Team has three elements: Family Finding, Adoption Social Work and Recruitment. The Team provides a range of services including counselling, information, advice and training to help adopters meet the needs of their adoptive children.

In terms of other forms of permanence there has been a marked increase in Special Guardianship Orders granted, rising from 5 in 2008/09 to 24 in 2013/14, a 380% increase. This will continue to be a key area of work for the Council.

Leaving Care Provision/Independent Living

The Council’s LAC Transitions Team became operational as a multi-disciplinary team in July 2012. It works with looked after children and care leavers aged 14 to 25 years and aims to improve outcomes for these young people by providing them with earlier and better structured preparation for adult life. The emphasis on starting to prepare young people for adult life at an earlier stage affords them opportunity to develop at their own pace. Young people are encouraged from 14 to think about their post 18 options and to identify what they need to achieve to meet their goal whether this be going to university, living independently or ‘staying put’ with their carers’.

The Transition Team members work in close collaboration with specialists in housing support and education, training and employment to meet young people's needs. Young people themselves are encouraged to actively participate at both levels as we are committed to promote their influence in their own individual plans and in the development of the service.

The service faces challenges linked to the rising LAC population and the consequent increase in young people who are eligible for after care services. The number of properties available to the service has increased over recent years but the decommissioning of the Council's two residential homes will mean that 4 semi-independent living options will no longer be available. New policies such as Staying Put will place further expectations on the service.

The Council has also commissioned alternative supported housing options. For example YMCA is contracted to provide a supported lodging scheme which continues to expand its capacity. In past service has been under-utilised because of social workers lack of awareness of service and perceptions that carers would not be able to manage the level of complexity of many LAC. However, awareness raising initiatives have been undertaken which have resulted in a growing recognition that the service can meet a wider range of needs.

4. CONCLUSIONS/THE FUTURE

The Families r First Transformation Programme which has been introduced in the last 12 months has at its heart the principle of supporting children and young people to live and grow up in their own families wherever it is safe to do so. The expected result of the implementation of this programme over the next few years is that the LAC population will reduce from its current levels and thus will have a positive quantitative impact in terms of placement requirements. The Families r First Programme is also concerned with ensuring that children and young people who are admitted to care have their needs met, enjoy stable placements and that permanence plans are in place and actively pursued. Whilst the next three years will see added impetus to the desire to increase "internal" placement options, Wolverhampton's continuing collaborative working on a regional and sub-regional basis, especially through framework agreements will ensure that there is access to a large and varied market of providers which gives confidence that a match between LAC needs and placement services can be found.

There is a clear link and synergy between Families r First and the Sufficiency Strategy the aims of which for LAC are:

Overall

- To have as wide a range of placement options as possible in order to make the best possible match with the needs of LAC
- To maximise the use of family based placements

Fostering

- Continue with a mixed economy of placement provision but to grow and diversify the internal pool of foster carers so that there is less reliance on external provision
- Restructure and expand the internal foster care “offer” including increasing the number emergency foster carers and introducing a specialist foster care service
- Maintain and develop our relationship with external providers via a regional framework agreement

Residential

- Safely reduce the use of residential placements
- Decommission the 2 children’s homes owned and managed by the Council
- Terminate the majority of block contracts with external provider
- Maintain “internal” complex needs provision
- Maintain and develop our relationship with external providers via both a regional framework agreement and through direct contact

Adoption and permanence

- Increase number of LAC adopted
- Continue to develop the sub-regional Adoption Black Country arrangements (partnership with a Voluntary Adoption Agency)
- Increase the use of Special Guardianship Orders and residence Orders where appropriate
- Reduce number of LAC placed with parents by ensuring clear permanence plans are in place and actioned

Independent Living/Transition (giving LAC the best chances for transition to adulthood)

- Further develop independent living/transition services
- Maintain and seek to develop a range of placement options which meet the individual needs (maturity, resilience, life skills) of older LAC and give them the best chance of a smooth transition to adulthood

These key themes will form the basis for a Sufficiency Strategy Implementation Plan which will be used to monitor the achievement of the Strategy’s aims.

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Cabinet Meeting

12 November 2014

Report title	Final Decision Regarding the 2015 Primary School Expansion Programme		
Decision designation	AMBER		
Cabinet member with lead responsibility	Councillor Phil Page Schools, Skills and Learning		
Key decision	Yes		
In forward plan	Yes		
Wards affected	All		
Accountable director	Tim Johnson, Education and Enterprise		
Originating service	School Planning and Resources		
Accountable employee(s)	Bill Hague	Service Manager School Places and Transport	
	Tel	01902 556943	
	Email	bill.hague@wolverhampton.gov.uk	
Report to be/has been considered by	Special Children and Young People	4 November 2014	
	Scrutiny Panel		

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Formally consider the outcomes of Initial Consultation and Formal Consultation on the proposed expansions of Bilston CE Primary School, Bushbury Hill Primary School, Eastfield Primary School, Loxdale Primary School, Manor Primary School, St Martin's CE Primary School and West Park Primary School, in accordance with statutory guidance.
2. Approve the proposed expansion of Bilston CE Primary School.
3. Approve the proposed expansion of Bushbury Hill Primary School.
4. Approve the proposed expansion of Eastfield Primary School.
5. Approve the proposed expansion of Loxdale Primary School.

6. Approve the proposed expansion of Manor Primary School.
7. Approve the proposed expansion of St Martin's CE Primary School.
8. Approve the proposed expansion of West Park Primary School.
9. Note the position regarding the proposed expansions of Stowlawn Primary School and Westacre Infant School and approve implementation.

Recommendations for noting:

The Cabinet is asked to note:

1. The current position regarding the need to extend the 2015 Primary School Expansion Programme.
2. The potential conversion of The Royal School Wolverhampton to free school status and the proposed introduction of additional capacity.
3. The ongoing development of contingency plans and the establishment of a contingency fund to support the provision of sufficient primary school places.
4. That the current bulge in primary school pupil numbers will impact on the secondary estate in the short to medium term.

1.0 Purpose

- 1.1 This report details the outcomes of consultation in relation to schemes proposed for inclusion in the 2015 Primary School Expansion Programme and seeks approval to implement the proposed Programme in order ensure the provision of sufficient school places.

2.0 Background

- 2.1 Local authorities have a statutory duty to ensure sufficiency of school places.
- 2.2 Levels of demand for primary school places in Wolverhampton have increased in recent years. In order to meet demand, the Council has recently invested heavily in the provision of a significant number of additional primary school places in areas of high demand across the city.
- 2.3 Levels of demand are anticipated to continue to increase in the short term and projections suggest that further additional school places will need to be introduced into the school estate in order to ensure that sufficient places are available.
- 2.4 On 25 June 2014, Cabinet approved the undertaking of required statutory processes in relation to the proposed schemes in the 2015 Primary School Expansion Programme. Cabinet also delegated authority to the Cabinet Member for Schools, Skills and Learning, in consultation with the Strategic Director for Education and Enterprise, to consider the outcomes of Initial Consultation and to determine whether or not to proceed to Formal Consultation, in relation to qualifying schemes in the 2015 Primary School Expansion Programme.
- 2.5 Initial Consultation on the proposed schemes commenced on 1 July 2014 and concluded on 28 July 2014. In August 2014, the outcome of Initial Consultation was considered, by way of an Individual Executive Decision Notice, and progression to the statutory process of Formal Consultation was approved.
- 2.6 Formal Consultation commenced on 18 September 2014 and concluded on 15 October 2014.
- 2.7 On 17 September 2014, Council approved the proposed funding strategy for the 2015 Primary School Expansion Programme and agreed to the establishment of a new capital budget to support the proposed funding strategy.
- 2.8 On the 9 October 2014, Schools' Forum agreed to the establishment of a Growth Fund (£1.2 million) to support the needs of pupils in expanding schools through the allocation of appropriate revenue support.

