

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

## Membership

<b>Chair</b>	Cllr Roger Lawrence (Lab)
<b>Vice-Chair</b>	Cllr Peter Bilson (Lab)

## Labour

Cllr Steve Evans  
Cllr Val Gibson  
Cllr Louise Miles  
Cllr Hazel Malcolm  
Cllr Lynne Moran  
Cllr John Reynolds  
Cllr Sandra Samuels OBE  
Cllr Paul Sweet

Quorum for this meeting is five Councillors.

## Information for the Public

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

<b>Contact</b>	Philippa Salmon
<b>Tel/Email</b>	Tel: 01902 555061 or <a href="mailto:philippa.salmon@wolverhampton.gov.uk">philippa.salmon@wolverhampton.gov.uk</a>
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<b>Tel</b>	01902 550320

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

*Item No.*    *Title*

### MEETING BUSINESS ITEMS

- 1            **Apologies for absence**
- 2            **Declaration of interests**
- 3            **Minutes of the previous meeting** (Pages 5 - 10)  
[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            **Draft Budget and Medium Term Financial Strategy 2019-2020** (Pages 11 - 30)  
[To approve the Draft Budget and Medium Term Financial Strategy 2019-2020 – 2020-2021.]
- 6            **Governance Review and Scheme for the Transfer of the West Midlands Police and Crime Commissioner Functions** (Pages 31 - 74)  
[To agree the contents of the Governance Review and Scheme which enable the proposed Mayoral West Midlands Combined Authority Police and Crime Commissioner governance model prior to public consultation.]
- 7            **Amendment to Housing Enforcement and Charging Policy** (Pages 75 - 86)  
[To approve an amendment to the Housing Enforcement and Charging Policy following changes to legislation.]
- 8            **Progress on Black Country Core Strategy Review** (Pages 87 - 106)  
[To approve an update on the Black Country Core Strategy Review.]
- 9            **Strategic Asset Plan** (Pages 107 - 152)  
[To approve the implementation of the Strategic Asset Plan.]

10 **Wolverhampton Safeguarding Children Board and Wolverhampton Safeguarding Adults Board Annual Report 2017-2018** (Pages 153 - 198)  
[To endorse the Wolverhampton Safeguarding Children and Adults Board Annual Report.]

11 **School Accessibility Strategy** (Pages 199 - 226)  
[To approve the City of Wolverhampton's School Accessibility Strategy.]

12 **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**

13 **Black Country Coroner Collaboration Agreement** (Pages 227 - 252) Information relating to the financial or business affairs of any particular person (including the authority holding that information) (3)  
[To approve a review of the proposed collaborative agreement for the provision of coronial services within the Black Country jurisdiction.]

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Meeting of the Cabinet</b> <b>Minutes - 12 September 2018</b>
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## Attendance

### Members of the Cabinet

Cllr Roger Lawrence (Chair)  
Cllr Peter Bilson (Vice-Chair)  
Cllr Steve Evans  
Cllr Val Gibson  
Cllr Louise Miles  
Cllr Hazel Malcolm  
Cllr Lynne Moran  
Cllr Paul Sweet

### Employees

Tim Johnson	Managing Director
Mark Taylor	Strategic Director - People
Claire Nye	Director of Finance
Kevin O'Keefe	Director of Governance
Meredith Teasdale	Director of Education
David Watts	Director of Adult Services
Kate Martin	Service Director - City Housing
Jaswinder Kaur	Democratic Services Manager
Philippa Salmon	Democratic Services Officer

## Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i>   |
|-----------------|--|
| 1               | <b>Apologies for absence</b><br>Apologies for absence were received from Councillor John Reynolds and Councillor Sandra Samuels OBE.   |
| 2               | <b>Declaration of interests</b><br>Councillor Louise Miles declared a personal interest in Item 8 - Better Care Fund Section 75 Agreement (Pooled Budget 2018-2019) as her sibling was employed by the Clinical Commissioning Group. |
| 3               | <b>Minutes of the previous meeting</b><br>That the minutes of the previous meeting held on 11 July 2018 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 **Homelessness Prevention Strategy 2018-2022**

Councillor Peter Bilson presented the Homelessness Prevention Strategy 2018-2022 for approval. The Homelessness Reduction Act required local authorities to refresh their strategies in line with the new duties. The Strategy would focus on four key elements: homelessness prevention, tackling rough sleeping, vulnerability and health and responding to the local housing market. Joint working with partners would be promoted to determine long-term solutions.

Resolved:

That the City of Wolverhampton Homelessness Prevention Strategy for 2018-2022 be approved.

6 **Private Sector Housing Assistance Policy**

Councillor Peter Bilson presented the Private Sector Housing Assistance Policy for approval. The Policy set out the current position with regard to financial assistance provided by the Council to residents of the City under powers given by the Regulatory Reform Order 2002. A future review would be undertaken to ensure that the financial assistance provided to residents was still relevant to wider Council strategy and objectives and in line with other partner programmes in health and social care.

Resolved:

That the Private Sector Housing Assistance Policy under the Regulatory Reform Order 2002 be approved.

7 **Houses in Multiple Occupancy Mandatory Licensing**

Councillor Peter Bilson presented the Houses in Multiple Occupancy Mandatory Licensing report for approval. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 had extended mandatory licensing to include all properties with five or more unrelated occupants, sharing amenities, taking out the three or more storeys requirement. It was estimated that there would be an additional 500 properties in Wolverhampton that would fall under the new definition, in addition to the existing 127 houses in multiple occupation.

Resolved:

That the implementation of changes, in line with updated legislation around the licensing and management of Houses in Multiple Occupation, be approved.

8 **Better Care Fund Section 75 Agreement (Pooled Budget 2018-2019)**

In the absence of Councillor Sandra Samuels OBE, Councillor Roger Lawrence presented the Better Care Fund Section 75 Agreement (Pooled Budget 2018 – 2019) for approval. In order to operate a pooled budget, the partners were required to have in place a Section 75 Agreement. If the existing Section 75 Agreement with the NHS Wolverhampton Clinical Commissioning Group was not continued, the partners would fail to comply with the requirements of NHS England under the Better Care

Fund Pooled Fund arrangements. If this were the case, relevant funding would not be received.

Resolved:

1. That that the Section 75 Agreement (Pooled Budget) with the NHS Wolverhampton Clinical Commissioning Group be approved to continue for 2018-2019.
2. That authority be delegated to the Cabinet Members for Adults, Public Health and Wellbeing and Resources, in consultation with the Director of Adult Social Service, Director of Public Health and the Director of Finance, to approve the revised Section 75 Agreement (Pooled Budget) for 2018-2019.

9 **Local Offer for Care Leavers**

Councillor Paul Sweet presented the Local Offer for Care Leavers for approval. Local authorities were required to publish a Local Offer for Care Leavers to provide information about services that the local authority offered that could assist care leavers in, or in preparing for, adulthood and independent living. This included services relating to health and well-being, relationships, education and training, employment, accommodation and participation in society. An amendment to the second recommendation was agreed to ensure that the Cabinet Member for Children and Young People would be consulted on any variation to the Local Offer during the annual review period.

Resolved:

1. That the Local Offer for Care Leavers be endorsed.
2. That authority be delegated to the Director of Children's Services, in consultation with the Cabinet Member for Children and Young People, to consider and agree any variation to the current Local Offer within the annual review period.

10 **Safer Wolverhampton Partnership Annual Report 2017-2018**

Councillor Hazel Malcolm presented the Safer Wolverhampton Partnership Annual Report 2017-2018 for endorsement. The report detailed progress against the Safer Wolverhampton Partnership's strategic plan and performance. It also outlined services commissioned using the annual allocated grant from the Office of the Police and Crime Commissioner and performance against the City's 2017-2020 Community Safety and Harm Reduction Strategy.

Resolved:

That the Safer Wolverhampton Partnership Annual Report 2017-2018 be endorsed and identified areas for development be supported.

11 **Apprenticeship Pay Scale**

Councillor Val Gibson presented the Apprenticeship Pay Scale for approval. The proposed pay scale would not discriminate against apprentices who were younger but carrying out the same level of apprenticeship as older colleagues. The pay scale would offer a reasonable wage with progression and a career pathway to ensure that it would be an attractive option to encourage quality candidates. The simplified pay scale would also allow managers to budget for an apprentice in advance of the recruitment process.

Resolved:

That the new pay scales created for apprentices that are recruited into the Council be approved.

12 **The Vision for School Organisation 2018-2020: City of Wolverhampton Education Place Planning**

Councillor Lynne Moran presented The Vision for School Organisation 2018-2020: City of Wolverhampton Education Place Planning for approval following consultation. The Vision outlined the framework for decision making regarding primary and secondary school places across the City. It also illustrated the impact of demographic uplift on demand for schools and the need to identify and develop appropriate solutions.

Resolved:

1. That 'The Vision for School Organisation 2018-2020: City of Wolverhampton Education Place Planning' be approved.
2. That the outcome of external consultation in relation to 'The Vision for School Organisation 2018-2020: City of Wolverhampton Education Place Planning' be noted.
3. That the summary of discussion from the Children, Young People and Families Scrutiny Panel on 20 June 2018 regarding 'The Vision for School Organisation 2018-2020: City of Wolverhampton Education Place Planning' be noted.
4. That the reduction in the recommended primary and secondary surplus be noted (currently 5% and 6% respectively). The aspirational level of surplus has been reduced towards the Department for Education funding surplus figure (2%).
5. That the need to introduce additional Secondary School places for September 2019 be noted.
6. That it be noted that projected levels of demand suggest that further significant investment in additional school places will be required in the future to ensure that supply can meet demand. This will be over and above the existing capital programme.
7. That it be noted that a further report will be brought to Cabinet with details of proposed individual schemes to be considered for inclusion in the Secondary Expansion Programme 2019 - 2020.
8. That it be noted that the Regional Schools Commissioner is responsible for determining if academies can expand. The Council is not in full control of all the factors relating to the effective and timely supply of school places.

13 **Exclusion of press and public**

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



- 14 **Wolverhampton Homes Management Agreement Update**  
Councillor Peter Bilson presented the Wolverhampton Homes Management Agreement Update that was exempt as it contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

Resolved:

That the recommendations be approved as detailed in the exempt report.

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Cabinet</b> <b>17 October 2018</b>
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<b>Report title</b>	Draft Budget and Medium Term Financial Strategy 2019-2020	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Louise Miles Resources	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable director</b>	Claire Nye, Director of Finance	
<b>Originating service</b>	Strategic Finance	
<b>Accountable employee(s)</b>	Alison Shannon	Chief Accountant
	Tel	01902 554561
	Email	<a href="mailto:alison.shannon@wolverhampton.gov.uk">alison.shannon@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Strategic Executive Board	9 October 2018

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**Recommendations for decision:**

That Cabinet is recommended to approve:

1. That Budget Reduction and Income Generation proposals amounting to £695,000 in 2019-2020 proceed to the formal consultation and scrutiny stages of the budget process.
2. That Financial Transactions and Base Budget Revisions totalling a net reduction of £4.7 million in 2019-2020 be incorporated into the 2019-2020 draft budget.
3. That authority be delegated to the responsible Director and the Director of Finance to implement Financial Transactions and Base Budget Revisions at the earliest opportunity where the proposal is not reliant on the outcome of formal budget consultation.
4. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance, to approve the final budget consultation arrangements.

5. That further options are explored between October 2018 and January 2019 to address the updated projected budget deficit of in the region of £6.0 million for 2019-2020 based on the Council's high-level strategy.

### **Recommendations for noting:**

That Cabinet is asked to note:

1. That due to the uncertainty and increasing pressures over the medium term, the overall level of risk associated with the Draft Budget and Medium Term Financial Strategy (MTFS) 2018-2019 to 2019-2020 is assessed as Red for the first time since February 2016.
2. That the updated projected deficit assumes the achievement of budget reduction and income generation proposals amounting to £28.3 million over the two-year period from 2018-2019 to 2019-2020. Over the eight financial years the Council has identified budget reductions in excess of £220.0 million. This continues to be the most significant financial challenge that the Council has ever faced.
3. That the successful recovery of overpaid VAT has been granted at £1.8 million, approximately £200,000 lower than anticipated in the July 2018 report to Cabinet.
4. That due to external factors, budget assumptions remain subject to change. This could therefore result in alterations to the financial position faced by the Council.
5. That there continues to be a considerable amount of uncertainty with regards to future funding streams for local authorities particularly with regarding 2020-2021 onwards. The Comprehensive Spending Review 2020, the Fair Funding Review and potential pressures arising as a result of new responsibilities will impact upon the Council's budget. At the point that further information is known it will be incorporated into future reports to Councillors.
6. That the Council's General Fund Balance remains at £10.0 million; the minimum balance as determined in the Council's approved Reserves and Balances Policy. Emphasis therefore continues to be placed on identifying budget reductions and income generation proposals to meet the projected budget deficit over the medium term.
7. That the 2019-2020 budget timetable will, as in previous years, include an update on all budget assumptions and the Provisional Local Government Settlement which will be presented to Cabinet in January 2019, with the final budget report due to be approved by Full Council in March 2019.
8. The HR implications as outlined in the report and that reductions in employee numbers will be achieved in line with the Council's HR policies.

## **1.0 Purpose**

- 1.1 The purpose of this report is to provide Councillors with an update on progress towards identifying additional budget reduction proposals in order to address the projected £19.5 million budget deficit for 2019-2020 as reported to Cabinet in July 2018.
- 1.2 This is the second report of the financial year on the Draft Budget and the Medium Term Financial Strategy (MTFS) for the period to 2019-2020 and provides an update on some key factors, the timetable for the budget process and the risks in relation to them.

## **2.0 Background and Summary**

- 2.1 The 2018-2019 Budget and Medium Term Financial Strategy (MTFS) 2018-2019 to 2019-2020 was presented to Full Council for approval on 7 March 2018. The Council was able to set a balanced budget for 2018-2019 without the use of General Fund reserves. However, it was projected that the Council would be faced with finding further estimated budget reductions totalling £19.5 million by 2019-2020.
- 2.2 It is important to note that the updated projected budget deficit assumes the achievement of budget reduction and financial transaction proposals amounting to £28.3 million over the two-year period from 2018-2019 to 2019-2020.
- 2.3 In March 2018, Full Council approved that work started immediately to identify budget reductions to deliver the £19.5 million projected budget deficit in 2019-2020, with an update on progress to be reported to Cabinet in July 2018.
- 2.4 It should be noted that due to external factors, budget assumptions remain subject to change. This could therefore result in alterations to the financial position faced by the Council.
- 2.5 Since the 2018-2019 budget was set, work has been ongoing across the Council to identify opportunities and cross-cutting strategies to support the budget strategy for 2019-2020.
- 2.6 An update on the high-level strategy to address the projected budget challenge of £19.5 million for 2019-2020 was presented to Cabinet on 11 July 2018. At that point, various opportunities including: one-off funding streams, council tax income, the realisation of benefits from existing strategies and directorate budget reduction targets resulted in the identification of £16.2 million towards the projected budget deficit. Cabinet approved the incorporation of this high-level strategy into the Draft Budget and Medium Term Financial Strategy 2019-2020. Taking this into account, the remaining budget challenge to be identified for 2019-2020 stood at £3.3 million.

- 2.7 Work has continued during the second quarter of this financial year to identify additional budget efficiencies, budget reduction and income generation opportunities to meet the directorate budget reduction targets and to also address the projected remaining budget deficit in 2019-2020, amounting to £3.3 million.
- 2.8 This report provides an update on progress since July 2018 and details the pressures that the Council currently faces.

### **3.0 Budget Strategy 2019-2020 and the Medium Term**

- 3.1 The Council's strategic approach to address the budget deficit continues to be to align resources to the Council's Corporate Plan 2016-2019.
- 3.2 The Council will soon be undertaking a review of the Corporate Plan 2016-2019 and will be developing the Council's Corporate Plan 2020-2025. Over the medium term, resources will continue to be aligned to enable the realisation of the Council's core objectives of achieving:
- a Stronger Economy to provide inclusive growth,
  - Stronger Communities to build resilience,
  - a Stronger Organisation focused on organisational development.
- 3.3 Investment in the future is essential to achieve the Council's Corporate Plan and also the City Vision.
- 3.4 Since the 2018-2019 budget was set in March 2018, work has been ongoing to identify a high-level strategy to address the projected budget challenge of £19.5 million for 2019-2020.

#### **Proposals for 2019-2020**

- 3.5 In July 2018, a number of proposals were presented to Cabinet for approval to address the projected budget deficit for 2019-2020. Proposals were classified as:
- one off funding streams,
  - realisation of benefits from existing strategies,
  - directorate budget reduction targets.
- 3.6 Since the last update to Cabinet in July 2018, further detailed work has continued to take place to develop the proposals reported to Cabinet at that point in time. As a result of this detailed work, there have been some revisions to these proposals, as detailed in the paragraph below.
- 3.7 In July 2018, Cabinet were informed of a recent ruling by the European Court of Justice which had raised the possibility of avoiding the need to charge VAT on some activities where the Council charged the standard 20%. Partners were engaged to lodge a claim on behalf of the Council for overpaid VAT which was anticipated to be in the region of £2.0 million from July 2007 to March 2018. The successful recovery of overpaid VAT has been granted at £1.8 million, approximately £200,000 lower than anticipated.

### Directorate Budget Reduction Targets

- 3.8 Directorates were allocated budget reduction targets for 2019-2020 in July 2018. Work has taken place during the second quarter of the financial year to further develop and identify new proposals towards the directorate level budget reduction targets for 2019-2020. Progress against these targets is detailed in the table below:

**Table 1 – Directorate Budget Reduction Progress against Target**

<b>Directorate</b>	<b>Directorate Target £000</b>	<b>Total of Proposals £000</b>	<b>Variation (Over)/Under £000</b>
Place	(2,000)	(1,272)	728
People (including Public Health)	(2,000)	(2,061)	(61)
Corporate Services (including Education)	(1,500)	(2,092)	(592)
<b>Total</b>	<b>(5,500)</b>	<b>(5,425)</b>	<b>75</b>

- 3.9 As can be seen from the table above, the Council has identified a total of £5.4 million of proposals towards the directorate budget reduction targets. This represents significant progress towards the projected budget deficit for 2019-2020. Nevertheless, work will continue to develop new ideas to generate further efficiencies across the Council.
- 3.10 The proposals have been classified into those upon which the outcome of formal budget consultation is required – Budget Reduction and Income Generation proposals – and proposals which can be implemented without reliance on the outcome of formal budget consultation – Financial Transactions and Base Budget Revisions. Further details can be found in Appendices 1 and 2 to this report.
- 3.11 A significant amount of proactive work has been undertaken to review fee structures, invest in technology, review contract management and consider alternative delivery models. As a result of this, the Council has been able to generate £4.7 million of proposals which can be implemented without reliance on the outcome of formal budget consultation. These proposals are classed as Financial Transactions and Base Budget Revisions.
- 3.12 The Council has also identified a total of £695,000 Budget Reduction and Income Generation proposals.
- 3.13 It is proposed that Cabinet approve that the Budget Reduction and Income Generation proposals amounting to £695,000 in 2019-2020 proceed to the formal consultation and scrutiny stages of the budget process. The outcome of budget consultation and scrutiny will be reported to Cabinet in February 2019.
- 3.14 Included within the identified directorate proposals above, there are a number of proposals in the Public Health and Wellbeing portfolio that have been identified to offset a £548,000 reduction in Public Health grant income that will be realised in 2019-2020. Further details on those proposals can be found in Appendices 1 and 2.

- 3.15 Further details for individual proposals are available on the Council's website using the following link <http://www.wolverhampton.gov.uk/financialstrategy>
- 3.16 When reviewing grant income streams, service areas work to ensure that efficiencies are identified within the area so that the application of grant funding is maximised. This has been an area of focus particularly within the Education service.
- 3.17 Following the positive General Fund revenue outturn position for 2017-2018, it is proposed that proactive financial management across the Council is encouraged to identify efficiencies and mitigating actions to achieve underspends in 2018-2019.
- 3.18 In order to secure the benefit of Financial Transaction and Base Budget Revision proposals at the earliest opportunity, it is proposed that Cabinet delegate authority to the responsible Director and the Director of Finance to implement Financial Transactions and Base Budget Revisions where the proposal is not reliant on the outcome of formal budget consultation. Where possible this will be implemented in 2018-2019 to realise the benefit.

#### **4.0 Update on Key Factors**

- 4.1 The assumptions used in the preparation of the budget and Medium Term Financial Strategy (MTFS) remain under constant review and update.
- 4.2 In July 2018, Cabinet were asked to note emerging pressures within the Looked After Children, Visitor Economy and Corporate Landlord services, following overspends in 2017-2018 as reported in the Revenue Outturn 2017-2018 report. Those service areas continue to be kept under review, however it is anticipated that budget pressures totalling a cumulative £3.8 million will be prevalent in 2019-2020, therefore increasing the projected budget deficit in that year.
- 4.3 In addition to this, on 2 February 2018 the Ministry of Housing, Communities and Local Government issued new Statutory Guidance on Local Government Investments and Minimum Revenue Provision (MRP). The majority of the guidance on MRP is effective from 1 April 2019, however the guidance is currently under review to identify any necessary changes to the Council's strategies and any consequential budget pressure that may arise.
- 4.4 Whilst the Government have recently announced additional monies in 2018-2019 for the Council to address winter pressures; the final allocation has not yet been confirmed. It is anticipated, based on current financial modelling, that there may be additional adult social care pressures over the medium term. This will be to be kept under review, with further updates provided to Cabinet in due course.
- 4.5 During the Autumn, a detailed review will be undertaken to verify all the assumptions and forecasts in the MTFS. This will include an analysis of pay and non-pay inflation.



## **5.0 High-Level Strategy for 2019-2020**

- 5.1 Taking into account the progress against directorate budget reduction targets and emerging pressures, detailed above, and early work on the analysis of MTFS assumptions, it is anticipated that the projected remaining budget deficit for 2019-2020 will be in the region of £6 million.
- 5.2 Over the medium term, the Council's resources will continue to be aligned to enable the realisation of the Council's core objectives, as detailed in paragraph 3.2. However, the high-level budget strategy for 2019-2020 will remain focused on achieving continuous improvement whilst delivering further efficiencies. The strategy will include: exploring alternative business models, a targeted approach to service provision and a risk based approach to budget allocations. The strategy is also to continue to support the independence of individuals and communities, maximising external income, identifying opportunities for further commercialisation and reviewing demand management, which has proved to be an effective approach to identifying deliverable budget reductions.
- 5.3 An update on the budget position based on the high-level strategy will be presented to Cabinet for consideration in January 2019.
- 5.4 It is important to note it is anticipated that the remaining budget deficit for 2019-2020 will be achieved without calling upon the General Fund reserves. Confident Capable Council Scrutiny Panel have approved that the Specific Reserves Working Group meet again in 2018-2019 to review and scrutinise earmarked reserves as part of the budget setting process for relevance and adequacy, in line with the Council's financial procedure rules.
- 5.5 Due to the uncertainty, the Council currently faces, it is difficult to establish a medium term financial strategy beyond 2019-2020, however work has been ongoing to project a forecast medium term position. At the point of writing, it is projected that the medium-term budget challenge could be in the region of £40-50 million over the next five years. This continues to represent the most significant financial challenge that the Council has faced. Service areas across the Council will continue to develop budget efficiencies, service transformation and income generation proposals in order to meet the budget challenge. Cabinet will be provided with budget update reports in due course documenting progress towards bridging this gap.
- 5.6 Recognising the scale of the challenge, processes will be refreshed, including maximising the benefit of the scrutiny process, to ensure a long-term approach to medium term financial planning and the pace of delivery of proposals.

### **Council Tax**

- 5.7 In the provisional settlement for 2018-2019, the Government announced a change to the referendum limit on Council Tax increases in 2018-2019 and 2019-2020 from 1.99% to 2.99%. This would therefore enable the Council to increase Council Tax by a maximum of 4.99% in 2019-2020; the sum of 2.99% Council Tax increase plus a 2% adult social care precept.

- 5.8 The Budget and MTFs 2018-2019 to 2019-2020 approved by Full Council on 7 March 2018 assumes an increase in Council Tax of 1.99%, in addition to the Government's social care precept of 2%, totalling 3.99% for 2019-2020. Taking into account the change in the referendum limit, it is proposed that consideration be given to increasing Council Tax by a further 1% in 2019-2020 to 2.99% as part of the 2019-2020 budget consultation process. It is forecast that funds in the region of £1.0 million could be realised in 2019-2020, if Council Tax were to be raised by an additional 1%. The funds generated would support the delivery of key services.
- 5.9 As discussed above, the budget consultation process will include the opportunity for Wolverhampton citizens to comment on council tax increases and will seek views on further potential amendments to council tax and the adult social care precept, should the Government provide further opportunity to levy charges.

## **6.0 Future Uncertainties**

- 6.1 As reported to Cabinet on 20 February 2018, it is important to note that there continues to be a considerable amount of uncertainty with regards to future funding streams for local authorities particularly regarding 2020-2021 onwards. The Comprehensive Spending Review 2020, the Fair Funding Review and potential pressures arising as a result of new responsibilities will all impact upon the Council's budget.
- 6.2 On 30 May 2018, the Government released a briefing paper which provided an update on business rates retention, the Government's proposals for changes to the local government finance system and the Fair Funding Review.
- 6.3 The briefing paper indicated that the Fair Funding Review will be implemented on 1 April 2020. It is anticipated that a series of technical consultations will be published mid-2018, with broad outlines of the new system available by winter 2018. Indicative numbers, comprising of individual local authority allocations following implementation are expected to be made available by summer 2019, with final numbers available later that year.
- 6.4 In addition to this, it was recently announced that the Government have delayed the publication of the Adult Social Care Green Paper until autumn 2018 so that it can be integrated with the new NHS plan, further adding to the uncertainty faced by the Council. However, it should be noted that the Government has recently announced additional monies for the Council in 2018-2019 to address winter pressures; the final allocation has not yet been confirmed.
- 6.5 The Chancellor of the Exchequer has announced that the 2018 Autumn Budget Statement will be delivered on 29 October 2018. It is hoped that some certainty with regards to future funding streams will be provided.
- 6.6 It is important to note that due to external factors and future uncertainties, budget assumptions remain subject to change. This could therefore result in alterations to the financial position faced by the Council.

## 7.0 General Fund and Earmarked Reserves

- 7.1 The Council's General Fund reserve remains at £10.0 million; the minimum balance as determined in the Council's approved Reserves and Balances Policy. Emphasis therefore continues to be placed on identifying budget efficiencies, budget reductions and income generation proposals to meet the projected budget deficit over the medium term.
- 7.2 As detailed in the high-level strategy above, the remaining budget deficit for 2019-2020 will be achieved without calling upon the General Fund reserves.
- 7.3 It is important to note however, as in previous years, earmarked reserves will be reviewed and scrutinised as part of the budget setting process for relevance and adequacy, in line with the Council's financial procedure rules.

## 8.0 Budget Risk Management and Timetable

- 8.1 A summary of the 2019-2020 budget setting process timetable is detailed in the table below:

**Table 2 – Budget Timetable**

<b>Milestone</b>	<b>Deadline</b>
Draft Budget and Medium Term Financial Strategy (MTFS) 2019-2020 report to Cabinet	17 October 2018
Formal Budget Consultation and Scrutiny	19 October – 31 December 2018
Budget Update Report following the Local Government Finance Settlement to Cabinet	23 January 2019
Final Budget Report 2019-2020 to Cabinet	20 February 2019
Full Council Approval of Final Budget 2019-2020	6 March 2019

- 8.2 As part of the budget consultation process there will be four evening meetings at various venues in Wolverhampton, as detailed in Appendix 3, as well as a breakfast meeting with business representatives and three other meetings with community groups.
- 8.3 As in previous years an online survey will be used to support the consultation process. Paper copies of the survey will also be made available.
- 8.4 It is recommended that Cabinet approve that authority be delegated to the Cabinet Member for Resources in consultation with the Director of Finance to approve the final budget consultation arrangements.
- 8.5 It is important to note, that the overall level of risk associated with the Draft Budget and Medium Term Financial Strategy (MTFS) 2018-2019 to 2019-2020 is assessed as Red for the first time since February 2016. The following table provides a summary of the risks associated with the MTFS, using the corporate risk management methodology.

**Table 3 - General Fund Budget Risks 2018-2019 – 2019-2020**

Risk	Description	Level of Risk
Medium Term Forecasting	Risks that might materialise as a result of the impact of non-pay inflation and pay awards, uptake of pension auto enrolment, and National Living Wage.	Amber
Service Demands	Risks that might materialise as a result of demands for services outstretching the available resources. This risk often applies to adults and children’s social care.	Red
Identification of Budget Reductions	Risks that might materialise as a result of not identifying budget reductions due to limited opportunity to deliver efficiencies.	Amber
Budget Management	Risks that might materialise as a result of the robustness of financial planning and management, in addition to the consideration made with regards to the loss of key personnel or loss of ICTS facilities	Green
Transformation Programme	Risks that might materialise as a result of not delivering the reductions incorporated into the budget and not having sufficient sums available to fund the upfront and one-off costs associated with delivering budget reductions and downsizing the workforce.	Amber
Reduction in Income and Funding	<p>Risks that might materialise as a result of the Final Local Government Finance Settlement.</p> <p>Risks that might materialise as a result of income being below budgeted levels, claw back, reduction to government grant or increased levels of bad debts.</p> <p>The risk of successful appeals against business rates.</p>	Red
Third Parties	Risks that might materialise as a result of third parties and suppliers ceasing trading or withdrawing from the market.	Amber
Government Policy	Risks that might materialise as a result of changes to Government policy including changes in VAT and taxation rules, the impact of exiting the European Union and, in particular, from the Care Bill.	Amber

## **9.0 Evaluation of alternative options**

- 9.1 In determining the proposed high level budget strategy for 2019-2020, consideration has been made to the deliverability of budget reduction and income generation proposals and budget pressures. If we were to not implement the budget strategy as proposed in this report, alternative options would need to be identified in order for the Council to set a balanced budget in 2019-2020. This may therefore potentially impact upon service provision.

## **10.0 Reasons for decisions**

- 10.1 It is recommended that the high-level budget strategy for 2019-2020, including Financial Transactions, Budget Reduction and Income Generation Proposals, as set out in this report, is approved by Cabinet for formal budget consultation and scrutiny where necessary. Cabinet will be provided with an update following formal budget consultation and scrutiny in the Draft Budget and Medium Term Financial Strategy 2019-2020 report which will be presented to Cabinet in February 2019. In approving this strategy, the Council will be working towards identifying options to be able to set a balanced budget for 2019-2020.

## **11.0 Financial Implications**

- 11.1 The financial implications are discussed in the body of the report.

[MH/08102018/Y]

## **12.0 Legal Implications**

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

- 12.4 The relevant guidance concerning reserves is Local Authority Accounting Panel Bulletin 77, issued by CIPFA in November 2008. Whilst the Bulletin does not prescribe an appropriate level of reserves, leaving this to the discretion of individual authorities, it does set out a number of important principles in determining the adequacy of reserves. It emphasises that decisions on the level of reserves must be consistent with the Council's MTFs, and have regard to the level of risk in budget plans, and the Council's financial management arrangements (including strategies to address risk).
- 12.5 In addition, Section 114 of the Local Government Finance Act 1988 requires the Chief Financial Officer to '**...make a report ... if it appears to her that the Authority, a committee or officer of the Authority, or a joint committee on which the Authority is represented**':
- a. has made or is about to make a decision which involves or would involve the Authority incurring expenditure which is unlawful,
  - b. has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Authority, or
  - c. is about to enter an item of account the entry of which is unlawful.
- 12.6 The Chief Financial Officer of a relevant Authority shall make a report under this section if it appears to her that the expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.
- 12.7 These statutory requirements will have to be taken into account when making final recommendations on the budget and council tax requirement for 2019-2020.  
[RB/05102018/Q]

### **13.0 Equalities implications**

- 13.1 The development of the various budget reduction proposals includes an initial equalities screening for each proposal and, where necessary, a full equalities analysis will be completed before the final draft budget is presented to Cabinet in February 2019 and Council in March 2019. This will also include a cumulative analysis of the various proposals to ensure Councillors can pay due regard to the equalities impact of their budget decisions.

### **14.0 Human resources implications**

- 14.1 In line with the Council's statutory duties as an employer under the Trade Union Labour Relations (Consolidation) Act 1992, an HR1 form was issued to the Secretary of State for Business, Innovation and Skills identifying the intention to reduce employee numbers by up to 500 across the Council in the period 1 April 2018 up to 31 March 2019.

- 14.2 A new HR1 will be issued with effect from the 1 April 2019 up to 31 March 2020 identifying that a further 500 jobs may need to be put at risk of redundancy throughout this period.
- 14.3 The numbers included in an HR1 include posts held by colleagues who, as part of business review, redesign and/or restructure, need to be included, as they will be placed at risk of redundancy. However, many of these employees can apply and be offered jobs in any new structure or elsewhere in the organisation and therefore the number of employees leaving the authority is always anticipated to be lower than the numbers put at risk and declared on an HR1.
- 14.4 As detailed in the report, budgetary savings will also be made through efficiencies with new and smarter ways of working and transformation initiatives. Income generation will also be key.
- 14.5 Reductions in employee numbers will be achieved in line with the Council's HR policies. Compulsory redundancies will be mitigated as far as is possible through seeking voluntary redundancies in the first instance, and through access to redeployment.
- 14.6 The Council will ensure that appropriate support is made available to employees who are at risk of and selected for redundancy, and will work with partner and external agencies to provide support. Budget reduction targets to move service delivery from direct Council management to private, community or third sector providers may have implications under the TUPE regulations. If TUPE were to apply, appropriate consultation with relevant Trade Unions and affected employees, would take place.
- 14.7 There is on-going consultation with the trade unions on the impact of the Council's budgetary position and the targets being made to meet the challenges posed by it. [HR/DP/068]

## **15.0 Schedule of Background Papers**

Cabinet – 11 July 2018 '[Draft Budget and Medium Term Financial Strategy 2019-2020](#)'

Cabinet – 11 July 2018 '[Revenue Budget Outturn 2017-2018](#)'

Cabinet – 11 July 2018 '[Reserves, Provisions and Balances 2017-2018](#)'

Council – 7 March 2018 '[2018-2019 Budget and Medium Term Financial Strategy 2018-2019 to 2019-2020](#)'

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## Budget Reduction and Income Generation Proposals by Cabinet Portfolio

## Children and Young People

Proposal Title	Directorate	2019-2020 £000
Child & Adolescent Mental Health Service Tier 3 funding to Black Country Partnership Foundation Trust	People	(137)
Supervised Contact Centre Provision for Children and Young People	People	(40)

## City Assets and Housing

Proposal Title	Directorate	2019-2020 £000
Review provision of One Stop Toilet at Mander Centre	Place	(80)

## Budget Reduction and Income Generation Proposals by Cabinet Portfolio

## City Environment

Proposal Title	Directorate	2019-2020 £000
Review of residents parking schemes	Place	(20)
Review the maintenance and routine cleaning of illuminated road signs	Place	(30)
WV Active Catering Offer	Corporate	(100)

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## Public Health and Wellbeing

Proposal Title	Directorate	2019-2020 £000
Integration of Public Health Service Contracts*	People	(288)

\* budget reduction proposal to offset reduction in grant income

## Financial Transaction and Base Budget Revisions by Cabinet Portfolio

Cabinet Portfolio	2019-2020 £000
Leader	71
Adults	907
Children and Young People	415
City Assets and Housing	420
City Economy	136
City Environment	740
Education and Skills	646
Governance	297
Resources	824
<b>Total</b>	<b>4,456</b>
Public Health and Wellbeing*	274

\* financial transaction to offset reduction in grant income

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## Budget Consultation Meetings

Venue	Date	Time
Bantock Tractor Shed	25 October 2018	6-8pm
Low Hill Community Centre	1 November 2018	6-8pm
Bob Jones Community Hub	13 November 2018	6-8pm
Bilston People's Centre	15 November 2018	6-8pm

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Cabinet</b> <b>17 October 2018</b>
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<b>Report title</b>	Governance Review and Scheme for the Transfer of the West Midlands Police and Crime Commissioner Functions	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Roger Lawrence Leader of the Council	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Jennifer Brake, Service Director of Strategy and Change	
<b>Originating service</b>	Public Service Reform	
<b>Accountable employee</b>	Jennifer Brake Tel Email	Service Director of Strategy and Change 01902 555332 <a href="mailto:Jennifer.Brake@wolverhampton.gov.uk">Jennifer.Brake@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	West Midlands Combined Authority Board	14 September 2018

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**Recommendations for decision:**

The Cabinet is recommended to:

1. Consider the prepared Governance Review and Scheme outlining the proposed model for Mayoral West Midlands Combined Authority governance of the West Midlands Police and Crime Commissioner functions, and feedback to West Midlands Combined Authority Board.
2. Approve to delegate authority to the Leader of the Council, in consultation with the Managing Director, to make minor amendments to the Governance review and Scheme on completion of the Local Authority approval process and prior to public consultation.

**Recommendations for noting:**

The Cabinet is recommended to note:

1. The proposed public consultation for the scheme and proposed governance model will start following the West Midlands Combined Authority Board meeting on 14 November 2018.
2. The next steps and timetable to meet single Mayoral Police and Crime Commissioner elections in 2020.



## **1.0 Purpose**

- 1.1 The purpose of this report is to consult constituent authorities on the prepared Governance Review (attached at Appendix 1 to this report) and Scheme (attached as Appendix 2) for the proposed Mayoral West Midlands Combined Authority Police and Crime Commissioner governance model, prior to going out for formal public consultation.

## **2.0 Background**

- 2.1 The second Devolution Deal for the West Midlands confirmed that, in addition to continuing the transfer of West Midlands Fire and Rescue Service governance to the West Midlands Combined Authority (WMCA), “the government, the WMCA and the Police and Crime Commissioner will work together to agree a detailed governance model and a legislative timetable for incorporating the role and power of the Police and Crime Commissioner into the Mayoralty, with a view to electing the first Mayor with these powers in 2020”.
- 2.2 When considering the Devolution Deal on the 9 February 2018, the WMCA Board agreed that “the Government, West Midlands Combined Authority and the West Midlands Police and Crime Commissioner will enter into discussions with the Mayor regarding a governance model for incorporating the role and powers of the Police and Crime Commissioner into the Mayor’s role and powers, provided that the final governance model proposed following discussions is agreed by each of the Constituent Authorities, the Mayor and the Police and Crime Commissioner”.
- 2.3 At the WMCA Board meeting of 20 July 2018, the WMCA Board agreed to “the development of a Governance Review and Scheme to enable the proposed amalgamation of the functions of the West Midlands Police and Crime Commissioner into the Mayoralty for the elections to be held in 2020”.
- 2.4 At the WMCA Board meeting of 14 September the WMCA Board agreed to the following:
  - a. To note progress on the development of the Governance Review and Scheme outlining the proposed model for Mayoral West Midlands Combined Authority governance of the West Midlands Police and Crime Commissioner (PCC) functions.
  - b. To request that this report and attached Governance Review and Scheme are considered by Constituent Authorities and the PCC in line with the requirement to elect a Mayor with PCC responsibility in 2020, as agreed by the Board on 20 July 2018.
  - c. To agree to receive a further report at November 2018 WMCA Board detailing the outcome of the Constituent Councils and Police and Crime Commissioner consideration of the content of the Governance Review and Scheme and setting out the public consultation process.

### **3.0 Rationale**

- 3.1 West Midlands Police (WMP) is the largest police force outside of London. It is a critical public service within the region and plays a significant role in national policing and counter-terrorism. The governance of policing within the region is in line with this profile. The Police and Crime Commissioner plays a key role securing the efficiency and effectiveness of the WMP (under powers granted within the Police Reform and Social Responsibility Act 2011 which are outlined in the Governance Review section 2.1 and 2.2), and has developed a portfolio of activities both regionally and nationally which address the wider determinants of crime, the demands on contemporary policing, and the wider societal role of a high profile, democratically elected individual within the region.
- 3.2 The changes proposed within the Governance Review and Scheme take this established role and profile as a starting point. They seek to protect and build on the successes of the model to date, and show how the governance of policing will evolve in line with the devolution process and wider changes in the governance and delivery of services to the public across the region and nationally. They demonstrate how we can ensure continuity through transition; and maintain the consistent, visible and robust accountability currently demonstrated through the statutory function of the Police and Crime Panel, and through maintaining the role and function of a Strategic Policing and Crime Board at the point of transfer.
- 3.3 The Governance Review and Scheme provide clarity on the role of a West Midlands Mayor acting as the PCC and the arrangements, accountabilities and delegations that enable the role to be discharged effectively in practice. They clarify the appropriate separation between a Mayor's role as PCC and as Chair of the Combined Authority – drawing on Home Office, Office of the PCC and stakeholder advice to ensure that the model does not blur lines of accountability, and can continue to provide visible, consistent and clear policing governance.
- 3.4 The Governance Review and Scheme also suggest areas in which a West Midlands Mayoral PCC model can realise additional benefits across the policing and crime portfolio of a PCC, and for public service outcomes within the West Midlands more broadly. This would be supported in practice by the production of a Police and Crime Plan and a WMCA Business Plan that are necessarily distinct (as per provisions on police and crime plans set out in the 2011 Police Reform and Social Responsibility Act), but strategically aligned and mutually reinforcing.

### **4.0 Proposal**

- 4.1 In line with the Cities and Local Government Devolution Act 2016 (Schedule 2), it is proposed that the Mayor will exercise in the Combined Authority Area all PCC functions. This is consistent with the current PCC model for policing governance, namely: a single, accountable individual responsible for the discharge of PCC functions who is directly elected by the public. In effect, the role, function and responsibilities do not change, from 2020 they are discharged by the Mayor who becomes the PCC. This is underpinned by a number of key underlying principles which are backed up by legislative and policy detail within the Governance Review and Scheme:

- 4.2 *Maintaining the role, functions and profile of the PCC.* The underlying principle here is of 'continuity', in that all PCC powers will transfer to the Mayor – who will be elected as a Mayor with PCC powers in 2020, with all of the responsibilities, accountabilities and restrictions that go with these powers. An important difference between the underlying legal basis for the current model and the Mayoral PCC model is that the status of PCC as 'Corporation Sole' will change. The meaning and implications of this are explained, and the future proposal further clarified in section 2.3, section 2.5 and within section 5 of the Governance Review. The Review outlines explicitly ways in which the important protections and assurances currently afforded by this legal status will be maintained within the Mayoral model in future. These have been worked up in collaboration with the Home Office.
- 4.3 *Providing assurance as to the ongoing importance and visibility of the PCC role.* As outlined above, the PCC has responsibility for both ensuring effective governance of policing in the region, and for a wider portfolio (usually described as the 'and crime' elements of the role). It is important to us that this governance role continues to be visible and robust, and that this wider portfolio is built upon and further developed. The Review outlines ways in which this will be done, such as the ongoing role of the statutory Police and Crime Panel, proposals to maintain on point of transfer a function which is in line with the current PCC's Strategic Policing and Crime Board, and clarification of the role, scope and importance of a Deputy Mayor for Policing and Crime.
- 4.4 *Guaranteeing arrangements to ensure operational independence for the Chief Constable.* The operational independence of the WMP is a key underlying principle of the PCC models. The Chief Constable is a 'Corporation Sole' and this will remain the case. The clear proposal outlined here is for this operational independence to be maintained: both within the underlying legislation proposed in the Scheme, and through the commitments made to continue current good practice around delegations, contracts, finances and to maintain the current scheme of consent at point of transfer. These are outlined within the Governance Review in Section 5.
- 4.5 *Ensuring that good governance and robust accountability are maintained.* It is vitally important that the integrity and professionalism of police governance will continue under a Mayoral PCC model. The Governance Review therefore shows how this will be maintained through a number of the assurances noted above (explained within Section 5); through a commitment to continue arrangements such as the Strategic Policing and Crime Board at point of transfer; and through a commitment to the transfer of OPCC officers through TUPE arrangements that will ensure continuity of support functions.
- 4.6 *Ensuring the whole scope of the PCC role is sustained and built upon.* The current role and profile of the PCC covers a range of activities (the 'and crime' functions) which we would seek to continue and build upon. A number of these are outlined in the Governance Review section 2, and the ways in which a Mayoral PCC model could build on these to generate wider synergies and public service reform benefits are outlined in section 4. It is proposed that, in line with the commitment to continuity for the Office of the Police and Crime Commissioner staff, contracts and undertakings, this portfolio of activities are sustained at point of transfer, after which they will be subject to

the discretion of a Mayoral PCC much as they would any elected PCC.

4.7 *Providing guarantees that key PCC functions related to finance, assets, borrowing and contracts will remain ring-fenced and distinct from wider WMCA activities.* The Governance Review outlines specific ways in which functions currently guaranteed under the 'PCC as Corporate Sole' model would be guaranteed under a Mayoral PCC model, including:

- Properties, Rights and Liabilities – All decisions relating to PCC functions, and relating to assets, rights and liabilities, will be for the Mayor as a directly elected individual, and exercised solely by the Mayor unless delegated appropriately. It is important to note that all police assets and funding will remain ring-fenced and for use within the policing service. These points are explained in the Governance Review section 5.6.
- Appointments & HR – All current staff within the Office of the Police and Crime Commissioner will transfer to the WMCA under TUPE arrangements. The Mayoral Office of Policing and Crime (Mayoral OPC) will be an independent function managed by a Mayoral OPC Executive Director' (a post mirroring the current Chief Executive of the Office of the PCC). The Mayor would be involved with the appointment. This is explained in Section 5.7 of the Governance Review.
- Borrowing – The WMCA will have the same borrowing rights for Mayoral PCC functions that are currently enjoyed by the PCC. The Mayor will be responsible for decisions relating to borrowing (as laid out in the Revised Financial Management Code of Practice for Policing). The cost of such borrowing will be met from Police funds and kept separate to the discharge of other Combined Authority Functions in line with the ring-fencing of Police Funds outlined in Section 5.11 of the Governance Review.
- Contracts – decisions on entering into contracts regarding police matters are the responsibility of a PCC, with scope for some delegation to the Chief Constable. This arrangement will remain in place by law – giving the Mayoral PCC responsibility for all contracts, discharged in practice through a 'scheme of consent' that we would maintain along current lines at point of transfer. This is explained in further detail in the Governance Review section 5.12.
- Police Funds and Police Precept – the Governance Review outlines how the ring fencing of police funds will work in Section 5.10, including maintaining a distinct finance director role within the Mayor's Office of Policing and Crime, and replicating current joint-audit arrangements in place between WMP and West Midlands Office of the Police and Crime Commissioner. The policing precept will be separate from any Mayoral precept and will be set by the Mayor following consultation with the Police and Crime Panel. This is clarified in Section 5.10 of the Governance Review.

4.8 Clarifying the role and scope of the Mayoral PCC, Deputy PCC and appropriate delegations. There are clear statutory provisions governing the ability of a PCC to delegate certain functions to a Deputy PCC or anyone else. Certain functions may not be delegated, which are:

- Issuing a police and crime plan
- Setting the police budget including the council tax requirement; and
- Chief Constable appointments, suspensions and dismissals.

This will not change under proposed arrangements, as explained in Section 5 of the Governance Review. Functions that may be delegated to a Deputy Mayor for Policing and Crime (DMPC) are also outlined in section 5.4 of the Governance Review, and will be subject to existing statutory prescriptions.

4.9 The Mayor will appoint a DMPC who will provide a strong role in supporting the Mayor in discharging PCC functions. This DMPC needs to be visible and credible (both within the region and nationally), commensurate with the needs of a large police force and in line with the current visibility and presence of the PCC currently. Proposed legislation will exclude Board Members of the Combined Authority from the DMPC role, and will restrict the role to those residing within the Combined Authority area. This is explained further in section 5.3 of the Governance Review.

4.10 Ensuring a robust consultation process which gives stakeholders and the public the opportunity to input. The WMCA Board has committed to going beyond the strict legal requirements to propose a robust consultation with stakeholders and the public to ensure the best possible arrangements for the West Midlands. Progress on consultation plans and the implications within the agreed timeline are outlined in section 5 of this report.

4.11 *Ensuring that transition arrangements are as seamless as possible* – As outlined in various sections above, we propose minimum disruption through the process of electing a Mayoral PCC through the TUPE transfer of current OPCC staff to the WMCA; commitments to ensure continuity of all OPCC protocols and arrangements at point of transfer; underpinned the legal guarantees around finance, contracts, delegations and borrowing outlined above. Section 5 of the Governance Review outlines this in more detail.

## **5.0 Next Steps**

5.1 Following Constituent Council and WMCA Board agreement to proceed to a public consultation on the Governance Review and Scheme, the public consultation will begin in November 2018. The WMCA are currently designing the consultation and have taken independent legal advice, sought advice from the Consultation Society, and are in ongoing discussions with the Home Office to ensure that the proposition brought back to the WMCA Board in November is fair, lawful and robust.

5.2 The indicative timetable is provided in the table below, showing that the 8 March 2019 is the point at which Board approval to submit the scheme will need to be given. WMCA will

continue to work up options for the consultation which may impact on the timeline to that point, and which will be brought back to the WMCA Board in November.

<b>Details</b>	<b>Action by whom</b>	<b>Action date</b>
Programme Board		6 July 2018
Approval to prepare Governance Review and Scheme	CA Board	20 July 2018
Governance Review and Scheme Completed	CA / PCC	Completed by end of August 2018
CA Board consider the Governance Review and Scheme	CA Board	14 September 2018
Constituent Authorities and PCC consider Governance Review and Scheme and feedback comments to CA Board	Constituent Authorities / PCC	September/October
Seek Approval to Consult	CA Board	9 November 2018
Public Consultation	CA, Constituents and PCC	19 November 2018 – 14 January 2019
Consideration of Consultation Outcomes and final approval by Constituent Authorities/PCC	Constituent Authorities / PCC	January 2019 / February 2019
Approval to submit	CA Board / PCC	8 March 2019
Scheme to Home Secretary	CA	Mid-March 2019
Home Secretary Approval	Home Office	April 2019
Preparation of Order	Home Office	April 2019 – July 2019
Agreement to Order	CA and Constituent Authorities	August 2019
Lay in Parliament*	Home Office	October 2019 / November 2019
Confirmation of Order	Home Office	December 2019
Election of Mayor with PCC Powers		May 2020

\* The Electoral Commission report (September 2016) recommends that legislation impacting an election should be clear at least six months before the date of the scheduled poll. Tabling date will depend on Parliamentary approval processes but will need to be before 7 November at the latest.

## **6.0 Evaluation of alternative options**

6.1 When considering the Devolution Deal on the 9 February 2018, the WMCA Board agreed that “the Government, West Midlands Combined Authority and the West Midlands Police and Crime Commissioner will enter into discussions with the Mayor regarding a governance model for incorporating the role and powers of the Police and Crime Commissioner into the Mayor’s role and powers, provided that the final governance

model proposed following discussions is agreed by each of the Constituent Authorities, the Mayor and the Police and Crime Commissioner”.

## **7.0 Reasons for decision**

7.1 On 14 September 2018, the WMCA Board agreed that the Governance Review and Scheme are considered by Constituent Authorities and the PCC before formal public consultation, in line with the requirement to elect a Mayor with PCC responsibility in 2020, as agreed by the Board on 20 July 2018.

## **8.0 Financial implications**

8.1 The cost of the public consultation will be met by the WMCA. Future reports to the WMCA Board will detail the anticipated costs as the nature and type of consultation is determined.

8.2 The cost of progression of governance arrangements and the statutory order will need to be identified and found through WMCA resources, with agreed support from the Home Office. If further costs and funding issues emerge through subsequent transition planning these will be detailed in future reports to Cabinet and the WMCA Board.

[GE/02102018/H]

## **9.0 Legal implications**

9.1 The legal implications and process are outlined in this report.

9.2 WMCA have been consulting with the heads of legal services from all seven constituent local authorities for advice and guidance.

9.3 All relevant legislation pertaining to this governance route has been detailed on the Governance Review and Scheme.

[TS/05102018/Q]

## **10.0 Equalities implications**

10.1 There are no direct equalities implications at this stage, however participants from all equality teams will be invited to comment during the consultation process.

10.2 Once consultation has been completed, an equalities impact assessment will be undertaken in line with City of Wolverhampton Council’s equalities procedures.

## **11.0 Environmental implications**

11.1 There are no environmental implications relating directly to this report.

## **12.0 Human resources implications**

12.1 There are no human resource implications for City of Wolverhampton Council relating to this report. Under the proposals, the Office of Police & Crime Commissioner staff will be subject to TUPE to the West Midlands Combined Authority.

### **13.0 Corporate landlord implications**

13.1 There are no corporate landlord implications relating to this report.

### **14.0 Schedule of background papers**

14.1 [West Midlands Combined Authority Board 14 September 2018](#)

14.2 [West Midlands Combined Authority Board 20 July 2018](#)

### **15.0 Appendices**

Appendix 1 – Review of Governance Functions of the West Midlands Combined Authority.

Appendix 2 – West Midlands Combined Authority, Scheme for the transfer of police and crime commission functions



# **Review of Governance and Functions of the West Midlands Combined Authority**

## **Transfer of Police and Crime Commissioner Functions**

The Cities and Local Government Devolution Act 2016 includes provisions which enable the transfer of Police and Crime Commissioner (PCC) functions to elected mayors.

This Review deals with the transfer of the Police and Crime Commissioner (PCC) functions to the Mayor of the West Midlands Combined Authority (WMCA) as a directly elected individual and the implications of this transfer

It is the next phase of the West Midlands Combined Authority WMCA review of governance which builds on the latest (second) Devolution Deal, agreed at the WMCA Board meeting of the 9<sup>th</sup> February 2018, and previous Governance Reviews.

### **1.0 BACKGROUND**

There are 40 police and crime commissioners across England and Wales. The City of London Corporation governs the City of London Police and the directly-elected mayors in London and Greater Manchester hold PCC functions for their areas. The Mayor of London occupies the Mayor's Office for Policing and Crime (MOPAC), which is a corporation sole defined in primary legislation and is statutorily distinct from other PCCs.

On 22<sup>nd</sup> November 2017, a second devolution deal for the West Midlands was announced as part of HM Treasury's autumn budget. In relation to policing, the deal conveys a commitment that 'the government, the CA and the PCC will work together to agree a detailed governance model and a legislative timetable for transferring the role and power of the Police and Crime Commissioner into the mayoralty, with a view to electing the first Mayor with these powers in 2020'.

When considering the Devolution Agreement on 9th February 2018 the WMCA board agreed that 'The Government, West Midlands Combined Authority and the West Midlands Police & Crime Commissioner will enter into discussions with the Mayor regarding a governance model for incorporating the role and powers of the Police & Crime Commissioner into the Mayor's role and powers, informed by guidance from the Home Office and the Ministry of Housing, Communities & Local Government.' This was reaffirmed at the CA Board Meeting of the 20<sup>th</sup> July when the 'development of a Governance Review and Scheme to enable the proposed transfer of the functions of the West Midlands Police & Crime Commissioner into the Mayoralty for the elections to be held in 2020' was agreed.

The necessary legislation to enable this can be found in the Cities and Local Government Devolution Act 2016, Section 4, Functions – 107F Functions of Mayors – Policing.

The geographical boundaries of the WMCA and the West Midlands PCC police area are coterminous.

## **2.0 EXISTING ARRANGEMENTS**

### **2.1. Existing PCC/ Policing Arrangements**

Police and Crime Commissioners were created by the Police Reform and Social Responsibility Act 2011, and the first elections were in November 2012. Each PCC term is 4 years in duration, the next elections are scheduled for May 2020.

Under the Police Reform and Social Responsibility Act 2011, Police and Crime Commissioners must:

1. Secure an efficient and effective police force in their area.
2. Appoint the Chief Constable (CC), hold them to account and if necessary dismiss them.
3. Set the police and crime objectives for their area through a Police and Crime Plan.
4. Set the force budget and determine the precept.
5. Contribute to the national and international policing capabilities set out by the Home Secretary.
6. Bring together community safety and criminal justice partners to make sure local priorities are aligned.

The primary function of the Office of Chief Constable of West Midlands Police is the exercise of operational policing duties under the Police Act 1996 and other relevant enactments. The role of the Police and Crime Commissioner, is to hold the Chief Constable to account for the exercise of these duties thereby securing the maintenance of an efficient and effective police force in the West Midlands.

The PCC is responsible for ensuring their business is conducted in accordance with the law and proper standards, and public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The PCC also has a duty under the Police Reform and Social Responsibility Act 2011 section 1(6) to secure that the police force is efficient and effective.

In discharging this overall responsibility, the PCC is also responsible for putting in place proper arrangements for the governance of their affairs and facilitating the exercise of functions, which includes ensuring a sound system of internal control is maintained through the year and arrangements are in place for the management of risk.

Although the Chief Constable is responsible for operational policing matters, the direction and control of police personnel, and for putting in place proper arrangements for the governance of the Force, the PCC is required to hold them to account for the exercise of those functions and those of the persons under their direction and control. The relationship between the PCC, the Chief Constable, the Police and Crime Panel and the Home Secretary is guided by the Policing Protocol Order 2011.

The Police and Crime Commissioner and the Chief Constable are separate "Corporations Sole". The PCC and Chief Constable have separate legal identities and can be considered as separate organisations - for example both can employ staff, hold funds and can enter into contracts, though the Chief Constable requires the consent of the PCC to do so.

## 2.2 Police and Crime Commissioner, PCC

The PCC has an over-arching duty to secure an effective and efficient police force. The PCC has a number of statutory roles, which include:

- representing all those who live and work in the communities in their force area and identifying their policing needs;
- setting the priorities for policing;
- deciding the budget for West Midlands Police;
- holding the Chief Constable of West Midlands Police to account for achieving the Commissioner's priorities as efficiently and effectively as possible;
- hiring and, if necessary, dismissing the Chief Constable.

In order to fulfil these roles, the PCC has a range of powers and responsibilities. The PCC:

- must produce a Police and Crime Plan that sets out:
  - Their policing objectives
  - The policing that is to be provided
  - The financial resources that are to be available for policing
  - How policing performance will be measured
- must set the policing "precept", which is the part of local council tax that goes to policing;
- can make Crime and Disorder Reduction Grants;
- has an oversight role in how complaints against the police are managed;
- must keep under review opportunities for collaboration;
- has duties relating to national criminal threats, safeguarding of children, and consulting the public;
- has a role in ensuring the effectiveness of the wider criminal justice system.

In addition to the statutory roles the West Midlands PCC has roles in national policing governance structures, such as chairing the Counter Terrorism Strategic Board, being host for the National Ballistics Intelligence Service, participation in the Specialist Capabilities Programme, direct service design, commissioning and contract management of victim services, restorative justice schemes and large projects supporting the most vulnerable such as novel domestic violence programmes, lead for the National Analytics Service and board member for the Road Safety Trust. In relation to local, regional and national police collaboration other governance functions include area such as counter-terrorism (West Midlands Counter Terrorism Unit), organised crime (West Midlands Regional Organised Crime Unit), motorway policing (Central Motorway Police Group), firearms licensing and aerial surveillance (National Police Air Service).

The OPCC's budget has absorbed cost pressures since its formation in 2012, including the requirement to undertake additional functions that have been transferred from other organisations and the impact of inflation. For example, the government's requirement to have legally qualified chairs at police misconduct hearings from April 2016, introduced in January 2016, the office now supports the Active Citizen Fund initiative distributing funding to Neighbourhood Policing Units to support local projects and commissions victims' services across the region. In addition, the OPCC manages a significant number of external funded projects totalling £11m supporting crime prevention and tackling gangs and violence across the area. Also, the OPCC from April 2018 is administering the new West Midlands Community Safety Partnership which local authorities previously undertook. The office has also recently

taken the responsibility officially for the Appropriate Adults scheme which supports vulnerable adults in custody. The 2018/19 budget includes provision for supporting revised arrangements relating to the handling of complaints as a result of the Police and Crime Act 2017.

As a 'corporation sole' the PCC can employ staff, hold assets, borrow and enter into contracts in the discharge of their functions.

The PCC is also supported by a Strategic Policing and Crime Board.

The Strategic Policing and Crime Board, SPCB, ensures effective engagement, strategic direction and holding to account of West Midlands Police. The SPCB usually meets monthly and its reports include performance information for West Midlands Police. Its meetings are public, and anyone is welcome to attend and observe. The SPCB comprises the PCC, two Assistant Police and Crime Commissioners and seven Board Members. Appointments are based on their skills and experience. Their role is:

- to maintain an overview of the implementation of the PCCs manifesto in order to ensure consistency in approach but having regards to the differing needs in the West Midlands;
- to monitor the implementation and achievement of the Police and Crime Plan and support the PCC in any work required to vary the Plan during his term of office;
- to scrutinise, support and challenge the overall performance of West Midlands Police including against the priorities agreed within the Plan;
- to advise the PCC when exercising his functions in setting the budget and precept;
- to ensure the effective working of arrangements for consulting with and engaging local residents, communities and victims of crime;
- to ensure effective working with the local policing and crime boards and advise the PCC on their effectiveness in achieving the outcomes from his award of crime and disorder reduction grants;
- to advise and support the PCC in his decision-making role and in holding the Chief Constable to account;
- to support the PCC more generally in the fulfilment of his statutory duties, to include equalities and human rights obligations.

Information on the work of the PCC can be found at [www.westmidlands-pcc.gov.uk](http://www.westmidlands-pcc.gov.uk).

The PCC is supported in their work by an executive team, the Office of the Police and Crime Commissioner, (OPCC), headed up by the Chief Executive and Monitoring Officer. The team also has the Commissioner's Chief Finance Officer who is also the PCCs S151 Officer, a Legal Adviser, together with a Policy and Commissioning team, Business Support and an Internal Audit team. The cost of the OPCC in 17/18 was £1.948million with a budget of £2.357million set for 18/19

### **2.3 Police and Crime Panel**

The West Midlands PCC, like other PCCs, is scrutinised and supported by a Police and Crime Panel.

The West Midlands Police and Crime Panel comprises 14 members and is made up of 12 councillors from across the West Midlands, 1 each from Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton with a further 2 nominated by Birmingham, 2 by the Association of Black Country Authorities and 1 nominated by Coventry and Solihull, and two independent members.

The Panel is set up under the provisions of the Police Reform and Social Responsibility Act 2011 and is therefore a statutory requirement as part of any arrangements to discharge the role of a PCC.

The Panel provides checks and balances in relation to the performance of the PCC. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC's exercise of their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions. This includes—

- the power of review and initial veto (outside the Metropolitan Police District), by a two-thirds majority of the total Panel membership, over the level of the PCC's proposed precept;
- the power of review and initial veto (outside the Metropolitan Police District), by a two-thirds majority of the total Panel membership, over the PCC's proposed candidate for Chief Constable;
- the power to ask Her Majesty's Inspectors of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a Chief Constable;
- the power to review the draft Police and Crime Plan and make recommendations to the PCC who must have regard to them;
- the power to review the PCC's Annual Report and make reports and recommendations at a public meeting, which the PCC must attend;
- the power to require relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations;
- the power to require the PCC to attend the Panel to answer questions;
- the power (outside the Metropolitan Police District) to appoint an acting Police and Crime Commissioner where the incumbent PCC is incapacitated, resigns or is disqualified; and
- responsibility for complaints about a PCC, although serious complaints and conduct matters must be passed to the IOPC in line with legislation.
- The Panel is administratively supported by Birmingham City Council

Further information on the West Midlands Police and Crime Panel can be found at [www.westmidlandspcp.co.uk](http://www.westmidlandspcp.co.uk)

## **2.4 Role of Chief Constable**

The West Midlands Chief Constable has overall responsibility for the direction and control of West Midlands Police Force, WMP, 'the force'. The Chief Constable and officers must answer to the courts and the law for how police powers are used. They must also answer to the Police and Crime Commissioner in terms of delivering efficient and effective policing, and the way resources and spending are managed. The Chief Constable must, in exercising the functions of chief constable, have regard to the PCCs police and crime plan and will help the PCC plan the WMPF budget and give them access to information, officers and staff whenever this is needed.

The Chief Constable is responsible for ensuring the WMP business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively.

In discharging this overall responsibility, the Chief Constable is also responsible for putting in place proper arrangements for the governance of the WMP affairs and facilitating the exercise of its functions, which includes ensuring a sound system of internal control is maintained through the year and that arrangements are in place for the management of risk.

The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve.

The Chief Constable is responsible to the public and accountable to the PCC for:

- leading the force in a way that is consistent with the attestation made by all constables on;
- appointment and ensuring that it acts with impartiality;
- appointing the force's officers and staff (after consultation with the PCC, in the case of officers above the rank of Chief Superintendent and police staff equivalents);
- supporting the PCC in the delivery of the strategy and objectives set out in the Police and Crime Plan;
- assisting the PCC in planning the force's budget;
- providing the PCC with access to information, officers and staff as required;
- having regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their force's national and international policing responsibilities;
- notifying and briefing the PCC of any matter or investigation on which the PCC may need to provide public assurance either alone or in company with the Chief Constable (all PCCs will be designated as Crown Servants under the Official Secrets Act 1989(a), making them subject to the same duties in relation to sensitive material as Government Ministers);
- being the operational voice of policing in the force area and regularly explaining to the public the operational actions of officers and staff under their command;
- entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective Policing Bodies;
- remaining politically independent of their PCC;
- managing all complaints against the force, its officers and staff, except in relation to the Chief Constable, and ensuring that the PCC is kept informed in such a way as to enable the PCC to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission in line with legislation;
- exercising the power of direction and control in such a way as is reasonable to enable their PCC to have access to all necessary information and staff within the force;
- having day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the PCC.

- The Chief Constable of the West Midlands is supported by a Deputy Chief Constable, six Assistant Chief Constables (one is seconded to the National Crime Agency, with salary and other costs met by the NCA and another ACC is seconded to the National Police Chiefs Council, with salary costs met by the WMP and other costs to be met nationally), a Director of Commercial Services who is also the WMP S151 Officer and a Director of People and Organisational Development.

Further information on West Midlands Police can be found at [www.west-midlands.police.uk](http://www.west-midlands.police.uk)

## **2.5 Existing WMCA Arrangement**

The WMCA, which came into being 1 June 2016, comprises 7 constituent councils that are coterminous with the area of the CA, 11 non-constituent councils and 4 Local Enterprise Partnerships (LEPs). Through the CA, chaired by the Mayor, they work together to improve the quality of life for everyone living in the West Midlands. The WMCA is the Legal Entity, the Mayor is not a Corporation Sole.

The powers of the WMCA are set out in two Powers and Functions Orders in 2016 and 2017 respectively. Principally they relate to public and passenger transport, Economic Development and Regeneration, contain Highways Functions, contain powers regarding congestion and road safety, powers regarding housing land and infrastructure including CPO, the power to establish a Mayoral Development Corporation, powers relating to skills and learning and the Adult Education Budget, powers to borrow and to propose a Business Rates Supplement.

The Strategy to achieve this is called the Strategic Economic Plan (SEP), which sets out the vision for improving the quality of life for everyone in the West Midlands.

By working with people, organisations and businesses across the region the Mayoral WMCA is focused on delivering the benefits of devolution to the residents of the West Midlands.

The plan shows how we will use devolved powers and resources to deliver a stronger West Midlands with a focus on skills, innovation, transport and inward investment.

To achieve this there are eight priority actions:

1. New manufacturing economy: harnessing the biggest concentrations of high value manufacturing businesses in Europe and their supply chains.
2. Creative and digital: further developing the areas vibrant and flourishing sector.
3. Environmental technologies: securing transformational environmental improvements.
4. Medical and life sciences: enabling the further growth of the medical and life sciences sector and supporting other businesses to diversify and become part of the sector's supply chain.
5. HS2 growth: maximising the benefits of the largest infrastructure project in Europe.
6. Skills for growth and employment for all: ensuring the skills needs of businesses are met and everybody can benefit from economic growth.

7. Housing: accelerating the delivery of current housing plans to increase the level of house building to support increased level of growth.
8. Exploiting the economic geography: making the most of the scale and diversity of the West Midlands' geography to enable economic growth and community wellbeing throughout the urban core and rural areas.

The WMCA governance oversight of this consists of an elected mayor, a WMCA Board and a number of Committees and Boards:

- Audit, Risk and Assurance Committee
- Housing and Land Delivery Board
- Investment Board
- Overview and Scrutiny Committee
- Public Services Reform Board
- Transport Delivery Committee
- Wellbeing Board
- WMCA Board

The Authority also employs a Leadership Team of Directors who are responsible for a range of policy areas and service delivery, together with a Finance Director (s151 Officer) and Monitoring Officer/ Clerk to the Authority.

## **2.6 Mayor**

In the West Midlands the first Mayor was elected in May 2017.

The Mayor is chair of the West Midlands Combined Authority (WMCA), elected by the electorate of the WM on a four-year cycle (first cycle was 3 years to bring in line with the PCC election cycle), the next election will take place in 2020. Specific powers include:

- Economic growth
- Transport
- Housing
- Skills and jobs
- Wellbeing

However, there are a number of other areas that the Mayor focuses on and plays a part in:

- Homelessness and rough sleeping
- Youth unemployment
- Community cohesion
- Air quality
- Public Service reform

Another key role of the Mayor is to serve as an advocate and global ambassador for the West Midlands region, helping to build trade links and attract inward investment.



## 2.7 WMCA Board

The Board membership consists of the Mayor and two elected councillors, including the leader, from each of the seven constituent councils, which cover the West Midlands conurbation (Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, Walsall Metropolitan Borough Council, and City of Wolverhampton Council). Representatives from ten non-constituent members also form part of the Board and have limited voting rights – Cannock Chase District, North Warwickshire Borough, Warwickshire County, Nuneaton and Bedworth Borough, Redditch Borough, Rugby Borough, Shropshire, Stratford on Avon District, Tamworth Borough and Telford and Wrekin Councils together with the 3 LEPs covered by the WMCA Area, Black Country, Coventry and Warwickshire and Greater Birmingham and Solihull. The PCC and the Fire Authority currently also sit on the Board as Observer members, whilst they do not possess voting rights, they are able to add value by contributing to strategic discussions.

The Board:

- has overall responsibility for developing and delivering the Strategic Economic Plan (SEP);
- has overall responsibility for developing the strategy and delivering Public Service Reform (PSR);
- ensures delivery of the agreed devolution deals;
- negotiates and delivers further devolution deals;
- approves future devolution deal development;
- determines strategy on investment decision;
- allocates resources through the Combined Authority budget & income streams such as devolution deals;
- determines Transport strategy and spending priorities;
- operates a Cabinet model with Constituent Member Leaders 'sponsoring' a portfolio;
- considers and determines applications for Constituent, Non-Constituent and Observer status;
- works with partners to develop the Midlands Engine;
- works with Government to develop and influence national policy;
- sets the fees for membership

It operates through a number of Committees.

### Audit, Risk & Assurance Committee

The Audit, Risk and Assurance Committee is a key component of the WMCA's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. The purpose of the Audit, Risk and Assurance Committee is to provide independent assurance to the Authority of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

#### Overview & Scrutiny Committee

To ensure that decisions made by the WMCA, help make the West Midlands region a better place to live, work, study and do business.

To undertake call-in arrangements for the Combined Authority. To make recommendations for consideration by the WMCA Board.

#### Transport Delivery Committee

The Transport Delivery Committee is a sub-committee of the WMCA Board and is part of the Transport for West Midlands (TFWM) activities. The committee provides oversight of the operational delivery of transport across the West Midlands, and as requested by the WMCA Board or Leader with Transport responsibilities, advise on transport policy matters.

The committee is responsible for the discharge of specified transport functions delegated by the WMCA Board.

The WMCA has a number of priorities which are vested in the Mayor and WMCA portfolio lead members:

Wellbeing – mental health, mental health commission and health devolution;

Economic growth – delivery of Strategic Economic Plan (SEP), access to finance for business, Collective Investment Fund (CIF), WMCA growth company, international trade and exports, digital strategy and the arts and cultural activity;

Housing and Land – land commission, Land Remediation Fund (LRF) housing delivery, one public estate;

Skills and Productivity– skills and productivity commission (including employability), learning for the future and further education (FE) area reviews;

Cohesion & Integration and Public service reform – public service reform agenda, troubled families, criminal justice, welfare reform, shared services and social inclusion;

Transport – delivery of Strategic Transport Plan, Midlands Connect, West Midlands Rail, HS2 delivery transport and Transport Delivery Committee;

Finance and Investment, HS2 – delivery of the WMCA investment agenda.

Environment

### **3. REVIEW OF THE EXISTING POLICE AND CRIME COMMISSIONER ARRANGEMENTS**

Public Services locally across the West Midlands are changing significantly and will continue to do so with the inception of the WMCA as an example. Central Government's expectations around increased efficiencies and reform place an additional expectation on this continued change and transformation.

Police services are not exempt from these expectations and have made significant efficiencies to offset the average 21.2% real terms reductions to total funding since the CSR of 2010 to 2018. The impact on West Midlands Police has been even greater with a 25.1% reduction (equating to £157m) over that period and has resulted in a reduction of police officer numbers of over 2,000. Council tax precept for policing in the West Midlands is the second lowest in the country and to reflect that the HO granted additional flexibility to those Forces in the lower quartile to increase their precept by a maximum of £5 from 2016. For 2018/19 and 2019/20 precept flexibility for all Forces has been raised to £12 per annum and grant levels maintained at 2017/18 levels.

In order to maintain the delivery of efficiencies to meet the funding reductions, the PCC and Chief Constable have implemented and continued to progress 'an ambitious and leading-edge transformational programme' in partnership with Accenture, which is planned to improve services within reducing resource levels. By 2020 the Transformation Programme hopes to deliver:

- increased citizen confidence, participation and satisfaction;
- improved productivity, efficiency, agility and service levels;
- reduced demand using opportunities to prevent crime;
- improved workforce experience
- increase in professional standards;
- improvements in evidence handling;
- a more mobile workforce able to respond at pace.

WMP2020 is a broad programme of organisational, technology and process change. Underpinned by a comprehensive "Target Operating Model", WMP2020 includes a number of projects that will significantly increase WMP's capability to use of new technology in support of offering an efficient and effective service:

- Mobile technology to allow officers to undertake more of their work away from police stations, thereby increasing efficiency and making their work with the public more accessible. This includes, for example, digital witness statements and two-way remote access to Force systems.
- Organisational structures and training that preserves, enhances and clarifies the role of neighbourhood policing, ensuring that resources are concentrated and deployed appropriately
- A "hubbed" Response function that offers increased productivity
- Reconfigured Public Protection, CID and Regional Organised Crime functions to improve service and respond to increased demand
- New engagement tools such as WMNow (a digital messaging service that supports contact with the public and promotes active citizenship) and WMP Cadets (improved engagement with Young People)
- New approaches to recruitment and retention that support more making WMP more reflective of the wider population
- A new online portal allowing the public to obtain information and advice, report crimes and track investigations, including webchat
- New tools for measuring satisfaction with service and confidence in policing
- Much improved information management and visualisation tools that will give WMP the ability to understand and respond to the needs of callers and victims, including a revised

call grading methodology, a new command and control system, and a move to greater use of secure online storage.

- Predictive analytics capabilities that will improve the design, delivery and implementation of preventative activity
- Engagement with national programmes that support local service improvement, such as the National Automatic Number Plate Recognition Service, the Home Office Biometrics Programme, the Single Online Home for Policing, among others.
- Wider use of new technologies that support public confidence in policing and the safety of officers, such as Body Worn Video and Taser

Two examples of the programmes being undertaken are the active citizens and digital revolution initiatives:

Active citizens – research shows that harnessing the power of our people can transform neighbourhoods and transform lives. Active citizenship means getting people involved in their local communities at all levels from street, to ward to borough activity.

Digital revolution – modernising how we engage with people to match their expectations. This project will develop more ways to connect digitally through a variety of online channels. Information sharing leads to better understanding about what is happening in local areas and how the public can prevent crime. Part of the project will look to how best the public can be effectively signposted to the best service to meet their needs.

Devolution provides the opportunity for public service transformation to improve how services are aligned around individuals, to remove the barriers to collaborative working and to bring together social and economic ambitions to support inclusive growth.

The Policing and Crime Act 2017, also places a statutory duty on emergency services to collaborate in the interests of the economy, efficiency, effectiveness and public safety. An Order for the transfer of Fire Authority functions to the Mayor is currently being prepared for submission later this year to Parliament. Once enacted and with both functions the responsibilities of the Mayor will have the benefit of better meeting the duty and identifying opportunity to collaborate and drive innovative reform. The duty to collaborate remains regardless of any transfer of power from the PCC to the Mayor.

#### **4. OPPORTUNITIES AND BENEFITS**

The Mayor and the WMCA want to fully grasp the full potential of the devolution opportunity and are already working with local stakeholders to put their aims into action. Government supports these objectives. The government also sees the second devolution agreement as an opportunity to create a step change in the public services agenda, by establishing the building blocks to further public service transformation in the West Midlands in the future and ensuring continued close collaboration between the WMCA and government.

In turn the government, in the second devolution agreement, recognises the ambition of the Combined Authority to improve outcomes for offenders in the West Midlands area and will work with the WMCA and local Police and Crime Commissioner to develop and strengthen the local role in commissioning joined up local criminal justice services whilst recognising and retaining the strong and visible accountability and governance arrangements put into place by the current PCC.

Opportunities include the contribution that can be made to the achievement of both the PCC and WMCA's strategic ambitions and priorities by supporting growth and reducing the total cost of delivering public services through a coordinated, integrated, intelligence led and collaborative delivery of services. Examples of this are provided below.

The transfer presents the ability to join up the leadership of local public services and unlock a range of opportunities for deeper and more meaningful collaboration. The Mayor, the West Midlands Combined Authority and the Police and Crime Commissioner have a number of shared policy areas where positive progress is already being made, examples include Thrive, Mental Health and Justice, and criminal justice reform. The opportunities presented through the transfer of functions broadens these opportunities further to include gains in joining up public services and systems further focusing on key areas of prevention, early intervention and crisis management – including within several policy areas identified within both the WMCA strategic objectives and the current PCC's Police and Crime Plan.

All changes in democratic governance or public service organisation have costs and benefits. A transfer of this size will need to be managed well, and with the right supporting expertise in place. Through the transfer of PCC functions to the Mayoralty we believe the benefits to the public, to business and to public services are clear:

1. Clearer accountability for citizens, business and government – shifting to a Mayoral PCC model means that one person is accountable within the region for the range of functions that currently sit across the Mayor and PCC. This could well be simpler for the public to understand; means people are asked to vote in one election rather than two; and creates a much stronger link between the governance of policing, the factors that influence it, and the social and economic determinants that contribute to crime. The model provides simplicity to other stakeholders too. The various departments of government have a single interface into the region; and the business community know who is accountable for the things that create the right environment for them to thrive.

In effect, the transfer gives us one single figure in the West Midlands who can work across a range of services, who can influence business and government, and who can make sure that policing and crime in the West Midlands is not only as well governed as today, but is integral to the strategic direction of the region overall.

One example of how this works in practice is in Greater Manchester where the role of the Police and Crime Commissioner was amalgamated into the Mayoralty in 2017. Greater Manchester published their Standing Together Plan for Greater Manchester (their Police and Crime Plan) which, as the title suggests is a plan which encompasses the collaboration across public services and communities which the Mayor acting as PCC is in a unique position to provide. It draws on the links between community safety and local authorities, the local health economy, the voluntary and third sector and communities in tackling the complex problems which they are trying to solve, such as modern slavery and domestic abuse.