3.0 2015 Primary School Expansion Programme

- 3.1 The 2015 Primary School Expansion Programme proposes the expansion of existing schools across the City in order to meet community needs. Additional primary school places are urgently required in order to ensure the provision of sufficient school places.
- 3.2 Schemes proposed for inclusion in the Programme were developed in line with the Primary School Organisation Strategy 2014-2017 which was approved by Cabinet in June 2014, following consultation with key stakeholders including; Headteachers and Chairs of Governors of all Infant, Junior and Primary Schools in the city, all Ward Councillors, Trade Union Representatives, local Diocesan Authorities, local Educational Trusts, and Wolverhampton Schools' Improvement Partnership.
- 3.3 In line with the Primary School Organisation Strategy 2014-2017, the following factors were considered when prioritising school expansion schemes:
- Parental choice – schools which are most popular with parents
 - School performance - schools judged as 'Good' or 'Outstanding' by Ofsted
 - Attainment - schools whose end of key stage results consistently exceed floor standards
 - School leadership – schools with stable and proven leadership
 - Location – schools located within areas of high demand
 - Viability for expansion – schemes which can be most easily and efficiently implemented
 - Value for money - schools that can most cost effectively be expanded.
- 3.4 The 2015 Primary School Expansion Programme proposes both permanent expansions and the introduction of bulge classes (time limited expansions of the capacity of individual year groups within schools). The introduction of bulge classes has been considered because of an anticipated peak in demand in the short term. Proposing the introduction of bulge classes, as opposed to proposing the permanent expansion of all schools in the Programme, supports the longer term sustainability of the school estate and offers a more efficient use of resources.
- 3.5 Adopting a flexible approach is crucial in order to undertake successful school place planning in the current environment. Given the potential for the both the establishment of new free school provision and the constantly changing demographics of the City, it is essential that the factors that can influence the Programme are closely monitored.

4.0 Statutory consultation and decision making processes

- 4.1 When proposing significant prescribed alterations to schools, local authorities must follow statutory guidelines as detailed within The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Local authorities must follow a statutory process when seeking to expand a school if; The proposed enlargement to the premises of the school is permanent (longer than three years) and would increase the capacity of the school by more than 30 pupils and 25% or 200 pupils (whichever is the lesser).

- 4.2 The proposed schemes at Bilston CE Primary, Bushbury Hill Primary, Eastfield Primary, Loxdale Primary, Manor Primary, St Martin's CE Primary and West Park Primary meet the criteria outlined in paragraph 4.1.
- 4.3 In line with the Department for Education's (DfE) guidance as stated within 'School Organisation (Maintained Schools) Guidance for proposers and decision-makers' (January 2014), "...there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations." In order to fulfil this duty, a period of Initial Consultation in relation to the proposed expansions listed in 4.2 above has been undertaken.

Initial Consultation commenced on 1 July 2014 and concluded on 28 July 2014. Letters outlining the proposals were distributed to relevant stakeholders who were given the opportunity to respond. The consultation documentation and a questionnaire were also published online at <http://engagement.wton-partnership.org.uk/>. All responses to Initial Consultation and a list of stakeholders consulted are available to decision makers and are contained within Councillors' Supporting Information Packs which are available in Councillors' rooms.

- 4.4 Following approval in August 2014 and in line with the prescribed consultation process, statutory proposals were published on 18 September 2014. A Public Notice (as featured within Councillors' Supporting Information Packs) was published in the Express and Star newspaper, displayed on school entrances and placed in conspicuous locations within school premises. Relevant stakeholders including schools' governing bodies and the local diocese were supplied with copies of the Full Proposals (see Councillors' Supporting Information Packs) and the Public Notice. In addition, the Full Proposals and Public Notice were published online at <http://engagement.wton-partnership.org.uk/>.
- 4.5 A Formal Consultation (or Representation) period commenced on the date of publication (18 September 2014) and ran until 15 October 2014. All responses to Formal Consultation are available to decision makers and are included within Councillors' Supporting Information Packs.
- 4.6 As detailed within the DfE's 'School Organisation (Maintained Schools) Annex A: Further information for proposers' (January 2014), the Council is the decision making body that considers prescribed alterations to community and voluntary schools within its area.
- 4.7 Decisions must be made within a period of two months of the end of the Formal Consultation period. If the Council fails to do this then the proposals must be referred to the Schools Adjudicator.

- 4.8 There are a number of factors that Cabinet are required to have regard to when making decisions on the proposals. Statutory guidance issued by the DfE 'School Organisation (Maintained Schools) Annex B: Guidance for Decision-makers' (January 2014), can be found within Councillors' Supporting Information Packs.
- 4.9 In accordance with statutory guidance Cabinet must consider all of the views submitted during consultation, including all objections to and comments on the proposals.
- 4.10 When issuing a decision, Cabinet can:
- Reject the proposals;
 - Approve the proposals without modification;
 - Approve the proposals with modifications;
 - Approve the proposals subject to certain conditions being met.
- 4.11 Following the final decision, the following bodies can appeal:
- the local Church of England diocese;
 - the local Roman Catholic diocese; and
 - the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.
- 4.12 Not all schemes included within the 2015 Programme meet the defined criteria to follow the statutory consultation process. Stowlawn Primary School and Westacre Infant School do not meet the criteria where statutory consultation is required.

5.0 The proposed expansion of Bilston CE Primary School

- 5.1 It is proposed that Bilston CE Primary School is permanently expanded. Bilston CE Primary School's published admission number is currently 45. It is proposed that with effect from September 2015, the school's published admission number is increased to 60.
- 5.2 Ten written consultation responses were received by the Council during Initial Consultation.

Number of responses received	Respondents in favour of the proposal	Respondents who did not agree with the proposal	Respondents who 'did not know'	Respondents who did not state a preference
10	8 (80.0%)	2 (20.0%)	0 (0.0%)	0 (0.0%)

- 5.3 A number of positive comments regarding the proposal were received during Initial Consultation including:

- “Meets local demand, positive news for the community, site lends itself for future expansion, Ward Street development will create demand for places” (response B1 Headteacher and member of the governing body at Bilston CE Primary School)
- “Better for children – no need for vertically grouped classes!” (response B2 – member of staff at Bilston CE Primary School)
- “It will be a great investment that will help shape young people’s futures” (response B5 – parent/carer of a pupil at Bilston CE Primary School).

5.4 A number of concerns and considerations regarding the proposal were also identified during Initial Consultation including:

- “Car parking needs to be taken into consideration.” (response B6 - member of staff at Bilston CE Primary School)
- “This would put too much pressure on already overworked teachers. At the moment my nieces and nephews get the right amount of attention from the teacher but with bigger class sizes this would go down therefore having a bad effect on the children’s education.” (response B9 – aunt of pupil attending Bilston CE Primary School).

5.5 As part of Initial Consultation, representatives from School Places and Transport attended a meeting of the governing body of Bilston CE Primary School on 9 July 2014. Notes of the meeting are available within Councillors’ Supporting Information Packs.

5.6 Please note that the Council received a letter prior to the commencement of Initial Consultation from the Chair of Governors and Headteacher on behalf of the governing body welcoming the proposed expansion of Bilston CE Primary School. A copy of this letter is available to the decision makers.

5.7 At the request of Bilston CE Primary School's Governing Body, representatives from the School Organisation Team recently hosted a drop-in session at the School in order to provide additional information regarding the proposal and answer any queries.

5.8 No responses were received by the Council during Formal Consultation on the proposed expansion of Bilston CE Primary School.

6.0 The proposed expansion of Bushbury Primary School

6.1 It is proposed that the number of Reception places available in Bushbury Hill Primary School is temporarily increased from 30 to 60 in both September 2015 and September 2016. These bulge cohorts would then flow through the school and the admission limit in Reception would revert to 30 in September 2017.

6.2 14 written consultation responses were received by the Council during Initial Consultation.