2. Much better collaboration between services to the public – The transfer gives the West Midlands the opportunity to build much stronger links between different types of public service, and make sure those services are as bespoke to the needs of the public as possible. More specifically a single agency approach means reducing confusion and fragmentation for citizens (particularly those with more complex needs who often end up within the policing and justice systems); reducing the cost of ‘failure demand’ (the leaking of resources as a result of this fragmentation); and being much more proactive about joining up the things that keep people away from crime.

We know, for example, that access to housing, skills, jobs and poor transport can be contributing factors in people offending, and why it is so hard for people to stop offending once they are in the criminal justice system. A Mayor with powers across these areas (as will be the case in the West Midlands) has a unique opportunity to see, support collaborate and innovate across public services to help prevent crime and to work much more closely with the Local Authorities who make up the WMCA’s membership. In London for example, the Mayor’s Office for Policing and Crime was able to identify and respond to an increase in crime on the underground by making changes to the way the transport network responds to reports of offences, the use of CCTV and how evidence is gathered and presented to secure convictions.

3. Reducing demand on Policing through addressing the Causes of Crime – a Mayor with the powers described above can play a key role supporting a more sustainable police force in future. We know that demand for policing is rising, and that recent spikes in violent crime mean that forces around the country have struggled to keep a focus on neighbourhood policing and prevention. With a Mayor as PCC, we would look to create innovative new models of neighbourhood working that align police, fire and other local public services in a way that specifically targets the causes of crime and reduces these spikes in demand.

There are numerous great projects already being commissioned by the PCC in this space – including on crime and economic opportunity, perpetrator management, and prevention for young people at risk. A Mayor as PCC could continue this work but with the opportunity to embed this more obviously within the WMCA’s programme of reform – and therefore leverage the resources available through our skills, housing and economic growth functions, homelessness, mental health, employment support and mentoring programmes, and join up data and intelligence with the region’s emerging Office of Data Analytics.

New York City, although different in scale and composition to the West Midlands, has for many decades had a Mayor responsible for governance of a number of public services, including policing. This has demonstrated that through interlocking partnership strategies NYC successfully cut their numbers of murder and non-negligent manslaughter by 57% from 2000 to 2017, and burglaries by 68% over the same period, the key ambition in NYC was to build cohesive, engaged neighbourhoods. Source:

[https://www1.nyc.gov/assets/nypd/downloads/pdf/analysis\\_and\\_planning/historical-crime-data/seven-major-felony-offenses-2000-2017.pdf](https://www1.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/historical-crime-data/seven-major-felony-offenses-2000-2017.pdf)

4. Making Sure the Public Pound is Spent as Efficiently as Possible – the transfer to a Mayoral PCC model does not impact on the money spent within the West Midlands on policing – this is mostly set nationally, is ring-fenced, and will not be negatively impacted on under a different model. Similarly, there are many things that the Office of the PCC does now which would continue – both its statutory functions and discretionary activity. The point of this transfer is not to consolidate and make a large cost-saving on office costs either – because we will set up a Mayors Office of Policing and Crime which will need a similar level of expertise and resource as the OPCC has currently.

There are, however, areas where we can make a potential saving for the public. Two elections will be replaced by one, with a marginal saving and whilst the saving made will be to Government in relation to the PCC election, there is a case to argue this is reinvested in the West Midlands. The closer integration of staff and governance can help remove costly duplication and speed up collaborative processes. The opportunity for joining up communication with local partners on police and crime, fire, housing, skills and other areas within the WMCA orbit is significant.

In addition to the above there are a number of specific areas where the transfer of responsibilities to the Mayor could open up opportunities. For example;

1. Opportunities to join up the 'and crime' aspect of the PCC functions. These are often interpreted as the wider factors which impact on offending and reoffending, reducing social harms and promoting positive, healthy, happy and more prosperous communities. There are particular opportunities with regards to partnerships with key stakeholders including but not limited to Local Authorities, health, housing, probation, employers and the business community. Within the current PCC plan 2016-20 there are 7 key priorities, most of which have a partnership element with local authorities, health, the WMCA or other local stakeholders.
2. The potential to drive down demand on policing through ensuring effective collaboration and partnerships in early intervention and prevention, including through improved data sharing and cross-agency working. This should focus on linking policing strategy to the wider suite of local public services, local authority responsibilities and WMCA priorities. It should also consider the impact on policing within the housing strategy, the skills and productivity deal and wider WMCA activity.
3. Digital - Effective digital leadership and governance is key to implementing successful digital change. Working with GDS and MHCLG, the WMCA are drawing up a Digital Capability Framework which sets out the level of skills required to deliver effective digital programmes, and which can be used to disseminate best practice across local government. The WMCA will be an informed, intelligent, efficient customer for digital innovation in the public sector. This will be supported by best practice digital governance.

The WMCA recognises the potential of data to improve public service delivery. Key to exploiting this successfully is that the WMCA continues to use data and analytics securely and effectively for integrated local decision-making, planning and delivery. GDS and DCLG will work with the WMCA to explore further opportunities for using open data and secure data to improve public service delivery.

WMCA have already recognised that digital is the 'golden thread' in the modern economy with the recent launch of their Urban Challenge programme. To further support their ambitions to use technology to solve the complex problems faced by the public sector, the government has encouraged the WMCA to put forward new challenges to the recently announced GovTech Catalyst, which is supported by the new £20m GovTech Fund. The GovTech Catalyst and Fund will support public bodies to work closely with our world-leading tech sector, taking on the most innovative ideas, to boost productivity in UK public services.

4. 5G Technology – The Government has already recognised innovative proposals from the WMCA in the field of Data Analytics, and the WMCA has recently been awarded national 'test bed' status (with substantial funding) for the roll-out of 5G technology through the Urban Connected Communities Fund. The PCC was in support of the bid.
5. Criminal Justice Service - The government has recognised the ambition of the Combined Authority to improve outcomes for offenders in the West Midlands area and is committed to work with the WMCA and local Police and Crime Commissioner and devolving criminal justice responsibilities to the region.
6. Homelessness - The Mayor's Homelessness Taskforce is working with partners to redesign the services and care offered to homeless people across the West Midlands, with a strong focus on prevention. Government has committed £28m for Housing First pilots in three areas across England, one of which will be in the West Midlands. This will pilot the Housing First approach to ending the homelessness of rough sleepers with the most complex needs. Under this approach individuals will be provided with accommodation alongside intensive key worker support to enable them to recover from issues such as mental health or substance abuse and sustain their tenancies.

## **5. PROPOSED GOVERNANCE MODEL**

The transfer presents the ability to join up the leadership of local public services and unlock a range of opportunities for deeper and more meaningful collaboration, some examples of which are outlined in Section 4 above. The spirit and intent of the proposals are to build on the work initiated by the PCC and as such we will seek to replicate all of the existing local governance arrangements and protocols whilst retaining the operational independence of the CC and WMP. This will include the retention of all existing delegations, particularly those outlined in Sections 5.2, 5.6 and 5.12 as of day 1 following transfer. Following the election in 2020 it should be acknowledged that a new Mayoral PCC or PCC may wish to amend delegations and consents,



processes and procedures and governance structures to align with their own approach and intentions.

### 5.1 Mayor with PCC responsibilities

The existing arrangements for a combined authority mayor exercising PCC functions is consistent with the PCC model; a single, locally elected representative responsible for ensuring local services are accountable to the people they serve. Key to this is the principle that the core characteristics of the PCC model are maintained whether they are discharged by a PCC or by another directly elected individual such as The Mayor. The provisions affecting the operation of the PCC model are set out in primary legislation which would not be changed fundamentally as a result of proposals outlined in this Review. In addition, to ensure a smooth transition and continuity, we would expect to replicate all the existing local arrangements and protocols as at day 1 of the new arrangements.

In line with the Cities and Local Government Devolution Act 2016, Schedule 2 it is proposed that the mayor will exercise in the combined authority area all PCC functions. This will provide for a single directly accountable individual responsible for the discharge of core PCC functions which will be consistent with the PCC model and ambition for local people to have a single point direct accountability. This includes securing that the police force is efficient and effective and holding the Chief Constable to account.

Appropriate remuneration will be paid in respect of the Post of Mayoral PCC and any subsequent Deputy Mayor for Police and Crime, this would be developed with guidance from the Home Office who have advised that this is deemed Mayoral remuneration and so would need to be dealt with by an Independent Remuneration Panel.

5.2 Corporation Sole – Under the 2011 Act the PCC is a Corporation Sole with the ability to discharge the core functions provided for in the 2011 Act. These functions, see ‘Functions’ below, will transfer to the Mayor who will have the sole responsibility for deciding upon and discharging them. There are however areas that are currently solely discharged by the PCC as Corporation Sole that, after the transfer, will reside in the WMCA:

- Properties, Rights and Liabilities
- Appointments
- Borrowing
- Contracts

With the Mayoral PCC model allowed for within the Cities and Local Government Act 2016 it will be the WMCA that becomes the Corporate Body. The Home Office have confirmed that there is no alternative model to that which has been proposed that is allowed by legislation and there is no intention to create new primary legislation or seek to amend Combined Authority legislation to allow for the Mayor to become Corporation Sole.

With this in mind and to facilitate the principle of ‘Corporation Sole’ is retained within the proposed governance framework due regard will be given within the Constitution of the CA to ensure that any necessary ‘ring fencing’ and ‘Chinese walls’ are in place.

Details as to how it is proposed that this will operate in the future can be found in the relevant sections below.

### 5.3. Deputy Mayor Police and Crime

In line with the existing provision for PCCs to appoint a Deputy PCC (DPCC) and delegate functions to them, the Mayor will appoint a Deputy Mayor for Policing and Crime (DMPC).

The Deputy Mayor will provide a strong role in supporting the Mayor discharge the PCC functions. The role will be both visible and credible, playing a prominent national role befitting the second largest force in the country and as such having an ability to understand and promote best practice not only internally but nationally as well.

In addition to the restrictions laid out in the Police Reform and Social Responsibility Act 2011 and the Cities and Local Government Devolution Act 2016 the Order will require the appointment to exclude Members of the Combined Authority and will restrict the role to those individuals residing in the CA Area.

### 5.4. Functions

As per the Police Reform and Social Responsibility Act 2011 the following functions in general will exist. A PCC may delegate any policing function to a DPCC, with the exception of those strategic functions reserved as being exercisable only by the PCC. The functions which may not be delegated by a PCC to a Deputy PCC, and as such by a Mayor acting as PCC to a DMPC are:

- issuing a police and crime plan;
- setting the police budget including the council tax requirement; and,
- Chief Constable dismissals, suspensions and appointments.

Functions that may only be exercised by the PCC or DPCC and, correspondingly, may only be exercised by the Mayor acting as PCC or the DMPC are:

- determining police and crime objectives;
- attendance at a meeting of a Police and Crime Panel in compliance with a requirement by the panel to do so;
- preparing an annual report;
- appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (“the 2014 Act”); and
- deciding whether to enter into a liability limitation agreement under section 14 of the 2014 Act.

In addition the Mayor, acting as PCC or the DMPC, may also delegate or sub delegate functions, but not those listed above subject to statutory limitations.

### 5.5. Existing Local Protocols/ Arrangements

To ensure a smooth transfer, all existing agreed local protocols and arrangements will remain in force at the point of transfer until subsequent review following an election.

### 5.6 Transfer of properties, rights and liabilities

All property, rights and liabilities which are property, rights and liabilities of the PCC will transfer and vest in the WMCA. However, all decisions relating to PCC functions (and relating to assets and liabilities etc) will be for the mayor as the directly elected individual.

The use of these assets will however be ring fenced within the Order so as to emulate as far as possible the current PCC 'corporation sole' arrangement.

All functions and decisions in relation to such property, rights and liabilities are to be exercised solely by the mayor unless delegated by the mayor in line with 'Functions' above. Any receipts arising from such property, rights and liabilities (whether arising from their use, sale, and disposal or otherwise) are to be paid into the police fund kept by the mayor.

#### 5.7 Office of the Police and Crime Commissioner OPCC

The staff within the OPCC will transfer to the WMCA under a statutory transfer order which will replicate the characteristics of a TUPE transfer.

The Mayoral OPC will be an independent function managed by an 'OPCC Executive Director'.

The Mayor would be involved with the appointment.

#### 5.8 Monitoring Officer and Chief Finance Officer (Section 151 Officer)

There will be a monitoring officer whose responsibilities include the Mayor's exercise of PCC functions. The person appointed to be the monitoring officer will be able to cover a range of functional areas, not just policing.

In addition, there will be a chief finance officer (Section 151 Officer) whose responsibilities include the Mayor's exercise of PCC functions. The person appointed to be chief finance officer can cover a range of functional areas, not just policing.

The Mayor would be involved with the appointments.

#### 5.9. Police and Crime Panel

There will be no change to the role and arrangements in respect of the Police and Crime Panel. Members of the Combined Authority will not be a member of the PCP.

Scrutiny of the discharge of PCC functions will be performed by a Police and Crime Panel who hold the appropriate powers, set out in the Police Reform and Social Responsibility 2011 Act alongside their responsibilities and membership requirements, to effectively scrutinise and support the actions and decisions of the PCC and enable the public to hold them to account.

The Police and Crime Panel (PCP) will exercise broadly the same functions as PCPs under the PCC model, but with some minor modifications such as ensuring the panel only scrutinises the policing element of the precept, which forms a separately identifiable component of a wider combined authority precept, rather than the whole precept.

## 5.10 Police Funds

With the existing arrangements for a combined authority mayor PCC, there is a single precept comprising of separate components for the mayor's general functions and one for policing. The PCC component is required to appear separately on council tax bills. The secondary legislation (see the Greater Manchester PCC functions transfer order) requires that the mayor calculates the component of the council tax requirement which relates to policing and which forms part of the precept, taking into account the views of the Police and Crime Panel. It makes clear that the determination of the final amount of the PCC component is for the Mayor acting as PCC. This component is subject to its own referendum criteria. This means government has full flexibility to apply a distinct council tax referendum principle for the policing component of the precept in a mayoral area in the same way as it currently does for all other PCCs across England and Wales. The Home Secretary has the power to give directions to the mayor acting on behalf of the combined authority in relation to the calculation of the component of the council tax requirement which relates to policing, and which forms part of the precept. This is similar to the current power he has in relation to PCCs under section 41 of the Police Act 1996 to prevent the safety of people in the police area being put at risk by a decision that sets the precept too low.

Police Funds will be kept separate to the discharge of other Mayoral Combined Authority functions and into which all receipts arising, and liabilities incurred in the exercise of PCC functions must be paid.

Money paid into the police fund is reserved for policing, for example receipts from the sale of police assets would have to be spent on matters relating to policing. In line with statutory guidance for PCCs as set out in the Financial Management Code of Practice the Mayor would have to publicly account for how police funds are spent.

The police fund, which will include precept income, will also include reserves maintained for policing and crime reduction. Police reserves should be maintained in accordance with the relevant guidance, agreed accounting principles and locally agreed financial regulations and schemes of governance.

In the case of grants the existing arrangements and protocols will be retained as at day 1.

Current Joint Audit Committee arrangements between PCC and WMP, with an Independent Chair, will be retained on transfer until subsequent review following an election.

Arrangements will also need to be made in the Order to extend the financial year in accounting terms for the WMPCC so that the PCC and CC prepare statement of accounts for the period 1 April 2019 up to the date of transfer. So as to remove the need for having short period within which it would need to open and close accounts before the transfer.

## 5.11 Borrowing

The Mayor will be ultimately responsible for decisions relating to borrowing in relation to PCC functions, as laid out in the 'Revised Financial Management Code of Practice' for Policing, but may delegate them in practice. This does not detract from the legal status of the Combined

Authority as the borrowing party. The cost of such borrowing will be met from Police Funds and as above kept separate to the discharge of other Mayoral Combined Authority functions.

The WMCA will have the same borrowing rights for Mayor PCC functions that are currently enjoyed by the PCC.

The current WMCA Borrowing Order does not list what functions WMCA can borrow for. Instead, it says that legislation will be put in place to allow “the West Midlands Combined Authority powers to borrow for its new functions.” So it would apply to any functions WMCA add later unless the deal is modified to exclude them.

The WMCA will seek an amendment to its existing debt cap arrangements with HMT to reflect its assumption of new responsibilities relating to the Mayoral PCC. The Mayoral PCC debt cap should be in addition to the WMCAs existing arrangements with HMT.

### 5.12 Contracts

Decisions on entering into contracts regarding police matters are functions of a PCC under the PCC model (with scope for some delegation to the Chief Constable). They are therefore regarded as PCC functions under the 2009 Act and would therefore be covered by the rules in respect of the delegation of responsibility for exercising PCC functions which are set out at Paragraph 3 of Schedule 5C of the 2009 Act, which makes clear that such decisions can only be taken by the Mayor or anyone to whom they personally delegate responsibility.

As such and in keeping with the PCC model the Mayor will have ultimate responsibility for all contracts relating to police matters, although they may provide consent for contracts to be entered into by the chief constable as per existing the existing scheme of delegation and procurement protocols.

Decisions on the issuing of policing related grants are also PCC functions therefore these powers would rest with the Mayor or anyone to whom they delegate responsibility.

### 5.13 Police and Crime Plan

The issue of a police and crime plan by the Mayor which involves consideration of the strategic policing requirement is a key public facing deliverable. The provisions on police and crime plans as set out in the 2011 Act will still apply.

### 5.14 Policing Protocol

As a matter of law, the Policing Protocol will apply to a Mayor acting as PCC as it applies to a PCC. Apart from the changes in governance outlined in this report, all other aspects of existing primary legislation relating to the role and functions of the PCC will remain unchanged.

### 5.15 Inspection, Investigation and Complaints

The powers of HMICFRS, as set out in the Police Act 1996, and the police complaints procedure, as set out in the Police Reform Act 2002 and subsequent amendments, will still apply.

### 5.16 Implications on future WMCA Boundary changes

As with all current Mayoral functions any possible future boundary changes would require the Mayor taking on the functions and powers for the newly incorporated area. Such a change would require the implications to be clearly set out in the Governance Review and subsequent scheme, fully consulted on and appropriate Secretary of State agreement and Parliamentary approval. In the case of PCC functions where the area to be incorporated was completely coterminous with the affected PCC and Police Force area the mayor would assume the overall PCC functions of the new CA area. Where the incorporated area was only part of a PCC and Force area, for example a District, then those functions would become mayoral functions with the boundary of the affected area being revised to reflect the change in responsibilities. All of which would be subject to further extensive Governance Reviews and subsequent Secretary of State approval.

## **6. THE LEGISLATIVE ROUTE TO ENABLING MAYORAL GOVERNANCE**

The main pieces of legislation enabling the governance change to be enacted can be listed as follows:

- The Local Democracy, Economic Development and Construction Act 2009
- The Cities and Local Government Devolution Act 2016

The route to achieve mayoral governance of the police service is through the Cities and Local Government Devolution Act 2016 which amends the Local Democracy, Economic Development and Construction Act 2009. This primary legislation provides for secondary legislation to put in place transfer arrangements to enable the WMCA Mayor to exercise PCC functions. This route will enable, through the devolution deal, powers and functions of the PCC to be transferred and exercised only by the Mayor as detailed in 5 above.

The justification and evidence base to support this route has been provided throughout this review and will be listed in the Scheme. The Scheme will be consulted upon and approved locally prior to being submitted to government. The process is detailed below.

Process and timeline:

<b>Action</b>	<b>Who</b>	<b>Date</b>
Programme Board		06 July 2018
Approval to prepare Governance Review and Scheme	CA Board	20 July 2018
Governance Review and Scheme completed	CA/ PCC	Completed by end of August 2018
CA Board consider the Governance Review and Scheme	CA Board	14 <sup>th</sup> September 2018
Constituent Authorities and PCC consider Governance Review and Scheme and feedback comments to CA Board	Constituent Authorities/PCC	Sept/Oct
Seek Approval to Consult	CA Board	9 Nov 2018
Public Consultation	CA, Constituents and PCC	19 Nov- 14 Jan 2019
Consideration of Consultation Outcomes and final approval by Constituent Authorities/PCC	Constituent Authorities/PCC	Jan/ Feb 2019
Approval to submit	CA Board/PCC	8 <sup>th</sup> March
Scheme to Home Secretary	CA	Mid-March 2019
Home Secretary Approval	Home Office	April 2019
Preparation of Order	Home Office	April - July 2019
Agreement to Order	CA and Constituent Authorities	August 2019
Lay in Parliament*	Home Office	Oct/Nov 2019
Confirmation of Order	Home Office	December 2019
Election of Mayor with PCC Powers		May 2020

\* *The Electoral Commission report has recommended that legislation impacting an election should be clear at least six months before the date of the scheduled poll. Tabling date will depend on Parliamentary approval processes, but will need to be before 7 November at the latest.*

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# West Midlands Combined Authority

## Scheme for the transfer of police and crime commissioner functions

### Interpretation

In this Scheme:

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the 2011 Act” means the Police Reform and Social Responsibility Act 2011;

“the 2016 Act” means the Cities and Local Government Devolution Act 2016;

“the area” means the area of the combined authority;

“the combined authority” means the West Midlands combined authority, WMCA;

“the deputy mayor for policing and crime” means the deputy mayor for policing and crime for the area;

“the mayor” means the mayor for the area;

“the OPCC” means the office of the police and crime commissioner;

“the police and crime commissioner” PCC means the police and crime commissioner for the West Midlands;

### 1. Summary

This Scheme is prepared following the decision of the West Midlands Combined Authority (WMCA) on 20 July 2018.

The Scheme provides as follows:

- provision in relation to the transfer of police and crime commissioner (“PCC”) functions from the Police and Crime Commissioner for the West Midlands to the Combined Authority Mayor for the West Midlands in May 2020;
- transfer the property, rights and liabilities of the PCC to the West Midlands Combined Authority

Whilst recognising that the section 4 (1) (107F) 2016 Act does not require this the Scheme has nevertheless been prepared in conjunction with a Review under section 111 of the 2009 Local Democracy, Economic Development and Construction Act, as amended, which concluded that the making of an order conferring additional functions on the WMCA, as set out in the Scheme, and changes to the constitutional arrangements of the WMCA. The proposals in the Scheme will be the subject of a further public consultation. In putting forward the report before Parliament the Home

Secretary will include a description of any consultation taken into account, section 105A (10) of the 2009 Act.

## **2. Legislative Context**

The Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) established the position of PCC and specifies the core functions of a PCC. Section 107F of the Local Democracy, Economic Development and Construction Act 2009 (the “2009 Act”), inserted by section 4 of the Cities and Local Government Devolution Act 2016 (the 2016 Act), provides that a mayor for the area of a combined authority can, by order, be conferred functions of a police and crime commissioner for the area. Section 107F(8) specifies that any PCC function exercisable by the mayor is to be taken to be a function of the combined authority exercisable by the mayor acting individually, or by a person acting under arrangements with the mayor in accordance with provision made under Schedule 5C of the 2009 Act. Section 107F also specifies that an order providing for a mayor to exercise PCC functions must provide that there is to be no PCC in that area from a specified date and may cancel any future PCC ordinary elections which would otherwise have taken place in that same area, extend the term of office of the current PCC to the specified date and prevent any PCC by-election taking place in that area within six months of the specified date.

The functions are those conferred on PCCs by or under the following act or any other Act (whenever passed)

- Police Reform and Social Responsibility Act 2011

## **3. The Scheme**

The Scheme provides for the following changes:

### *3.1 Mayor with PCC responsibilities*

In line with the Local Democracy, Economic Development and Construction Act 2009 as amended by the Cities and Local Government Act 2016, Schedule 2 the Mayor will exercise PCC functions in relation to the combined authority area. This will provide for a single directly accountable individual responsible for the discharge of core PCC functions which will be consistent with the PCC model and ambition for local people to have a single point direct accountability. This includes securing that the police force is efficient and effective and holding the chief constable to account.

Under the 2011 Act the PCC is a Corporation Sole with the ability to discharge the core functions provided for in the 2011 Act. As laid out above, and in 3.3 Functions, the functions will transfer to the Mayor who will have the sole responsibility for deciding upon and discharging the functions. There are however areas that are currently solely discharged by the PCC as Corporation Sole that with the transfer will reside in the WMCA as legal entity although the decision making in respect of these functions, after the transfer, will remain with the Mayor as PCC:

- Properties, Rights and Liabilities
- Appointments

- Borrowing
- Contracts

Details as to how it is proposed that this will operate in the future can be found in 3.4, 3.5, 3.9 and 3.10 respectively.

Appropriate remuneration will be paid in respect of the Post of Mayoral PCC and any subsequent Deputy Mayor for Police and Crime, this would be developed with guidance from the Home Office who have advised that this is deemed Mayoral remuneration and so would need to be dealt with by an Independent Remuneration Panel.

### *3.2 Deputy Mayor Police and Crime*

In line with the existing provision for PCCs to appoint a Deputy PCC (DPCC) and delegate functions to them, the Mayor will appoint a Deputy Mayor for Policing and Crime (DMPC).

In addition to the restrictions laid out in the Police Reform and Social Responsibility Act 2011 and the Cities and Local Government Devolution Act 2016 the Order will require the appointment to exclude Members of the Combined Authority and will restrict the role to those individuals residing in the CA Area.

### *3.3 Functions*

As per the Police Reform and Social Responsibility Act 2011 the following functions in general, will exist. A PCC may delegate any function to a DPCC, with the exception of those strategic functions reserved as being exercisable only by the PCC. The functions which may not be delegated by a PCC to a Deputy PCC, and as such by a Mayor acting as PCC to a DMPC are:

- issuing a police and crime plan;
- setting the police budget including the council tax requirement; and,
- Chief Constable dismissals, suspensions and appointments.

Functions that may only be exercised by the PCC or DPCC and, correspondingly, may only be exercised by the Mayor acting as PCC or the DMPC are:

- determining police and crime objectives;
- attendance at a meeting of a Police and Crime Panel in compliance with a requirement by the panel to do so;
- preparing an annual report;
- appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (“the 2014 Act”); and
- deciding whether to enter into a liability limitation agreement under section 14 of the 2014 Act.

In addition the Mayor, acting as PCC or the DMPC, may also delegate or sub delegate functions, but not those listed above subject to statutory limitations.

### *3.4 Transfer of properties, rights and liabilities*

All property, rights and liabilities which are property, rights and liabilities of the PCC will transfer and vest in the WMCA. However, all decisions relating to PCC functions (and relating to assets and liabilities etc) will be for the mayor as the directly elected individual.

In addition to the Mayors existing 'functional power of competence' the Order will also provide for:

- all functions in relation to such property, rights and liabilities are to be exercised by the mayor;
- all decisions relating to such property, rights and liabilities are to be made by the mayor;
- any receipts arising from such property, rights and liabilities (whether arising from their use, sale, disposal or otherwise) are to be paid into the police fund kept by the mayor by virtue of section 21 of the 2011 Act.

Unless delegated by the Mayor in line with 3.3 above.

In addition the use of these assets will also be ring fenced within the Constitution so as to emulate as far as possible the current PCC 'corporation sole' arrangement.

### *3.5 Office of the Police and Crime Commissioner OPCC*

The staff within the OPCC, including any secondments, will transfer under a statutory transfer order which will replicate the characteristics of a TUPE transfer.

The Mayoral OPCC will be managed by an 'OPC' Executive Director'.

Arrangements would be made locally for the Mayor to be involved with any appointment.

### *3.6 Monitoring Officer and Chief Finance Officer (Section 151 Officer)*

There will be a monitoring officer whose responsibilities include the Mayor's exercise of PCC functions. The person appointed to be the monitoring officer will be able to cover a range of policy areas, not just policing.

In addition there will be a chief finance officer (Section 151 Officer) whose responsibilities include the Mayor's exercise of PCC functions. The person appointed to be chief finance officer can cover a range of policy areas, not just policing.

Arrangements would be made locally for the Mayor to be involved with any appointments.

### *3.7 Police and Crime Panel*

There will be no change to the role and arrangements in respect of the Police and Crime Panel. Members of the Combined Authority will not be a member of the PCP.

Scrutiny of the discharge of PCC functions will be performed by the Police and Crime Panel who hold the appropriate powers, set out in the Police Reform and Social Responsibility 2011 Act alongside their responsibilities and membership requirements, to effectively scrutinise the actions and decisions of the Mayor PCC and enable the public to hold them to account.

The Police and Crime Panel (PCP) will exercise broadly the same functions as PCPs under the PCC model, but with some minor modifications such as ensuring the panel only scrutinises the policing element of the precept, which forms a separately identifiable component of a wider combined authority precept, rather than the whole precept.

### 3.8 *Police Funds*

Police Funds will be kept separate to the discharge of other Mayoral Combined Authority functions and into which all receipts arising and liabilities incurred in the exercise of PCC functions must be paid. Within the existing arrangements for a combined authority mayor PCC, there is a single precept comprising of separate components for the mayor's general functions and one for policing. The PCC component is required to appear separately on council tax bills.

Arrangements will need to be made in the Order to extend the financial year in accounting terms for the WMPCC so that the PCC and CC prepare statement of accounts for the period 1 April 2019 up to the date of transfer.

Money paid into the police fund will be reserved for policing, for example receipts from the sale of police assets would have to be spent on matters relating to policing. In line with statutory guidance for PCCs, as set out in the 'Revised Financial Management Code of Practice' for policing, the Mayor would have to publicly account for how police funds are spent.

The police fund, which will include precept income, will also include reserves maintained for policing and crime reduction. The Local Government Finance Act 1992 requires billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Police reserves should be maintained in accordance with the relevant guidance, agreed accounting principles and locally agreed financial regulations and schemes of governance.

All decisions on money relating to policing must be made by the mayor. Money in the police fund can only be spent on policing and matters that are incidental to the mayor's PCC functions.

Decisions on the sale of police assets and reinvestment of receipts must be made by the mayor and money paid into police fund from where it can only be spent on matters that are incidental to the mayor's PCC functions.

### 3.9 *Borrowing*

The Mayor will be ultimately responsible for decisions relating to borrowing in relation to PCC functions, as laid out in the 'Revised Financial Management Code of Practice' for Policing, but may delegate them in practice. The cost of such borrowing will be met from Police Funds and as above kept separate to the discharge of other Mayoral Combined Authority functions. This does not detract from the legal status of the Combined Authority as the borrowing party.

The WMCA will have the same borrowing rights for Mayor PCC functions that are currently enjoyed by the PCC.

The current WMCA Borrowing Order does not list what functions WMCA can borrow for. Instead, it says that legislation will be put in place to allow "the West Midlands Combined Authority powers to borrow for its new functions." So it would apply to any functions WMCA add later unless the deal is modified to exclude them.

The WMCA will seek an amendment to its existing debt cap arrangements with HMT to reflect its assumption of new responsibilities relating to the Mayoral PCC. The Mayoral PCC debt cap should be in addition to the WMCAs existing arrangements with HMT.

### 3.10 *Contracts*

Decisions on entering into contracts regarding police matters are functions of a PCC under the PCC model (with scope for some delegation to the Chief Constable).

As such and in keeping with the PCC model the Mayor will have ultimate responsibility for all contracts relating to police matters, although they may provide consent for contracts to be entered into by the chief constable or another to whom the Mayor personally delegates responsibility to as per existing agreements and protocols.

Decisions on the issuing of policing related grants would also rest with the Mayor or anyone to whom they delegate responsibility.

### 3.11 *Police and Crime Plan*

The police and crime plan which involves consideration of the strategic policing requirement is a key public facing deliverable. The provisions on police and crime plans as set out in the 2011 Act will still apply in respect of the Mayor acting as PCC.

### 3.12 *Policing Protocol*

As a matter of law, the Policing Protocol will apply to a Mayor acting as a PCC as it applies to a PCC. Apart from the changes in governance outlined in the Governance Review, all other aspects of existing primary legislation relating to the role and functions of the PCC will remain unchanged.

### 3.13 *West Midlands Police*

West Midlands Police will remain a distinct and separate organisation.

### 3.14 *Inspection, Investigation and Complaints*

The powers of HMICFRS, as set out in the Police Act 1996, and the police complaints procedure, as set out in the Police Reform Act 2002 and subsequent amendments, will still apply.

### 3.15 *Consequential amendment and modification requirements*

The following consequential amendment and modification requirements of enactments will be required in their application to the WMCA with Mayoral PCC functions:

#### **Primary Legislation**

**Amendments to the Police Reform and Social Responsibility Act 2011**

**Modifications to the Local Government Act 1972**

**Police (Property) Act 1897**

**Trustee Investments Act 1961**

**Pensions (Increase) Act 1971**

**Local Government (Miscellaneous Provisions) Act 1976**

**Local Government, Planning and Land Act 1980**

**Local Government Finance Act 1988**

**Road Traffic Act 1988**

**Local Government and Housing Act 1989**

**Police Act 1996**

**Police Reform Act 2002**

**Proceeds of Crime Act 2002**

**Local Railways and Transport Safety Act 2003**

**Government Act 2003**

**Local Government and Public Involvement in Health Act 2007**

**Local Democracy, Economic Development and Construction Act 2009**

**Police Reform and Social Responsibility Act 2011**

**Local Audit and Accountability Act 2014**

## **Secondary legislation**

**Motor Vehicles (Third Party Risks) Regulations 1972**

**Official Secrets Act 1989 (Prescription) Order 1990**

**Police (Disposal of Sound Equipment) Regulations 1995**

**Police (Property) Regulations 1997**

**Health and Safety (Enforcing Authority) Regulations 1998**

**Motor Vehicles (Driving Licences) Regulations 1999**

**Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

**Motor Vehicles (Access to Driver Licensing Records) Regulations 2001**

**Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001**

**Police Regulations 2003**

**Docking of Working Dogs' Tails (England) Regulations 2007**

**REACH Enforcement Regulations 2008**

**Elected Local Policing Bodies (Specified Information) Order 2011**

**Policing Protocol Order 2011**

**Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

**Police Appeals Tribunals Rules 2012**

**Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012**

**Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 55**

**Local Government Pension Scheme Regulations 2013**

**Local Audit (Auditor Resignation and Removal) Regulations 2014**



**Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Cabinet</b> <b>17 October 2018</b>
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<b>Report title</b>	Amendment to Housing Enforcement and Charging Policy	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson City Assets and Housing	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Kate Martin, Service Director – City Housing	
<b>Originating service</b>	Private Sector Housing	
<b>Accountable employee</b>	Ravi Phull	Service Manager Private Sector Housing
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<b>Report to be/has been considered by</b>	Strategic Executive Board	2 October 2018

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### Recommendations for decision:

Cabinet is recommended to:

1. Approve an amendment to the Council's housing enforcement and charging policy to underpin a more robust, proactive and zero tolerance approach to enforcement.
2. Approve the adoption of a new scheme of discounts applied to licensing fees, up to a maximum of 50% cumulative discount, as set out at paragraph 16.1 of this report, to encourage the active engagement of landlords with accreditation at a local, regional and national level, as part of the policy.
3. Approve the adoption of changes to the duration of Houses in Multiple Occupation licences to encourage landlords to apply for a Houses in Multiple Occupation licence in a timely manner as set out in paragraphs 20 and 21 of this report.
4. Approve penalties for late submission of Houses in Multiple Occupation licence applications as discussed in paragraph 20 of this report.

5. Approve a revised discount structure for the early payment of Civil Penalties discussed in paragraph 25 of this report.

## **1.0 Purpose**

- 1.1 The purpose of this report is to utilise recent key changes in the law to refresh and amend the existing housing enforcement and charging policy.
- 1.2 To ensure that the refreshed policy maximises the positive effect on the quality of private sector housing and contributes to the ambition outlined 2030 City Vision and Public Health Vision which highlights good quality housing as a key determinant of health and wellbeing.
- 1.3 To ensure that the new powers are used to penalise the criminal landlords within the City providing some of the worst housing conditions and to incentivise and promote the work of the good landlords providing safe and healthy accommodation for our most vulnerable residents within the private rented sector.

## **2.0 Background**

- 2.1 The Housing Enforcement and Charging Policy was approved by Cabinet at their meeting on 13 September 2017.
- 2.2 Contained within that policy document was all relevant legislation and powers conferred to the Council to effectively discharge duties under the Housing Act 2004.
- 2.3 In December 2017 Central Government announced plans to extend the mandatory licensing of Houses in Multiple Occupation (HMO). The exact details of the changes were not decided until very recently in 2018.
- 2.4 An initial paper presented to the Housing Board earlier this year recommending a more robust approach to landlords who continue to provide the worst housing conditions and put the lives of their tenants in danger was welcomed.
- 2.5 A culmination of these events has led to the need for certain amendments to be made to the existing enforcement policy.

## **3.0 Private Sector Housing Service**

- 3.1 Historically the private sector housing service has always operated a light touch enforcement approach, with the emphasis on education and engagement rather than enforcement.
- 3.2 This approach has worked well for some landlords, but others have used it as an opportunity to continue bad practises as the Council would provide them with additional time if caught. This is evident by the same portfolio landlords committing serious offences repeatedly, the increasing number of poorly managed HMO's and dangerous conditions being witnessed by officers every day.

- 3.3 The Homeless Reduction Act 2017 has strengthened the duty on local authorities to discharge their homelessness duty into the private sector. The cap on welfare benefits and the increased age criteria of the shared room rate has made the market fertile for HMOs.
- 3.4 Whilst it is recognised that HMOs are the only realistic and affordable housing solution for an increasing number of single people under the age of 35, without the proper regulation of HMOs we are at risk of sending some of our most vulnerable clients into the most dangerous conditions, where alcohol and drug dependency is prevalent.
- 3.5 Central Government, having recognised the need for more stringent regulation within the private rented sector, in particular HMOs, have armed local authorities with stronger powers such as the provision to issue Civil Penalties up to £30,000 per offence and have extended the mandatory licensing of HMOs.
- 3.6 When issued with these powers, the direction from Central Government was an expectation that they will be used by local authorities to their maximum effect, as a way of either forcing criminal landlords to comply or to drive them out of the market.

#### **4.0 Rent with Confidence**

- 4.1 Since 2016 the private sector housing service in conjunction with Public Health have operated a star rating scheme for private landlords and properties.
- 4.2 Wolverhampton were the first local authority to operate a scheme of this kind as a way to engage with landlords, improve housing standards and to aid tenants in making better choices. This has included advisory inspections, incentives and discounts for the good landlords. To date over 1,000 landlords are registered on the scheme.
- 4.3 However there is a cohort of landlords who refuse to engage with the Council and continue to operate in a criminal manner.

#### **Enforcement**

#### **5.0 Current Enforcement**

- 5.1 Private Sector Housing receives approximately 550 requests for service each year. These are from tenants living in private rented properties in need of assistance, as well as referrals from other agencies such as the police and fire services.
- 5.2 Until now it was believed that these were the most vulnerable members of the private rented market and the service was targeting time and resources into this area.
- 5.3 However, following proactive checks on properties as part of multi-agency operations such as with colleagues from the United Kingdom Visa and Immigration Service; these properties were found to be in poor condition. Due to the vulnerable nature and status of this particular cohort of residents they were unable to complain to the Council's service. These circumstances allow unscrupulous landlords to exploit such people and keep them in some of the worse conditions, knowing that there will be no recourse.

5.4 Another such area of concern is that of the migrant population within the Private Rented Sector who, due to language barriers or being unaware of their rights or the help available, can be easily exploited by unscrupulous landlords. These people are also at particular risk of issues such as modern-day slavery.

## **6.0 New Approach**

6.1 The private sector housing service will now be adopting a proactive, intelligence led approach.

6.2 Information gathered from internal sources such as housing benefits, council tax, environmental health and public protection and external partnerships such as the police and fire service, will be used to target areas with large numbers of potential HMOs.

6.3 Officers will be tasked to carry out unannounced visits of properties to ascertain occupancy and conditions.

## **7.0 Zero Tolerance**

7.1 Where evidence of poor conditions, such as overcrowding, fire and other hazards are witnessed, private sector housing will adopt a zero-tolerance approach.

7.2 This will be effective where licensable HMOs are found to be operating without a licence and where HMOs are found to be in poor conditions in contravention of the HMO management regulations.