Number of responses received	Respondents in favour of the proposal	Respondents who did not agree with the proposal	Respondents who 'did not know'	Respondents who did not state a preference
14	2 (14.3%)	12 (85.7%)	0 (0.0%)	0 (0.0%)

- 6.3 A number of concerns and considerations regarding the proposal were identified during Initial Consultation including:
- “Recruitment of staff will be difficult in an already challenging school environment, and if we don’t get a full cohort we would be looking at a deficit budget” (response BH3 - member of staff at Bushbury Hill Primary School)
 - “The school was built as a one form entry school and thus only has the capacity to operate as such. Facilities such as toilets, hall space and classroom space would not be adequate.” (response BH7 - member of staff at Bushbury Hill Primary School)
 - “We have all, but particularly staff and pupils, have worked extremely hard since the two schools were merged to ensure that we moved from a school with ‘serious weaknesses’ at its first Ofsted inspection to its recently acquired status of being a ‘good’ school and we do not want this to be destroyed by providing an unsuitable learning environment.” (response BH10 - member of the governing body of Bushbury Hill Primary School).
- 6.4 During Initial Consultation, representatives from School Places and Transport and Capital and Assets attended Bushbury Hill Primary School’s Finance and General Purpose Committee meeting on 16 July 2014. Notes of the meeting are available within Councillors’ Supporting Information Packs.
- 6.5 Given the views expressed during Initial Consultation, representatives have worked closely with the school to develop a scheme which meets the needs of both the school and the local community.
- 6.6 No responses were received by the Council during Formal Consultation on the proposed expansion of Bushbury Hill Primary School.
- 7.0 The proposed expansion of Eastfield Primary School**
- 7.1 It is proposed that Eastfield Primary School is permanently expanded. Eastfield Primary School’s published admission number is currently 45. It is proposed that with effect from September 2015, the school’s published admission number is increased to 60.
- 7.2 15 written consultation responses were received by the Council during Initial Consultation.

Number of responses received	Respondents in favour of the proposal	Respondents who did not agree with the proposal	Respondents who 'did not know'	Respondents who did not state a preference
15	10 (66.7%)	4 (26.7%)	1 (6.7%)	0 (0.0%)

7.3 A number of positive comments regarding the proposal were received during Initial Consultation including:

- “I’ve worked here at Eastfield since 2002 and have enjoyed watching it grow and expand into the school that it has become. Exciting times ahead for both the pupils and the staff!” (response E6 – member of staff at Eastfield Primary School)
- “I agree because if the school expands more children will be able to come from the area. And it is more close so kids don’t have to go to further schools.” (response E9 – parent/carer of a pupil at Eastfield Primary School)
- “Expanding from 1.5 form entry to 2 form entry has the potential to improve the provision available for existing pupils, as well as accommodating more. For instance, it should allow every child to be in a class with children in the same cohort, eliminating the need for mixed year-group classes. Moreover, the school site could easily be adapted to accommodate the extra classes.” (response E14 – member of the governing body of Eastfield Primary School and a member of the local community).

7.4 A number of concerns and considerations regarding the proposal were identified during Initial Consultation including:

- “I don’t agree with the proposed expansion as I believe the school is too small and there is no room for the school to expand. As when I go to watch my daughter in her assembly the children are all squashed up and they look very uncomfortable.... Increasing the school size will mean an increase in traffic around Colliery Road, Griffith Street and also Eastfield Grove, there is already a problem with traffic in Eastfield Grove with vehicles parking on footpaths and blocking the school entrance”. (responses E12 and E13 – parents/carers of a pupil at Eastfield Primary School)
- “The school is a good school striving to achieve and delivery a high standard of education, it’s already over stretched and faced with a number of challenging situations including language/influx of families from outside of the Ward.” (response E15 – member of the governing body at Eastfield Primary School).

7.5 On 13 January 2014, prior to the commencement of Initial Consultation, a representative from School Places and Transport attended a meeting of the governing body of Eastfield Primary School to discuss the admission limit of the school and potential future demand; the governing body resolved to request that the Local Authority investigate the possibility of expanding the school to two form entry.

7.6 No responses were received by the Council during Formal Consultation on the proposed expansion of Eastfield Primary School.

8.0 The proposed expansion of Loxdale Primary School

8.1 It is proposed that the number of Reception places available in Loxdale Primary School is temporarily increased from 30 to 60 in both September 2015 and September 2016. These bulge cohorts would then flow through the school and the admission limit in Reception would revert to 30 in September 2017.

8.2 16 written consultation responses were received by the Council during Initial Consultation.

Number of responses received	Respondents in favour of the proposal	Respondents who did not agree with the proposal	Respondents who 'did not know'	Respondents who did not state a preference
16	6 (37.5%)	5 (31.3%)	5 (31.3%)	0 (0.0%)

8.3 A number of positive comments regarding the proposal were received during Initial Consultation including:

- "I agree with the proposed expansion as I've watched some children do 1 or 2 years in nursery only to be told there aren't enough places for everyone after they put the forms in for Reception, which is heart-breaking to some parents." (response L2 – parent/carer of a pupil at Loxdale Primary School)
- "Very happy to see the expansion at Loxdale. The quality of teaching and learning at the school is testament to the hard work and quality of the whole team. Being able to bring that quality to a larger number of pupils will very much be for the benefit of the local community. The investment by the Local Authority in the school would be in the safe hands of our excellent senior leadership team and Governors and the Council could be confident in the quality of the teaching and care that all the pupils will receive. Very much support it." (response L8 – parent/carer of a pupil at Loxdale Primary School and a member of the governing body of Loxdale Primary School).

8.4 A number of concerns and considerations regarding the proposal were also identified during Initial Consultation including:

- "My main concern is the parking and extra traffic which will be travelling down the road. The cars at present are almost always double parked and with two way traffic this causes a nuisance and is very dangerous as the area is always busy. I would be concerned for the safety of the children and their families due to this." (response L3 – parent/carer of a pupil at Loxdale Primary School)
- "Issues in terms of space as every available room/space is already maximised. Issues at lunchtime in terms of space and staffing." (response L5 – member of staff at Loxdale Primary School)
- "Additional space would be a big benefit however would this mean the loss of our outdoor area e.g. woodland, flowerbeds which play an integral part of the curriculum?" (response L16 – member of staff at Loxdale Primary School).

- 8.5 During Initial Consultation, representatives from School Places and Transport and Capital and Assets attended a meeting of the governing body of Loxdale Primary School on 14 July 2014. Notes of the meeting are available within Councillors' Supporting Information Packs.
- 8.6 Prior to the commencement of Initial Consultation, the Council received a letter from the Chair of Governors and Vice Chair of Governors supporting, in principle, the proposed expansion of Loxdale Primary School. A copy of this letter is available to decision makers.
- 8.7 No responses were received by the Council during Formal Consultation on the proposed expansion of Loxdale Primary School.

9.0 The proposed expansion of Manor Primary School

- 9.1 It is proposed that Manor Primary School is permanently expanded. Manor Primary School's published admission number is currently 60. It is proposed that with effect from September 2015, the school's published admission number is increased to 90.
- 9.2 61 written consultation responses were received by the Council during Initial Consultation.

Number of responses received	Respondents in favour of the proposal	Respondents who did not agree with the proposal	Respondents who 'did not know'	Respondents who did not state a preference
61	13 (21.3%)	43 (70.5%)	4 (6.6%)	1 (1.6%)

- 9.3 A number of positive comments regarding the proposal were received during Initial Consultation including:
- "I think this will be very good for Manor Primary School, which has an excellent reputation. This would be good for the local community to have well behaved and dedicated children." (response M1 – parent/carer of a pupil at Manor Primary School)
 - "With Manor Primary School being of such a high standard I think the proposed expansion would enable other pupils to be given the best springboard into learning that Manor has to offer." (response M19 - parent/carer of a pupil at Manor Primary School)
 - "Manor Primary School has insufficient school places to accommodate all nursery children at present and I don't think it's fair that a child settles, makes friends and familiarises his or herself with the surroundings to have their application into Reception refused." (response M21 - parent/carer of a pupil at Manor Primary School).
- 9.4 A number of concerns and considerations regarding the proposal were also identified during Initial Consultation including:

- “I do think that Manor is already overstretched inside and out and we will see the quality of teaching drop.” (response M7 - parent/carer of a pupil at Manor Primary School)
- “The parking situation outside Manor and the surrounding streets is terrible. Adding another possible 30 cars over 7 school years would make it even worse” (response M8- parent/carer of a pupil at Manor Primary School)
- “The quality of education for the children would be greatly affected as the space available is not appropriate for such a large number of children. Space is already at a premium with children struggling to fit into halls for assemblies as a whole school, preventing gathering as a whole school would be detrimental to the community ethos of the school with younger and older children rarely being afforded the opportunities to share in each others celebrations and achievements.” (response M9 – member of staff at Manor Primary School)
- “The increase in number of children at this school will have a detrimental effect on children’s education quality for which this school is renowned” (response M10 – parent of a pupil at Manor Primary School)
- “There is nowhere to park as it stands now. Parents are blocking drives, mounting the pavements and dropping children off in the road. There is no traffic control and nowhere safe for the children to cross on any of the roads. Manor is desperate for a lollipop person.” (response M11 - parent/carer of a pupil at Manor Primary School).
- “The kitchen is not big enough to cater for additional children. The halls are also inadequate in size to accommodate more children.” (response M36 – member of staff at Manor Primary School)
- “I don’t believe that the current building can sustain an expansion and I am unsure as to whether the proposed building work is viable.” (response M47 – A member of the governing body at Manor Primary School)
- “I feel the expansion will have a detrimental effect on the existing pupils at the school. The building work will be disruptive, the local infrastructure will not cope with extra traffic and the overall quality of the school/teaching may be compromised.” (response M61 - A member of the governing body at Manor Primary School).

- 9.5 Please note two responses were received outside the Initial Consultation period. Both responses are available within Councillors’ Supporting Information Packs.
- 9.6 During Initial Consultation, representatives from School Places and Transport and Capital and Assets attended a meeting of the governing body of Manor Primary School on 1 July 2014. Notes of the meeting are available to the decision makers.
- 9.7 Given the views expressed during Initial Consultation, the Head of School Planning and Resources and Service Manager - Capital and Assets attended a meeting of Manor Primary School’s Full Governing Body on 30 September 2014 to fully understand their concerns and to discuss the clear need to increase the capacity of the primary school estate.
- 9.8 The Council received 32 responses during Formal Consultation, each of these responses raised concerns regarding the proposed expansion of Manor Primary School. Responses were submitted by a range of stakeholder groups including school governors,

parents of pupils attending the school, members of the local community and school staff. The principal concerns identified during Formal Consultation were:

- The risk of compromising existing standards at the school
- Traffic congestion and parking
- Road safety and the absence of a school crossing patrol
- Disruption to existing pupils' education.

- 9.9 Dudley Metropolitan Borough Council also submitted a response during Formal Consultation. Dudley MBC highlighted the potential detrimental impact of the proposed expansion of Manor Primary School on primary schools within Dudley, particularly Hurst Hill Primary and Christ Church Primary.
- 9.10 Please note that two responses were received after the end of the Formal Consultation period. Both responses are available within Councillors' Supporting Information Packs.
- 9.11 A petition entitled 'Opposing increase in standard number at Manor Primary' and dated 10 October 2014, has been submitted to the Council. This petition will be dealt with in line with Wolverhampton City Council's stated policy.
- 9.12 Manor Primary School has applied to the Secretary of State to convert to academy status. On 27 June 2014, the Secretary of State wrote confirming he was agreeable to the school converting, subject to agreement with the academy trust, a funding agreement and articles of association.
- 9.13 Given the school's application to convert to academy status, Council representatives have worked closely with the DfE during the consultation process. The Department's view on the proposed expansion is 'completely neutral'; however, it has been confirmed that should the proposal be approved, that appropriate clauses would be written into the Academy's Funding Agreement to ensure that extra children are accounted for from September 2015.

10.0 The proposed expansion of St Martin's CE Primary School

- 10.1 It is proposed that the number of Reception places available in St Martin's CE Primary School is temporarily increased from 30 to 60 in both September 2015 and September 2016. These bulge cohorts would then flow through the school and the admission limit in Reception would revert to 30 in September 2017.
- 10.2 Eight written consultation responses were received by the Council during Initial Consultation.

Number of responses received	Respondents in favour of the proposal	Respondents who did not agree with the proposal	Respondents who 'did not know'	Respondents who did not state a preference
8	5 (62.5%)	2 (25.0%)	0 (0.0%)	1 (12.5%)

10.3 Positive comments regarding the proposal were received during Initial Consultation including:

- “By expanding St Martin’s it would allow other children to have the privilege to be a member of St Martin’s.” (response SM4 – parent/carer of a pupil at St Martin’s CE Primary School and a member of staff at St Martin’s CE Primary School).

10.4 A number of concerns and considerations regarding the proposal were also identified during Initial Consultation including:

- “The school has a very good Ofsted report and reputation, I would be concerned that it would be difficult to maintain that standard with the influx of additional pupils, a considerable amount of additional resources would be necessary apart from teachers.” (response SM1- parent/carer of a pupil at St Martin’s CE Primary)
- “It will become too overcrowded.” (response SM2- parent/carer of a pupil at St Martin’s CE Primary)
- “Consideration to making the provision permanent given increase in local housing stock.” (response SM3 – member of the governing body at St Martin’s CE Primary School and member of the local community).

10.5 During Initial Consultation, representatives from School Places and Transport and Capital and Assets attended a meeting of the Federated Governing Body of St Martin’s CE Primary School and Field View Primary School on 8 July 2014. Notes of the meeting are available within Councillors’ Supporting Information Packs.

10.6 No responses were received by the Council during Formal Consultation on the proposed expansion of St Martin’s CE Primary School.

10.7 Please note St Martin’s CE Primary School has applied to the Secretary of State to convert to academy status.

11.0 The proposed expansion of Stowlawn Primary School

11.1 It is proposed that the number of Reception places available in Stowlawn Primary School is temporarily increased from 30 to 60 in September 2015. This bulge cohort would then flow through the school and the admission limit in Reception would revert to 30 in September 2016.

11.2 The proposed expansion of Stowlawn Primary School does not meet the criteria by which the undertaking of the prescribed consultation and decision making process is required.

11.3 Representatives from School Places and Transport attended a meeting of the governing body of Stowlawn Primary School on 26 June 2014. The governing body considered the proposal and resolved ‘that the admission limit for Reception be increased from 30 to 60 for academic year 2015/16, subject to Council approval regarding the Funding Strategy for the 2015 Primary School Expansion Programme’.

12.0 The proposed expansion of West Park Primary School

- 12.1 It is proposed that the number of Reception places available in West Park Primary School is temporarily increased from 30 to 60 in both September 2015 and September 2016. These bulge cohorts would then flow through the school and the admission limit in Reception would revert to 30 in September 2017.
- 12.2 Nine written consultation responses were received by the Council during Initial Consultation.

Number of responses received	Respondents in favour of the proposal	Respondents who did not agree with the proposal	Respondents who 'did not know'	Respondents who did not state a preference
9	6 (66.7.0%)	1 (11.1%)	1 (11.1%)	1 (11.1%)

- 12.3 A number of positive comments regarding the proposal were received during Initial Consultation including:
- “I agree with the proposal to expand West Park Primary School due to the increasing number of pupils per class.” (response WP2 – parent/carer of a pupil at West Park Primary School)
- 12.4 A number of concerns and considerations regarding the proposal were identified during Initial Consultation including:
- “West Park is a lovely school who offers places for all so is really diverse. Having read their recent Ofsted report I was so impressed with how well the school is doing why rock the boat, my key worry would be regarding the recent changes staff leaving or retiring. Will a larger school over shadow some of the excellent practices the school reinforce in order to provide a great school?” (response WP1 – parent/carer of a pupil at West Park Primary School)
 - “I can see that bulge classes may be necessary but my concern is that after two years the need may still be there, and I do not feel that West Park has the capacity to expand beyond the stated 2 year bulge. I strongly feel that if the expansion goes ahead then it should in no way impact on existing rooms/space within the school. In particular our meeting and teaching rooms off the hall and Eco classroom which is presently being built should not be used or compromised. With more children in school these areas will be more valuable than ever and must not be used/lost in order to house two extra classes.” (response WP8 – member of staff at West Park Primary School)
 - “Governors wish to express a number of concerns regarding the above proposal the principal one being the impact that this will have on the school’s ability to maintain standards for all pupils....Recruitment of teachers and education support staff of the required quality to cater for increased numbers of pupils is also a serious concern for Governors who are fully aware of the difficulty in recruitment which is currently

experienced by all schools but particularly those in Wolverhampton....Governors have recently appointed a new Headteacher who will take up her post in September 2014. Whilst Governors have every confidence in the new Headteacher to further develop and improve the school, they are concerned that the managing of two 'bulge classes' will be over burdensome on a Headteacher who is newly in post...With two additional classes it will not be possible to provide the same level of access to the whole school curriculum that West Park children currently have." (response WP9 – Chair of Governors on behalf of the governing body of West Park Primary School).