7.3 In order to ensure fair, consistent and proportionate enforcement, each case will be prepared in line with our enforcement policy and offenders will always be given the opportunity to make representations for why they have broken the law.

## **8.0 Impact of intervention**

8.1 When dealing with illegal HMOs, officers will be minded to the fact that tenants could face homelessness as a result of the Council's intervention. This will always be balanced with the risk posed to individuals by remaining in such conditions. Where issues such as illegal eviction are suspected, a dedicated illegal eviction and harassment officer will work within the team to investigate such cases and prosecute perpetrators where necessary.

8.2 Officers may also uncover issues which are highly prevalent in poorly managed HMOs such as human trafficking, modern day slavery, criminal behaviour relating to drug abuse and sex trade.

8.3 When not already present, joint working protocols will be put in place with the police service, fire service, gang masters licensing authority and the United Kingdom Visa and Immigration Service.

## **HMO Licensing**

9.0 The Housing Act 2004 introduced the mandatory licensing of certain Houses in Multiple Occupation. The criteria set in the Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 was:

- A property with 5 or more occupants, from 2 or more households, sharing amenities bathrooms/kitchens, the property having three or more storeys.

The City of Wolverhampton Council have licensed 130 under this definition.

## **10.0 New licensing Regime**

10.1 As of 1 October 2018 the definition of mandatory licensing changes (as per the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018) to:

- A property with 5 or more occupants, from two or more households, sharing amenities bathrooms/kitchens. The requirement of three storey has been removed.

It is estimated that an additional 500 properties will fall under this criteria.

## **11.0 Licensing Enforcement**

11.1 Private Sector Housing have historically always given the landlord of a licensable HMO operating illegally, a grace period of 28 days to apply for a licence.

11.2 This has allowed a culture of non-compliance as there is no recourse for landlords once found operating outside of the law.

## **12.0 New Zero Tolerance Approach**

12.1 Where landlords are found operating a licensable HMO without a licence, they will be subject to enforcement either via a civil penalty or prosecution.

## **HMO Licensing Fees**

### **13.0 Licence Fees**

13.1 The current fee for a HMO licence in Wolverhampton is £650. This fee was calculated using a national best practise toolkit which included various elements of licensing such as the administration, processing, inspections and enforcement.

### **14.0 Current HMO Licensing Fee Discounts**

14.1 Cabinet approved a discount framework in September 2017 that gave the following discounts in line with Rent with Confidence:

- 5 Star – 100%
- 4 Star – 66%
- 3 Star – 33%



14.2 The rationale behind this discount structure was that good landlords who do not require additional officer time or resource should not subsidise bad landlords.

### **15.0 Gaskin V Richmond 2018**

15.1 A case heard in the high court this year where a landlord refused to pay the full licence fee to the local authority on the basis that it was excessive, has resulted in the following decision:

- a. The court determined that the fees charged by local authorities for the licencing of a House in Multiple Occupation (HMO) can be based only on the cost of processing the licence application.
- b. The fees cannot include a sum to cover other costs that the council incur in running a licencing scheme, for example the costs of enforcement.

15.2 Due to this ruling we are no longer able to offer 100% discount to even the best (5 stars) landlords as the administration cost for processing licences is the same for all landlords.

15.3 On this basis, the following alternative discount structure is proposed:

15.4 Discounts available:

- 10% for landlords who are members of the Midland Landlord Accreditation Scheme
- 10% for landlords who are members of the Residential Landlord Accreditation Scheme / National Landlords Association
- 10% for 3 stars landlord and property
- 20% for 4 stars landlord and property
- 30% for 5 stars landlord and property
- Total cumulative discount available is a maximum of **50%**

### **16.0 Extension to Mandatory Licensing of Houses in Multiple Occupation Commencement Date**

16.1 The commencement date of 1 October 2018 has been set by Central Government with no lead-in period. This means anyone operating a licensable HMO without a licence or at least without having submitted a valid application for a licence is breaking the law.

#### **Communication**

16.2 The private sector housing service has followed a communication plan to educate landlords and ensured that they are adequately notified of this change in the law. The plan has involved the following:

- Letters were sent to all existing landlords of the then licensable HMOs in 2017.

- Officers have communicated this change to all landlords with whom they have made any contact.
- The Council's website has been updated with details of the change since February 2018.
- All emails sent out by officers contain the details of the change in legislation.
- A quarter page advert has been published in the Express and Star newspaper for 4 weeks beginning in August 2018.
- All screens in the Civic Centre and all libraries have detailed changes to this piece of legislation.
- All social media linked to the Council has had regular updates on this change since December 2017.
- Landlords have been updated quarterly at the private sector housing forum.

#### **17.0 Penalties for late Submission of Applications of existing HMOs**

- 17.1 It is proposed that late applicants will as a rule not be able to avail themselves of the discounts proposed above.
- 17.2 Furthermore, they may also be issued with a shorter licence period depending on factors such as if they are a portfolio landlord and thus would have been aware of the changes in law. The proposed change to licence duration is discussed below:

#### **18.0 Current Duration of Licences**

- 18.1 Section 68(4) of the Housing Act 2004 provides for a local authority to issue a licence for a maximum period of 5 years. There is no minimum term set and, historically, the Council has issued a five-year licence to all.

#### **19.0 Proposed Licence Duration**

- 19.1 Landlords applying before 1 October 2018 for existing licensable HMOs or within 1 month of commencement of a new licensable HMO will receive a five year licence.
- 19.2 Landlords of existing HMOs applying between 1 October 2018 and 1 April 2019 will receive a three year licence.
- 19.3 Landlords of existing licensable HMOs applying for a licence after 2 April 2019 will receive a one year licence.
- 19.4 The Council will take action against Landlords found to be operating a licensable HMO without a licence, and will be issued with a Civil Penalty or prosecuted. If they subsequently apply for a licence, they will be given a one year licence with no discounts. On renewal, they may be issued with a longer term licence if there is evidence of an improvement in working practices.

## **20.0 Licence Conditions**

20.1 Where conditions are attached to a licence with a timescale to comply, a reinspection will be carried out when compliance is due and failure to comply with said condition(s) will result in enforcement in the form of service of a civil penalty or prosecution.

## **21.0 Civil Penalties**

21.1 The issuing of a civil penalty will be considered as an alternative to prosecution for the following offences:

- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72 of the Housing Act 2004) i.e. operating a licensable HMO without a licence;
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 of the Housing Act 2004); i.e. not complying with conditions on a licence
- Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004);
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004).
- Breach of a banning order (section 21 of the Housing and Planning Act 2016).

21.2 The level of civil penalty will be based upon the matrix approved in the original enforcement policy.

## **22.0 Discount for level of Civil Penalties**

22.1 Whilst the proactive and zero tolerance approaches discussed in this report aim to fine the criminal landlords and punish them appropriately, provision will be made for the effective rehabilitation of offenders.

22.2 First offenders, where admission of guilt is forthcoming at the earliest opportunity and remedial works are carried out without delay, will be afforded discounts based on aggravating and mitigating factors of the case.

## **23.0 Evaluation of alternative options**

23.1 The alternative of continuing to enforce in a reactive and light touch way will mean that some of our most vulnerable residents who cannot complain to us will continue to be exploited by criminal landlords and be forced to live in the worst housing conditions.

## **24.0 Reasons for decisions**

24.1 Worsening conditions within the private rented sector along with additional powers from Central Government with direction to use them to their maximum capacity make the

proactive, zero tolerance enforcement approach the most appropriate and effective way to tackle this very serious issue.

## **25.0 Financial implications**

25.1 Whilst the principal driver for this approach is to ensure that housing standards within the private rented sector improve; ensuring vulnerable residents in the City are able to live in safe and healthy conditions; the issuing of civil penalties provides for local authorities to heavily, financially penalise landlords. It is for each local authority to then report back to MHCLG how much income was generated and to evidence how and where this was used to ensure better enforcement and growth of improved housing conditions.

25.2 Penalties will be calculated by taking into account the following factors:

### **25.3 Culpability**

25.4 The level of culpability of the landlord will be deemed as low, medium or high. Factors taken into consideration will be portfolio landlords, members of landlord accreditation schemes or landlords who have previously been subject to intervention (education or enforcement) by the Council would be reasonably expected to know their legal responsibilities.

### **25.5 Harm**

25.6 The level of harm will be deemed as low, medium or high. Factors taken into consideration will be for example, lack of fire detection in HMOs, structural, electrical hazards.

### **25.7 Penalty**

25.8 Taking these two factors into account and using the financial penalty grid provided nationally as best practise and adopted in the originating enforcement policy; a fine is determined.

25.9 The financial implications of this approach will result in the service generating income through civil penalties. By direction of central government, this income must be ring fenced to the private sector housing team and put towards more and better enforcement.

[JM/25092018/G]

## **26.0 Legal implications**

26.1 As mentioned previously, the introduction of Civil Penalties provides for an appeal to the Land Tribunal, which may delay the process and challenge the Council. This needs to be taken into account in the type of enforcement chosen but also for staff availability and training.

26.2 Specific training is being provided on a case by case basis and specific training will be provided to the team to deal with the new zero tolerance policy.

26.3 A robust enforcement mechanism has now been put in place for consistency and to guard against any type of challenge.

[LW/26092018/K]

### **27.0 Equalities implications**

27.1 This report has significant equal opportunities implications as many people living in the private rented sector and in particular in HMOs, suffer multiple deprivation and endure some of the worst housing conditions. They are also some of the most vulnerable members of society who are exploited by criminal landlords. The robust approach set out in this report aims to serve and protect the health, safety and wellbeing of these very people.

### **28.0 Environmental implications**

28.1 There are no environmental implications arising from this report.

### **29.0 Human resources implications**

29.1 Additional officers may be required based on levels of enforcement.

### **30.0 Corporate landlord implications**

30.1 There are no corporate landlord implications arising from this report.

### **31.0 Schedule of background papers**

Cabinet – 18 October 2017 [‘Housing Enforcement and Charging Policy’](#)

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Cabinet</b> <b>17 October 2018</b>
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<b>Report title</b>	Progress on Black Country Core Strategy Review	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds City Economy	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Michèle Ross	Lead Planning Manager (Sub-Regional Strategy)
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<b>Report to be/has been considered by</b>	Future City Board	26 September 2018
	Strategic Executive Board	2 October 2018

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#### Recommendations for decision:

The Cabinet is recommended to:

1. Approve the Local Development Scheme, attached at Appendix 1 to this report, to come into effect from 24 October 2018.
2. Approve the Statement of Community Involvement, attached at Appendix 2 to this report, to come into effect from 24 October 2018.
3. Agree to receive a further report in Autumn 2019 to approve consultation on the Draft Black Country Plan.

#### Recommendations for noting:

The Cabinet is recommended to:

1. Note progress to date on the Black Country Core Strategy review and endorse the new scope, name and timetable for the review.

## **1.0 Purpose**

- 1.1 To provide an update on progress regarding the Black Country Core Strategy review, to seek approval to adopt a new Local Development Scheme including a revised timetable for the review, and an updated Statement of Community Involvement (SCI), to support the review process.

## **2.0 Background**

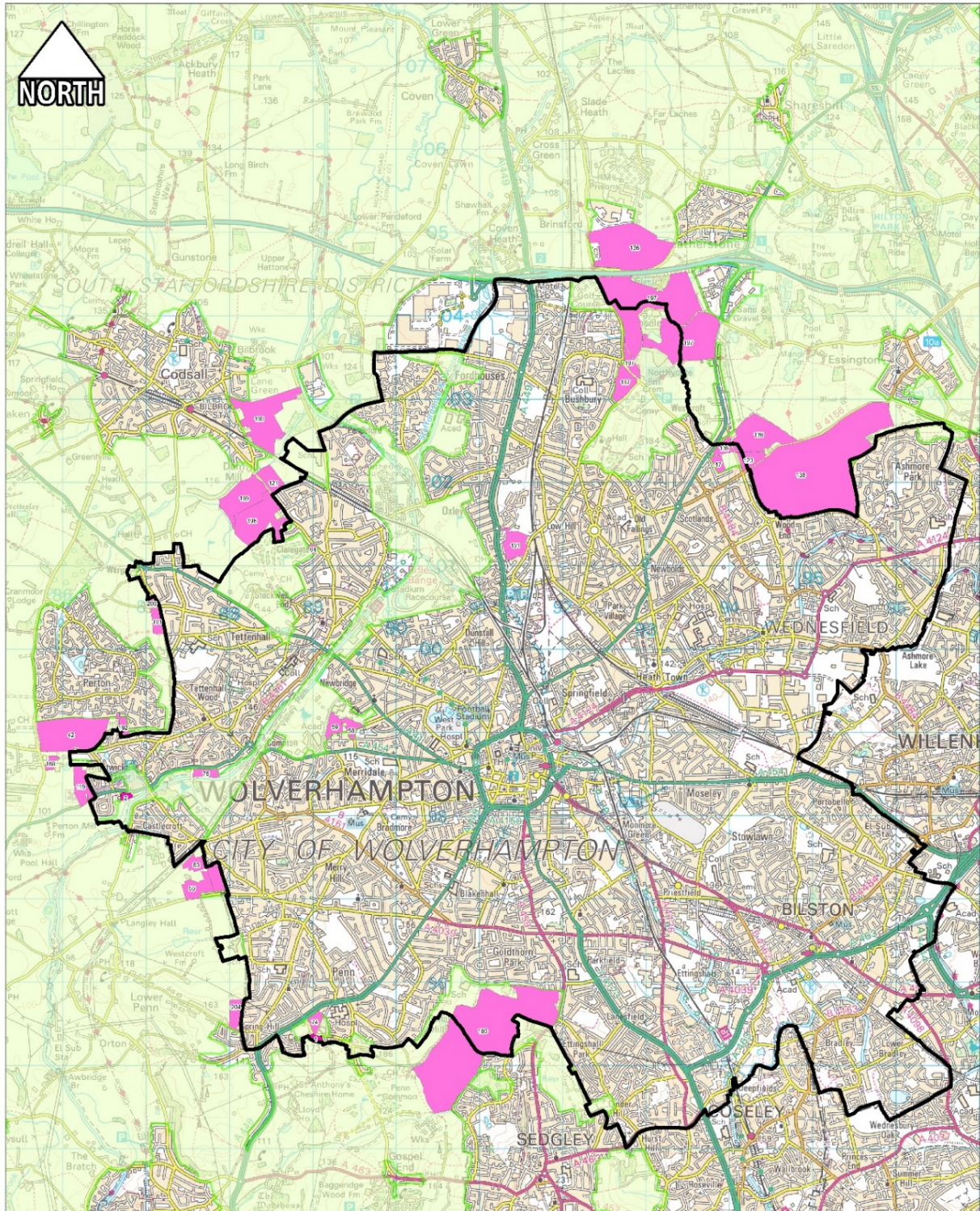
- 2.1 The Black Country Core Strategy (BCCS), which was adopted in 2011, is the key strategic planning and regeneration document covering the Black Country authorities of Dudley, Sandwell, Walsall and Wolverhampton. The BCCS establishes housing and employment land targets, identifies priority regeneration areas and key infrastructure projects and includes a set of strategic planning policies which are used to determine planning applications, in the context of an overarching vision for the sub-region. The BCCS covers the period up to 2026 and contains a commitment to a review, which will extend the lifespan of the BCCS to 2036.
- 2.2 Work on the BCCS review began in 2016 and has focussed on production of key evidence to establish up-to-date housing and employment land requirements. This work informed the development of an Issues and Options Report. On 27 June 2017, Cabinet approved consultation on the Issues and Options Report and requested a further report summarising key issues raised during the consultation.
- 2.3 Consultation took place from 3 July 2017 for 10 weeks and included a “call for sites” inviting land owners and developers to put forward potential development sites. The consultation included a launch event for key stakeholders, local events, press articles and a social media campaign involving a series of videos.
- 2.4 The next stage of the current timetable for the BCCS review is consultation on a Preferred Spatial Option report in Summer 2018 followed by a Draft Plan consultation in Summer 2019.

## **3.0 Summary of Key Issues Raised During Consultation**

- 3.1 During the consultation period there were 1,500 responses and 150 “call for sites” submissions and the videos were viewed 175,000 times. The consultation responses and “call for sites” information received were published in March 2018 (available at: [www.blackcountrycorestrategy.dudley.gov.uk/t5/](http://www.blackcountrycorestrategy.dudley.gov.uk/t5/)). The “call for sites” submitted within and adjoining Wolverhampton are shown on Plan 1 below.
- 3.2 A Summary and Initial Commentary Report on the BCCS Issues and Options Consultation can be viewed at [www.blackcountrycorestrategy.dudley.gov.uk/t1/](http://www.blackcountrycorestrategy.dudley.gov.uk/t1/). The responses will be taken into account and help shape the next stages of the review.



### Plan 1 "Call for Sites" within or adjoining Wolverhampton



- Legend**
- Wolverhampton City Boundary
  - Call for Sites within or adjoining Wolverhampton
  - West Midlands Green Belt

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- 3.3 Responses were received on all aspects of the Issues and Options Consultation document including housing, business and employment, health and well-being, transport, infrastructure, minerals and waste. Many of the representations were focussed on the subject of delivering future growth across the Black Country, particularly in terms of housing and jobs.
- 3.4 As expected, a large proportion of the responses with respect to future growth centred on the potential for development in parts of the existing Green Belt. There was a clear division between the views of local residents and those of the development industry. The majority of local residents questioned the need generally for further growth, especially in the Green Belt and particularly without further improvements to infrastructure. This contrasted with the views of the development industry, which included landowners and developers, and provided evidence seeking to justify the land requirements to meet the need for housing and employment land.
- 3.5 Through these representations, the development industry also sought to cast doubt over the viability of remaining brownfield sites within the Black Country and advocated the need for sustainable development in Green Belt locations to meet the projected needs for housing and employment land. Many of the sites submitted for consideration at future stages in the development of the BCCS were Green Belt sites, and the submissions offered evidence seeking to justify their inclusion in the Plan.

#### **4.0 Implications of new National Planning Policy Framework**

- 4.1 In Spring 2018, the Black Country responded to Government consultations on a range of proposed changes to national planning policy and planning contributions. On 24 July 2018 the Government published a new National Planning Policy Framework (NPPF) and Housing Delivery Test measurement rule book, accompanied by changes to the Viability and Housing Need sections of National Planning Policy Guidance (NPPG). Further changes to the NPPG were made on 17 September 2018. These changes are largely in line with the consultation.
- 4.2 Further revisions to NPPG, supporting documents and legislation are expected, including in respect of developer contributions. In particular, the Government states that it will revisit the standard method for calculating housing need when new household projections are published in September, to ensure that these result in an increase in national housing completions to meet ambitions to deliver 300,000 homes pa by the mid-2020's. This means that, although the new NPPF establishes a new housing need figure for the Black Country which is almost identical to that established in the Issues and Options Report, this might change shortly.
- 4.3 The key changes to the NPPF, with particular reference to issues raised in the Black Country consultation response, are summarised below:

- The changes do not provide any new tools to address brownfield delivery constraints or incentivise landowners to bring forward stalled sites. Without this, and with the introduction of the Housing Delivery Test and challenges in demonstrating brownfield sites are deliverable, there is a likelihood that development pressures will increase outside of existing urban areas, including on Green Belt.
- The changes impose a new requirement on developers of 10-14 private sale general purpose homes in the Black Country to provide 10% affordable home ownership. The changes also restrict the ability of the Black Country authorities to tailor the tenure of affordable housing to meet local need by requiring 10% affordable home ownership to take precedence as part of the normal 25% requirement on developments of 15 or more homes. Changes have also been made to allow private “build to rent” providers to provide affordable housing for rent at 20% below market rent in perpetuity.
- New viability guidance places more emphasis on the Plan preparation process to assess viability, however there is flexibility to use typologies rather than site specific information, which will be essential for brownfield sites in the Black Country. Flexibility has also been retained for authorities to require viability reports at planning application stage, which must now be published.
- The standard method for calculating housing need, which was supported by the Black Country and results in minimal change to existing housing need figures in the Black Country, has been adopted. However, this method will be subject to change following publication of household projections in September, and there is still a caveat that exceptional circumstances could justify a higher figure where growth strategies are in place or there is an agreement to take on unmet need from a neighbouring authority.
- The Housing Delivery Test (HDT) has been introduced to impose sanctions on authorities which fail to meet housebuilding targets. As there are transitional arrangements until 2019, the implications of the HDT for the Black Country will not fully take effect until November 2020. At this point, if 2017-20 delivery is less than 75% of need there would be a presumption in favour of granting permission for sustainable housing proposals. Currently only Sandwell falls below the 75% threshold. However, all Black Country authorities will be at risk if housing completions are not increased over the next two years.
- The revised NPPF introduces a distinction between strategic and non-strategic policies, and a duty for authorities preparing strategic policies to work together to reach agreement on cross-boundary issues and publish their positions in Statements of Common Ground.
- Authorities will be required to revisit plan policies at least five years after adoption, decide if they need revising due to “changes” (including significant changes to housing need), and publish their decision and reasoning. There is unlikely to be a significant change in Black Country annual housing need in future years. However, if there were

such “changes”, this could impose pressure to begin a Plan review soon after the BCCS review adoption.

- Some of the previous guidance on planning for health and Garden City Principles has been retained, as requested by the Black Country.
- The new NPPF strengthens the importance of good design, stating that the creation of high quality buildings and places is fundamental, permission should be refused for development of poor design that fails to take opportunities to improve the character, quality and function of an area, and the quality of approved development should not be allowed to materially diminish between permission and completion. This should make it easier for authorities to uphold good design.
- There are new requirements to make provision for storage and distribution operations and overnight lorry parking.

4.4 In summary, the changes should not significantly alter the direction of the impacts of Government policy on the BCCS review. They put more pressure on authorities to keep their plans up-to-date and make sure enough housing is built to meet local needs. They also emphasise the need for authorities to seek to address unmet housing needs from neighbouring areas. This partnership working can be reflected through Statements of Common Ground with relevant authorities.

## **5.0 Revised Scope, Name and Timetable**

5.1 Following consideration of the issues raised during consultation and the evidence produced to date it has become clear that the scope of the BCCS will need to be significantly wider than the higher level, strategic Plan adopted in 2011. There is a need for the new Plan to allocate a significant proportion of housing and employment development sites in order to fully demonstrate the housing and employment land capacity of the Black Country area in particular. All site allocations were previously delegated to local Plans, such as Site Allocation Documents and Area Action Plans. This change in scope significantly increases the evidence requirements and complexity of the process. However, the burden for any local Plans required in future will be correspondingly smaller. It is proposed to change the name of the Black Country Core Strategy to the Black Country Plan, to reflect recent changes to plan-making guidance in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance.

5.2 A range of detailed evidence will now be required to support the review. An Urban Capacity Review is being prepared (working draft available at: [www.blackcountrycorestrategy.dudley.gov.uk/t2/](http://www.blackcountrycorestrategy.dudley.gov.uk/t2/)) which will provide a comprehensive and up-to-date review of the potential of the Black Country urban area to meet housing and employment land needs, including through increased densities. This report will be updated as the Plan review progresses and more evidence is available. Other evidence work will cover Green Belt, employment land, retail, flood risk, historic environment,

nature conservation, waste, minerals and viability. This work will feed into a site assessment and selection process to inform site allocations.

5.3 £570,000 of Government grant has been awarded to support the review and this will allow the costs of all potential evidence and project management requirements to be met (see Financial Implications Section below). However, the need to provide a significant amount of evidence to support allocations, and the delay to commissioning of the Black Country and South Staffordshire Green Belt Review, which will commence during September following approval by Dudley Cabinet on 27 June 2018, make it necessary to revise the current timetable. It is now proposed to progress directly to Draft Plan stage, as set out in the revised timetable below:

- Draft Plan consultation – October / November 2019
- Publication consultation – July / August 2020
- Submission - December 2020
- Examination – Spring 2021
- Adoption – Autumn 2021

5.4 The revised timetable is realistic and achievable and will not change the anticipated year of Plan adoption - 2021. This is important, as the Plan must cover a period of 15 years from adoption to be found “sound”, and the current end date is 2036. If the adoption year is likely to slip, the Plan would need to roll forward to 2037 or beyond, requiring the provision of additional years of housing supply.

## **6.0 Implications for Wolverhampton**

6.1 This change in the Black Country Strategic Plan timetable creates the need to update the Wolverhampton Local Development Scheme (LDS). Every local planning authority (LPA) is required to produce a LDS setting out the timetable for Development Plan Document review or preparation, make it available publicly and keep it up-to-date. A proposed new Wolverhampton Local Development Scheme covering the period 2018-21 is attached as Appendix 1. There are currently no other Development Plan Documents programmed for review or preparation in the new LDS.

6.2 As part of the evidence work, a series of ecological surveys are underway on “call for sites” and other land in Wolverhampton, which could support the revision of existing and the creation of new Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs). Conservation Area appraisals are also planned for Conservation Areas in parts of the City which contain or adjoin “call for sites” and which do not have up-to-date Conservation Area appraisals.

6.3 In order to progress the Black Country Plan, and to meet statutory requirements, it is also important that Wolverhampton has an up-to-date Statement of Community Involvement (SCI), which sets out when and how the City of Wolverhampton Council intends to

involve communities and other key partners in the planning process, including consultation on various Development Plan Documents. The current SCI was adopted in 2007 and regulations require SCIs to be reviewed and updated at least every five years. Regulations require adoption of a SCI by Cabinet. An updated Wolverhampton SCI is attached as Appendix 2.

## 7.0 Evaluation of alternative options

7.1 City of Wolverhampton Council is committed to the Black Country Core Strategy review. The alternative option would be to carry on with the existing preparation timetable. This would not now deliver the type of Plan required.

## 8.0 Reasons for decisions

8.1 It is important that Wolverhampton is covered by an up-to-date Local Plan, Local Development Scheme and Statement of Community Involvement, in order to meet statutory requirements, and to support regeneration and investment in the City and protect areas of value from development.

## 9.0 Financial implications

9.1 The costs of preparing the review are shared on an equal basis between the four Black Country Local Authorities with Sandwell taking the lead role. Costs incurred by Wolverhampton during 2017-2018 totalled £22,000, which was met from Planning revenue budgets for 2017-2018.

9.2 A review of detailed cost projections is on-going. It is currently estimated that total costs during 2018-2022 will not exceed £1,770,000, of which Government Planning Delivery Fund Grant will cover £570,000, and the Wolverhampton share of the remaining cost would be £300,000.

9.3 For Wolverhampton, these costs could be met from Planning revenue budgets including approved budgets for 2018-2019 and future budgets subject to budgetary approval processes. An indicative breakdown is provided in the table below:

	<b>2018- 2019 £000</b>	<b>2019- 2020 £000</b>	<b>2020- 2021 £000</b>	<b>2021- 2022 £000</b>	<b>Total £000</b>
<b>Black Country cost</b>	850	472	204	244	1,770
<b>Of which Wolverhampton cost</b>	70	118	51	61	300

[ES/20092018/Y]

## **10.0 Legal implications**

- 10.1 The legal implications are set out in the body of this report and its appendices.  
[LD/25072018]

## **11.0 Equalities implications**

- 11.1 The Issues and Options consultation involved engagement with a wide range of organisations and individuals and information from this will be used to inform the Equality Analysis. On-going equality analysis will be undertaken and completed in a phased manner as the development of the Review progresses, with a particular focus on housing and employment issues to ensure that the needs of the people and the City are addressed.

## **12.0 Environmental implications**

- 12.1 A Sustainability Appraisal (SA) is being carried out throughout the plan preparation process. SA is a process for evaluating the environmental consequences of proposed policies and proposals to ensure sustainability issues are fully integrated and addressed at the earliest appropriate stage. The overall aim of the SA process is to inform and influence the development of the Plan and maximise its sustainability value.

## **13.0 Human resources implications**

- 13.1 The review is being produced by a team of officers working across the four Black Country Councils. Within Wolverhampton, around two full time equivalent posts are currently dedicated to the review, with further support from colleagues in City Development, Transportation and Corporate Landlord. Delivery of the timetable will to a large extent be dependent upon: the retention of key staff; maintenance of staffing resource up to adoption; and short term increases in staffing resource between now and the end of 2019, when workloads will be heaviest.

## **14.0 Corporate landlord implications**

- 14.1 The policies and proposals in the review will apply to any Council land and property which is subject to a development proposal. Liaison with corporate landlord has been and will continue to take place on an on-going basis.

## **15.0 Schedule of background papers**

Cabinet – 27 June 2017 '[Black Country Core Strategy Review - Issues and Options Report](#)'

[Black Country Core Strategy 2006-2026](#), adopted February 2011

Summary and Initial Commentary Report on the Core Strategy Issues and Options Consultation, June 2018

Black Country Urban Capacity Review (working draft), June 2018

## **16.0 Appendices**

Appendix 1 – Wolverhampton Local Development Scheme 2018-21

Appendix 2 – Wolverhampton Statement of Community Involvement



# **Wolverhampton Local Development Scheme 2018-2021**

**October 2018**

**CITY OF  
WOLVERHAMPTON  
COUNCIL**

## **1. Introduction**

- 1.1 This Local Development Scheme (LDS) has been prepared in accordance with the requirements of The Planning and Compulsory Purchase Act 2004 (as amended) and sets out:
- The Local Development Documents (LDDs) which are to be Development Plan Documents (DPDs);
  - The subject matter and geographical area to which each DPD is to relate;
  - Which DPDs are to be prepared jointly with one or more other local planning authorities;
  - The timetable for the preparation and revision of the DPDs
- 1.2 The LDS sets out the timetable for the preparation or revision of any LDDs covering the Wolverhampton area for the period 2018-2021, and supersedes all previous versions of the Wolverhampton LDS.

## **2. Wolverhampton Development Plan Documents**

- 2.1 The Local Development Documents covering the City of Wolverhampton Council local authority area which are to be defined as Development Plan Documents through this LDS are:
- Wolverhampton Unitary Development Plan – adopted 2006 (saved policies)
  - Black Country Core Strategy – adopted 2011
  - Black Country Plan (to be prepared to replace the Black Country Core Strategy)
  - Bilston Corridor Area Action Plan – adopted 2014
  - Stafford Road Corridor Area Action Plan – adopted 2014
  - Wolverhampton City Centre Area Action Plan – adopted 2016
- 2.2 The Wolverhampton Unitary Development Plan was the single plan covering the Wolverhampton area when it was adopted in 2006. It included both strategic and local policies and all allocations and designations.
- 2.3 The Black Country Core Strategy is a strategic plan prepared jointly by the Black Country authorities (Dudley, Sandwell, Walsall and Wolverhampton) to cover the Black Country area (Dudley, Sandwell, Walsall and Wolverhampton) for the period 2006-2026. The Core Strategy addresses strategic priorities for the Black Country, covers all subject areas at a strategic level and indicates broad locations for development on a key diagram. The Core Strategy replaced various policies and allocations in the Wolverhampton Unitary Development Plan when it was adopted in 2011.
- 2.4 The three Area Action Plans were prepared to set out local policies, allocations and designations for the three key regeneration areas identified in the Black Country Core Strategy. These Area Action Plans replaced various policies and

allocations in the Wolverhampton Unitary Development Plan when they were adopted in 2014 / 2016.

### 3. Timetable for Preparation and Revision of Wolverhampton Development Plan Documents

- 3.1 The NPPF requires all local planning authorities to complete a review of DPDs which have been adopted for five or more years and to decide either:
- that their policies do not need revising and publish their reasons for this decision; and/ or
  - that one or more policies do need revising, and update their LDS to set out the timetable for this revision.
- 3.2 This LDS fulfils the requirements of the NPPF in this regard, as set out below:

<b>DPD</b>	<b>Years since adoption</b>	<b>Need for revision during 2018-21?</b>	<b>Reasons for decision</b>
Wolverhampton UDP (saved policies)	12	No	All parts of the UDP which required updating have been replaced through subsequent adoption of the Black Country Core Strategy and Area Action Plans.
Black Country Core Strategy / Black Country Plan	Seven	Yes	Review currently underway and revision timetable included in this LDS.
Bilston Corridor Area Action Plan	Four	No	Preparation of the Black Country Plan will review and replace any policies and allocations which require revising.
Stafford Road Corridor Area Action Plan	Four	No	Preparation of the Black Country Plan will review and replace any policies and allocations which require revising.
Wolverhampton City Centre Area Action Plan	Two	No	This Plan will not require a review until 2021.

- 3.3 City of Wolverhampton Council is currently working with Dudley, Sandwell and Walsall Councils to review the Black Country Core Strategy. The subject matter scope of the new Plan will be wider than the existing Core Strategy, including new site allocations and a review of existing allocations, where appropriate. The new Plan will include all of the strategic policies for the Black Country, as defined in

the 2018 National Planning Policy Framework (NPPF). The DPD name will also be changed to Black Country Plan to reflect guidance set out in the NPPF. The timetable for the review is set out below:

**Black Country Plan (formerly Black Country Core Strategy) Preparation Timetable**

<b>Stage</b>	<b>Timescale</b>
Issues and Options Report Consultation	July – September 2017
Draft Plan Consultation	October – November 2019
Publication Consultation	July - August 2020
Submission	December 2020
Examination	Spring 2021
Adoption	Autumn 2021

- 3.4 No other DPDs are currently programmed for review or preparation during 2018-2021.

# **Wolverhampton Statement of Community Involvement**

**October 2018**

**CITY OF  
WOLVERHAMPTON  
COUNCIL**

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## **1. Introduction**

- 1.1 This Statement of Community Involvement (SCI) has been prepared in accordance with the requirements of The Planning and Compulsory Purchase Act 2004 (as amended) and sets out how City of Wolverhampton Council will engage with residents, businesses and community groups in the preparation of planning documents and in the consideration of planning applications. This SCI supersedes the previous Wolverhampton SCI, which was adopted in January 2007.
- 1.2 The planning documents to which this SCI relates are primarily “local development documents” (LDDs) as specified in the Wolverhampton Local Development Scheme. These include:
- Development Plan Documents (DPDs):
    - Wolverhampton Unitary Development Plan (saved policies)
    - Black Country Core Strategy and the Black Country Plan which will replace this
    - Area Action Plans (City Centre, Bilston Corridor, Stafford Road Corridor)
  - Supplementary Planning Documents (SPDs)
  - The Statement of Community Involvement (SCI)
- 1.3 The SCI also sets out the Council’s policies for giving advice and assistance on proposals for the preparation and modification of Neighbourhood Development Plans and Neighbourhood Development Orders.

## **2. The Decision-Making Process**

- 2.1 Responsibility for making decisions on the preparation of LDDs is split between Full Council and Cabinet, depending on the type of document. Full Council is responsible for all DPDs, whilst Cabinet is responsible for the SCI and SPDs. Full Council and Cabinet reports can be viewed on the Council’s website at: <http://wolverhampton.moderngov.co.uk/uuCoverPage.aspx?bcr=1>

### **3. Consultation on Planning Documents**

#### **Development Plan Documents (DPDs)**

- 3.1 There is flexibility available to the Council as to how DPD production is carried out, providing that it accords with the requirements of the relevant regulations and the provisions of this SCI.
- 3.2 The formal process for consulting on a DPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. There are three key stages stated in these regulations:
1. Preparation - Invite comments on key evidence and the broad issues, topics and policies which the Local Plan ought to contain;
  2. Publication - Draft plan published for representations for a minimum of six weeks;
  3. Examination in Public (EiP) - Plan submitted to the Secretary of State / Planning Inspectorate for examination along with evidence and a statement of representations.
- 3.3 **When public consultation will be carried out:**
- Stage 1 – a minimum of six weeks consultation to establish the views of consultees on the vision and strategy of the DPD, through the presentation of evidence, issues and a series of options;
  - Stage 2 – six weeks consultation on legal compliance, Duty to Cooperate and the four Tests of Soundness (positively prepared, justified, effective and consistent with national policy);
  - Any interim stages (such as modifications to the plan or re-consultations) – a minimum of six weeks consultation;
  - Notice of the Examination in Public (EIP) – as required by the regulations, six weeks' notice will be given to interested parties should there be an EIP for a DPD.

A degree of flexibility will be adopted, where possible, for stage 1 and any interim stages, to enable representations to be received outside of the formal consultation period, particularly to enable comments on emerging policies and proposals. Documents forming part of the evidence base will be shared with neighbouring authorities producing or updating plans and published as they are completed on the relevant website for consideration by consultees and local communities at the earliest opportunity.

3.4 **Who will be consulted:**

The Localism Act 2011 and The Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe which bodies must be consulted on DPDs under the duty to co-operate. These bodies will be consulted as required. Other bodies and individuals will also be consulted as appropriate, including:

- Other public and voluntary bodies relevant to the subject matter and/or area of focus of the DPD e.g. the Black Country Local Enterprise Partnership (LEP), The Canal and River Trust;



- Those individuals and/or organisations who have indicated that they would wish to be consulted on a particular DPD or on any DPDs;
- The residential and business communities which are likely to be affected by policies and proposals in the DPD.

### **3.5 How consultation will take place:**

Consultation will take place using a range of methods, dependant on the nature and type of DPD, and statutory requirements. For all DPDs this will include:

- Information on the Council's website
- Availability of documents at the Civic Centre and Wolverhampton Central Library

### **Supplementary Planning Documents (SPDs)**

- 3.6 While SPDs are subject to public consultation, they are not subject to an EIP. A minimum of 4 weeks public consultation will be carried out for a draft SPD, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. To be adopted, SPDs need to be approved by Cabinet. A summary of the public consultation responses will be made available upon adoption.

### **Statement of Community Involvement (SCI)**

- 3.7 The SCI will be reviewed, and updated if necessary, every five years in accordance with statutory requirements. To be adopted, the SCI needs to be approved by Cabinet.

### **Local Development Scheme (LDS)**

- 3.8 The Wolverhampton Local Development Scheme (LDS) sets out the timetable for preparation or revision of DPDs covering the Wolverhampton area. The Council will comply with current statutory requirements for consultation when updating the Wolverhampton LDS. The LDS will be used to set out the review process for DPDs which have been adopted for five years or more.

## **4. Neighbourhood Development Plans and Development Orders**

- 4.1 The Council will provide appropriate advice and assistance on proposals for preparation and modification of Neighbourhood Development Plans and Neighbourhood Development Orders, as resources allow.

## **5. Involvement in Planning Applications**

- 5.1 The local planning authority will carry out consultation on planning applications in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 5.2 Members of the public who have submitted comments, either in objection or support of a planning application, are allowed to speak at Planning Committee on individual planning applications. Those who wish to speak at Committee must first give notice, in writing or by email, at the earliest possible opportunity, to the Planning Case Officer.
- 5.3 Anyone who has commented on a planning application will be informed of the decision when it has been made.
- 5.4 During the planning application process, amendments can be made by the applicant to the development proposal. The Council will only re-consult following amendments if the changes significantly alter the design, scale or nature of the proposed development. The Planning Case Officer will decide whether or not to re-consult.

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Cabinet</b> <b>17 October 2018</b>
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<b>Report title</b>	Strategic Asset Plan	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson City Assets and Housing	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Andy Moran, Director of Commercial Services	
<b>Originating service</b>	Corporate Landlord	
<b>Accountable employee</b>	Julia Nock Tel Email	Head of Assets 01902 550 316 <a href="mailto:julia.nock@wolverhampton.gov.uk">julia.nock@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Strategic Executive Board	2 October 2018

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### Recommendation for decision

The Cabinet is recommended to:

Approve the implementation and adoption of a revised City of Wolverhampton Council Strategic Asset Plan and associated Action Plan.

## **1.0 Purpose**

- 1.1 The purpose of this report is to seek approval for the adoption of a revised Strategic Asset Plan, which provides direction in the future management of the Council land and property portfolio.
- 1.2 The revised Strategic Asset Plan clarifies the Council's approach to the management of its land and buildings portfolio, alongside its aspirational future aims, over the next five years.