- 12.5 During Initial Consultation, representatives from School Places and Transport and Capital and Assets attended a meeting of the governing body of West Park Primary School on 2 July 2014. Notes of the meeting are available within Councillors' Supporting Information Packs.
- 12.6 Please note one response was received outside of the Initial Consultation period. This response is available to decision makers.
- 12.7 No responses were received by the Council during Formal Consultation on the proposed expansion of West Park Primary School.

13.0 The proposed expansion of Westacre Infant School

- 13.1 It is proposed that Westacre Infant School is permanently expanded. Westacre Infant School's published admission number is currently 75. It is proposed that with effect from September 2015, the school's published admission number is increased to 90.
- 13.2 The proposed expansion of Westacre Infant School does not meet the criteria by which the undertaking of the prescribed consultation and decision making process is required.
- 13.3 A Representative from School Places and Transport attended a meeting of the governing body of Westacre Infant School on 10 July 2014. The governing body considered the proposed expansion. The governing body resolved that the proposal be approved.

14.0 Responses to concerns raised during consultation

- 14.1 The following comments are made in response to concerns identified during consultation:
- 14.2 Primary school expansions: In recent years the primary school estate has benefitted from significant investment in order to ensure sufficiency of supply. Recent primary school expansion programmes have been successful with the vast majority of additional places being occupied.
- 14.3 Primary school estate: Given the scale of demand and the number of recently implemented expansion schemes, opportunities to further expand the capacity of the primary school estate using existing provision are severely constrained, as is the timeframe to develop and deliver alternative schemes.

- 14.4 School size: Whilst concerns raised regarding the loss of a more personal primary ethos are recognised, it should be noted that in line with recommendations within the Primary School Organisation Strategy 2014-2017, no schemes propose in excess of 90 places per year group (i.e. three form entry). Larger primary schools (two form entry and above) can potentially offer; greater opportunity for specialism, workforces to have a wider spectrum of experience and expertise, increased opportunity to offer a broad and balanced curriculum, greater flexibility to cover staff absence, increased potential to provide strategic leadership succession opportunities, the opportunity to use resources more efficiently and an increased ability to respond to change more readily.
- 14.5 School standards: It is recognised that making significant changes to individual establishments can have a disruptive effect on the delivery of education. When undertaking any primary school reorganisation or development scheme the Council is committed to minimising disruption to pupils and parents and avoiding any longer term detriment to pupils. Proposals to support leadership and management in expanding schools have been presented to Inspire (LEP) and have been welcomed. A final decision regarding the provision of support is awaited.
- 14.6 Staff parking: It is recognised that car parking on school sites is limited and that the proposed expansions would potentially exacerbate this issue. Car parking and related enforcement measures will be fully considered as part of the statutory planning processes relating to the proposed schemes.
- 14.7 Traffic congestion: At the beginning and end of the school day there is significant traffic congestion outside all schools. However, it is recognised that school expansions can increase pressure on local traffic networks. As part of any planning applications the Council's Highways Team considers the impact of any proposed new build and may make some recommendations or impose certain requirements. The Council's Parking Services Team has been asked to ensure that expanding schools are prioritised for visits from the Parking Services Enforcement Vehicle and to review relevant school crossing patrol provision.
- 14.8 Accommodation: In order to facilitate the proposed expansions significant investment in additional accommodation will be required. On 17 September 2014, Council approved the proposed funding strategy for the 2015 Primary School Expansion Programme and agreed to the establishment of a new capital budget to support the proposed funding strategy. Provision of additional capacity would be supported by undertaking a variety of capital investment schemes including the refurbishment and adaptation of existing spaces, modular construction and traditional extensions. The Service Manager for Capital and Assets will work with architects in the Delivery directorate and schools to ensure that any additional accommodation meets the needs of pupils, staff, and curriculum delivery and to minimise disruption.
- 14.9 Outdoor provision: The potential impact of any development on playing fields would be kept to a minimum and any plans would maintain adequate external space.

- 14.10 Delivery: In order to meet increased demand in a timely manner it is necessary to ensure that additional Reception places are provided with effect from September 2015. Whilst it is recognised that this limits preparation time, the extra places are urgently required to meet the needs of the local communities. In order to deliver the required places in a timely manner it will be necessary to undertake building works during term time. Representatives will ensure that works minimise disruption and prioritise the safety of staff and pupils.
- 14.11 Class Sizes: The Local Authority has a duty to ensure that infant class sizes (i.e. Reception, Year 1 and Year 2) do not contain more than 30 pupils with a single teacher. This pupil to teacher ratio will not be affected by these proposals.
- 14.12 Specific concerns relating to the proposed expansion of Manor Primary School: In light of the concerns raised during consultation, the proposed expansion scheme has been reviewed by senior representatives from Learning and Achievement.

Representatives recognise that there are significant levels of traffic congestion across the local traffic network and in the immediate vicinity of the school during peak times. It is also recognised that this issue has potential to be exacerbated should the proposed expansion be implemented. Initial discussions with the Council's Road Safety Team suggest that the introduction of additional parking restrictions outside the school are likely to offer little benefit as pressures would simply be relocated further into the estate. There is however, potential to consider the introduction of an additional pedestrian entrance to the school site from the Birmingham New Road. Should the proposal be approved, Council representatives would work closely with the school to investigate this potential opportunity.

The absence of a school crossing patrol has been identified as a particular concern during consultation. The site on Ettingshall Road adjacent to Manor Primary School (site 26) currently meets the approved criteria for authorisation of a crossing patrol. However the position is vacant, and recruitment of a replacement patrol is pending a wider review of the School Crossing Patrol Service. The Council's Parking Services Team will take account of school expansions and anticipated increases in child pedestrians as part of this review.

Manor Primary is an outstanding school, with excellent levels of attainment, which has Teaching School Status and as such it is well placed to respond effectively to the proposed change. However, it is recognised that making significant changes to individual establishments can have a disruptive effect on the delivery of education and can add to Senior Leadership Team's significant workload. Proposals to support leadership and management in expanding schools have been presented to Inspire (LEP) and have been welcomed. A final decision regarding the provision of support is awaited.

Initial feasibility has been undertaken in relation to the proposed scheme at Manor Primary School. Initial investigations suggest it would be possible to utilise the school's undercroft to supply additional capacity in keeping with the existing school environment.

Representatives believe that the scheme could offer an exciting new addition to the site within a currently underused area.

The concerns highlighted by Dudley MBC regarding the potential impact of the proposed expansion of Manor Primary on primary schools in Dudley are recognised and should be considered closely. However, DfE guidance states that, *“The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents’ aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places...Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards”* (DfE 2014). It should be noted that whilst Manor Primary School is a highly popular and successful school, that the nearest primary school in Dudley was judged by Ofsted to require Special Measures in May 2014.

15.0 Programme enlargement

- 15.1 In order to ensure the appropriate investment of resources and the introduction of sufficient primary school places, pupil projections have recently been subject to external challenge and validation. As a consequence, the projected demand for Reception places in 2015/16 academic year has increased.
- 15.2 In order to meet demand it has become necessary to identify an additional expansion scheme, this will increase the number of schemes in the Programme from nine to ten.
- 15.3 Representatives are currently investigating potential opportunities to expand the Programme. Early indications suggest that there is a suitable school with capacity to expand, although feasibility works are yet to be undertaken.
- 15.4 An allowance has been made within the approved capital budget to support the proposed expansion of the Programme.