## **2.0 Background**

- 2.1 The action to develop a Strategic Asset Plan was an outcome of the Corporate Landlord Healthcheck, completed by the Chartered Institute of Public Finance and Accountancy (CIPFA).
- 2.2 The Corporate Landlord Healthcheck Action Plan that was produced, as a resultant outcome of the Healthcheck, identified several areas to be documented. These inform the structure of the new Strategic Asset Plan framework.
- 2.3 The Strategic Asset Plan framework consists of three documents – Policy, Strategy and Action Plan.

## **3.0 Strategic Asset Plan**

- 3.1 The Strategic Asset Plan will be a publicly accessible and predominantly online document and was completed after a series of workshops, with Corporate Landlord Leadership, to pull together the basic structure of the Policy and Strategy. Heads of Services were also engaged, across all parts of the Council, to capture the current and expected future land and buildings requirements of services.
- 3.2 Local Authorities across the UK generally hold large property portfolios. City of Wolverhampton Council (CWC) owns or operates over 1,900 land and building assets (excluding social housing), with a total floor area equivalent to approximately 82 football pitches, or 22 Civic Centres.
- 3.3 A key element of how CWC achieves its goals is how all resources are used, including land and buildings. To support this, the CWC adoption of the revised Strategic Asset Plan is necessary.
- 3.4 The Strategic Asset Plan is structured into three logical parts:
  - Asset Management Policy
  - Asset Management Strategy
  - Asset Management Action Plan

- 3.5 The benefit of adopting this structure is that aspects of CWC's approach to asset management are likely to remain constant for several years, such as the Asset Management Policy. The Asset Management Strategy, however, is unlikely to change frequently but it is likely to have a shorter life than the Policy objectives.
- 3.6 Supporting the Policy and Strategy documents is an Asset Management Action Plan, this will be used and updated regularly to reflect achievement of objectives and addition of new actions.

#### **4.0 Asset Management Policy**

- 4.1 The Asset Management Policy establishes a clear Mission and supporting principles for the management of land and buildings. This document will remain in place for the next five years but will be reviewed annually to ensure its relevance to what CWC strives to achieve.
- 4.2 The Mission is to develop an effective, efficient and economic land and property portfolio which:
- is managed corporately to support the Council's strategic themes and priorities
  - supports and empowers local people
  - provides value for money and secures efficiencies for the future
  - supports the regeneration of the city
  - works effectively with partners to maximise shared opportunities.
- 4.3 To support the key strands of the Mission, five Asset Management Policy principles underpin them to describe the Council's commitment to property asset management.
- a. To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton
  - b. To provide the right property, fit-for-purpose, and in the right place to meet current service needs and to plan for the future
  - c. To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities from the rationalisation and disposal of land and buildings
  - d. To use land and buildings to stimulate development and growth, together with supporting local business needs and encouraging new business to the area
  - e. To promote joint-working where it will provide benefit for service delivery and in securing new efficiencies.

## **5.0 Asset Management Strategy**

- 5.1 The Asset Management Strategy provides an overview of the CWC land and property estate, together with the main priorities for managing and developing it over the next five years. This document will be reviewed and amended within three years to ensure that the estate fully supports the Council's Corporate Plan by contributing to the key objectives for property asset management.
- 5.2 The Council's property portfolio extends to over 1,900 land and building assets, with a total Net Book Value of over £550 million. This demonstrates what a considerable resource the Council's land and buildings are, and why they need to be carefully managed.
- 5.3 Without careful management, there is potential to waste money on buildings that are not fit-for-use or are unnecessary. Equally, all assets have a value and if they are no longer required then value can be unlocked by selling them, providing opportunity to invest that value elsewhere.
- 5.4 As the delivery of services changes, CWC's assets will also need to change to support the Council as it moves forward. Investment in new assets may be required to ensure service provision is fit for the future and to maximise benefit to the people of the City of Wolverhampton.
- 5.5 The Strategy documents the broad financial challenges faced by CWC and the commitment to supporting the City's economic growth, encouraging job creation and investment through the capital programme.
- 5.6 In support of maximising value for money, in relation to the maintenance and day-to-day running of our buildings, contributory processes are embedded within Corporate Landlord. These processes ensure that capital works are prioritised appropriately, based on evidence from building condition surveys in alignment with operational priorities of services in occupation. In addition, the Asset Challenge process ensures that the future of those buildings not providing best value are reviewed appropriately before financial decisions are made on them. The governance structure provides further assurance that money is spent in the right places and on the right buildings.

## **6.0 Asset Management Action Plan**

- 6.1 The Asset Management Action Plan supports the Policy and Strategy documents and will be used and adapted to manage programmes of work in relation to asset management on a regular basis.
- 6.2 The Action Plan is split logically into three thematic sections to cover Strategic, Operational and Service Improvement actions that are scheduled over the next three years.

6.3 The actions identified specify the activities required to achieve the objectives within the Strategy document. The Action Plan will be regularly updated to reflect achievement of actions and capture new priorities and initiatives as they are identified.

## **7.0 Evaluation of alternative options**

7.1 The alternative option to adopting a revised Strategic Asset Plan is to continue without a Strategic Asset Plan that reflects the current challenges faced when making decisions on the assets within the CWC land and buildings portfolio. Continuing without a current Strategic Asset Plan will also result in an inconsistent approach to property asset management and an imbalanced approach to achieving CWC priorities.

## **8.0 Reasons for decision**

8.1 It is important that the Council can make robust decisions on a range of property asset management issues, based on clear principles that are aligned with Council priorities.

8.2 If a current and valid Strategic Asset Plan is not in place there is a risk that property asset management decisions are made which are contrary to CWC's aims, objectives and aspirations.

## **9.0 Financial implications**

9.1 The Corporate Landlord function, which sits within the Commercial Services division, controls property related revenue budgets of £7.2 million (2018-2019 net controllable expenditure). These budgets help to ensure that the Council's property assets are repaired, maintained and remain compliant with statutory requirements. The Council's capital programme for 2018-2019 includes approximately £1.5 million of prioritised, longer term investment.

9.2 The Corporate Landlord approach is to ensure that finite and reducing resources are prioritised to appropriate buildings. Maintenance priorities are identified by conducting a rolling programme of condition surveys to understand maintenance requirements over ten years.

9.3 It is vital that the Council's assets contribute to the overall corporate and service objectives, documented and committed to within the Strategic Asset Plan. These objectives ensure that buildings are safe and secure for the people using them, funding is allocated to projects that will achieve maximum positive impact, achieving an effective balance between planned and reactive maintenance work and maximising efficiencies in the way building maintenance work is procured.

[RT/03102018/E]

## **10.0 Legal implications**

10.1 There are no legal implications in the adoption and implementation of the revised Strategic Asset Plan.

[RB/03102018/A]

## **11.0 Equalities implications**

11.1 There are no equalities implications in the adoption and implementation of the revised Strategic Asset Plan. Equalities Impact Assessment has been completed and lodged with Equalities and Diversity Team.

## **12.0 Environmental implications**

12.1 There are no environmental implications in the adoption and implementation of the revised Strategic Asset Plan.

## **13.0 Human resources implications**

13.1 There are no human resources implications in the adoption and implementation of the revised Strategic Asset Plan.

## **14.0 Corporate landlord implications**

14.1 The implication for Corporate Landlord is that the revised Strategic Asset Plan will need to be embedded into its business as usual actions. The benefit of the revised Strategic Asset Plan being embedded in Corporate Landlord can be summarised as decisions made at this level can be confidently and consistently linked to the appropriate CWC aims and objectives in relation to property asset management.

## **15.0 Schedule of background papers**

15.1 Corporate Landlord Healthcheck 2016-2017 – completed by CIPFA

## **16.0 Appendices**

Appendix 1 - Strategic Asset Plan 2018-2023 including:

- Asset Management Policy 2018-2023
- Asset Management Strategy 2018-2023
- Asset Management Action Plan



# Strategic Asset Plan 2018-2023



## Asset Management Policy 2018-2023

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## Asset Management Strategy 2018-2021

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# Asset Management Policy 2018-2023





# Introduction

Local Authorities across the UK hold large property portfolios (assets made up of buildings and land) which have been acquired, gifted or inherited over many years.

City of Wolverhampton Council is no different, owning or operating over 1,900 land and building assets (not including social housing), with a total building floor area equivalent to approximately 82 football pitches, or 22 Civic Centres!

A key element of achieving our goals is how we use all our resources, and this includes our land and buildings. To support this, the council has adopted a new Asset Management Framework which comprises three separate elements as follows:

- An Asset Management Policy (this part of the document)
- An Asset Management Strategy
- An Asset Management Working Action Plan

The Asset Management Framework is a suite of living documents, for convenience, divided into three parts - not all parts will need to be updated at the same time for it to remain fresh. Accordingly, readers are advised to ensure that they have the most up to date versions and the parts are always read together to ensure that the correct context is understood.

The benefit of adopting such a structure is that, many areas relating to our approach to asset management are likely to remain constant for several years (such as our Asset Management Policy). In addition, the strategy is unlikely to change frequently but is likely to have a shorter life than our overall land and property policy objectives.

Supporting these two documents is a Working Action Plan, this is a 'living document' and will be used and adapted in order to manage our asset management programmes of work on a regular basis.

# Asset Management Policy

This Asset Management Policy establishes some clear principles by which we will manage our land and buildings. It will remain in place for the next five years but be reviewed annually to ensure it is still relevant to what we are trying to achieve.

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1.

To plan and manage property as a corporate resource for the benefit of the people of the city of Wolverhampton

2.

To provide the right property, fit for purpose, in the right place, to meet current service needs and to plan for the future

3.

To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities from the rationalisation and disposal of land and buildings

4.

To use land and buildings to stimulate development and growth, together with supporting local business needs and encouraging new business to the area

5.

To promote joint working where it will provide benefit for service delivery and in securing efficiencies

## Our Mission



## Our Objectives

To support the five key strands of our mission we have set out five policy objectives on the following pages. These describe the council's commitment to property asset management and to achieving the benefits that can be delivered through effective use of the portfolio. These objectives are important for decisions made in respect of our property assets.





## Actions and Behaviours

In developing these objectives there are certain actions and behaviours that we need to adopt relating to our land and buildings. These are set out under each objective, but not in any particular order of priority. It is also accepted that there will be occasions where some of these elements may appear to be in conflict. The key challenge for the council is ensuring that we maintain an appropriate balance between all of these elements as decisions around land and buildings are made.

1. To plan and manage property as a corporate resource for the benefit of the people of the city of Wolverhampton
  - We have clear corporate decision-making and challenge on all property matters
  - Property budgets are managed corporately to prioritise key investment needs
  - Property is integrated with other resources
  - We will ensure effective balance between corporate and service priorities
  - We will work to ensure that property information is accurate, current and comprehensive
  - Capital Projects will be managed efficiently and effectively, and prioritised to support the council's Strategic Themes
  - Forward planning for property will be targeted at the city's longer term '2030 vision'
2. To provide the right property, fit for purpose, in the right place, to meet current service needs and to plan for the future
  - We will work to ensure that property is suitable and sufficient for service delivery
  - We will work to ensure that property is flexible and is planned to respond to future need
  - We will work to ensure that property is secure, safe to use and fulfilling statutory requirements
  - We will work with our service areas to understand their longer-term requirements, in order to plan for the future
  - We will work with community organisations to optimise the use of assets where most beneficial
  - We will work to ensure that equalities are considered in the development of our asset plans, fully engaging and consulting with diverse communities that could be impacted by a Community Asset Transfer

← Stairs & Exit  
↑ Meeting Rooms  
↑ Lifts



3. To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities from the rationalisation and disposal of land and buildings
  - We will ensure property is suitably managed and maintained within budget constraints
  - We will challenge the current use of assets and identify co-location opportunities, to include partners, resulting in rationalisation and disposal of our land and buildings where appropriate
  - We will seek efficiencies in occupancy and utilisation and continue to introduce new ways of working
  - We will challenge the cost of property activities to drive performance improvement
  - We will seek to optimise financial return and commercial opportunities
  - We will ensure that property is as sustainable as possible in design, construction, operation and maintenance
  - We will aim to reduce energy and water consumption, and CO2 emissions, using renewable energy where appropriate
  - We will minimise waste wherever possible
  
4. To use land and buildings to stimulate development and growth, together with supporting local business needs and encouraging new business to the area
  - We will use key assets to stimulate and support regeneration and inward investment
  - We will utilise investment for income generation and to create local employment and training opportunities
  - We will manage our commercial portfolio effectively, balancing regeneration needs, job creation and income generation
  - We will promote a high quality physical environment and city identity
  - We will identify a future supply of land, suitable for housing and employment needs

5. To promote joint working where it will provide benefit for service delivery and in securing efficiencies
  - We will work with other agencies to promote co-location and joint service delivery
  - We will work to support the integration of health and social care
  - We will support the aspirations of West Midlands Combined Authority

# Asset Management Strategy 2018-2021





## Introduction

Local Authorities across the UK hold large property portfolios (assets made up of land and buildings) which have been acquired, gifted or inherited over many years.

City of Wolverhampton Council is no different, owning or operating over 1,900 land and building assets (not including social housing), with a total building floor area equivalent to approximately 82 football pitches, or 22 Civic Centres!

A key element of achieving our goals is how we use all our resources, and this includes our land and buildings. To support this, the council has adopted a new Asset Management Framework which comprises three separate elements as follows:

- An Asset Management Policy
- An Asset Management Strategy (this part of the document)
- An Asset Management Working Action Plan

The Asset Management Framework is a suite of living documents, for convenience, divided into three parts - not all parts will need to be updated at the same time for it to remain fresh. Accordingly, readers are advised to ensure that they have the most up to date versions and the parts are always read together to ensure that the correct context is understood.

The benefit of adopting such a structure is that, many areas relating to our approach to asset management are likely to remain constant for several years (such as our Asset Management Policy). The strategy is unlikely to change frequently but is likely to have a shorter life than our overall land and property policy objectives.

Supporting these two documents is a Working Action Plan. This is a 'living document' and will be used and adapted to manage our asset management programmes of work on a regular basis.

# Asset Management Strategy

This Asset Management Strategy provides an overview of our land and property estate, together with our main priorities for managing and developing that estate over the next five years.

The Strategy will be reviewed and amended within three years to ensure our estate fully supports the council's Corporate Plan, by contributing to the key objectives for property asset management.

1.

To plan and manage property as a corporate resource for the benefit of the people of the city of Wolverhampton

2.

To provide the right property, fit for purpose, in the right place, to meet current service needs and to plan for the future

3.

To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities from the rationalisation and disposal of land and buildings

4.

To use land and buildings to stimulate development and growth, together with supporting local business needs and encouraging new business to the area

5.

To promote joint working where it will provide benefit for service delivery and in securing efficiencies



## Our Land and Buildings

The council's property portfolio extends to over 1,900 separately listed land and building assets, with a current total book value of over £550 million (as at 31st March 2018). This is the amount that is included within the authority's accounts and, whilst this is not necessarily the exact amount that we would receive if we sold all of our assets, demonstrates what a considerable resource our land and buildings are, and why they need to be carefully managed.

Without careful management, there is potential to waste money by keeping buildings that are not fit for use or unnecessary. Equally, all assets have a value and if they are no longer required we might be able to sell them to unlock that value and use or invest the money elsewhere.

As the way we deliver services changes, our assets will also need to change to support the council as it moves forward. We may need to invest in new assets to ensure we provide services fit for the future and to maximise benefit to the people of the city of Wolverhampton.

In support of maximising value for money, in relation to the maintenance and day-to-day running of our buildings, contributory processes are embedded within Corporate Landlord. These processes ensure that capital works are prioritised appropriately, based on evidence from building condition surveys, and in alignment with operational priorities of those services in occupation. Additionally, the Asset Challenge process ensures that the future of those buildings not providing best value are reviewed appropriately before financial decisions are made on them. The governance structure provides further assurance that money is spent in the right places and on the right buildings.

There is a wide range of assets within our current portfolio. It comprises offices, day centres, elderly people homes, car parks, public conveniences, leisure facilities, depots, schools, assets leased to community organisations and even some used to generate a commercial income. The reasons for holding these assets will vary and, as a result, we may need to measure their performance in different ways. Performance of each asset must therefore be linked to the strategic purpose for holding it.

The table on the following page provides an overview of our property estate by asset type, providing a total number for each type of asset.

<b>Asset Type</b>	<b>Number of Assets</b>
Land and Open Spaces	816
Commercial and Industrial Sites	329
Garage Sites	265
Education Sites	123
Culture and Leisure Sites	105
Car Parks	46
Surplus Land and Buildings	46
Allotments and Agricultural Sites	44
Strategic Purchase Sites	43
Social Care Sites	23
Wolverhampton Homes Operational Sites	21
Youth Centres	12
Operational Offices	12
Cemeteries and Crematoria	10
Others (including Community Hubs, Childrens Centres, Public Conveniences, Waste Sites, Depots)	29

Assets deliver a mixture of front line services, indirect service provision, and in supporting local communities. We don't just own assets for the sake of it, they need to have a purpose and we constantly need to be challenging this.

Some assets are legacies from donations, local government reorganisation or previous acquisitions. Our Asset Challenge process means that we are reviewing each asset on a rolling programme to ensure we only keep the buildings we need in the future. This process explores the utilisation of assets, along with analysis of running and maintenance costs, and geographical location. The outcome of this process will identify asset rationalisation and disposal opportunities to support our Medium Term Financial Strategy.

## Our Money

Like many other councils, City of Wolverhampton Council has experienced significant funding reductions and we need to make careful choices in where we prioritise the money we spend. This is especially true in relation to property, with a Corporate Landlord property related net revenue budget of £7.2 million (2018/19), and we need to ensure that every pound we spend is done so in the right way. In addition, there is a Corporate Landlord capital budget of £3.2 million (2018/19) for Schools and Corporate buildings.

Despite these financial challenges, the council is committed to supporting the city's economic growth and encouraging job creation and investment through its capital programme. New building development plays an important part in this and it is important to note that the council's capital investment attracts further inward investment. This helps the local economy to grow and thrive so that every pound invested by the authority generates a local economic benefit well in excess of this initial investment.

To ensure that the asset portfolio is compliant with statutory requirements, regular inspection and review of property is completed. The reason for this is that the council has a duty to manage the risk and assess the impact of statutory regulations on its assets in relation to Asbestos, Accessibility, Fixed Wiring and Legionella, as well as Fire Regulation compliance.

The Corporate Asset Management Fund ensures that council property continues to be fit for purpose and meets current and future service needs. It is vital that the council's assets are working hard and contribute to the overall corporate and service objectives.

The management of the Corporate Asset Management Fund is an ongoing activity for rationalisation, statutory maintenance and planned maintenance enhancement projects. Any improvements / enhancements must meet set criteria, aligned to the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance of capitalisation of expenditure, extending the usable life of the asset and increasing the extent to which the asset can be used.

An advanced programme of commercial lease renewals and rent reviews is underway to maximise the income to the council from the commercial portfolio. In addition to maximising annual rental income, this also ensures that income is secured, by locking tenants into current leases at market level rent rates.

The council has a targeted disposal programme, to be delivered by 2020-2021, identified through asset rationalisation and the release of surplus assets. Disposal channels include sale on the open market, private treaty, auction, community asset transfer and WV Living.

Corporate Landlord is refreshing and reviewing the council's Investment Strategy, in relation to assets, and once completed it will be referenced within this Asset Management Strategy document. Current major property investments, within the medium term, include:

### **i9 and i10 Office and Commercial Buildings**

The £8 million i10 office and retail facility was successfully opened in early 2016, attracting big name tenants such as Greene King and Tarmac. The £13 million i9 office building, creating 300 jobs, is due to commence in February 2019 with completion expected in 2020.

### **Wolverhampton Interchange**

The i10 success is complemented by plans for a fully integrated transport hub at Wolverhampton, providing an attractive and effective gateway for the Black Country with improved links to Birmingham and the proposed high-speed railway (HS2). Work is underway on the new railway station with completion expected in 2020.

### **i54 Business Park**

The successful i54 Enterprise Zone scheme has attracted inward investment of around £600 million from Jaguar Land Rover, Moog, Eurofins, ERA, Atlas Copco and International Security Printers Ltd. A further 100-acre expansion is planned which could attract further inward investment and create 2,700 new jobs.

### **East Park Gateway**

The phased delivery of the East Park Gateway regeneration programme will deliver new industrial, housing and environmental improvements, attracting new investment and jobs to the city.

### **Bilston Urban Village**

The Regeneration of Bilston town centre including infrastructure, services and remediation work to bring major new residential and employment opportunities. A new Leisure Centre and Secondary School has seen £45 million in investment. Work is well underway to deliver 500 new homes, with further significant investment in the improvement and creation of new public open spaces, commercial development and employment opportunities.



### Civic Halls and Grand Theatre

A major refurbishment of the Grand Theatre was completed in 2016. A £38 million full improvement and restoration scheme to the Civic Halls is underway and due for completion in 2020. This will secure jobs and investment and enable the city to meet future demand and stimulate further economic development.

### Markets

A re-invigorated and modernised outdoor market, in its new location within the city centre, opened July 2018. With a £4.9 million investment, this improves and enhances the market offer in Wolverhampton and enables the regeneration of Westside to commence.

### Westside Development

The council has announced its preferred Westside developer as Urban and Civic plc, to deliver a multi-million pound scheme, which includes a multi-screen cinema, restaurants, bars, hotel, multi-storey car park, apartments and public realm in two phases over five years.

### Primary and Secondary Schools Expansion Programme

The council has approved £34 million of investment between 2015 and 2019 to meet predicted demand for school places in coming years. This includes building a new Primary School along with expansion of several existing schools.

## Our Corporate Landlord Approach

The way we manage our assets is important. We need to ensure that our land and buildings are managed as corporate resources, the right stakeholders are involved, and decisions are made in the context of the council's priorities and objectives.

The concept of a Corporate Landlord Approach is that the ownership of an asset and the responsibility for its management and maintenance is transferred from service areas into the corporate centre. The service area then becomes a corporate tenant and their priority is to plan and deliver their service to the best of their ability. The Corporate Landlord's function is to ensure all services are adequately accommodated and to maintain and manage the associated land and property assets.

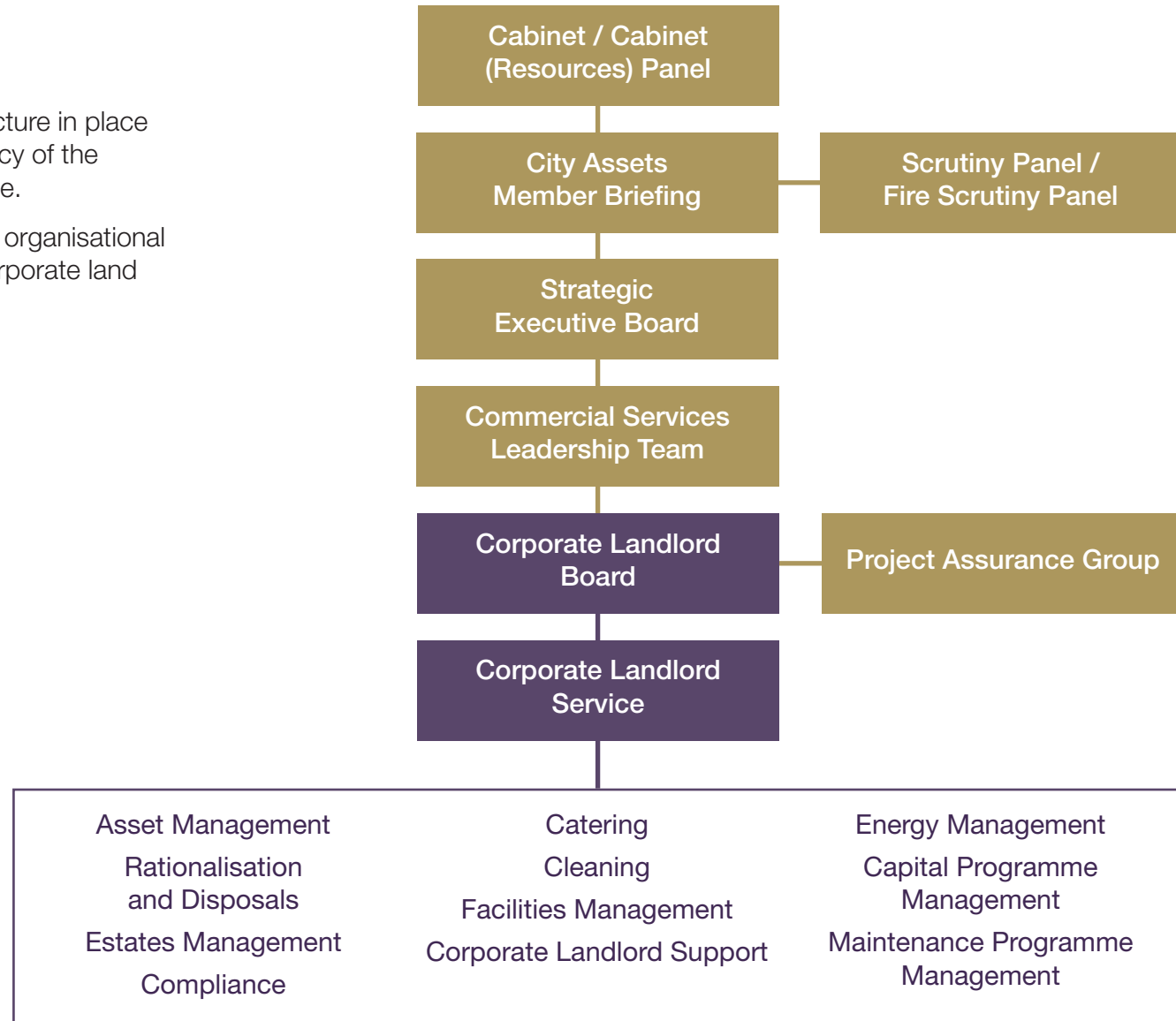
The Corporate Landlord's responsibility extends further to the acquisition, development and disposal of land and buildings. The Corporate Landlord is responsible for asset planning, review, feasibility and options appraisal accounting for the needs of all service areas, but most importantly, making decisions based on overall corporate priorities.

In Wolverhampton, the Corporate Landlord is responsible for the following activities:

- Design and Project Management
- Statutory Compliance of Buildings
- Energy Management
- Management and Commissioning of Repairs and Maintenance
- Facilities Management (in relation to cleaning, catering, security, caretaking and area facilities officers)
- Estates and Valuation Services
- Strategic Asset Management Planning
- Management of the Council's Investment Property

There is a robust governance structure in place providing direction and transparency of the management of the council's estate.

The diagram opposite outlines the organisational structure for the governance of corporate land and building assets.





## Measuring our Performance

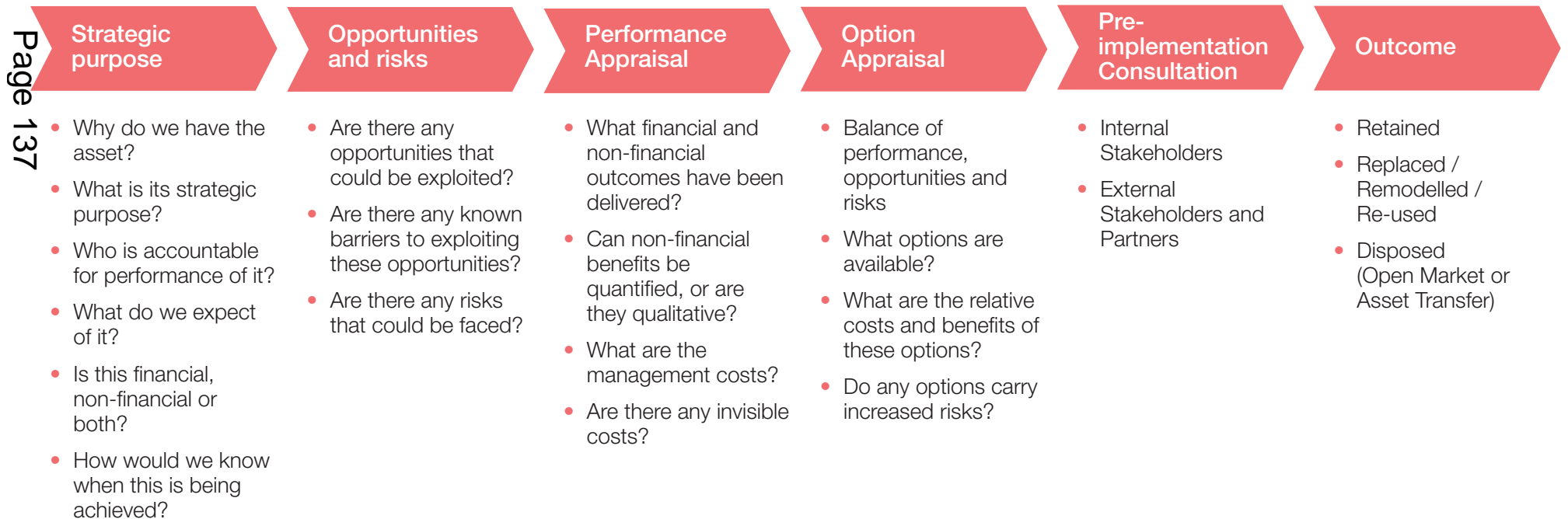
To manage our assets effectively and efficiently we need to know how they are performing. To do this we use a selection of Performance Dashboards, covering performance in utilisation, cost and income. These Performance Dashboards are to be a standing item on the Corporate Landlord Board's agenda and feed into the Asset Challenge process.



# Challenging our Assets

Asset Challenge is an embedded process, which means that we will be reviewing all of our asset portfolio on a continuous rolling programme. This ensures that only those assets that are needed are retained. The ultimate aims of Asset Challenge are to reduce costs, identify assets that should be retained for use and/or invested in, identify those that are surplus to requirements and therefore can be disposed of.

To do this, each asset is assessed using a step-by-step challenge process, ensuring that every asset has been fundamentally tested against a common set of criteria. Our outline challenge process is set out below:



## Our Assets

Our Assets is our forward-looking programme, forming part of the overarching Confident Capable Council (C3) transformational programme structure, building on the work of the Future Space programme that it supercedes.

The key drivers for the programme are set out here:

**Closing the buildings that we don't need** – operating efficiently within the office buildings that we need and disposing of the buildings we don't.

**Addressing the essential maintenance needs of our remaining buildings** – repairing the Civic Centre mechanical and electrical (M&E) systems and prolonging their operational lifespan; addressing critical structural issues.

**Complying with statutory regulations** – ensuring that actions are taken to ensure that buildings are compliant with statutory obligations in respect of Fire, Legionella and Asbestos.

**Optimising income** – protecting existing income streams from assets (such as the Civic Centre Car Park) and investing in buildings where additional income can be generated.

**Using less energy** – improving energy efficiency in our offices and other buildings and reducing running costs.

**Enabling more efficient team-working** – working more flexibly within our buildings, through promotion of agile working, and providing modern fit-for-purpose workplaces.

**One Public Estate** – city based asset management to enable Public Sector providers to collaborate on strategic planning and management of their land and buildings as a collective resource.

**Serving our customers more efficiently** – focusing on what our customers want and need, using better accessible and inclusive facilities to serve them.

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## Maintaining our Assets

Maintenance and statutory liabilities are currently estimated at an ever-increasing £65 million, with an annual spend of around £8 million against this, and it is vitally important that we look after our assets. Our overall strategy is to ensure that our finite and reducing maintenance resources are prioritised to appropriate buildings, where the money is needed most. We identify these priorities by conducting a rolling programme of condition surveys which aims to understand maintenance requirements over a period of 10 years, with aspirations to complete lifecycle condition surveys on selected assets to cover a period of 25 years. This will enable a better-informed decision-making approach and maximise efficiencies by planning over a longer time horizon, instead of reacting to emergencies as they happen.

Our four key aims for Building Maintenance are:

1. To ensure our Buildings are safe and secure for the people who use them
2. To allocate funding to projects that will achieve the maximum positive impact
3. To achieve an efficient balance between planned and reactive maintenance work
4. Achieving maximum efficiencies in the way we procure building maintenance work

## Working with Partners

We are active members of the One Public Estate programme, working closely with other Public Sector organisations across the city to explore opportunities to reduce premises costs and make assets work better for our communities and customers.

This includes developing a Health and Social Care Hub solution and a Public Sector Hub for the residents of Wolverhampton. The lead partners are Community Health Partnership, Clinical Commissioning Group, Royal Wolverhampton NHS Trust, Black Country Partnership Foundation Trust and University of Wolverhampton.

We are also working with the West Midland Combined Authority, exploring opportunities for shared services and how our assets may be able to support this.



There are many more opportunities across the city to explore ‘campus’ type arrangements, shared buildings and community/public service points – taking a whole-city public sector planning approach and encompassing the needs of our communities.

The strategic objectives of the One Public Estate programme are to:

**Provide improved joined-up and customer-focussed services -**

enabling greater collaborative working across public service providers in the city to support individuals, families and communities.

**Provide improved access to public services in the city -** reducing demand and avoidable customer contacts.

**Deliver public service efficiency savings -** through greater service integration and new delivery models, supporting service demand-management approaches.

**Deliver greater savings in running and maintenance costs -** through sharing public service buildings.

**Work closely with community organisations -** optimising the use of assets where most benefit can be realised.

**Contribute to wider economic, social and environmental outcomes for the city -**

for example, creating new jobs in the city by attracting Government department relocation from London, cutting carbon emissions in the city’.

**Create standard practices for performance measurement -** reviewing the metrics for building occupancy and space utilisation, void properties and rent levels across the city.

A newly-formed Public Sector Asset Management Board, with representatives from all Public Sector Partners, is soon to be implemented. This Board will have its own Terms of Reference and governance to establish how partners will jointly rationalise and dispose of assets, through identification of gaps in services within the city.

Finally, we are engaging with our Health Colleagues through a Local Estates Forum across the city area. This is a strategic forum with executive representation from all organisations across Health and Social Care in Wolverhampton.



## Engaging with our Communities

We lease more than 20 properties to voluntary and community organisations, often at reduced or minimal rents, or preferential terms. We have also transferred buildings to local organisations who run them successfully for the benefit of their local communities. These arrangements range from short-term licences to long leases, and this process is known as ‘Community Asset Transfer’ (CAT).

Local people are often best placed to manage community facilities in their area. They already make extensive use of these assets and their local knowledge and hands-on management often results in lower overheads and better value-for-money. Community organisations also use volunteers and take great pride in their local area.

Managing these facilities can help to empower local communities and can bring opportunities for greater independence and financial sustainability. When done well, CAT can create lasting change in local neighbourhoods.

We are fully committed to using our assets to form long-term partnerships with suitable community organisations, to create stronger, more cohesive and more sustainable communities.

## Supporting our Service Areas

In support of service areas across the council and external partners, the strategy will enable and facilitate service transformation by maximising the use of assets across the Public Sector. Examples of these include:

**Health and Social Care:** The linking of Health and Social Care has resulted in the council and Public Sector partners examining how these services are accessed and delivered, alongside the effectiveness of different facilities. Moving forward, we are looking at a more modern approach, providing us with opportunities to re-assess the use and occupation of associated property in alignment to asset rationalisation.

**Youth Offending Team and Looked After Children Service:** Relocation of the services from their existing premises into appropriate locations to release valuable assets for disposal.

**Community Associations – engagement:** Engagement with Community Associations to support them in maintaining provision of activities at council-owned Community Centres. Dialogue has been maintained with Community Associations and moving forward, we are looking at providing more flexible lease arrangements, certainty of occupation and restructuring council charges to Community Associations to address some of the issues raised.

**New investment property (Invest Wolverhampton):** We have an ambitious vision for Wolverhampton for the next decade, seeing the city become a key office location for the region, with a leisure and retail offer underpinning significant residential expansion. We are ready to support development through use of our access to funding alongside our significant landholdings across Wolverhampton.

**WV Living:** We fully support WV Living by considering its requirements for well-positioned development sites for the building of affordable and desirable homes across the city, when council sites are identified for disposal.

**Wolverhampton Homes:** Working in partnership with Wolverhampton Homes in relocating into purpose-built headquarters accommodation. Identifying options for relocation from our property portfolio and exploring disposal opportunities for vacated properties. The vacation of the existing headquarters building will contribute to the Waste and Recycling Programme.

## Our Forward Plan

This document outlines the key strategic objectives for the city's land and buildings over the next three years. Our Asset Management Action Plan further describes the specific activities to achieve these objectives, categorised under three key thematic headings of Strategic, Operational and Service Improvement actions. The Asset Management Strategy will be reviewed annually, whilst the Asset Management Action Plan will be managed, monitored and updated continuously to report on progress and achievements. This means that the document will be continually changing to reflect achievement of actions and capturing new priorities and initiatives as they are identified.