16.0 Contingency

- 16.1 The factors that influence demand for school places are constantly changing and the production of pupil projections is not an exact science. Predicting the size of peaks in demand is a significant challenge that is influenced by a wide variety of factors including international and internal migration, pupil yield from housing developments, school performance, parental preference and the cross border movement of pupils.
- 16.2 Given the wide variety of factors that can influence demand for school places there is a risk that the Council will not be able to provide an appropriate level of surplus in 2015/16 academic year. This could lead to a decrease in parental choice and the possibility of the significant displacement of pupils cross the City. In order to offset this risk, on the 17

September 2014, Council approved the inclusion of a Contingency Fund within the Programme's capital budget to be called upon if necessary.

17.0 New provision: The Royal School Wolverhampton

- 17.1 Situated in the Penn/Graiseley area of the City, The Royal Wolverhampton School is currently an independent, fee paying school. The school has an age range of 2 – 18 but also has nursery facilities that cater for babies from the age of six weeks.
- 17.2 Following a strategic review initiated in 2012, the governing body of The Royal School Wolverhampton is proposing that the school ceases to be independent and fee paying and converts to free school status. It is expected that the outcome of the proposed conversion will be known in February 2015. If successful, the school will open as a free school in September 2015.
- 17.3 As part of the conversion process, the school is also proposing an expansion to cater for additional pupils. These additional places have been factored into the Council's planning for September 2015. Should conversion and expansion not be implemented, the Council would need to introduce additional schemes into the 2015 Primary School Expansion Programme to meet anticipated demand. Representatives are currently developing contingency plans to cater for this eventuality.

18.0 Secondary school provision

- 18.1 It is anticipated that the current bulge in demand for primary school provision in the City will impact on the secondary school estate in the short to medium term.
- 18.2 In order to ensure that sufficient secondary school places continue to be available, representatives will review the capacity of the secondary estate, confirm anticipated levels of demand and identify potential opportunities for expansion as a priority.
- 18.3 A key part of the review of the secondary estate will be to closely monitor the introduction of new provision into the secondary estate. Please note that the DfE has recently approved the opening, with effect from September 2015, of a new free school in the City (The British Sikh School) and a University Technology College (The West Midlands Construction University Technology College).

19.0 Financial implications

- 19.1 The financial implications of the proposed 2015 Primary School Expansion Programme are significant.
- 19.2 On 17 September 2014, Council approved the proposed funding strategy to support the capital requirements of the proposed 2015 Primary School Expansion Programme and agreed to the establishment of a new capital budget to support the proposed funding strategy.

- 19.3 Increasing the admission limits of schools also has revenue budget implications for expanding schools. On the 9 October 2014, it was resolved that Members of Schools' Forum agree to the establishment of a Growth Fund to support the needs of pupils in expanding schools. As a consequence, expanding schools would be supported through the use of the Dedicated Schools Grant and therefore not require any additional commitment from the Council.
- 19.4 It is not possible to assess the potential financial implications of any required expansion of the secondary school estate at this stage. Representatives will continue to review secondary provision as a priority.

CF/21102014/J

20.0 Legal implications

- 20.1 The Local Authority has a statutory responsibility to ensure that there are sufficient school places available. The Education and Inspections Act 2006 requires local authorities to promote choice and diversity when carrying out their strategic duties in relation to the provision of new school places.
- 20.2 Proposals to alter the structure of schools need to comply with the provisions in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 as detailed within this report.

RB/20102014/Z

21.0 Equalities implications

- 21.1 In accordance with the Primary School Organisation Strategy 2014-2017, proposals within this report will have the effect of increasing the number of places at good schools, thus meeting national policy, guidelines and parent expectations.
- 21.3 An initial screening has been completed with regard to the 2015 Primary School Expansion Programme. A copy of this analysis is included within Councillors' Supporting Information Packs. In line with the prescribed decision making process decision makers are required to pay due regard to this analysis.
- 21.4 Subject to final approval of the Programme, equality implications will be considered in line with the Council's standard tender evaluation process. Equality issues will also be addressed in the planning and accessibility of any necessary building work.

22.0 Environmental implications

- 22.1 Any building work arising from these proposals would be geared to promote improvement to the physical environment. Specifications for building work would ensure that any

materials, site works and equipment involved follow the Council's Environmental Policy and the Council's commitment to carbon reduction.

23.0 Human resources implications

- 23.1 Subject to final approval of the proposals, there is likely to be a need for schools to employ additional staff to support the increased number of pupils. However, the future organisation of staff within schools is the responsibility of individual schools' Headteachers and governing bodies.
- 23.2 The revenue costs of employing additional school staff would ultimately be met by the Dedicated Schools Grant which will grow in response to increased pupil numbers.

24.0 Corporate landlord implications

- 24.1 Subject to final approval of the proposals, the intention is to improve the Council's education portfolio through capital investment schemes likely to include; refurbishment and adaptation of existing spaces, modular construction and traditional extension. All such works would be commissioned appropriately through the Corporate Landlord.

25.0 Schedule of background papers

- Special Children and Young People Scrutiny Panel (4 November 2014) Final Decision on the 2015 Primary School Expansion Programme
- Schools' Forum (9 October 2014) Establishment of a Growth Fund to Support Expanding Schools
- Council (17 September 2014) 2015 Primary School Expansion Programme – Funding Strategy
- Cabinet (Resources) Panel (9 September 2014) 2015 Primary School Expansion Programme – Funding Strategy
- Individual Executive Decision Notice (August 2014) 2015 Primary School Expansion Programme – Outcome of Initial Consultation
- Schools' Forum (17 July 2014) Supporting School Reorganisations.
- Cabinet (25 June 2014) Primary School Organisation.
- Children and Young People Scrutiny Panel (19 June 2014) Primary School Organisation.



Cabinet Meeting

12 November 2014

Report title	Developing a Shared Urban Traffic Control Development and Design Service	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Transportation	
Accountable employee(s)	Bob Willis	Urban Traffic Control (UTC) and Traffic Manager
	Tel	01902 555790
	Email	bob.willis@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Approve the proposals regarding the implementation of a merged service with Walsall Council for the provision of urban traffic control (UTC), development and design services to improve operational performance from April 2015.
2. Approve the future development of proposals relating to phase two in respect to establishing formal contractual UTC service provision with Dudley Metropolitan Borough Council (DMBC), Sandwell Metropolitan Borough Council (SMBC) and other agencies.
3. Approve the exploration of the establishment of a fully shared UTC service through a single local authority to the remaining Black Country local authorities and possibly other agencies and to receive a further report on the proposed way forward by March 2016.

1.0 Purpose

- 1.1 The report sets out proposals to initially develop a merged UTC service with Walsall Council and then to explore the potential for a fully developed Black Country shared UTC service.

2.0 Background

- 2.1 The Council operates an extensive network of traffic signals; pedestrian crossings and other associated traffic management equipment. The UTC system, with the aid of the closed circuit television (CCTV) system, is used to monitor and control the highway network and respond to planned and unplanned events. By managing the highway effectively this reduces congestion, contributes to improving road safety and supports the efficient operation of public transport. The UTC centre also manages maintenance of traffic control equipment and provides technical advice and guidance regarding the design and installation of such equipment. Walsall Council operates a smaller but similar network.
- 2.2 The UTC service plays a crucial role in the delivery of the statutory duties set out in the Traffic Management Act 2004 and the West Midlands Local Transport Plan. The principle aim of which is to enable traffic to move safely and freely by reducing disruption and congestion on the highway network.
- 2.3 Wolverhampton's UTC also provides services to DMBC, SMBC, Midland Metro and the Highways Agency by means of on-going service level agreements (SLAs). Walsall do not provide services for other councils.
- 2.4 In line with many other areas of service both UTC services have had to rationalise their employee resources and structure over recent years. For each of the current independent Wolverhampton and Walsall UTC services this inevitably reduces and/or removes surplus capacity or capabilities and can present challenges from time to time to sustain core delivery requirements.
- 2.5 This situation has resulted in Walsall Council approaching the Council early in the year requesting it gave consideration to the merger of the two council's UTC services and possibly later the establishment of a fully shared UTC service. It is felt that such an approach would help in maintaining flexibility in monitoring the availability of the correct level of staffing and skills to the service. Inefficiencies that inevitably result due to reduced team size, pressures of work and over dependence on key staff would be reduced.
- 2.6 Without a sufficiently resourced UTC service, the councils would be unable to ensure the efficient operation of the highway network. Initiatives such as bus priority measures and driver information would have to be removed or support reduced as the service would be unable to exploit any new technology as it becomes available. This would have inevitable reputational consequences for the area and impact on the future ability of the Council to implement a credible succession strategy to reduce reliance on one or two key

staff and ensure a resilient service going forward to support extensions to the CCTV network, links to any successful Business Improvement District (BID), UTC Major Scheme work streams and bus lane enforcement scheduled to commence in April 2015.