# Asset Management Action Plan



**Asset Management Action Plan**  
**A. Action Plan Monitor | Strategic**

Action Reference Number	Action Description	Key Asset Management Strategy Objective	SMART Objective	Key Milestones			Accountability	Resource Implications
				2018/19	2019/20	2020/21		
A1	Review of Investment Strategy - including Acquisitions, Investments and Disinvestments	To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities	By 31 March 2019 have in place an Investment Strategy to identify commercial opportunities and prioritisation of resources	Engage with Investment specialists to develop Investment Strategy for the future management of assets			Corporate Landlord Board	Internal and External Resource
A2	Asset Challenge - Rationalisation of the Council's Asset Portfolio - identification of sites for housing, co-location and disposal	To provide the right property, fit for purpose, in the right place, to meet current service needs and plans for the future	By 31 March 2020 support the Council's Medium Term Financial Strategy Disposal programme through asset challenge and rationalisation of the asset portfolio	Complete Phase 1 of the Land and Buildings Asset Challenge - categorising assets into Dispose, Retain, Replace/Remodel/Reuse	Initiate implementation phase of outcomes of the Land and Buildings Asset Challenge		Corporate Landlord Board	Internal Resource
A3	Disposals Strategy and Programme management	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By 31 March 2019 implement and embed a strategy to provide a consistent approach to disposal of assets	Develop a fit-for-purpose Disposals Strategy, implementing the performance and programme management arrangements to support it			Corporate Landlord Board	Internal Resource
A4	Delivery of Our Assets Programme, enabling public service reform	To promote joint working where it will provide benefit for service delivery and in securing efficiencies	By March 2021 optimise utilisation of the collective Public Sector assets within the City, to improve the effectiveness and efficiency of services through the co-location	Post-Civic Centre refurbishment, increase occupancy and maximise utilisation to release surplus Council assets  Explore the feasibility of co-location opportunities with other Public Sector organisations in support of the One Public Estate (OPE) initiative	Plan for the delivery of co-location opportunities, in line with OPE feasibility outcomes	Deliver OPE co-location solutions with other Public Sector organisations	Corporate Landlord Board  Local Estates Forum (LEF)	Internal and External Resource
A5	Review and improve Community Asset Transfer Strategy (CAT)	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By 31 March 2019 modernise the current CAT strategy	Review the existing CAT strategy (in consultation with community organisations) to streamline and improve the process			Corporate Landlord Board	Internal Resource
A6	Review of Energy Strategy (including Carbon Reduction Commitment)	To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities	By 31 March 2019 update and refine the Energy Strategy, to minimise energy demand, supply remaining requirements efficiently and reduce carbon emissions	Produce an updated Energy Strategy  Explore renewable energy opportunities (including with partners)			Corporate Landlord Board	Internal and External Resource

## Asset Management Action Plan

## A. Action Plan Monitor | Strategic

Action Reference Number	Action Description	Key Asset Management Strategy Objective	SMART Objective	Key Milestones			Accountability	Resource Implications
				2018/19	2019/20	2020/21		
A7	Review of performance regime managed through Corporate Landlord Board	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By 31 March 2019 agree a suite of asset performance metrics for presentation to Corporate Landlord Board	Develop asset performance dashboards to meet requirements of Corporate Landlord Board and Leadership Teams			Corporate Landlord Board	Internal Resource
A8	One Public Estate - Health and Social Care Hub solution, Public Sector Hub	To promote joint working where it will provide benefit for service delivery and in securing efficiencies	By 31 March 2021 confirm financial viability of options and progress to delivery of approved schemes	Confirm financial viability of each scheme with key stakeholders	Secure funding packages to deliver approved schemes	Commence delivery of approved schemes	Corporate Landlord Board Local Estates Forum (LEF)	Internal and External Resource
A9	Review contribution of assets to the Regeneration Agenda	To use land and buildings to stimulate development and growth, together with supporting local business needs and encouraging new business to the area	By 31 March 2019 formalise engagement with Regeneration Service in identifying how assets can influence and be a catalyst for change	Formulate a route for dialogue and collaboration with Regeneration Service			Corporate Landlord Board Regeneration Service	Internal Resource
A10	Fixed Assets Valuation Programme	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By 30 January 2019 determine asset valuations programme, procure a valuation provider and complete valuations	Set the Fixed Assets Valuation Programme  Procure a Fixed Assets Valuation provider  Complete Fixed Assets Valuation Programme			Corporate Landlord Service Corporate Finance	Internal and External Resource

**Asset Management Action Plan**  
**B. Action Plan Monitor | Operational**

Action Reference Number	Action Description	Key Asset Management Strategy Objective	SMART Objective	Key Milestones			Accountability	Resource Implications
				2018/19	2019/20	2020/21		
B1	Assets Data and Information systems integration	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By 31 March 2019 Business Intelligence System (FOCAL365) will be fully operational, enabling access to live asset performance data	Complete the data cleanse and validation of SAM assets data  Enhance the usage of SAM to allow live assets data to be concentrated in one system  Embed FOCAL365 as the assets management reporting and analysis tool	Review the benefits of the continued use of FOCAL365 and explore potential alternative opportunities arising from the Digital Transformation Programme		Corporate Landlord Service	Internal and External Resource
B2	Corporate Asset Management Fund (CAMF)	To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities	By 31 March 2021 identify schemes, commission works and manage delivery of prioritised statutory and maintenance requirements for Corporate Buildings	Manage and report on 2018/19 CAMF	Manage and report on 2019/20 CAMF	Prepare capital funding requests for the next 3-5 years within the Medium Term Financial Strategy (MTFS)	Corporate Landlord Service  Corporate Finance	Internal Resource
B3	Schools Capital Programme	To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities	By 31 March 2019 identify schemes, commission works and manage delivery of prioritised statutory and maintenance requirements for Schools	Manage and report on 2018/19 Schools Capital Programme  Prepare capital funding requests for 2019/20 programme	Manage and report on 2019/20 Schools Capital Programme  Prepare capital funding requests for 2020/21 programme	Manage and report on 2020/21 Schools Capital Programme  Prepare capital funding requests for 2021/22 programme (subject to academisation)	Corporate Landlord Service  Finance	Internal Resource
B4	Statutory Compliance function (Fire, Asbestos, Legionella, Contract Management)	To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities	By 31 March 2019 assure CWC compliance with all building related statutory regulations	Present Business Case for recruitment of a dedicated Fire Safety Officer in the Assets Service structure  Enhance systems to incorporate all asset compliance data into a single source			Corporate Landlord Service	Internal and External Resource

B5	Commercial Management of i9, i10, i11	To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities	By 31 March 2021 maximise occupancy and income through engagement with external marketing specialists and working with existing tenants	Market vacant retail units within i10 to achieve 100% occupancy  Work with the existing i10 tenants to make best use of available space to meet their requirements  Market and secure a new tenant for imminently vacant office accommodation within i11 building	Work with the developer and external marketing specialists to secure tenancy of the new-build i9 building	Work with the developer and external marketing specialists to secure tenancy of the new-build i9 building	Corporate Landlord Service  City Development	Internal and External Resource
B6	Commercial Estate Management	To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities	By 31 March 2021 maximise occupancy and income through timely lease renewals, rent reviews, Service Charges and management of debt, alongside a review of assets leased-in to CWC	Review leases (including service charges) and rent reviews due in 2018/19  Work with tenants and Debt Management to reduce debt levels  Commence quarterly performance reporting of the Commercial Portfolio	Review leases (including service charges) and rent reviews due in 2019/20  Identify investment and disinvestment requirements to maximise income and reduce net cost	Review leases (including service charges) and rent reviews due in 2020/21	Corporate Landlord Service	Internal and External Resource
B7	Asset Lifecycle Condition	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By 31 March 2021 complete Asset Lifecycle Condition Surveys for the retained corporate asset portfolio to enable targeted investment	Identify the priority buildings that would benefit from Asset Lifecycle Condition Survey  Ascertain costs and identify existing funding for delivery of these	To continue further prioritisation of lifecycle condition surveys	To continue further prioritisation of lifecycle condition surveys	Corporate Landlord Service	Internal and External Resource
B8	Review of Land and Property Enquiries process	To manage and maintain property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities	By 31 March 2019 review the Land and Property Enquiries process to ensure consistent and fit for purpose handling of enquiries	Review existing Land and Property Enquiries process, with consideration to realistic fee charges			Corporate Landlord Service	Internal Resource
B9	Service Leadership Teams engagement	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By 31 March 2019 Corporate Landlord to collaboratively engage with service leadership teams on the future use of the respective asset portfolio	Programme Corporate Landlord attendance at quarterly leadership team meetings to review service occupancy of assets and feedback outcomes to the Asset Challenge programme			Corporate Landlord Service	Internal Resource
B10	Tactical Loss of Facilities Plan (Civic Centre)	To provide the right property, fit for purpose, in the right place, to meet current service needs and plans for the future	By 31 May 2018 implement the Tactical Loss of Facilities Plan	Maintain Tactical Loss of Facilities Plan (Appendix A - 'Available premises for relocation of critical functions')			Corporate Landlord Service	Internal Resource

**Asset Management Action Plan**





**C. Action Plan Monitor | Service Improvement**

Action Reference Number	Action Description	Key Asset Management Strategy Objective	SMART Objective	Key Milestones			Accountability	Resource Implications
				2018/19	2019/20	2020/21		
C1	Support Wolverhampton Homes in the rationalisation of it's portfolio	To provide the right property, fit for purpose, in the right place, to meet current service needs and plans for the future	By March 2020 support implementation of agreed rationalisation options for Wolverhampton Homes portfolio	Agree Wolverhampton Homes' support requirements	Support approval of rationalisation options	Support implementation of approved rationalisation options	Corporate Landlord Service Wolverhampton Homes	Internal and External Resource
C2	Relocation of Youth Offending Team and Looked After Children services	To provide the right property, fit for purpose, in the right place, to meet current service needs and plans for the future	By March 2019 relocate both services to either a shared site or individual sites	Identify new location(s) and seek approval to proceed  Undertake required physical adaptations and relocate services	Progress the disposal of Beldray and Beckminster to support the Council's disposal programme		Corporate Landlord Service Childrens Services	Internal Resource
C3	Review of Community Facilities - including Community Centres, Community Hubs, Bilston Town Hall, etc	To provide the right property, fit for purpose, in the right place, to meet current service needs and plans for the future	By March 2019 review services delivered from community buildings, to understand net cost and enhance the offering to communities	Completion of net cost analysis  Review of occupation and associated service level agreements with community organisations			Corporate Landlord Service	Internal and External Resource
C4	Future use of former Dudley Road School	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By November 2018 complete option appraisal for the future of former Dudley Road School	Feasibility study of available options for the future use of Dudley Road School  Seek approval for option for future use of Dudley Road School			Corporate Landlord Service	Internal and External Resource
C5	Future use of former Parkfields School	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By March 2019 finalise proposals for the future of former Parkfields School	Develop business case and seek approval to redevelop the vacant part of former Parkfields School site for housing development  Seek external grant funding for ground remediation and demolitions  Identify relocation option for the Education Library Service  Support Pupil Referral Unit service in maximising their utilisation of the retained part of the former Parkfields School site			Corporate Landlord Service	Internal Resource

C6	Support relocation of Meals Service and Central Youth Theatre from former Stowheath Day Training Centre	To plan and manage property as a corporate resource for the benefit of the people of the City of Wolverhampton	By June 2019 identify relocation options and relocate services to release the current location for disposal	Identify relocation options  Seek approval for agreed relocation option(s) for each service	Relocate services to new location(s)		Corporate Landlord Service	Internal Resource
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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Cabinet</b> <b>17 October 2018</b>
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<b>Report title</b>	Wolverhampton Safeguarding Children Board and Wolverhampton Safeguarding Adults Board Annual Report 2017-2018	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Sandra Samuels OBE, Adults Councillor Paul Sweet, Children and Young People	
<b>Key decision</b>	No	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Mark Taylor, Strategic Director, People	
<b>Originating service</b>	Wolverhampton Safeguarding Boards	
<b>Accountable employee</b>	Dawn Williams	Head of Safeguarding
	Tel	01902 550655
	Email	<a href="mailto:dawn.williams@wolverhampton.gov.uk">dawn.williams@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Strategic Executive Board	2 October 2018
	Children, Young People and Families Scrutiny Panel	5 September 2018
	Adults and Safer City Scrutiny Panel	25 September 2018

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**Recommendation for decision:**

The Cabinet is recommended to:

Endorse the final report of the Wolverhampton Safeguarding Children Board and Wolverhampton Safeguarding Adults Board Annual Report 2017-2018.

## **1.0 Purpose**

- 1.1 This Annual Report aims to inform Cabinet of the safeguarding activity during 2017-2018, highlighting the progress made against the priorities for that period.
- 1.2 The Annual Report is agreed by the Wolverhampton Safeguarding Executive and was approved at the Wolverhampton Safeguarding Board on 14 September 2018. Some amendments have been made to the Annual Report based on feedback from meetings with the Cabinet Members for Adults and Children and Young People, and the respective Scrutiny Panels.
- 1.3 The Annual Report provides an overview of how partners, including City of Wolverhampton Council, have discharged their safeguarding responsibilities over the preceding year.

## **2.0 Background**

- 2.1 This item was considered as pre-decision scrutiny on 5 September 2018 by the Children, Young People and Families Scrutiny Panel, and by the Adults and Safer City Scrutiny Panel on 25 September 2018, and will therefore not be available to call in once a decision is made by Cabinet.
- 2.2 The Wolverhampton Safeguarding Boards (WSB) are statutory bodies set up in accordance with the Children Act 2004, and Care Act 2014, respectively. The Boards are a partnership of enthusiastic members, dedicated to the improvement of practice and services that safeguard children in Wolverhampton.
- 2.3 WSB works closely with other strategic boards including the Health and Wellbeing Board, and the Safer Wolverhampton Partnership.
- 2.4 The Annual Report is a summary of WSB work during 2017-2018.
- 2.5 This report is formally the responsibility of the Independent Chair of the Safeguarding Boards, Linda Sanders. The content, in accordance with Working together to safeguard Children, 2018, must be submitted to the Managing Director of the Council, the Leader of the Council, the local Police and Crime Commissioner and the Chair of the Health and Wellbeing Together Board.
- 2.6 Overall, the Wolverhampton Safeguarding Children Board (WSCB) believes that arrangements for safeguarding children in Wolverhampton during this period was effective and that there remains a strong commitment to safeguarding children across the partnership.

## **3.0 Progress**

- 3.1 The Annual Report reflects on the achievement of the WSB against four key priorities; these being:

- 3.2 **Priority 1: We will operate an effective board that focuses its work on local safeguarding priorities including support, challenge and holding multi-agencies to account for their contribution to the safety and protection of children and adults living in the City of Wolverhampton** – This has been achieved by bringing together areas of governance such as a joint risk assessment and a joint strategic plan. Furthermore, promotion of the ‘Think Family’ approach across the partnership and increased infrastructure to support the Boards service delivery.
- 3.3 **Priority 2: We will develop rigorous approaches to monitoring and evaluating the impact of services on safeguarding children & adults, and we will drive improvements in practice through timely and robust methods of learning and development** - During this reporting period, the Performance Committee (children’s) and the Quality and Performance Committee (adults) fully reviewed their performance scorecards to ensure that they provide a holistic, multi-agency picture of safeguarding across the partnership and thresholds for intervention. Action was also take to strengthen the multi-agency audit activity
- 3.4 **Priority 3: We will ensure that everything we do promotes improved practice to help safeguard and meet the needs of those children and adults who are particularly vulnerable or are at increased risk of abuse and harm** - Quality assurance activity across the boards help in understanding the experiences of children and adults when their needs are identified or as they receive services. Through ensuring Thresholds to accessing services are consistent, focusing on hospital admissions, understanding the impact of Private Fostering and the exploring the challenges posed by Deprivation of Liberty Safeguards the Boards have promoted and tested practice across Wolverhampton.
- 3.5 **Priority 4: We will ensure that we engage children and families, adults and communities of all backgrounds and make up, in the work of Wolverhampton Safeguarding Boards** - The Boards have led three key campaigns over the reporting Period; ‘Orange Wolverhampton’ (awareness raising of the Violence against Women and Girls agenda), ‘Empowering Hard to Reach Communities’ (addressing Domestic Violence in the City in conjunction with the Domestic Violence Forum) and ‘What is Safeguarding?’ which focused on raising awareness of safeguarding amongst the public. Engagement has also been achieved in the embracing of the work of the B-Safe team and working closely with Health Watch to understand the needs of vulnerable adults in the City.
- 4.0 Evaluation of alternative options**
- 4.1 The Annual Report is a statutory requirement. This Annual Report attempts to offer the reader a format which is accessible and understood. The bringing together the reports of the Adults Safeguarding Board and the Children’s Safeguarding Board is an attempt to align the business of both Boards and encourage a ‘Think Family’ approach.

## **5.0 Reasons for decision**

- 5.1 Cabinet have a statutory responsibility to have sight of the Safeguarding Board Annual Reports as the Local Authority is a lead partner in the delivery of the safeguarding agenda. Cabinet oversight supports rigorous governance of Safeguarding within the City of Wolverhampton and enhances the credibility of the priorities of the safeguarding partnership.

## **6.0 Financial implications**

- 6.1 There are no direct financial implications as a result of publishing of the WSB Annual Report.
- 6.2 Any costs associated with the production of the WSB Annual report are covered within the Safeguarding Partnership approved budget.

[NM/19092018/M]

## **7.0 Legal implications**

Working Together to Safeguard Children 2018 is a statutory document which outlines the forums at which the Safeguarding Boards Annual Reports must be presented.

[RB/09102018/J]

## **8.0 Equalities implications**

- 8.1 The WSB Annual Report is relevant to all residents of Wolverhampton and includes the protected characteristics of Equality Act 2010.

## **9.0 Environmental implications**

- 9.1 There are no environmental implications arising from this report.

## **10.0 Human resources implications**

- 10.1 There are no human resources implications arising from this report.

## **11.0 Corporate landlord implications**

- 11.1 There are no corporate landlord implications arising from this report.

## **12.0 Appendix**

Appendix 1 - Wolverhampton Safeguarding Children Board and Safeguarding Adults Board Annual Report 2017-2018



Wolverhampton  
Safeguarding Children Board (WSCB)  
& Safeguarding Adult Board (WSAB)

**Annual Report 2017-18**



# Foreword from the Independent Chair



**Linda Sanders, Independent Chairperson  
Wolverhampton Safeguarding Boards**

As the new Independent Chair of the Wolverhampton Safeguarding Children and Safeguarding Adults Boards since September 2017, I am pleased to present the Annual Report 2017/18 on behalf of all the partner agencies and organisations that contribute to our work.

I would like to record thanks to Alan Coe, the previous Chair for his leadership of the Boards during some of the period this report covers. I also wish to thank the frontline staff and volunteers who work tirelessly to support our vulnerable children, families and adults with care and support needs, in an effort to improve their lives and bring about sustained change. I would like to relay my thanks also to all of the partners involved in our Safeguarding Partnership in the City who continue to play their part in building a culture where adults, children, young people, carers and families are listened to and their views influence practice. A special thanks also to B-Safe, the junior safeguarding board, who provide a strong young peoples' voice to inform our safeguarding work in the City.

One of my priorities since taking up the role of Chair across the two Boards has been to work with members to ensure there is greater join up of conversations and activity across Children and Adults' Safeguarding. In a challenging environment where resources are under strain and there are increasing areas of common interest, such as County Lines, Domestic Abuse and Violence against Women and Girls to name but a few, we have exerted effort this year in reviewing and changing our Governance Structures to enable us to work more efficiently by providing a platform for cross-cutting areas of work that will foster improved communication and joint working.

As a result, and in the spirit of integration, this Annual Report is our first Joint Children and Adults Safeguarding Annual Report. Within the joint format the report continues to provide distinct findings about practice and performance in each area to ensure it met the statutory requirements of Working Together 2015 and the Care Act 2014. I hope it also enables the reader to understand what the Boards do "better together" and where we can continue to develop our collective response.

The report provides clear evidence of sustained strong partnership working across the agencies that work in Wolverhampton. The Safeguarding Boards provide support and critical enquiry to ensure that organisations work together to reduce or prevent abuse and neglect of children and adults. There is much to celebrate about our achievements this year, as you will see in this report. There is always more that we can do and we outline our joint priorities for 2018-19 at the end of the report.

Finally, in light of the recently published Working Together 2018 Statutory Guidance for Children's Safeguarding, we will ensure that we fulfil the new requirements whilst also maintaining and developing further the Safeguarding Partnership's collaboration across children and adults Safeguarding work in the city to further improve and quality assure practice.

I hope that you find this report informative and would welcome feedback on the new format.

A handwritten signature in black ink, appearing to read 'Linda Sanders', with a large, stylized initial 'L'.

**Linda Sanders**

Independent Chair, Wolverhampton Safeguarding Children and Adult Boards

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- Local Authority Designated Officer (LADO)
- Training
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## SECTION 1- ABOUT THE ANNUAL REPORT

This Annual Report covers 1 April 2017 to 31 March 2018. It evaluates the effectiveness of safeguarding arrangements for children and young people, which is the responsibility of Wolverhampton Safeguarding Children Board (WSCB) and Adults with care and support needs which is the remit of Wolverhampton Safeguarding Adult Board (WSAB). Much of the report also focuses on the joint work of the Boards, which is referenced as Wolverhampton Safeguarding Boards (WSBs) throughout.

The report focuses on the five priority areas outlined in the Adults Safeguarding Board Strategic Plan 2016-18, and four priority areas outlined in the Children's Safeguarding Board Strategic Plan 2016-2018.

Information is drawn from a wide range of sources from across the partnership and sets out the achievements made and the areas we need to exert additional focus and scrutiny to make improvements.

- Pages 8-14 sets out the **governance and accountability arrangements** for the Safeguarding Children and Adults' Boards. Details are provided about the structures in place and the resources available to support the Boards to fulfil its remit effectively.
- Pages 15-25 outlines the **progress against WSAB and WSCB strategic priorities** and in particular the support that is provided through its Committees.
- Pages 26-35 illustrate the lessons learnt through **Learning and Improvement** activity and the action taken by Wolverhampton Safeguarding Boards to ensure that this learning informs practice improvement as a result. It also

outlines the range and impact of the **multi-agency safeguarding training** delivered by Wolverhampton Safeguarding Board.

- Pages 35 provides an annual **summary of the work of the Child Death Overview Panel** and identifies modifiable factors that can be changed to avoid future deaths.

This report has been shared with: All Statutory Partners of the Wolverhampton Safeguarding Boards, the Leader and the Managing Director of the Council, the Lead Members for Children's and Adults Services and Scrutiny Committees, West Midlands Police, Healthwatch, the Chair of the Safer Wolverhampton Partnership, the Chair of the Health and Wellbeing Board, The Leader of the Council and the Chair of the Children's Trust.

# Key Achievements

*Here's an at a glance summary of our key achievements this year, and our areas for continued improvement in accordance with Ofsted recommendations.*



We've put 'Think Family' at the heart of what we do across children's and adults safeguarding – driving us to join up some of the Boards' committees, Executive and integrating our Board meeting; undertaking joint audits and learning together through training & conferences.



We've developed a Joint Board's Risk Register, as recommended by Ofsted. This is reviewed by our Executive or committee and shared at our Integrated Children & Adult's Board meeting. This helps us to see risks across the systems and how best we can utilise our resources to fix the problems and reduce the risks.



We've completely revised our performance scorecards for Children and Adults so that they contain more information about partners safeguarding work. This will help us to see how the safeguarding system is working across agencies and thresholds (this was also an Ofsted inspection recommendation for the Safeguarding Children Board.)



We've refreshed and re-launched our Children's Thresholds document and delivered a series of briefings sessions to support the launch. Now we're actively monitoring the impact of this.



We've spread the word about preventing and responding to bullying through our B-Safe Team's work with schools and important contribution of their anti-bullying charter



We're strengthening, safeguarding and improving relationships with the faith sector through funding a new Faith Engagement Worker from Wolverhampton Voluntary Sector Council.



## SECTION 2 - ABOUT THE BOARDS

Wolverhampton Safeguarding Adults Board (WSAB) is a statutory body set up in accordance with the Care Act 2014. Wolverhampton Safeguarding Children Board (WSCB) is a statutory body established under the Children Act 2004.

Both boards consist of senior leaders from a range of different organisations, and key statutory partners, who work together to safeguard adults with care and support needs and children and young people vulnerable to abuse or neglect.

*We have a responsibility to co-ordinate and ensure the effectiveness of what is done by each agency for the purpose of safeguarding and promoting the welfare of Children and Adults with care and support needs in Wolverhampton.*

We do this by:

- Developing robust policies and procedures both locally and with Adult and Children Boards in the West Midlands Region.
- Participating in the planning of services for Children and Adults in Wolverhampton.
- Communicating the need to safeguard and promote the welfare of Children and Adults and explaining how this can be done.

- Monitoring what is done by partner agencies to safeguard and promote the welfare of Adults and Children.
- Undertaking Serious Case Reviews, Safeguarding Adult Reviews and other multi-agency learning reviews and we share the learning from these with our workforces and the public.
- Collecting and analysing information about child deaths (through the Child Death Overview Panel 'CDOP') and deaths of individuals with learning disabilities (through the Learning Disability Mortality Review 'LeDeR' Programme).

## Our Priorities

Both boards operate to a set of strategic priorities which we have updated to take us through to 2019. There were many similarities across the priorities so this year we set ourselves a task to align both of the Strategic Plans. The strategic plans are reviewed on an annual basis and updated to reflect any emerging key issues for the boards.

### The overarching Strategic Priorities for 2017-2019 are:

1. We will operate an effective board that focuses its work on local safeguarding priorities including support, challenge and holding multi-agencies to account for their contribution to the safety and protection of children and adults living in the City of Wolverhampton (**Effective Leadership, Challenge and Change**)
2. We will develop rigorous approaches to monitoring and evaluating the impact of services on safeguarding children & adults, and we will drive improvements in practice through timely and robust methods of learning and development (**Quality, Performance and Learning**)
3. We will ensure that everything we do promotes improved practice to help safeguard and meet the needs of those children and adults who are particularly vulnerable or are at increased risk of abuse and harm (**Safeguards for particularly vulnerable groups**).
4. We will ensure that we engage children and families, adults and communities of all backgrounds in the work of Wolverhampton Safeguarding Boards (**Communication and Engagement**).

You can find more detail about the work we've done to achieve these objectives in Section 3 of this report.



# Key roles and responsibilities

**The Independent Chair**, Linda Sanders has been in post since September 2017. She is accountable to the **Managing Director of City of Wolverhampton Council** for the effective leadership of the Boards and ensuring they fulfil the statutory functions. The Independent Chair meets regularly with the Managing Director, the Directors of Children's and Adult's Services and the Leader of the Council. The chair also meets with individual board members on a 1-1 basis to seek their views on the effectiveness of the board arrangements and safeguarding issues relating to their agencies.

**The Wolverhampton Safeguarding Boards Business Unit** is made up of an energetic and committed group of staff who work hard to ensure the smooth running of board business. The team comprises a full-time Board Manager, a full-time Board Administrator, a full-time Case Review and Child Death Co-Ordinator and a part-time Learning and Development Officer. As a result of the integration of the Children's and Adult's arrangements, we are also recruiting another Administrator and a Quality Assurance Officer in 2018-19.

**City of Wolverhampton Council** are required to establish a Local Safeguarding Children Board and a Safeguarding Adult Board in the city. The Managing Director holds the Chair to account, whilst the Lead Members for Children's and Adult's Services have responsibility for ensuring the Council fulfils its legal obligations to safeguard children and adults. The Lead Members contribute to Wolverhampton Safeguarding Boards as 'participating observers' to provide scrutiny and, if necessary, challenge to the Wolverhampton Safeguarding Board's members on behalf of children and adults.

**Partner Agencies** are vital to the effectiveness of the safeguarding boards and Wolverhampton benefits from the commitment and resolve of its members in ensuring children and adults are appropriately safeguarded. Members hold a strategic role within their organisations and can make decisions on behalf of their agencies and when required, hold their agencies to account.

**Designated Professionals** play a crucial role in both strategic decision-making and advice to the Boards and its committees on matters of policy and practice. The Local Authority Head of Safeguarding chairs the Safeguarding Adult Review Committee and the Law, Policy and Procedures Committee; the Designated Nurse for Safeguarding Children in Wolverhampton is now the Chair of the Serious Case Review Committee. The Designated Doctor is an active member of the Child Death Overview Panel and chairs the Rapid Response meetings. The Designated Nurse Safeguarding Adults is the Co-Chair of the SAB Quality and Performance

Committee, alongside the Head of Safeguarding for Royal Wolverhampton NHS Trust.

**Lay Members & Local Involvement Networks** are a crucial element of a Safeguarding Boards, providing additional independent scrutiny and a means through which local communities can influence the work of the Boards. WSCB has been fortunate to benefit from the long-standing support of its lay member, David Perrin, who has been in post since 2014. We are also very fortunate to have an active Junior Safeguarding Board, B-Safe, who work closely with WSCB and partners to raise awareness amongst children and young people and to influence the discussions that take place at the Board. Our WSAB, equally benefits from the contribution of 'consumer champion' Healthwatch. Overseen by the Care Quality Commission (CQC), Healthwatch operates at both local and national levels. You can find out more about the contributions of our lay members in Section 3 of this report.

**Committees of the Wolverhampton Safeguarding Boards** work on behalf of the Boards to achieve the objectives within the Wolverhampton Safeguarding Board Strategic Plan. Each committee has its own workplan arising from this plan and equally influences the annual review of the Strategic Plan. Each committee is overseen by a Governance Lead who is a member of the WSAB or WSCB. All committees review their terms of reference and membership on an annual basis and this year we've moved all committees to quarterly meetings to enable task and finish work to be progressed between meetings.

The Executive group, chaired by the Independent Chair, meets on a quarterly basis and oversees the progress against the Strategic Plan on behalf of the Boards. The Executive receives reports from the committees at each of its meetings to evidence the work undertaken and identify any issues that require escalation to main board. The activity of the committees is detailed in Section 3 of this report.

**The Children's Trust** and WSCB have important but distinct roles in keeping children safe. The Trust is accountable for the commissioning of services for Children and Young People in line with the Children, Young People and Families Plan (2015-2025). A number of WSCB members attend the Children's Trust including the Independent Chair.

**The Health and Wellbeing Board** brings together the NHS, Public Health, Adult Social Care and Children Services, including elected representatives and Local Health Watch to plan how best to meet the needs of our local population. WSAB and WSCB works closely with the Health and Wellbeing Board. Several members of the boards are also members of the Health and Wellbeing Board, including the Independent Chair.

**Safer Wolverhampton Partnership (SWP)** is the local Community Safety Partnership. Members of the partnership sit on the Wolverhampton Safeguarding



Boards and vice versa. Performance information is shared across both these strategic groups in relation to areas of joint priority e.g. Domestic Abuse, Violence against Women and Girls, County Lines.

There is a protocol in place to support communication between the Children’s Trust, Health and Wellbeing Board, Safer Wolverhampton Partnership and the Wolverhampton Safeguarding Boards and work is planned to strengthen this during 2018-19 in order to develop a more integrated approach to tackling cross-cutting key issues and associated communication and engagement activity.

Structure charts illustrating the links between the Boards and its committees and the Boards relationships with other partnerships both local and regional is outlined below. Fig 1 demonstrates the work completed this year to join up WSAB and WSCB committees, our Executive and a portion of the Safeguarding Boards meeting to ensure that where possible joined up discussions about cross cutting issues pertaining to children’s and adults safeguarding takes place. The work completed within these joint meetings is outlined in Section 3 of this report.

It should be noted that across the partnership there are established single agency safeguarding groups which are closely linked to the Board and support in the dissemination, promotion and embedding of safeguarding messages.

Fig.1

### WOLVERHAMPTON SAFEGUARDING BOARDS - INTEGRATED STRUCTURE

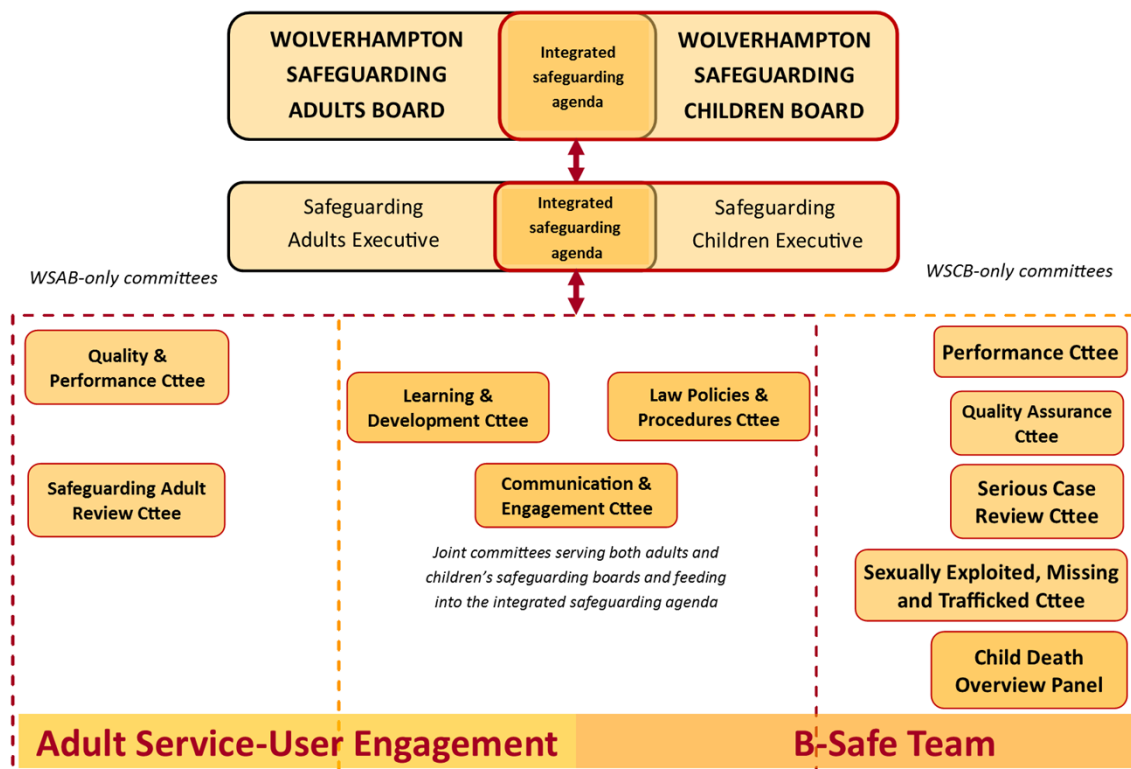
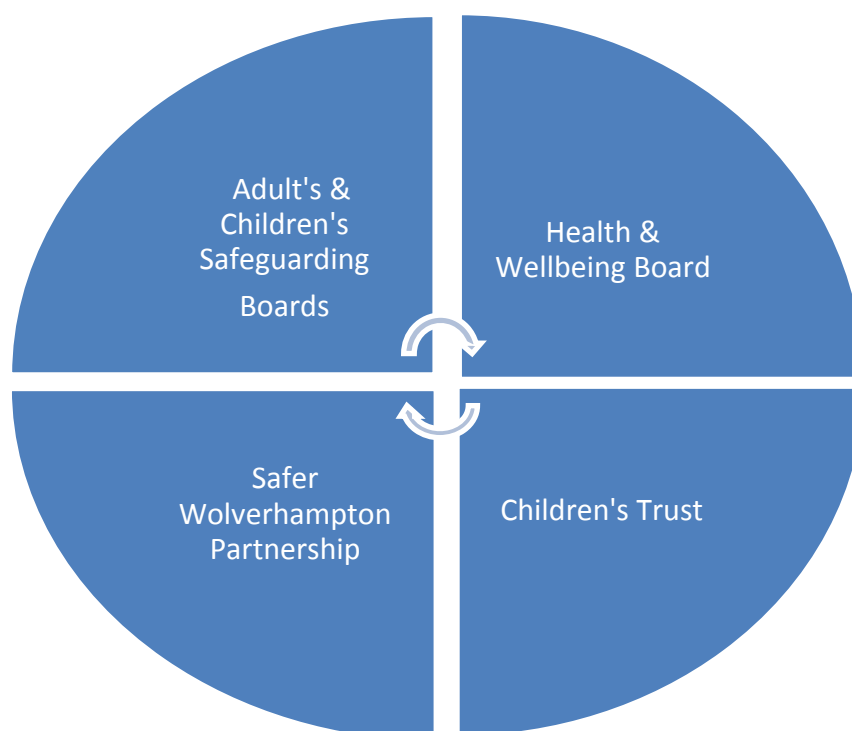


Fig. 2

## Wolverhampton Children and Adult Board links to Partnership and Network Meetings



## Attendance

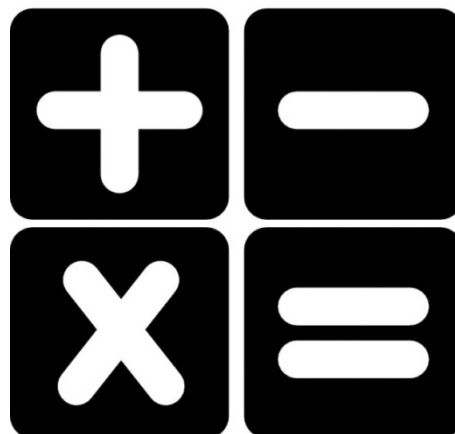
The Boards and its committees have continued to benefit from largely well attended sessions during 2017/18. We recognise that demands on some of the Regional Partners is significant as they service a number of Safeguarding Boards. To support this, the WSCB and WSAB are linked with a number of Regional Groups so that information can be shared once and disseminated across the Boards e.g. Regional Emergency Services Performance Information, Regional Adults Editorial Group, Regional Children's Policy and Procedures Group.

A list of Board Members attendance at the WSAB and WSCB meetings can be found at Appendix A.

## Financial Arrangements

Board partners provide strong financial support to the Joint Budget across Children's and Adult's Safeguarding, in addition to a variety of "in kind" resources such as staff who deliver training and provision of meeting venues. Since the combining of both boards budgets we operate on an indicative 70% childrens, 30% adults spilt.

Agency contributions totalled £330,364 for the period 2017-2018. Prudent financial management has resulted in **£67,013** being carried forward to 2018-2019.



### Income

**Total from Partner Agencies = £330,364**

**Income generated through Training/non-attendance = £4,555**

**Total = £334,919**

### Expenditure

**Staffing including travel & Independent Chairs Costs = £ 214,138**

**Training & Conferences = £ 13,845**

**Printing, Services & Supplies = £21,993**

**Serious Case Reviews and Safeguarding Adult Reviews = £17,929**

**Total = £267,905**

**Carried Forward in 2017-2018= £67,013**

**Existing Reserve = £73,813**



## SECTION 3 - PROGRESSING THE BOARD'S PRIORITIES

*Priority 1: We will operate an effective board that focuses its work on local safeguarding priorities including support, challenge and holding multi-agencies to account for their contribution to the safety and protection of children and adults living in the City of Wolverhampton (Effective Leadership, Challenge and Change)*



We've put 'Think Family' at the heart of what we do across children's and adult's safeguarding – driving us to join up 3 of the children and adult board committees and the two Executive meetings and integrating our Board meeting so that key strategic leaders meet together. We've also moved the majority of the meetings to a quarterly frequency enabling us to utilise task and finish groups in between to help us get more work done. Some of the products from this approach are highlighted later in this report.



We've developed a Joint Board's Risk Register that is regularly reviewed by our Executive and shared with the Integrated Children & Adult's Board meeting. This helps us to see risks across the whole safeguarding system and how best we can utilise our resources to fix the problems and reduce those risks.

Some of the risks we've mitigated during this period include:

- *Capacity of Committees / Executive to deliver work plans for the board.* – We achieved this by re-structuring the committees as outlined above and providing additional resources to increase staffing in the Wolverhampton Safeguarding Board Business Unit.
- *Developing a programme of Multi-Agency Case File Audits to ensure we are sighted on the quality of frontline practice.* - We signed off a new Quality Assurance Schedule that includes a series of 'Think Family audits' (there's more detail under Priority 2 below about these).
- *Regional Procedures Project may not be of sufficient quality by the "go live" date.* – The new contract for our children's procedures was awarded and there was combined effort by Regional Board Managers to get the procedures in place in a timely fashion.
- *Number of DoLS (Deprivation of Liberty Safeguards) assessments that remain unallocated.* – The Cheshire West supreme court ruling saw a 7-fold increase in referrals nationally, and the City of Wolverhampton felt the impact. The Local Authority provided additional monies to secure resources to enable progression of the additional and the Board contributed to discussions about how best to manage ongoing future demand.
- *Scrutiny and challenge in respect of contract management and quality, following learning from the Case Review of Adult B.* – The WSAB has requested that all meetings between the Quality Assurance and Compliance Team (Local Authority), the Care Quality Commission (CQC) and the Clinical Commissioning Group (CCG) which monitor quality of provision across all commissioned care and support services, including Residential and Nursing Homes, Supported Living Schemes, Home Care, Community Services and Children Services to name a few, keep an action log to ensure any concerns are followed up and resolved in a timely manner.
- *Effectiveness of the Barnardo's Screening Tool for children witnessing domestic abuse.* – *The Board were concerned about potential delay for children with a twice weekly meeting to discuss referrals.* Following scrutiny, it was assured that all high-risk cases are triaged directly by the MASH, but this led to recognition that the BST meetings could in fact be duplicating efforts. A full review was undertaken as a result, and a new process is now being piloted.



*We have strengthened our resources:*

- In respect of training and development activity, partners endorsed an increase in hours of the Training Co-Ordinator to ensure there was capacity to dedicate to improving the adults training offer. Scoping has been completed and sessions on Making Safeguarding Personal and Section 42 enquiries are now in development.

- A Faith Engagement Worker was funded by the Board, initially for a 9-month period, to develop the links between the city’s faith organisations and Safeguarding Partners and increase awareness of their safeguarding responsibilities. There is more about the impact of this post in Section 3 of the report.



We’ve been an influential voice in the consultation on the Local Authorities Commissioning Strategy 2018 -2021 ‘Shaping Futures, Changing Lives’, encouraging the think family plan ethos of the strategy and promoting the importance of ‘Making Safeguarding Personal’.

***Priority 2: We will develop rigorous approaches to monitoring and evaluating the impact of services on safeguarding children & adults, and we will drive improvements in practice through timely and robust methods of learning and development (Quality, Performance and Learning)***

WSCB and WSAB use a range of quality assurance methods to assure itself that frontline practice is effective in keeping children and adults safe.



During this reporting period, the Performance Committee (children) and the Quality and Performance Committee (adults) have fully reviewed their performance scorecards to ensure that they provide a holistic, multi-agency picture of safeguarding across the partnership and thresholds for intervention. We have also streamlined reporting processes to create consistency across both boards. Each Board has a full scorecard comprising 77 indicators for Children and 42 indicators for adults. From these a number of key indicators have been identified, which will be reviewed at each Performance Committee and reported to Board (in addition to any exceptions from the main scorecard). Reporting in this new format will be in place from June 2018. The indicators now include a focus on the following areas:

<b><i>Children’s key Indicators</i></b>	<b><i>Adult’s Key Indicators</i></b>
Agency attendance/contribution to Child Protection Conferences	Quality concerns of commissioned/co-commissioned providers
Reduction in risk in relation to Child Sexual Exploitation	Avoidable pressure injuries and falls
Exclusions	Contribution from partners to MASH enquiries

Repeat referrals and plans	Repeat Referrals
Pressure on the system - referral rates, number of Early help, Child in Need and Child Protection Plans.	Number of deprivation of liberty referrals
Looked after children	Number of Section 42 enquiries that fulfilled desired outcomes.
Attendance at Emergency Departments	Concerns raised by types of abuse

In addition to a focus on data, we undertake audits to enable the board to identify what is working well and how practice can be further developed to improve outcomes for children and adults.



In March 2017 the Ofsted Inspection of the LSCB noted that “in the absence of a coherent, rolling programme of single- and multi-agency audits, the board is not fully fulfilling its quality assurance function”. To enhance our auditing activity, the Quality Assurance Committee (children) and the Quality and Performance Committee (adults) have worked together to identify a range of ‘Think Family’ topics that can be audited across the Children’s and Adults workforce on a termly basis, these include; Domestic Abuse, Mental Health, Substance Misuse and Learning Disabilities. A joint quality assurance schedule has been developed by the committees and endorsed at the Board in March 2018, so look out for the learning arising from these ‘think family’ audits in the new financial year; which will be available via the recently launched [‘Lunch and Learn Sessions’](#).

The Quality Assurance Committees also plan to undertake a number of **Deep Dive Audits** to ensure we scrutinise specific areas of practice pertinent to children’s and adult’s safeguarding from assurance activity locally or issues reported nationally. Themes identified for 2018-19 include:

<b>Children’s Deep Dives</b>	<b>Adult’s Deep Dives</b>
Child Sexual Exploitation & gangs	Making Safeguarding Personal
Random 20 case audit	Section 42 enquiries

***Priority 3: We will ensure that everything we do promotes improved practice to help safeguard and meet the needs of those children and adults who are particularly vulnerable or are at increased risk of abuse and harm (Safeguards for particularly vulnerable groups).***

Wolverhampton Safeguarding Boards strive to ensure that every child and adult with care and support needs in the authority lives in an environment that is safe and enables them to succeed and achievement fulfilment. However, we need to pay particular attention to those children and adults that we have identified as being at

particular risk, and to practices that may not effectively safeguard them. We know from our own case reviews that some risks are well hidden, such as neglect and domestic abuse, making it more difficult for agencies to identify. Quality assurance activities across the boards help us understand the experiences of children and adults when needs are identified or as they receive services. Agencies also accept that it is incumbent on them that they raise any concerns or exceptions with the Boards that could impact on the safety or wellbeing of Children and Adults.

## **Children's Update**

- The rates of children in need in Wolverhampton has fluctuated during the year, with rates rising to 268 (per 10,000) in Quarter 1, then reducing again to 225 (per 10,000) at Q4 which was lower than the previous year.
- Children are placed on child protection plans when they are considered to be in need of protection from either physical, sexual, emotional abuse, or neglect. The rate of children on plans per 10,000 rose to 64 in Quarter 4 this year which is more than double the rate of children on CP plans in Q1 of the previous year.
- Emotional Abuse remains the largest category of child protection plans (216 children), influenced by the impact of Domestic Abuse (41% of CP plans have domestic abuse as a factor in Q1 of 2018-19). Neglect is the next largest category (155 children).



This year the WSB has commenced work on the refresh of its Neglect Strategy and development of a suite of tools that can help professionals to identify neglect at the earliest opportunity. This work is ongoing, and we anticipate it will influence the dispersal of children across the threshold once in place as we anticipate an increase in early help activity as a result.

- Rates of Children in Care have remained consistent across this period with 110 (per 10,000) in care at Quarter 4.

**Thresholds** – Having identified, through performance data, a need to review the thresholds, in November 2017 the WSCB launched its refreshed Thresholds of Need and Support document and a new on-line referral form. 3 half-day briefings, delivered by our multi-agency partners, were put on to support the launch with places for 180 frontline staff. The



Thresholds of Need  
and Support in  
Wolverhampton





impact of the new guidance is now being monitored.

As a Board, we actively monitor where children are on the thresholds scale in order to understand the demands on services in the City and to ensure that they are able to help or protect children in a timely fashion when the need arises.

### **Children who are privately fostered**

Parents can choose to have their children cared for away from home by someone who is not a close relative (e.g. Grandparent, sibling, aunt/uncle or step-parents of the child). This is known as private fostering (PF). The Local Authority must be notified of these arrangements, but it remains a difficult area to monitor.

During this period the Performance Committee have monitored the number of private fostering arrangements. We remain concerned by the low numbers of children being identified. As of 31st March 2018, there were 2 children recorded as privately fostered. Publicity material and recent campaigns by the Local Authority have been developed and promoted across services, but numbers do not appear to be rising. The Performance Committee is not aware of any cases where private fostering arrangements have not been notified, thus it is difficult to say if this is an under-representation. Active monitoring will therefore remain in addition to driving further promotion.

For more information on private fostering and how to refer please follow the link: <https://www.wolverhamptonsafeguarding.org.uk/safeguarding-children-and-young-people/i-work-with-children-young-people-families/private-fostering>

### **Child Sexual Exploitation**

A new Child Sexual Exploitation (CSE) screening tool was approved by regional CSE leads and implemented in Wolverhampton on 1<sup>st</sup> August 2017. The new screening tool was accompanied by guidance to support practitioners and offer increased clarity regarding levels of risk. The WSCB supported the launch with drop-in sessions to allow practitioners to raise queries regarding the new tool and CSE.

For more information on CSE – the signs and symptoms and how to respond please visit the WSCB website.

### **Independent Reviewing Officer (IRO) Service**

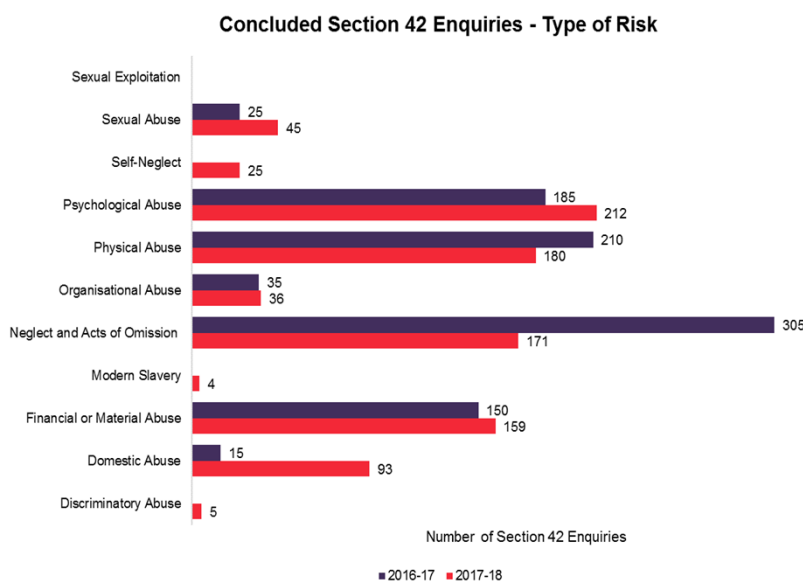
The Safeguarding Children Board continues to work closely with the Independent Reviewing Service who are responsible for chairing multi-agency Child Protection Conferences, Looked after Children's Reviews and the development of effective Care plans.

The IRO service endeavours to highlight areas of good practice and areas which require improvement, and identify emerging themes and trends; this approach serve

to enhance the Boards' insight into the experience of Looked After Children and those subject of Child Protection Plans across Wolverhampton.

## Adults' Update

- The total number of safeguarding concerns and Section 42 enquiries in 2017-18 decreased on the previous year by 12%, however figures are still higher than 2015-16 (concerns 8% higher and Section 42 enquiries 19% higher). The lower number of concerns for this year is attributed to the work taking place at the front door to filter out referrals to safeguarding that do not meet the criteria for a concern.
- Ethnicity against Section 42 enquiries shows a larger change on the previous year compared to safeguarding concerns. The proportion of individuals with a 'BAME' ethnicity has increased by 3.3%, with 'White Ethnicity' subsequently decreasing. Though this is the case, it is felt that the increase in those with a BAME ethnicity reflects the diverse population in the city, and therefore should show a higher percent compared to the national average



For concluded Section 42 enquiries, there are two types of risk that have seen considerable changes since last year. Enquiries recorded as Domestic Abuse increases from 15 to 93, showing that recording has improved, as previously it was felt that this form of

abuse was under-represented. Neglect and Acts of Omission have been recorded considerably less this year.

- The percent of cases where the individual has lacked capacity has decreased since 2016-2017 and is likely linked to the decrease seen for the number of enquiries for individuals aged over 65, with more enquiries associated to the 18-64 age band.
- The proportion of concluded enquiries which fully achieved the adult at risk's desired outcome has increased 11% since last year, and only 2% of cases where their outcomes were not achieved. The last two years have shown we have achieved much higher than the national average.

## Making Safeguarding Personal

As part of the West Midlands Fire Service strategic vision to make the West Midlands Safer – Stronger – Healthier, they produced a series of initiatives, training packages and guidance documents, aimed at those working with and or supporting members of the community with care and support needs.

There is documented evidence following Safeguarding Adult Reviews (SAR) highlighting that following fatal accidental fires in the home, adults with care and support needs may be of an increased risk of fire. However, these traits are not always recognised by their care provider and are not shared with Fire and Rescue Services who are best placed to offer advice, guidance and support. [Click here to download the guidance](#). This proactive response from WMFS demonstrates how partners work collaboratively and individually to support the key priorities of the Board.

**Better Care Fund** - The Better Care Fund plan 2017 -2019 sets out the joint commissioning intentions and areas for development. It explains how local authorities and the Clinical Commissioning Group, working with people and communities, will mobilise resources to target areas of need and deliver improved outcomes. The programme engages health and social care provider organisations, commissioners, the voluntary and community sector (including faith groups), General Practitioners (GPs), local forums and frontline staff to contribute towards delivering on the national performance metrics:

- Reducing emergency admissions to hospital
- Reducing the number of delayed transfers of care from hospital
- Improving the effectiveness of re-ablement
- Reducing the number of people permanently placed in nursing and residential care

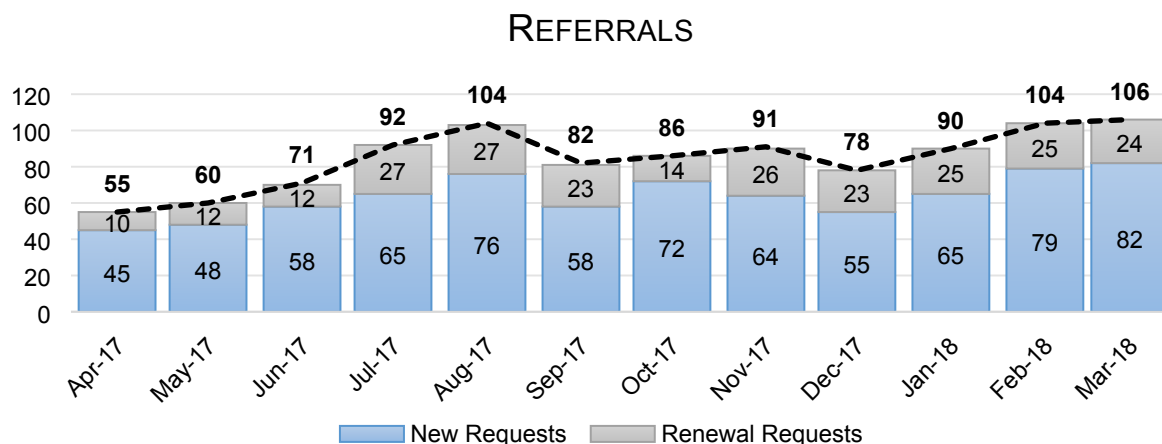
The WSB received assurance at its December Board that significant improvements have been made locally, leading to a reduction in the number of people delayed in hospital, reducing their dependence on hospital resources and limiting the risk of developing secondary illnesses. The Board are particularly interested in the impact of this project for vulnerable service users such as those with Dementia. The Better Care Fund Board continues to oversee this work whilst keeping the Board sighted on progress.

## Deprivation of Liberty Standards

The Deprivation of Liberty Safeguards (DoLS) legislation, aims to safeguard vulnerable people in nursing homes, residential homes or hospitals who lack the mental capacity to consent to their accommodation, care, and/or treatment. The legislation states that assessments must be undertaken by professionally qualified assessors to ensure that any deprivation is both in the persons best interests and the least restrictive option available which maintains the persons health and safety.

## Increasing Demand

Demand for assessments has increased since a Supreme Court decision in 2014, which greatly lowered the threshold for what is considered to be a deprivation.



The City of Wolverhampton Council received a total of 1,019 DoLS referrals in the 2017-18 financial year, an increase of over 10% from the previous financial year. Referrals have increased by over 2068% from 2013-14, the financial year prior to the Supreme Court decision. In order to meet statutory expectations, the City of Wolverhampton Council provided additional funding in 2017-2018 to clear a backlog of assessments. Further Council funding has been identified for 2018-2019 to meet this continued increased demand and the Council are committed to ensuring that assessments are timely and that any necessary deprivations are authorised when required.

***Priority 4: We will ensure that we engage children and families, adults and communities of all backgrounds and make up, in the work of Wolverhampton Safeguarding Boards (Communication and Engagement).***

The Communications and Engagement Committee oversees and co-ordinates a number of campaigns on behalf of the Board. Representatives from the B-Safe Junior Safeguarding Team, Healthwatch and partners from the voluntary sector, council, fire service and health co-operate to provide resources.

During the past twelve months the following initiatives have been delivered:



**Orange Wolverhampton is our local awareness-raising campaign which is actively supported by the Safeguarding Boards. It is our city's contribution to the United Nations' International 16 Days of Action to End Violence Against Women and Girls and takes place between 25<sup>th</sup> November and 10<sup>th</sup> December every year. [Click here to find out more about our campaign.](#)**

## Empowerment of Hard to Reach Communities in the Prevention of Violence against Women and Girls project

Wolverhampton Clinical Commissioning Group Designated Adult Safeguarding Lead applied to NHS England for funding and was one of only 3 successful bids in the Midlands and East region. The project develops coordinated community responses to domestic abuse within hard to reach communities. Hosted by Wolverhampton Refugee and Migrant Centre, training and support input is provided by the Domestic Violence Forum. The project commenced in November 2017 and so far, 45 women and 48 men have been trained with very positive feedback received. Formal evaluation will take place in November 2018 although plans are already in place to extend the project into other communities.



In September, Safeguarding week with the theme 'What is Safeguarding?' focused on raising awareness of safeguarding amongst the public. It encouraged children and young people, adults with care and support needs, their families, parents /carers, friends and neighbours to find out more from the Wolverhampton Safeguarding website.

Board members supported the campaign by displaying posters in public spaces and devising ways of discussing 'what safeguarding is' with those who use their services.

Engagement activities took place in care homes, with the public via a pop-up shop in the city centre and with faith groups. They promoted key messages such as:

1. **EVERYONE has a part to play** in keeping vulnerable people (adults with care and support needs, and children and young people) safe from abuse and neglect and promoting their wellbeing.
2. **Safeguarding is ....** about all the things that we can do together to identify, respond and support people who are being abused, or neglected, or whose wellbeing is being compromised.
3. **Help and support is available** - safeguarding processes help people and work with the individual and their family to meet their needs.
4. **Anyone can raise a concern** - tel: 01902 555392 (to safeguard a child) or 01902 551199 (to safeguard an adult)

## The B-Safe Team



The B-Safe Team is Wolverhampton's shadow Safeguarding Children Board, made up of local young people who get involved with safeguarding activities and decisions across the city.

The B-Safe Team enables the voice of Wolverhampton's young people to be heard and reflected in safeguarding business and activities. It empowers young people to contribute to the processes and approaches designed to keep them safe and helps to raise awareness of safeguarding amongst parents and professionals.



### **Key achievements this year include:**

- The B-Safe team wanted to create some awareness on what good care looks like for a young person who is a young carer. 40% of the B-Safe Team are young carers for their families and wanted to raise awareness around this. They were interviewed by the Head Start Radio journalist and created a radio Podcast on the day in the life of a young carer, the show was broadcast on HeadStart.FM and listened to by 87 other young people. The young people also created posters and leaflets on this subject.

- One of the key priorities the B-Safe Team identified was to raise awareness of bullying and create an Anti-Bullying strategy for Wolverhampton. This was a priority for them as all of the young people in the B-Safe group had experienced bullying at some point in their lives. The B-Safe Team delivered peer education workshops to 100 other young people to raise awareness on what bullying is and provided information on support and services that are available locally.

The B-Safe Team also wanted to challenge organisations on how they deal with bullying within their service by creating an Anti-Bullying Charter. The Anti Bullying Charter is a set of rights and commitments that all young people and professionals should promote, discuss and respect. The Charter aims to support every child in the City of Wolverhampton in feeling safe against bullying in any setting, whether in school, youth clubs, or the community. As part of the Section 157 / 175 audit the charter was sent out to all the schools in Wolverhampton by the WSCB with a self-assessment form for them to complete. During September 2017, 32 schools submitted their Anti Bullying Charters.

In total 21 schools have achieved the Anti – Bullying Status and have 11 more schools working towards. An award ceremony was held in March 2018 for the successful schools.

- During Anti Bullying week – 17th November 2017, The B-Safe Team organised a series of Anti Bullying workshops at the Molineux, with primary age attending in the morning and secondary students in the afternoon. 135 young people attended and participated in the workshops.

## A word from Wolverhampton Safeguarding Children Board Lay Advisor.

After a year of significant changes, amongst the personnel and landscape within which we work, it is pleasing to see that we continue to move safeguarding forward in our City and beyond.

With the increase in youth violence both nationally and locally evident, it is imperative that we do not take our eyes off the ball and pull on the necessary sources to best meet the needs of our young people who are sometimes both perpetrator and victim and identification of such will lead to better intervention.

In the area of Abuse Linked to Faith and Belief, again some practical work has been done to support faith groups with their safeguarding policies and procedures and training therefore making places of worship see safeguarding as prominent in all that they do. Unfortunately, there are some groups that are still not coming on board and thus the Board must consider what action they will take to address this.

My challenge to the board and senior partners for the next 12 months encourages them to think about:

1. How are we going to better engage with resistant, difficult and sometimes hostile families?

2. With increasing reports nationally and locally of youth violence and gang related activity, how do we work better with diverse communities?
3. How do we continue to bring more faith groups on board to work with the Faith Engagement Worker?

The next 12 months will be challenging and often hard work, however by having a teamwork approach, with no one individual being an island together we will continue to safeguard our children and young people.





## SECTION 4 – LEARNING & IMPROVEMENT ACTIVITY

### Case Reviews

Safeguarding Children Boards and Safeguarding Adult Boards are required to undertake a review of all serious cases when abuse or neglect of a child or adult with care and support needs is known or suspected and either the child/adult has died; or the child/adult has been seriously harmed and there is cause for concern as to the way in which the authority, their Board partners or other relevant persons have worked together to safeguard the child or adult.

The purpose of Serious Case Reviews (for children) and Safeguarding Adult Reviews is to establish whether there are lessons to be learned from the case about the way agencies worked, individually and together, to safeguard and promote the welfare of children and adults with care and support needs; to identify clearly what those lessons are, how they will be acted upon and what is expected to change as a result.

### Serious Case Reviews – Children

The Serious Case Reviews (SCR's) of [Child F](#) (6<sup>th</sup> April 2017) and [Child G](#) (January 2018) were published in this period. The links above will take you to a summary of learning. In addition the full reports can be found on the [Serious Case Review](#) page on our website.

Themes arising from the learning in these cases include:

- Ensuring co-ordinated Sharing of Information, for instance ask yourself, **who might need to know what I know?**
- Recognising all aspects of Risk. Child Fs family were particularly difficult to engage and professionals needed to avoid reliance on **self-reporting and be more professionally curious**
- The importance of a good assessment was highlighted in both reviews. Always **analyse the current risk/need/child and family circumstances in the context of their history**
- Father's - Use all available professional and family networks to **identify and engage with fathers.**
- **People with 'No Recourse to Public Funds ( NRPF) –** raise awareness of how organisations can work with and support those families with NRPF and increase understanding of the expertise of local *specialist voluntary organisations* and the valuable role they can play.
- Assessing the implications of religious faith and beliefs - Professionals must have the **confidence and knowledge to make enquiries about faith and beliefs** to enable positive support networks to be identified and **holistic risk assessments to be undertaken.**

In addition to dissemination of the reports and learning lessons briefing notes, the Safeguarding Boards have hosted the first of 3 planned 'Lunch & Learn sessions' as at 31 March. These sessions highlight the key learning in the case of Child G and signposted professionals to other appropriate training and development e.g. [Safeguarding Children from Abuse linked to Faith and Belief training](#) We're also planning a joint conference with the Safer Wolverhampton Partnership in June 2018 which will focus on Domestic Abuse, Suicide and Neglect which are all key issues highlighted from our Children and Adults' Reviews.

A further referral was received in March 2018 for a Serious Case Review and was pending conclusion of the Serious Case Review Committee processes as at 31<sup>st</sup> March.

In addition to the statutory reviews above, 2 table top local reviews were underway during this period but were pending conclusion at the time of writing. Look out for the Learning Lessons Briefing on our website in the coming months. All case review learning can be found on our website at

<https://www.wolverhamptonsafeguarding.org.uk/safeguarding-children-and-young-people/i-work-with-children-young-people-families/serious-case-reviews-and-other-learning-reviews>

## Safeguarding Adult Reviews

There were no statutory Safeguarding Adult Reviews (SARs) completed during this period, but one review has commenced and is anticipated to conclude in early autumn.

Additionally, one local table top review has been completed and published during this period. Recommendations from the review included:

- The Board should ensure that there is an escalation process for the sharing of key information between the various quality assurance bodies.
- The Board should undertake a small audit of randomly selected care homes/residents to satisfy itself that residents regularly receive holistic assessments.
- The Board should ensure that all agencies, especially GP's and care and nursing homes, are reminded of the Falls Service and encourage referrals to be made to that service.
- The Board should satisfy itself that the various quality assurance services Quality Assurance and Compliance Officers (QACO), Quality Nurse Advisors (QNS) and Care Quality Commission (CQC) are routinely examining medication records especially in relation to the use of controlled drugs and the retention of such drugs by care homes.

These recommendations are being progressed by the WSAB at the time of writing.

In addition, two table top reviews are in progress and will be reported on via the [Safeguarding Adult Review](#) page on completion.

## Section 11 and Section 175/157 Audits

Section 11 of the Children Act 2004 places a duty on key agencies and bodies to make arrangements to safeguard and promote the welfare of children. The WSCB seeks assurance that safeguarding standards are robust through Section 11 Audits, which enables partners to demonstrate the effectiveness of their safeguarding arrangements.

In the West Midlands a number of partner agencies cover more than one Local Safeguarding Children Board. As a result, the West Midlands Children's Board's introduced a consistent set of questions for the Section 11's so that one completion could be shared across the regional boards. We are now looking to enhance that approach through the introduction of an electronic audit tool to reduce duplication further.

For schools and colleges, the annual audit is referred to as a Section 157 or Section 175. All schools (including Independent Schools, Academies and Free Schools) have duties in relation to safeguarding children and are required to carry out an annual review of their school's safeguarding practice & provide information to the WSCB about how the duties set out in the DfE guidance ('Keeping Children Safe in Education' 2016) have been discharged.

The Section 175/157 audit was issued to 110 schools in the City, of which 97 (88%) provided responses. Returns highlighted that of the 97 who responded:

- 90% schools completed an annual self-assessment to the Local Authority
- 88 schools had a Safer Recruitment Policy
- There was variation in rates of implementation of learning from training
- 74 had a designated teacher for Looked After Children (LAC) appropriately trained
- 71 schools had appropriately trained Governors
- 77 schools had induction processes in place

The findings from the audit were shared with Board and the Head Teachers Safeguarding Group in November 2017. This was then communicated out to all schools via the established network meetings. Guidance was offered in respect of Safer Recruitment Policies, and the Board highlighted the issue of training availability for the Designated LAC Teachers to the Local Authority who offer the training. The Board were given assurance that a historic problem with provision was now resolved. The learning from the audit and appropriate signposting was also shared at Wolverhampton's Schools Designated Safeguarding Leads event which was held in January 2018.

## Adults Annual Assurance

The West Midlands adult safeguarding regional network developed the Annual Assurance document and this was adopted by Wolverhampton Safeguarding Adult Board (WSAB). The Annual Assurance statement enables partners to self-audit; supporting WSAB to assess the effectiveness of local safeguarding arrangements. This is the third year that the assurance tool has been completed.

Based on the Department of Health's 6 key safeguarding principles (2011):

- Empowerment - Presumption of person led decisions and informed consent
- Protection - Support and representation for those in greatest need
- Prevention - It is better to take action before harm occurs
- Proportionality – Proportionate and least intrusive response appropriate to the risk presented
- Partnership - Local solutions through services working with their communities
- Accountability - Accountability and transparency in delivering safeguarding

The process enables partner agencies to provide governance to the Wolverhampton Safeguarding Adult Board and provide the Board with a benchmark to measure effectiveness and progress against the six key safeguarding principles.

The following organisations returned a Partner Self-Audit (PSA)-

- Black Country Partnership Foundation Trust (BCPFT)
- Wolverhampton Homes (WH)

- West Midlands Ambulance Service (WMAS)
- West Midlands Police (WMP)
- Royal Wolverhampton NHS Trust (RWT)
- City of Wolverhampton Council (CoWC)
- West Midlands Fire Service (WMFS)
- Wolverhampton Clinical Commissioning Group (CCG)
- Staffordshire and West Midlands Community Rehabilitation Company (CRC)
- Wolverhampton Healthwatch

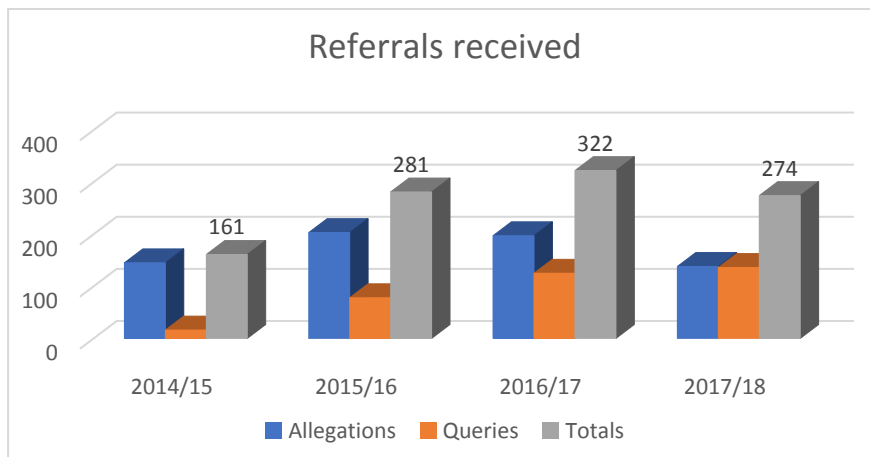
Returns were summarised and reported to the WSAB. Each agency was able to demonstrate strengths in some area, and honest reflection as to where there was room for improvement. The Quality and Performance Committee are now planning a review of each agencies progress against their action plans. One theme throughout the returns is in relation to Regional Partners finding the demands of several boards a challenge to maintain. In response, the Quality and Performance Committee is represented at a regional meeting which is intending to create a consistent electronic framework for assurance tools such as this, so that in future regional partners can complete one tool that is shared with all areas.

## Local Authority Designated Officer

### *Children's Update*

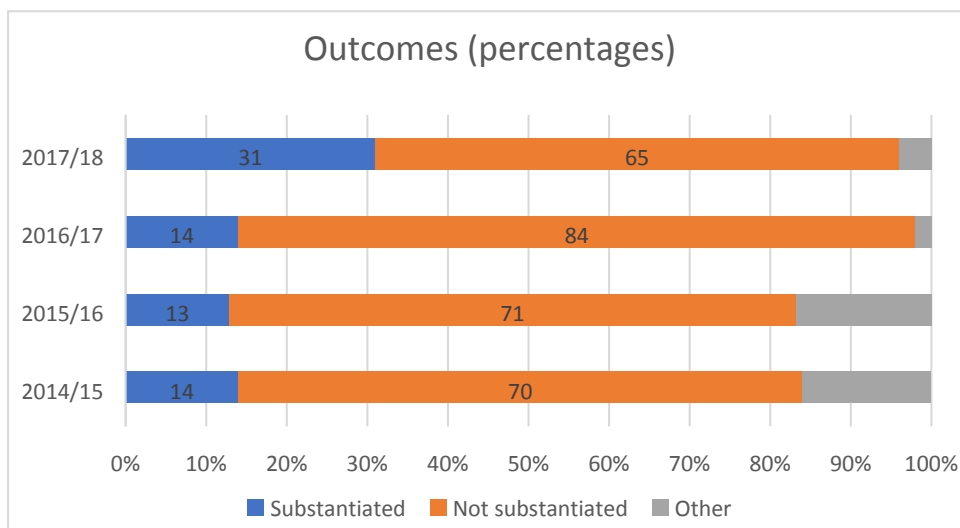
The role of the LADO in Wolverhampton has been filled in an interim capacity from July 2015 to December 2017, following the departure of the permanent post holder in May 2015. However, with effect from January 2018, this is now a permanent position ensuring continuity and consistency of service delivery. The current post holder has sought to increase the understanding and awareness of the LADO role across the City of Wolverhampton, and to maintain and develop working relationships across all sectors involved in the delivery of services to children and young people.

The number of referrals received has reduced by 15% in 2017/18 compared to the previous full year. This may be in part due to the number of awareness raising sessions and direct training provided by Wolverhampton LADO within the City. There is a much improved knowledge and understanding of the management of allegations threshold criteria across organisations and this is has had a positive impact.



Positive relationships with Head Teachers and Designated Safeguarding Leads have been developed and maintained by the LADO and this has helped to achieve timely outcomes. By contrast, the small number of referrals made by **health organisations** has previously raised some concern and was a priority area as identified in previous annual reports. The LADO has presented to a number of health forums and met with health agencies to promote awareness and expectations. It is therefore reassuring to see further increases in the number of referrals being received.

The low number of referrals from **faith based organisations** has also raised some concern in previous years and work has been undertaken to address this, including linking in with the Faith Engagement Worker and presenting to a multi faith audience at an event organised in December 2017. This continues to be an area of priority.



The above table and graph show that there has been a large increase in the number of substantiated cases being addressed through the management of allegations process.



The performance indicator of 80% of cases being completed within 1 month has not been met in this Local Authority before. However, it has

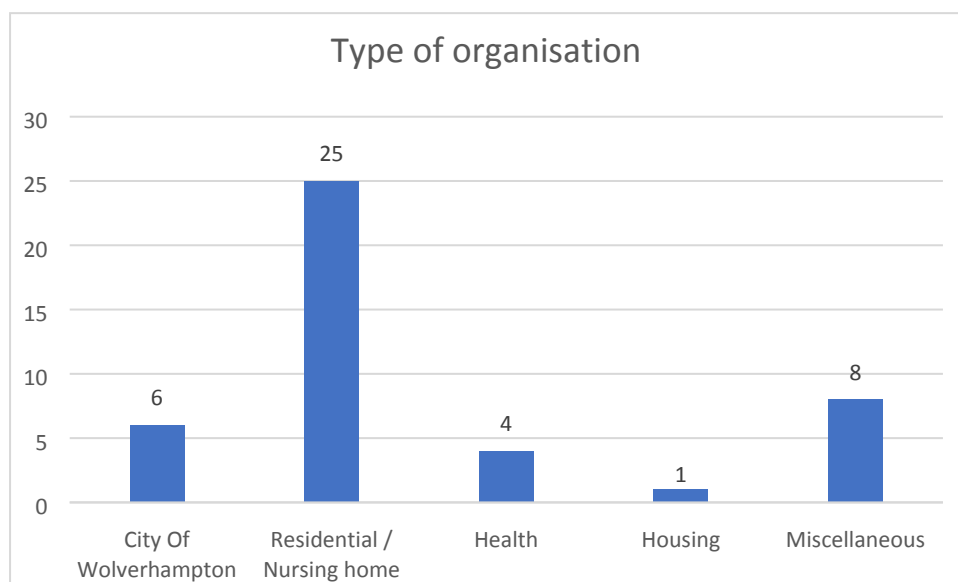
been exceeded in 2017/18 with 83% being resolved. The second indicator was met in the previous year and has been exceeded this year. Just 2 cases are proving more challenging to resolve and have taken more than 12 months to date. However, this represents less than 1% of all cases and is due to external factors such as ongoing police investigations and court processes.

### **Adult's Update**

Allegations made against people working with adults with care and support needs also requires appropriate management. Until August 2017, this was a responsibility that lay with two identified Designated Adult Safeguarding Managers. However, due to changes in legislation and changes of roles, the management of such allegations now lies with Wolverhampton LADO, effective from September 2017.

The LADO provides advice and guidance to employers and voluntary organisations, liaising with police and other agencies and monitoring the progress of cases to ensure they are dealt with as quickly as possible, are consistent and follow a fair process.

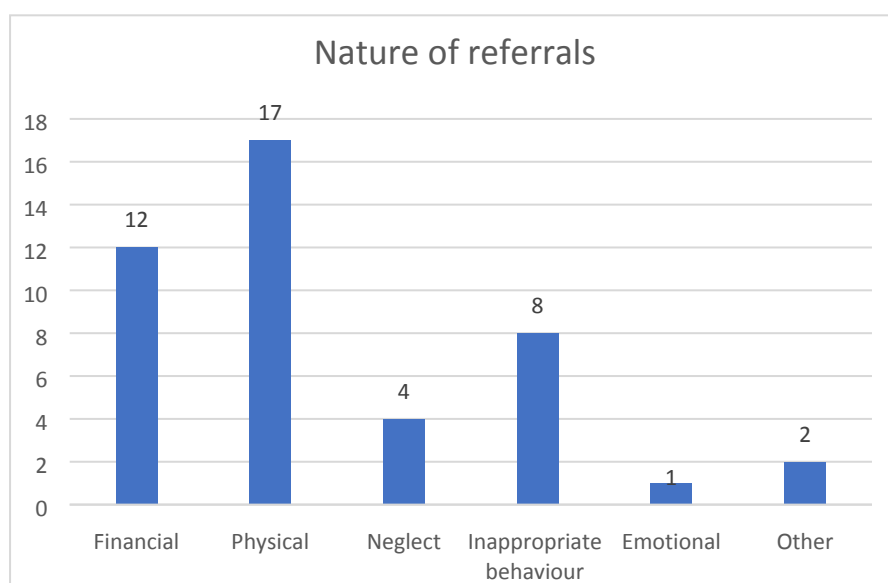
Between April 2017 and March 2018, a total of 44 referrals were received in relation to allegations made about people working with adults with care and support needs. From September 2017, 5 of these referrals have required position of trust meetings.



57% of referrals were to do with residential / nursing home providers

Organisations have in place their own processes for dealing with the management of allegations. The Local Authority is responsible for oversight of the activity of the Management of Allegations Officers in key WSAB member agencies. To achieve this, the LADO meets with such leads on a 6 monthly basis. However, data has only

been forthcoming from 2 of these agencies, namely Black Country Partnership Foundation Trust and West Midlands Ambulance Service.



Referrals regarding physical abuse and financial abuse account for two thirds (66%) of all referrals received. 50% were substantiated and 50% were not. Of the substantiated cases, 6 were referred to DBS and 2 resulted in criminal convictions.

## Training

Wolverhampton Safeguarding Boards have responsibility to ensure that appropriate safeguarding training is available to the workforce across the City of Wolverhampton. This work is led by the Learning and Development Committee with support for the WSB Training Co-Ordinator.

The 2017-18 training programme saw 88 courses delivered (including 38 which were run regionally). There was 68% course utilisation, which is a steady improvement in course attendance. Wolverhampton Safeguarding Board also offer a range of e-learning courses which include Child Sexual Exploitation, Female Genital Mutilation, and domestic abuse amongst other things. In addition, the Faith Engagement Worker organised bespoke training to 123 volunteers from 15 different faith-based organisations. More training for faith groups is planned for 2018-2019 including 12 sessions funded by the Near Neighbours Fund following a successful application by Interfaith Wolverhampton (IFW). This is being delivered collaboratively with the Faith Engagement Worker funded by the Board.

To enhance the learning and development opportunities a series of **Lunch & Learn** briefings have been launched to disseminate learning in short and succinct formats. We've started with a focus on learning from local case reviews and audits. It is early days as only one session had been delivered within this reporting period, but we hope that take up and interest in these hourly sessions will be high.

Attendance at training by agency is variable, as is expected given the varying size of the workforce, staff turnover, and availability of single agency training. Schools and the Strengthening Families Workforce have the highest rate of attendance. Representation from Children's Social Care and Police are comparatively low. The



Learning and Development Committee will continue to monitor attendance to see if action taken to date improves attendance.

Attendance rate cannot be considered a measure of success, and it remains a challenge to demonstrate the impact of learning and development activity on outcomes for children and frontline practice. The Boards use post-course evaluation forms to evaluate the learning from events and feedback has been largely positive. To strengthen our evidence of impact we've introduced post course surveys every 3 months which seek examples of how professionals have put learning into practice after their training.

We've run the first follow-up evaluations on the Thresholds briefing. Here's what some of the participants had to say:

- I didn't know about the strengthening families' surgeries until I attended, I've since been to discuss a case.
- The multi-agency nature of the sessions helped me understand the perspective of other agencies, and I'm now more confident to pick up the phone.

Our partners also have a key role to play in training and development activity. During this reporting period Wolverhampton Clinical Commissioning Group, together with the Wolverhampton Domestic Violence Forum, have successfully secured funding to support General Practitioners in recognising and responding to domestic abuse. The project involves training, support, resources, access to drop in sessions, identification of local DV Champions and education regarding access to and embedding local pathways.

The project only started in March 2018. At the time of writing, 127 practice staff have been trained from over 21 practices and it's already making an impact. There have been 10 direct referrals to the drop-in sessions, 6 GP referrals to MASH and 9 MARAC referrals have been received which is a significant increase in referral activity. The formal evaluation will be carried out by the University of Wolverhampton on conclusion of the project.

## Child Death Overview Panel

The WSCB is responsible for ensuring that a review of each death of a child normally resident in the City of Wolverhampton is undertaken by CDOP.

The functions of the CDOP involve reviewing all child deaths, excluding those babies who are stillborn and planned terminations of pregnancy carried out within the law; in order to determine whether the death was deemed preventable.

Preventable deaths are those in which modifiable factors may have contributed to the death. Modifiable factors are those things which, if changed, could avoid a future death.

The CDOP publishes its own annual report which is considered by the WSCB. The report for 2017-18 can be accessed via Safeguarding Board website.

To summarise, modifiable factors that were identified within some cases included:

- Co-sleeping
- Smoking (by parents)
- Parental Substance Misuse
- Non-attendance at medical appointments
- Understanding / dissemination of key safety messages e.g. wearing protective helmets, water safety and railway safety.