- 2.7 From initial discussions with both Dudley and Sandwell, they would also welcome the principle of a merged and then a shared service provision which would then potentially enable them, together with the Midland Metro and the Highways Agency, to enter into a longer term contractual relationship for the provision of UTC services going forward.

3. **Proposed Phased Approach to UTC Service**

- 3.1 The proposed approach developed through discussions and negotiations with Walsall's officers is based on a phased approach.

- 3.2 It is considered that a phased approach will deliver the initial operational improvements whilst developing a framework for a long term sustainable solution as detailed in the table below:

Phase	Description	Milestone
Phase One: Merge of Walsall Council and Wolverhampton City Council UTC services	The initial phase will see the Walsall and Wolverhampton traffic control teams merge and staff relocated to a combined control centre in Wolverhampton.	January – March 2015
Phase Two: Centralisation - Establishment of contractual service arrangements	Currently both DMBC and SMBC have sites that are controlled by Wolverhampton under existing SLAs. A more sustainable and efficient approach may be to consider merging the traffic control service across the four Black Country authorities and delivering through a shared service. The purpose of this phase will be to explore the appetite of neighbouring council's to adopt a common approach and where appropriate merge the service areas.	April - Sept 2015
Phase Three: Service Review - Develop proposals for a fully shared Black Country UTC service	The final phase will consist of a fundamental service review of the provision of UTC services to determine if a fully shared service model from a single authority to the other BC authorities (or other agencies) should be established and if so how to be implemented.	Sept 2015 - March 2016

- i) Phase One – Merger of Wolverhampton City Council and Walsall Council UTC services

- 3.3 As part of the first phase of works a comparison of the existing operational and service standards in Wolverhampton and Walsall have been assessed in order to establish how a merged UTC service will operate. This is summarised in Appendix A. In respect to the merged service, it is proposed that the service is split between two key areas consisting

of the operation and control of UTC systems, and the design and development of new and existing intelligent transportation systems (Appendix B).

- 3.4 As the UTC services offered by each council in terms of operating hours, contractual arrangements and the scope of service and functions carried out are very similar, it is considered that this does not provide any barriers to a merged service.
- 3.5 It is considered that the merge will enhance the network and deliver an integrated UTC service across both Councils. The merge will support the work streams developed under the UTC Major Scheme such as the roll out of the wireless network, journey time monitoring and implementation of a common database.
- 3.6 It is proposed that under phase one, all staff will remain in post and employed by their existing employer on their current terms and conditions. Consultation will take place with Walsall staff due to the relocation of the UTC centre operating from a joint control centre based at Wolverhampton, Heantun House. As the terms and conditions of staff employed by Wolverhampton will not change, formal consultation is not required; however, Wolverhampton employees will be fully engaged and informed on the establishment of the merged working arrangements.
- 3.7 Subject to approval, arrangements will be made prior to the merge to transfer and relocate Walsall's UTC/CCTV communication links and associated equipment to Heantun House. This will be funded by Walsall in order to access Wolverhampton's facilities.
- 3.8 The UTC control room currently located at Heantun House will provide adequate accommodation for staff and the associated equipment requirements. Due to the Westside development of the city, approval has previously been gained to relocate the UTC control centre based at Heantun House to the Civic Centre, Wolverhampton (autumn 2015). Walsall will contribute towards accommodation and facility costs associated with the current location and the relocated UTC centre, these cost are yet to be confirmed. The phase one merge proposals do not impact on the Westside regeneration timeline.
- 3.9 As stated previously, the proposals are supported by DMBC following discussions regarding the extension of the SLA and provision of UTC services delivered by both Wolverhampton and Walsall. Discussions will also take place with SMBC regarding the future arrangements of the service.

ii) Phase Two – Centralisation: Establishment of contractual service arrangements

- 3.10 The Council provides separate SLAs to DMBC and SMBC for the provision of UTC services. Following initial discussions with DMBC, they have expressed an interest to move from the current arrangements to a contractual arrangement for the provision of UTC services. As the current SLA with DMBC expires on the 31 March 2015, an extension to the SLA under the current terms will be implemented for a six month period from the 1 April 2015 in line with the implementation of phase two scheduled September

2015. During this period, the level of services and contractual arrangements to be provided will be developed between Wolverhampton and Dudley.

- 3.11 SMBC has also expressed interest in the development of closer working arrangements with Wolverhampton. The current SLA with SMBC expires on the 31 March 2016; however, discussions will take place to explore closer working arrangements for the delivery of UTC services.
- 3.12 The income generated from UTC services provided to DMBC, SMBC and other agencies will be retained by Wolverhampton in phase one and reviewed in phase two. This will enable any future apportionment of costs to reflect the level of resources each authority contributes in providing the service.
- 3.13 As part of the discussions cited in 3.10 and 3.11, it is expected that phase two will be completed by September 2015.

iii) Phase Three – Service Review: Develop proposals for a fully shared Black Country UTC service

- 3.14 A fundamental service review of UTC services operating from Wolverhampton will be carried out. The review will cover the provision, scope and delivery of UTC services in order to develop a shared Black Country UTC centre (Dudley, Sandwell, Walsall and Wolverhampton). This will consist of a management restructure and review of posts and roles to ensure the delivery of a comprehensive service in order to provide greater resilience and expertise to deliver a common approach across the region.
- 3.15 A shared Black Country UTC service will provide a wide range of integrated traffic management functions across the region to enhance operational efficiencies, manage roadwork's, control traffic, improve journey times along strategic routes, reduce traffic congestion and carbon emissions. This will seek to deliver additional savings from reduced operation, system, maintenance, accommodation and service costs, maximise opportunities to provide UTC services to external organisations and explore opportunities to generate potential new income streams.
- 3.16 As phase three investigates the provision of a regional Black Country UTC centre based at Wolverhampton, this introduces the possibility of staff transfer of undertakings (protection of employment) regulation (TUPE) arrangements. Further clarification regarding TUPE will be sought with HR, trade unions (TU) and employees during this phase.

4.0 Financial implications

- 4.1 During phases one and two the salary and associated operating system costs will be retained by each authority. The salary costs associated with Wolverhampton will remain at £275,000 (seven full time staff members including all UTC and traffic management) with operating costs at £60,000 (ancillary, Matisse, UTC and CCTV system costs).

- 4.2 Savings from shared transport services of £25,000 in 2015/16 and a further £25,000 in 2016/17 are included in the updated Medium Term Financial Plan approved by Cabinet in October 2014. Due to the integration of the UTC/CCTV systems, the cost of maintenance associated with each system will be reviewed annually and apportioned by the amount of equipment each council connects. This will deliver initial savings of approximately £23,000 to Wolverhampton with no additional costs to facilitate the merged service in 2015/16. Further savings from the transfer of obsolete British Telecom analogue telecommunication circuits to wireless technology may reduce UTC telecommunication costs to contribute to the 2016/17 savings target.
- 4.3 Future software and hardware UTC system upgrade costs will be apportioned by the equipment connected to the system by Wolverhampton and Walsall.
- 4.4 Walsall will contribute towards the accommodation and facility costs associated with the transfer of equipment to Heantun House and relocation of the UTC centre to the Civic Centre, Wolverhampton. Facility and accommodation costs will be reviewed on an annual basis and are yet to be confirmed.
- 4.5 It is acknowledged that the rate and progress or volume of work undertaken will be influenced by each council's revenue and capital works programmes. As the budgets available will differ, it is important to maintain and work towards an agreed service plan to provide consistency and standardise the levels of service based on affordability, deliverability and sustainability.
- 4.6 Financial responsibility for each council will be retained by each respective manager through phases one and two to ensure key accountability through each council's management structure and appropriate financial reporting requirements.
- 4.7 The financial issues arising from the development of a fully shared service as proposed in phase three will be more significant. Though this will generate opportunities for efficiency savings it will also raise issues around cost apportionments, TUPE arrangements, pensions' liabilities, redundancy costs, asset ownership etc. These will need addressing in the next phase of the project development.
[MF/29102014/S]

5.0 Legal implications

- 5.1 The proposals support the Council's statutory duty under the Traffic Management Act 2004, and the congestion reduction objectives outlined within the West Midlands Local Transport Plan. The Traffic Management Act 2004 places a duty on local traffic authorities to make sure that traffic can move freely and quickly on their roads and on the roads of nearby authorities.
- 5.2 All staff must ensure all systems are operated in compliance with all regulatory and legal requirements pursuant to the Traffic Management Act 2004, Data Protection Act 1998 and all other regulatory legal requirements.
[RB/30102014/Q]

6.0 Equalities implications

- 6.1 Improving the highway and transportation network creates equal opportunity for all social groups within society to gain equal access to services and facilities. The UTC centre plays a role in terms of the wider social, economic and environmental impact of traffic on the strategic road network.

7.0 Environmental implications

- 7.1 The principle aim of the merge is to deliver an enhanced UTC service to ensure all systems are used effectively and efficiently to reduce traffic congestion and enhance public transport. This will benefit the local environment and communities, improve air quality, health and well-being. This supports sustainability initiatives and regeneration priorities 'to make Wolverhampton a better place to live, work and visit'.

8.0 Human resources implications

- 8.1 The proposed structure has been considered from an operational aspect and reviewed by HR for each council. Based on advice received, in phases one and two staff will remain employed by their existing employer on the same terms and conditions.
- 8.2 In phases one and two staff will remain with their current employer on existing terms and conditions and merge into a single operating centre located at Wolverhampton. This model simplifies HR related issues surrounding staff transfers as all staff will work together in a co-located model but employed by different employers. In general, any differentials in pay and terms are relatively small. In the short term this will be managed locally by each employer; however, in the long term this will be addressed through the phase three service review.
- 8.3 The potential development of a fully shared service model by March 2016 through a single local authority is likely to have TUPE implications. These will be considered through appropriate due diligence processes and the service redesign and restructure will be subject to appropriate consultation with employees and their TU representatives in line with our statutory duties and HR policies.

9.0 Corporate Landlord Implications

- 9.1 The report raises a number of issues relating to the Corporate Landlord. As stated it has previously been agreed that to release the Westside area of the City Centre, the existing UTC facility will need to be relocated into the Civic Centre. This has been planned for including budget provision as part of the Future Space Programme and City Centre regeneration programmes.
- 9.2 Corporate Landlord is represented at both the Westside Project Team Meeting which includes the UTC relocation and the Operational Land & Property Board.

10.0 Schedule of background papers

- 10.1 n/a

Appendix: A

Table 1 – Comparison of service standards		
Service Standard	Wolverhampton City Council	Walsall Council
Opening hours shift patterns	Mon- Fri 07:00 – 19:00 (Mon: 07:00-15:30; 11:30-19:00) (Tue –Thu: 07:00-15:30; 11;00-19:00) (Fri: 07:00-12:00; 11:00-19:00) Sat 09:00 – 17:00 Sat (match day)10:00-18:00	Mon- Fri 07:00 – 18:30 (07:00-15:00; 10:30-18:30) Sat 08:00 – 16:00
Out of hours cover	24 hour call centre with first line attendance via street lighting then signal contractor. Events managed through overtime / time off in lieu (TOIL) payments as long as costs recovered – opportunities for income generation.	24 hour call centre with first line attendance via street lighting then signal contractor. Events managed through overtime / TOIL payments as long as costs recovered.
Signal inspection regime	Annual 1 annual signal contractor inspection	Bi-annual 1 annual Local Authority inspection 1 annual signal contractor inspection
Supply, installation and maintenance of UTC system	Joint 4 year contract (June 2017) – Wolverhampton, Dudley, Walsall and Telford & Wrekin for the supply, installation and maintenance of UTC computer and associated equipment.	
Supply, installation and maintenance of traffic signal equip	Joint 4 year contract (June 2017) - Black Country & Telford & Wrekin for the supply, installation and maintenance of traffic signal and associated equipment.	
Supply, installation and maintenance of bus priority	Joint 4 year contract (June 2017) - Wolverhampton, Dudley, Sandwell, and Walsall for the supply, installation and maintenance of bus priority equipment.	
CCTV (closed circuit television) system maintenance	Service provided by TYCO (pay as you go). Currently awaiting tender approval.	Service provided for 10 cameras and associated in-station by ADT costing £12,145 per annum. Fault attendance within 4 contract hours; 24 hours per day every day of the year. No performance rebates. Maintenance contract managed in partnership with Social Care as part of wider CCTV arrangements. Contract expired but extended under an urgent waiver until April 2015. New contract being developed.
Telecommunications	Analogue – Leased service	Analogue – Leased service currently

	<p>currently with network providers. Being phased out with wireless services to reduce revenue costs. Contract to be developed for the supply, installation and maintenance of wireless services by December 2014.</p> <p>Wireless – Infrastructure being developed and expanded. Maintenance contract with BT ends December 2014.</p>	<p>with network providers. 2 pair and single pair analogue lines maintained by BT. Being phased out with wireless services to reduce revenue costs. Contract to be developed for the supply, installation and maintenance of wireless services by December 2014.</p> <p>Global System for Mobile communications (GSM) – Modems at 2 junctions and 1 pelican crossing.</p> <p>Janus – 2 sites in Bloxwich linked to Mesh</p> <p>Wireless – Infrastructure being developed and expanded. Maintenance contract with BT ends December 2014.</p> <p>CCTV – Dial up cameras 15 on 3G and 2 on 4G (no maintenance agreement in place).</p>
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Appendix B

The table below outlines the proposed merged service standards:

Service standard	Merged UTC
Opening hours	Mon- Fri 07:00 – 19:00 (07:00-15:00; 10:30-19:00) Sat 09:00 – 17:00 Sat (match day)10:00 - 18:00
Out of hours cover	Sunday and overnight cover rota (subject to Local Agreement and agreed income)
Signal inspection regime	Annual (signal contractor) 1 local authority inspection every 2 years
UTC system	Supply, installation and maintenance of UTC computer and associated equipment as per contract. Currently with Imtech (4 years) ends April 2017
Traffic signals	Supply, installation and maintenance of traffic signal and associated equipment. Contract 4 years ends June 2017.
CCTV system	Maintenance of CCTV computer and associated equipment as per contract. Currently awaiting tender assessment. Contract 3+2 years ends June 2019.
Telecommunications contract	New contract to be developed covering all wireless telecommunications across Wolverhampton, Dudley, Sandwell, Solihull and Walsall
Variable message signs	New contract to be developed for the supply, installation and maintenance of VMS and associated equipment
Operation capability	Undertake operation, management and maintenance of all Intelligent Transport Systems and Information Management Systems. Includes Split Cycle Offset Optimisation Technique (SCOOT), Microprocessor Optimised Vehicle Actuation (MOVA), UTC, Urban Traffic Management and Control (UTMC), journey time monitoring, Matisse, variable message signs (VMS), and car park guidance. Dissemination of information to the travelling public via media stations.
Design capability	Undertake all Intelligent Transport System design work across Wolverhampton and Walsall. Includes traffic signal, pedestrian crossing, VMS, bus priority, CCTV, journey time monitoring, Astrid, SCOOT, MOVA,
Enforcement systems	Supply, install and maintain bus lane enforcement systems and other associated systems across Wolverhampton & Walsall. Excludes back office functions which will be undertaken by each authorities parking services teams. Operation and maintenance cost recovery model.
SLAs	DMBC (12 month extension; full review 31 March 2016) Midland Metro (25 year contract with Centro in place) SMBC (3 year SLA; Review 31 May 2016) Highways Agency (3 year SLA; Review 31 May 2016)

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