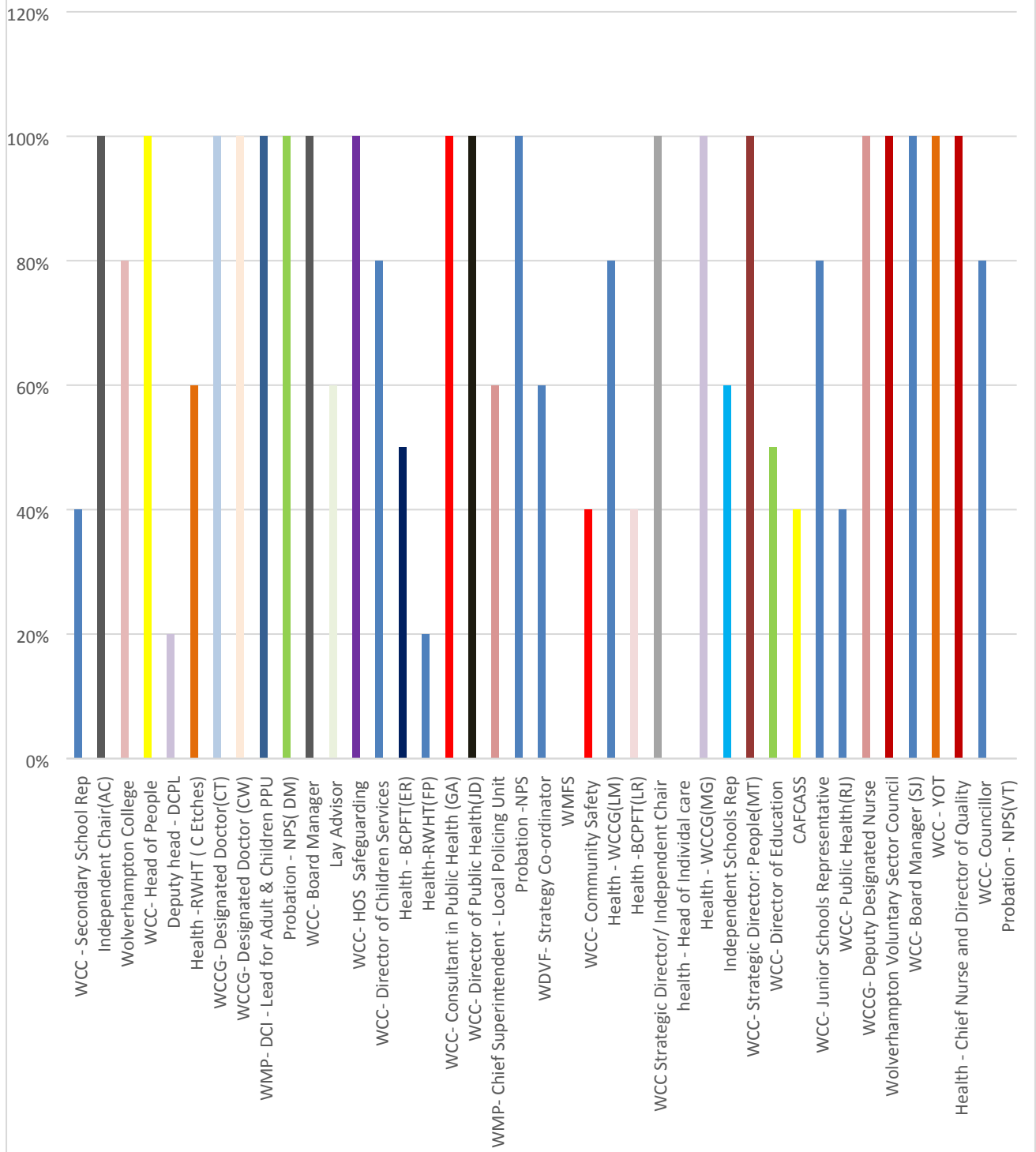
### **Wolverhampton Safeguarding Boards Priorities for 2018-19:**

- Ensure that WSCB and WSAB are high performing Boards and effectively delivering functions as defined in Working Together 2015 and the Care Act 2014 including the facilitation of multi-agency practitioner engagement events to ascertain the strengths and challenges of multi-agency safeguarding work.
- To enhance the quality assurance function and better analyse the safeguarding system. This to include the review and update performance information so that it is sufficient to analyse the 'safeguarding system' as a whole.
- Monitor and evaluate the effectiveness of training, including multi-agency training, to safeguard and promote the welfare of children and adults
- Develop a dynamic auditing programme that includes scrutiny and challenge of single agency audits and completion of multi-agency audits
- Commence a methodology for multi-agency assurance visits
- Ensure that the Children's Safeguarding Board effectively transitions to the Safeguarding Partners in line with Working Together 2018
- WSB contribute to the development of improved practice in respect of Domestic Abuse.
- Maintain and publish effective policy and procedures and ensure that local guidance is available to support this.

- Draw on sufficient resource to better quality assure practice, including through joint audits of case files involving practitioners and identifying lessons to be learned and outcomes achieved.
- In partnership with the Health and Wellbeing Board Understand the local profile of families with No Recourse to Public Funds (**NRPF**) and seek assurance that families are identified; risk is identified; and responded to appropriately
- Support multi-agency partners to recognise and respond at the earliest opportunity to those illustrating Hoarding behaviours
- Raise awareness of safeguarding among the general public and community / faith groups including: how to recognise abuse and neglect.
- Develop a system whereby service users and their families can influence the work of WSB including 'Hard to Reach' communities
- To receive and consider the Independent Reviewing Service Annual Report.
- To continue to work more closely with other Partnership Boards within the City.



## Children's Attendance - April 2017- March 2018





**Essential Information**

**First draft completed: 11/08/2018**

**Approved by Executive: 15/08/2018**

**Approved by Board: 14/09/2018**

**Published:**

**Report Author: Sian Jones, Wolverhampton Safeguarding Boards Manager**

**Independent Chair: Linda Sanders**

**Contact details: 01902 550645**

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Cabinet</b> <b>17 October 2018</b>
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<b>Report title</b>	School Accessibility Strategy	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Lynne Moran Education and Skills	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Meredith Teasdale, Director of Education	
<b>Originating service</b>	Special Educational Needs and Disabilities	
<b>Accountable employee</b>	Adrian Leach	Head of SEND
	Tel	01902 553927
	Email	<a href="mailto:Adrian.leach@wolverhampton.gov.uk">Adrian.leach@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Strategic Executive Board	2 October 2018
	Children, Young People and Families Scrutiny Panel	5 September 2018

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**Recommendation for decision:**

The Cabinet is recommended to:

1. Approve the School Accessibility Strategy.

**Recommendation for noting:**

The Cabinet is asked to:

1. Note the summary of consultation responses listed as Appendix 3 to this report.

## **1.0 Purpose**

- 1.1 This report sets out the rationale for City of Wolverhampton Council's proposed School Accessibility Strategy.

## **2.0 Background**

- 2.1 This item was considered as pre-decision scrutiny on 5 September 2018 by Children, Young People and Families Scrutiny Panel and will therefore not be available to call in once a decision is made by Cabinet.
- 2.2 The City of Wolverhampton Council (the Council) is required under the Equality Act 2010 to have an Accessibility Strategy in which it promotes better access in school for pupils with disabilities.
- 2.3 The Strategy, attached at Appendix 1 to this report should, once finalised and approved, be used by schools to inform their Disability Equality Scheme and Accessibility Plan. These plans should show how, over time, access to education for pupils with Special Educational Needs and Disabilities (SEND) will be improved. Schools must publish their Disability Equality Scheme and Accessibility plan with links to their Special Educational Needs (SEN) information report that are available on the Local Offer.
- 2.4 This strategy will be led by the Director of Education through a School Accessibility Strategic Group which will include members from the Special Educational Needs and Disability Service, Corporate Landlord service, health professionals, parents/carers, Children & Young People service, Headteachers and special educational needs co-ordinators.
- 2.5 During the consultation period, which ran from 18 June 2018 to 20 July 2018, more than 600 letters and consultation documents were distributed to stakeholders and consultation was advertised through various social media channels e.g. Wolverhampton Today, WIASS twitter feed and Voice 4 Parents Facebook page and newsletters. Stakeholders included the Governing Boards of Wolverhampton schools, members of staff at Wolverhampton Schools and parents/carers of pupils attending Wolverhampton Schools. A complete list of stakeholders who were consulted can be found at Appendix 2 to this report.
- 2.6 During the Consultation period, 23 written responses were received by the Council as summarised in Appendix 3 to this report, a full copy of consultation responses is available on request. These were completed by a range of stakeholders including members of School staff (five responses), parents/carers (13 responses), members of Wolverhampton Schools' Governing Boards (one response), Educational Professionals (three responses) and a sixth form pupil (one response)

Please note that some respondents fulfil more than one role.



2.7 A copy of the consultation form disseminated can be found as Appendix 4 to this report.

### **3.0 Progress following public consultation**

3.1 Respondents felt that the proposed School Accessibility Strategic Group membership should include school-based Education professionals. As a result of this the membership of the Group has been widened to include Headteachers and SENCOs.

3.2 Respondents felt that the Strategy should also focus on improving access into provision within the City, in order to decrease the number of children and young people who are required to attend specialist settings outside of Wolverhampton. As a result of this, aim 2.1 of the Strategy was amended to ensure schools are supported when reviewing their premises physical access audit, in order to increase availability of provision in Wolverhampton.

3.3 One main concern among parents and carers was that information often disseminated to parents, carers and young people is done in an inaccessible or unsuitable format. Following this aim 3.5 of the Strategy has been added, which will provide guidance to schools on the delivery of accessible information.

### **4.0 Progress Following Pre-Decision Scrutiny**

4.1 The Children, Young People and Families Scrutiny Panel agreed with consultation respondents that continued professional development (CPD) of school staff should be highlighted as a priority area. As a result of this aim 1.3 has been extended to ensure CPD is a priority supported through the Strategy.

4.2 The Panel also echoed the views of some consultation respondents, that the Strategy should provide guidance on how the review and development of the physical environment of schools should support the needs of Children and Young People with non-physical disabilities, such as SEMH and Autism. In response to this, aim 2.2 of the Strategy was added to "Provide guidance and disseminate good practice on how a School's physical environment should be adapted to support the needs of Children and Young People with non-physical disabilities, as well as those with physical disabilities".

### **5.0 Evaluation of alternative options**

5.1 The Council is required under the Equality Act 2010 to have an Accessibility Strategy in which it promotes better access in school for pupils with disabilities.

### **6.0 Reasons for decision**

6.1 The objectives of the strategy are to:

1. Increase the extent to which pupils with special educational needs and/or disability can participate in the school curriculum;
2. Ensure that pupils with special educational needs and/or disability are able to gain maximum benefit from their time in education through improving facilities and services provided or offered by schools.

3. Improve the delivery of information to pupils with special educational needs and/or disability.

6.2 To support schools to further develop robust and effective Disability Equality Schemes and Accessibility Plans.

6.3 To ensure compliance with statutory regulations.

## **7.0 Financial implications**

7.1 There are no financial implications resulting from this report.  
[DB/24082018/G]

## **8.0 Legal implications**

8.1 The SEN and Disability Act 2001 amended the Disability Discrimination Act 1995 (DDA) by introducing new duties on local authorities (LA) and schools in relation to disabled pupils and prospective pupils. From 1 October 2010, the Equality Act replaced most of the DDA, however the Disability Equality Duty in the DDA continues to apply. The LA is required to have an accessibility strategy under the planning duty in the Equality Act 2010, Part 6, Section 88 (Schedule 10).  
[RB/29082018/K]

## **9.0 Equalities implications**

9.1 Following consultation an Equalities Impact Assessment was carried out, which concluded that the Accessibility Strategy would have a positive impact on children and young people with disabilities and a neutral impact in relation to other areas covered by the Equalities Act.

## **10.0 Environmental implications**

10.1 There are no environmental implications arising from this report.

## **11.0 Human resources implications**

11.1 There are no human resources implications arising from this report.

## **12.0 Corporate landlord implications**

12.1 Corporate Landlord will support Education in ensuring pupils with disabilities are able to access school premises through the improvement of the physical environment.

12.2 Corporate Landlord will monitor, evaluate and review any physical adaptations included within the Accessibility Strategy Action Plan.

## **13.0 Schedule of background papers**

13.1 The Equality Act 2010 and schools (DfE advice: May 2014):  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315587/Equality\\_Act\\_Advice\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf)

13.2 SEN Code of Practice

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

13.3 Draft School Accessibility Strategy Individual Executive Decision Notice

**14.0 Appendices**

Appendix 1: School Accessibility Strategy

Appendix 2: List of Consultees

Appendix 3: Consultation Summary

Appendix 4: Blank Consultation Form

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## City of Wolverhampton Council Schools Accessibility Strategy

### 1. Introduction

Educational performance is greatly improved in the City of Wolverhampton. We are incredibly proud of the achievements of the children and young people of our City. Effective education provision is viewed as a key factor in ensuring that Wolverhampton grows and thrives as a City at the heart of the West Midlands.

Improving access to education and educational achievement for pupils with disabilities is essential to ensure equality of opportunity, full participation in society, greater independence, access to employment opportunities and inclusion within mainstream education.

This accessibility strategy sets out the approach that the Council is taking to increase access to education for children and young people with disabilities, so that they can gain maximum benefit from their time in education. This strategy is also designed to support transitions across providers including in and out of Alternative Provision.

The Special Educational Needs and Disability Act 2001 amended the Disability Discrimination Act 1995 by introducing new duties on local authorities (LA) and schools in relation to disabled pupils and prospective pupils. From 1 October 2010, the Equality Act replaced most of the Disability Discrimination Act (DDA). However, the Disability Equality Duty in the DDA continues to apply. The LA is required to have an accessibility strategy under the planning duty in the Equality Act 2010, Part 6, Section 88 (Schedule 10):

<http://www.legislation.gov.uk/ukpga/2010/15/schedule/10>.

The Equality Act states that Local Authorities in England and Wales must, in relation to schools for which it is the responsible body, prepare an accessibility strategy and further such strategies at such times as may be prescribed.

The Equality Act requires all providers including Schools, Further Education, Higher Education and Early Years settings to make reasonable adjustments to avoid disadvantaging pupils with disabilities.

In addition to this, any setting constituted as a school have an additional duty to plan for better access for disabled pupils, as detailed below. The reasonable adjustments duty and a wider, more strategic planning approach for schools are intended to complement each other. This strategy therefore only applies only to maintained schools. The strategy is however not exclusive and welcomes alignment by partner academy schools based in the city.

### 2. The Requirements in Law

The General duty requires schools, when carrying out their functions, to have regard to the need to:

- Eliminate discrimination that is unlawful under the Equality Act 2010;
- Eliminate harassment of pupils with disabilities that is related to their disability;

- Promote equality of opportunity between people with disabilities and other people;
- Promote positive attitudes towards people with disabilities;
- Encourage participation by people with disabilities in public life;
- Take steps to take account of individuals' disabilities even where that involves treating people more favourably than other people.

The General Duty applies across all schools, and applies to pupils, staff, parents/carers, and any other users of the school.

There is also a Specific Duty for schools to demonstrate how they are meeting the General Duty. The main requirement is for schools to prepare and publish a disability equality scheme, involving people with disabilities in its development, and to implement the scheme and report on it as required.

The Equality Act requires schools and LAs to make reasonable adjustments to ensure that pupils with disabilities are not at a substantial disadvantage and to enable pupils to participate in education and associated services.

When deciding whether a reasonable adjustment is necessary, schools need to consider any potential impacts on pupils with disabilities in terms of time and effort, inconvenience, indignity and discomfort, loss of opportunity and diminished progress.

### **3. Duties on schools**

The Equality Act 2010 requires schools to develop and publish an Accessibility Plan that outlines how they will improve the access to education for disabled pupils over time. The school's Accessibility Plan should be published on the school website, and hard copies provided upon request. There should be a link between the school's Special Educational Needs information and the Accessibility Plan. Wolverhampton's Local Offer website contains links to all school websites and SEN information and this should include their Accessibility plans moving forward.

#### **Key Data**

- There are 7,502 pupils resident in the City who receive additional and specialist support
- There are 821 pupils on role in the 8 Special Schools.
- 6,589 pupils with Special Educational Needs or Disabilities (SEND) are supported in mainstream settings

\*source: School Census Spring 2018

Every local area is required to have Joint Strategic Needs Analysis (JSNA). Further information on the City's demographics can be found here: <http://www.wolverhampton.gov.uk/jsna>

### **4. Scope and key aims of The City of Wolverhampton Accessibility Strategy**

Ensuring that pupils with disabilities gain maximum benefit from their time in education is a priority for the Council. This can only be achieved through effective partnerships between all agencies that engage with the City's children and young people and their families.

As outlined in the SEND Code of Practice 2015:

*...[T]he UK Government is committed to inclusive education of disabled children and young people and the progressive removal of barriers to learning and participation in mainstream education. The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated and the Equality Act 2010 provides protection from discrimination for disabled people.*

This strategy forms part of a range of strategies and plans being delivered by the City of Wolverhampton Council designed to improve access to mainstream education for children and young people with both visible and invisible disabilities and special educational needs.

Underpinned by the Children and Families Act 2014, this strategy outlines the approach that the council will take when identifying and remediating any issues related to accessibility and participation.

Three key aims have been identified which are intended to maximise the benefits to children and young people with special educational needs and/or disabilities.

1. Increasing the extent to which pupils with special educational needs and/or disability can participate in the school curriculum;
2. Ensuring that pupils with special educational needs and/or disability are able to gain maximum benefit from their time in education through improving facilities and services provided or offered by schools.
3. Improving the delivery of information to disabled pupils.

**AIM 1: Increasing the extent to which pupils with special educational needs and/or disability can participate in the curriculum**

This will be achieved by:

- 1.1 Providing on-going guidance and training to schools to support them in the effective implementation of Special Educational Needs and Disability Act 2001, the Equality Act 2010 and the Children and Families Act 2014
- 1.2 Collecting and disseminating examples of good practice across the City and the wider educational community.
- 1.3 Providing information and support to ensure continued professional development in the area of special educational need, disability and inclusion is considered a priority within schools.

- 1.4 Ensuring continued access to advice and support through centrally maintained specialist services and partner organisations.
- 1.5 Further developing settings, schools and other education providers, as centres of excellence.
- 1.6 Working with schools to ensure that relevant information is readily available to support access on entry to/transfer between schools, and transition in and out of Alternative Provision.
- 1.7 Ensuring that “inclusivity” is always a main priority whenever any change to curriculum and other policies are proposed.
- 1.8 Ensuring schools regularly review their accessibility plans.
- 1.9 Ensure that support is available for schools with pupils with special educational needs and/or disabilities who have English as an additional language through specialist CWC services.
- 1.10 Provide support to pupils with social, emotional and mental health needs through specialist CWC services.

**AIM 2: Improving the physical environment of schools to enable pupils with special educational needs and/or disability to take better advantage of education, benefits, facilities and services provided**

This will be achieved by:

- 2.1 Supporting schools in reviewing the physical access audit of their premises and ensuring they understand their responsibilities, in order to increase the number of children, who’s needs are met within the City.
- 2.2 Provide guidance and disseminate good practice on how a school’s physical environment should be adapted to support the needs of Children and Young People with non-physical disabilities, as well as those with physical disabilities.
- 2.3 Ensuring that the Planning Authority monitors all building projects carried out centrally or by schools to address accessibility issues.
- 2.4 Providing schools with advice on disability and accessibility issues.
- 2.5 Creating a climate in which schools always identify “inclusivity” as a main priority whenever any change to the physical environment is proposed.
- 2.6 External Resources Available to Schools
  - Through various specialist teams and services, the LA provides advice to schools about, for example, improving the acoustic environment for pupils with hearing impairment, the reduction of glare and the improvement of signage for pupils with



visual impairment, and reasonable adjustments to the physical environment for pupils with mobility difficulties.

- Physiotherapists can advise a school about an individual pupil's mobility and physical development. This might include things like co-ordination and ability to sit, stand and walk. They can advise the school on how best to help the child develop physically, to keep the child as mobile as possible and on any appropriate specialist equipment or adaptations to the environment.
- Occupational Therapists can advise a school about using activity-based therapies to help raise an individual pupil's self-esteem and to encourage them to be as independent as possible. They will also advise on any appropriate specialist equipment or adaptations to the school environment if required.

### **AIM 3: Improving the delivery of information to pupils with special educational needs and/or disability.**

This will be achieved by:

- 3.1 Creating a culture of inclusivity, a climate in which schools always identify "inclusivity" as a main priority whenever provision of information is planned. Our vision is also that all children including disabled children and young people with special educational needs and disabilities should be recognised as fully integrated citizens with the ability to contribute to their local community, and that when they need support to do this that the right support is available.
- 3.2 Continuing to maintain specialist support services. We believe that every child and young person with special educational needs and disabilities from Wolverhampton should expect to receive high quality provision which promotes good health, care and educational progress and achievement. This includes access to universal services as well as specialist support where required.
- 3.3 Through the [Local Offer](#) which provides information in a single place for children and young people with special educational needs (SEND) and their parents or carers. Provision is available, within Wolverhampton Libraries & Community Hubs as well as City of Wolverhampton Council Civic Centre, to support access to the Local Offer.
- 3.4 Through the [Wolverhampton Information Advice and Support Service](#) (WIASS) which is the impartial and confidential information, advice and support on matters relating to a child or young person's special educational needs or disability from birth to 25 years within Wolverhampton.
- 3.5 Provide guidance to schools on how to ensure information is shared with Parents, carers and young people in an accessible format.

## **5. Governance**

This strategy will be led by the Director of Education through a strategic group which will include members from:

- The SEND Service
- The Corporate Landlord Service
- The Health Service
- Parents/carers
- Children and young people
- Headteachers
- SENCOs

The Accessibility Strategy and governance will be aligned to the SEND and Commissioning Partnership Board and sit within the overall governance structure for delivery of the SEND strategy and align to its priority areas of developing high quality accessible pathways for children and young people with special educational needs and/or disabilities. The SEND and Commissioning Partnership Board will be responsible for ensuring that the Accessibility Strategy is aligned with and/or inform the following:

- Wolverhampton's Joint Strategy for Children and Young People with Special Educational Needs and Disability (SEND) 2015 - 2020
- Asset Management Plans
- Schools' Accessibility Plans
- The Early Years Plan
- Children and Young Peoples Plan
- The Council's Vision for Education
- The Council's Strategic Plans

To support schools across the city and ensure that there is a clear and accessible pathway the Council will provide Wolverhampton Schools with an Accessibility Template. The template will assist schools when creating their own Accessibility Strategies so that they mirror the overarching strategy of the Council.

### **Strategy Review**

This strategy will be reviewed and revised as necessary in line with the overall review of SEND priorities and delivery.

### **Evaluation and Monitoring**

The Council recognises the need to monitor, evaluate and review the processes within the Local Authority and schools to ensure that accessibility is increased and the best use is made of all of the resources. Reports on progress will be published and publicised annually by the strategic group.

The Corporate Landlord Service, drawing on information provided by schools, Academies, settings, support organisations and health colleagues will carry out implementation, review and evaluation of the strategy.

### **Continuing to maintain specialist support services**

We believe that every child and young person with special educational needs and disabilities from Wolverhampton should expect to receive high quality provision which promotes good

health, care and educational progress and achievement. This includes access to universal services as well as specialist support where required.

**Background Documents**

The Equality Act 2010 and schools (DfE advice: May 2014):

<https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

SEN Code of Practice:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

DRAFT

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## School Accessibility Strategy Consultees

Stakeholder	Number	Type	Distributed
Chair of Governors/Trusts	111	Email  Attendance at Governors Forum	Sent 18.6.18  12.6.18
Wolverhampton Headteachers	111	Email	Sent 18.6.18
Wolverhampton Special Educational Needs Co-ordinators	111	Email	Sent 18.6.18
Internal Colleagues	-	Email	Sent 18.6.18
Ward Councillors	60	Email	Sent 18.6.18
ConnectEd Board Members	-	Email	Sent 18.6.18 Distributed 18.6.18
Diocesan Authorities	4	Email	Sent 18.6.18
Trade Unions	10	Email	Sent 18.6.18
Public via Modern.gov	N/A	Website	Online 18.6.18
Public via Social Media		Wolverhampton Today post	Online w/c 2.7.18
SEND & Commissioning Partnership Board		Email	Sent 18.6.18
Wolverhampton Challenge Board		Email	Sent 18.6.18
Parent & Carers		WIASS Social Media post	18.6.18
Voice 4 Parents Steering Group		Letter  Voice4Parents Facebook Post	11.7.18  18.6.18
Children & Young People			
Wolverhampton Challenge Board		Email	18.6.18
Real Talk Event (YP SEND Event)	40+	Letter	27.6.18
School requested to distribute to pupils		School communication Channels	18.6.18
SENCOs at the following schools asked to facilitate Workshop		Email	6.7.18
<ul style="list-style-type: none"> <li>• Aldersley</li> <li>• Castlecroft</li> <li>• Colton Hills</li> <li>• East Park</li> <li>• Palmers Cross</li> </ul>			

<ul style="list-style-type: none"> <li>• Springdale</li> <li>• St Matthias</li> <li>• Penn Hall</li> </ul> <p>Shared Via Local Offer to allow use of Accessibility Toolbar  <a href="http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/advice.page?id=o8IGOkkFYM0">http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/advice.page?id=o8IGOkkFYM0</a></p>		<p>Online</p>	<p>6.7.18</p>
<p>Circulated to members of Youth Council</p>		<p>Email</p>	<p>13.7.18</p>
<p>Citizens Panel</p>		<p>Email</p>	<p>2.7.18</p>

## Written Responses Consultation Summary

Consultation Question	Number of Responses Received	Yes	No	Don't Know	Abstained
A) Do you agree with the 3 key aims of this strategy?	23	21	2	0	0

A number of concerns and considerations regarding the proposals were also identified during consultation including:

“There needs to be a flexible approach and a commitment to evaluate the needs of the individual with input from all carers.” (Respondent #13 - Carer of an ex-pupil who is no longer in any form of education)

“If your child is able academically but needs support with their disability then there is very little on offer within the Wolverhampton Education System.” (Respondent #15 – Parent/Carer of a pupil at a Wolverhampton school)

“My son is unable to engage with curriculum because there is no placement for his needs.” (Respondent #15 - Parent/Carer of a pupil at a Wolverhampton school)

“It should be totally inclusive ... for those with a wide range of SEND issues which should not be dependent on whether a child has an EHCP. Staff training needs to be key here.” (Respondent #17 - Parent/Carer of a pupil at a Wolverhampton School)

“SEMH/ASD/PDA/other learning disabilities – how will the physical environment be more accommodating for these children? There also needs to be training of staff wrote into this strategy (and not simply share good practice).” (Respondent #20 - Parent of a pupil with provision out of city)

Consultation Question	Number of Responses Received	Yes	No	Don't Know	Abstained
B) Do you feel that any further actions are required to achieve the 3 key aims of the strategy?	23	14	6	0	3

A number of concerns and considerations regarding the proposals were also identified during consultation including:

1. The need for training of staff

- a. “Training specifically for teachers/TAs that come into contact with the child and also for peer groups – there can be a complete lack of understanding in our

experience of children with SEMH.” (Respondent #20 – Parent of a pupil with provision out of city)

- b. “I feel more schools should be trained in the area of learning disability and be more accepting of children that have disabilities.” (Respondent #10 – Parent/Carer of a pupil at a Wolverhampton School)
- c. All staff to have more training and a lot more understanding.” (Respondent #4 – Parent/Carer of a pupil at a Wolverhampton school)
- d. “Training for staff in school about non-visible disabilities.” (Respondent #1 – Sensory Inclusion Team Member)

2. Parental participation

- a. “Parents are key to building a good relationship with the school, a parent can offer a different perspective of their child.” (Respondent #17 – Parent/Carer of a pupil at a Wolverhampton School)
- b. “Clear strategy ensuring high parental participation.” (Respondent #14 – Member of staff at a Wolverhampton School)

3. SENCO Participation

- a. “A good SENCO presence would need to be felt around this scheme.” (Respondent #17 – Parent/Carer of a pupil at a Wolverhampton School)

4. Funding

- a. “If the council was to promote accessibility and inclusivity, then they need to have a clear plan of how they are going to fund this” (Respondent # 15 – Parent/Carer of a pupil in a Wolverhampton School)
- b. “It is under resourced.” (Respondent #12 – Parent/Carer of a pupil at a Wolverhampton School)

5. Use of plain English

- a. “How do you expect the majority of parents to understand the accessibility strategy when it does not use plain English?” (Respondent #15 – Parent/Carer of a pupil at a Wolverhampton school)

<b>Consultation Question</b>	<b>Number of Responses Received</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Abstained</b>
C) Do you agree with the membership of the strategic group that will lead on the strategy and develop the action plan?	23	16	3	0	4

A number of concerns and considerations regarding the proposals were also identified during consultation including:

1. The need for a wider range of membership to incorporate:

- I. Headteachers
  - a. “Needs to include school perspective – Headteachers & SENCOs.” (CRF #1 – Member of staff at a Wolverhampton school)
- II. SENCOs
- III. Children and Young People



- a. "...perhaps young people should be included too." (Respondent #21 – Parent/Carer of a pupil at a Wolverhampton School)
2. How members will be appointed.
- a. "Useful to know how representatives will be appointed and how feedback will occur." (Respondent #9 – Parent/Carer of a pupil at a Wolverhampton School)

Consultation Question	Number of Responses Received	Yes	No	Don't Know	Abstained
D) Would all children with SEND be able to physically access all areas of your (your child's) school?	23	11	11	0	1

A number of concerns and considerations regarding the proposals were also identified during consultation including:

- a) "No lift or ramps, unable to get through door frames. Small gaps in cloakroom to classroom." (Respondent #17 – Parent/Carer of a pupil at a Wolverhampton School)
- b) "Not secure areas, no good for children who run. Steps and equipment in playground that cannot be accessed by physically disabled pupils. Not appropriate toilet facilities for those that need a hoist and/or changing bed." (Respondent #3 – Member of staff at a Wolverhampton school)
- c) "Some children i.e. those with sensory disabilities can't sit in a busy looking classroom." (Respondent #4 – Member of staff at a Wolverhampton school)
- d) "Visual signage suitable for all user. All new buildings should have the building acoustics and the use of materials on the floor considered for all users." (Respondent #1 – Member of Sensory Inclusion Team)

Concerns were also raised regarding non-physical access:

- a) "There is hardly any quiet space for children on the autistic spectrum. It's not all about physical disability." (Respondent #12 – Parent/Carer of a pupil at a Wolverhampton School)
- b) "We have a lot of facilities e.g. disabled toilets, rise/fall bed, hoist all on one floor level however we don't have therapy rooms or space available for 'time out' safely for anger issues etc." (CRF #1 – Member of staff at a Wolverhampton school)
- c) "My son has SEN and the behaviour strategy in his school and the school's inability to understand his needs means he only attends on a modified timetable resulting in him being unable to participate in many activities in school." (Respondent #5 – Parent/Carer of a pupil at a Wolverhampton School)

Consultation Question	Number of Responses Received	Yes	No	Don't Know	Abstained
E) Does your (your child's) school provide information about	23	14	8	0	1

school activities and how to access them?					
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A number of concerns and considerations regarding the proposals were also identified during consultation including:

- a) "There is a real lack of after school activities for children with SEND both in my child's school & across the city ... strategy needs to address how the gap in provision for children with SEND can be addressed" (Respondent #21 – Parent/Carer of a pupil at a Wolverhampton School)
- b) "My child attends a special school. There are no activities outside of core hours because staff ratios needed means it is not financially viable to run them – hardly inclusive." (Respondent #15 – Parent/Carer of a pupil at a Wolverhampton School)
- c) "Many of the schools I work in do not offer suitable out of school activities for children with a sensory impairment or know where to sign post parents to." (Respondent #1 – Member of Sensory Inclusion Team)

Consultation Question	Number of Responses Received	Yes	No	Don't Know	Abstained
F) Are all children with SEND able to access all information provided from your (your child's) school?	23	12	10	0	1

A number of concerns and considerations regarding the proposals were also identified during consultation including:

- a) "A system for schools to share information with each other and with parents should be considered." (Respondent #21 – Parent/Carer of a pupil at a Wolverhampton School)
- b) "This has not been properly investigated but I assume that there is some way to go to make all information accessible to ALL pupils. A dyslexia friendly approach across the city would help here." (Respondent #14 – Member of staff at a Wolverhampton School)
- c) "If the scheme is inclusive then sign language should be taught or other forms of communication should be promoted along with all letters to be printed on yellow paper if requested or blue." (Respondent 17 – Parent/Carer of a pupil at a Wolverhampton School)

Consultation Question	Number of Responses Received	Yes	No	Don't Know	Abstained
G) Are all children at your (your child's) school given the opportunity to be involved in decision making?	23	13	9	0	1

A number of concerns and considerations regarding the proposals were also identified during consultation including:

- a) "Not all children would be able to participate due to their disability." (Respondent #21 – Parent/Carer of a pupil at a Wolverhampton School)
- b) "Some are given the opportunity others are deemed too naughty or irresponsible" (Respondent #17 – Parent/Carer of a pupil at a Wolverhampton School)
- c) "Not if they have complex needs" (Respondent #13 – Parent/Carer of a pupil at a Wolverhampton School)

<b>Consultation Question</b>	<b>Number of Responses Received</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Abstained</b>
H) Are all children with SEND able to take part in all activities in your (your child's) school?	23	9	13	0	1

A number of concerns and considerations regarding the proposals were also identified during consultation including:

- a. "...Some children in mainstream schools are unable to access things like music and sport in schools due to their SEND needs and this needs to be addressed." (Respondent #21 – Parent/Carer of a pupil at a Wolverhampton School)
- b. "I don't believe that excursions should only be offered to an elite few as a reward is inclusivity – I find it discriminatory." (Respondent #20 – Parent/Carer of a pupil with provision out of City)
- c. "... the school cannot afford to pay for anything outside the core school hours." (Respondent #15 – Parent/Carer of a pupil at a Wolverhampton School)
- d. "My son wasn't allowed to take part in in classroom lessons along with other children ... he wasn't allowed to go on school tris either." (Respondent #10 – Parent/Carer of a pupil at a Wolverhampton School)
- e. "Clubs that cannot cater for children who need 1:1 support." (Respondent #3 – Member of staff at a Wolverhampton School)
- f. "Some activities are not always suitable as additional staff or resources are needed and there is not always funding for this." (Respondent #1 – Member of Sensory Inclusion Team)

<b>Consultation Question</b>	<b>Number of Responses Received</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Abstained</b>
I) Do you have any further comments or suggestions that you would like to make	11	12	0	0	0

regarding the strategy?					
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A number of positive comments regarding the strategy were also received during consultation including:

- a) "I truly hope that this has a positive impact on the children I support in the years to come." (Respondent #1 – Member of the Sensory Inclusion Team)
- b) "It is a step in the right direction." (Respondent #18 – Parent of a child being home schooled)
- c) "... there is an opportunity for Wolverhampton to stand up to do the right thing for children with Special Educational Needs and to be an exemplar for other authorities." (Respondent #9 – Parent/Carer of a pupil at a Wolverhampton School)

A number of suggestions regarding the strategy were also received during consultation including:

- a) "I think PRUs should be included." (Respondent #4 – Parent/Carer of a pupil at a Wolverhampton School)
- b) "It should have been co-produced with parents/schools." (Respondent #21 – Parent/Carer of a pupil at a Wolverhampton School)
- c) "Children that are out of borough have little chance to access any form of society and have little chance of a true friend group that are local. By failing them in access to a local school, they are also failed on a social level too." (Respondent #20 – Parent of a pupil with provision out of city)

**CONSULTATION RESPONSE FORM**

**Draft School Accessibility Strategy**

Are you a: <i>(Please tick as appropriate)</i>	
<input type="checkbox"/>	Pupil at a Wolverhampton School
<input type="checkbox"/>	Parent/Carer of a pupil at a Wolverhampton School
<input type="checkbox"/>	Member of Staff at a Wolverhampton School
<input type="checkbox"/>	Member of the Governing Board at a Wolverhampton School
<input type="checkbox"/>	Other <i>(Please state)</i>

Do you agree with the 3 key aims of the strategy <i>(see page 3 of School Accessibility Strategy)</i> ?					
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
Please add comments or suggestions here and overleaf:					
<b>PTO</b>					

Do you feel that any further actions are required to achieve the 3 key aims of the strategy?					
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
Please add comments here and overleaf, stating the aim you are referring to:					
<b>PTO</b>					

Do you agree with the membership of the strategic group <i>(see page 5 of the School Accessibility Strategy)</i> that will lead on the strategy and develop the action plan following consultation?					
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
If you have answered no, please give details:					

**PTO**

Would all children with Special Educational Needs and/or Disabilities be able to physically access all areas of your (your child's) school?

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
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If you have answered no, please give details:


**PTO**

Does your (your child's) school provide information about school activities and how to access them?

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
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If you have answered no, please give details:


**PTO**

Are all children with Special Educational Needs and/or Disabilities able to access all information provided from your (your child's) school?

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
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If you have answered no, please give details:


**PTO**

Are all children at your (your child's) school given the opportunity to be involved in decision making i.e. school council?

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
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If you have answered no, please give details:


**PTO**

Are all children with Special Educational Needs and/or Disabilities able to take part in all activities in your (your child's) School?					
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
If you have answered no, please give details:					
<b>PTO</b>					

Do you have any further comments or suggestions that you would like to make regarding the strategy?					
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DON'T KNOW
Please add comments here and overleaf:					
<b>PTO</b>					

Title:	First Name:	Surname:
Address:		
		Postcode:
Email:		

Completed Consultation Response Forms should be sent to the following address – The SEND Team, Education Department, City of Wolverhampton Council, 1<sup>st</sup> Floor, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RL.

**The deadline for receipt of responses is 20 July 2018.**

Please note all comments received will be acknowledged if contact details are provided.

Thank you for taking the time to complete this form.





## About You

This next set of questions are about you. Why do we want to know these things about you?

The Council is committed to being fair in how we deliver services to all people. Under the Equality Act 2010, the Council has a responsibility to ensure that it does not unfairly discriminate in the services it provides. In order to help us ensure that our Equal Opportunities Policy is working, would you please provide the following information by ticking the appropriate boxes below.

Any answers you give will be treated in complete confidence.

1. Please indicate how old you are:							
Under 16	<input type="checkbox"/>	16 - 24	<input type="checkbox"/>	25 – 34	<input type="checkbox"/>	35 - 44	<input type="checkbox"/>
45 - 54	<input type="checkbox"/>	55 - 64	<input type="checkbox"/>	Over 65	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

2. What gender are you?							
Female	<input type="checkbox"/>	Male	<input type="checkbox"/>	Gender neutral	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

3. Is your gender identity the same as the gender you were assigned at birth?					
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

4. What is your sexual orientation?					
Lesbian/gay woman	<input type="checkbox"/>	Bisexual	<input type="checkbox"/>	Unsure	<input type="checkbox"/>
Gay man	<input type="checkbox"/>	Heterosexual/ Straight	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

5. What is your ethnic origin?					
Asian or Asian British - Indian	<input type="checkbox"/>	White and Asian	<input type="checkbox"/>	White – Gypsy/ Irish Traveller	<input type="checkbox"/>
Asian or Asian British - Pakistani	<input type="checkbox"/>	Other Mixed Background	<input type="checkbox"/>	White – Other European	<input type="checkbox"/>
Asian or Asian British - Bangladeshi	<input type="checkbox"/>	Black or Black British – African	<input type="checkbox"/>	Other White	<input type="checkbox"/>
Chinese	<input type="checkbox"/>	Black or Black British – Caribbean	<input type="checkbox"/>	Arab	<input type="checkbox"/>
Other Asian or Asian British	<input type="checkbox"/>	Other Black or Black British	<input type="checkbox"/>	Any Other	<input type="checkbox"/>
White and Black African	<input type="checkbox"/>	White – British	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
White and Black Caribbean	<input type="checkbox"/>	White – Irish	<input type="checkbox"/>		

6. What religion are you?					
Buddhist	<input type="checkbox"/>	Jewish	<input type="checkbox"/>	No Religion	<input type="checkbox"/>
Christian	<input type="checkbox"/>	Muslim	<input type="checkbox"/>	Any Other Religion	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	Sikh	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

7. Do you have a disability which affects your day to day activities, which has lasted, or you expect to last, at least a year?							
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not Sure	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>



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