

Individual Executive Decision Notice

Report title	Transfer of the West Midlands Strategic Migration Partnership (WMSMP) to the City of Wolverhampton Council	
Decision designation	GREEN	
Cabinet member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance	
	Councillor Louise Miles Cabinet Member for Resources	
Wards affected	All wards	
Accountable director	Charlotte Johns – Director of Strategy Claire Nye – Director of Finance	
Originating service	Strategy	
Accountable employee	Charlotte Johns	Director of Strategy
	Tel	01902 554240
	Email	charlotte.johns@wolverhampton.gov.uk
Report to be/has been considered by	Not applicable.	

Summary

To approve the transfer of the West Midlands Strategic Migration Partnership (WMSMP), into the Council under the Transfer of Undertaking (Protection of Employment) Regulations 2006.

To approve an allocation of funds, in accordance with authorities delegated by Cabinet on the 8 July 2020 to the Cabinet Member for Resources, in consultation with the Director of Finance, to allocate funds from the Budget Contingency Reserve.

Recommendation for decision:

That the Cabinet Member for Governance, in consultation with the Director of Strategy:

1. Approve the proposed TUPE transfer of the West Midlands Strategic Migration Partnership (WMSMP) into the Council and the Council entering into a Transfer Agreement with Birmingham City Council.

That the Cabinet Member for Resources, in consultation with the Director of Finance:

2. Approve the short-term allocation of funds totalling £258,000 from the Budget Contingency Reserve in order to facilitate the transfer of the West Midlands Strategic Migration Partnership whilst grant terms and conditions are being finalised.

Signature

Date:

Signature

Date:

Signature

Date:

Signature

Date:

1.0 Background

- 1.1 The WMSMP is a local authority-led partnership which provides structures and forums of engagement for dealing with migration at a local, regional and national level. It brings together senior representatives from Local Government, Home Office, national government, statutory, voluntary and community and private sectors.
- 1.2 The Partnership ensures the right level representation on both national and local needs to ensure that migration is managed to benefit all in the West Midlands. The WMSMP was established following introduction of the Asylum and Immigration Act 1999 to oversee the policy of asylum dispersal. However, it has more recently developed in response to changes in dispersal and migrant patterns, as well as changes to national policy requirements. In 2007, the core activities of the partnerships were broadened to cover the wider migration agenda and their impacts on local areas.

2.0 Progress

- 2.1 Since 2007, the WMSMP has been hosted by Birmingham City Council, however, the City of Wolverhampton Council, through both the Chief Executive and Leader of the Council, have been leading on its work and bringing together all key partners at both a regional and national level.
- 2.2 An agreement to transfer the team to the City of Wolverhampton Council was endorsed by regional Chief Executives, as it will provide an opportunity to redesign the complex system of building new cohesive communities and sharing our approach and learning so

that it works across all areas in the region, and positively influence the national landscape with Home Office and other government departments.

3.0 Options

- 3.1 Option 1 – transfer the WMSMP from Birmingham City Council to City of Wolverhampton Council in order to support the development of a new approach to building cohesive communities in the region.
- 3.2 Option 2 – do not transfer the WMSMP from Birmingham City Council to the City of Wolverhampton Council, which does not capitalise on the opportunity to redesign the service and offer to the region.

4.0 Reasons for decision

- 4.1 Option 1, to transfer the hosting of the WMSMP is the recommended option, as it better supports the continued national and regional work on this agenda being led by the City of Wolverhampton Council.

5.0 Financial implications

- 5.1 The West Midlands Strategic Migration Partnership is funded directly through a grant funding agreement from the Resettlement, Asylum Support and Integration Directorate as part of Central Government's UK Visas and Immigration department.
- 5.2 The operational costs of the service transferring to the Council under the TUPE arrangement are expected to be in the region of £258,000 and will be wholly funded by Central Government grant. Should the government funding cease, costs associated with staffing including any transferred pension liabilities will reside with the Council.
- 5.3 The UK Visas and Immigration department confirmed on 3 February 2021 that grant funding is in place until March 2023, with funding for 2021-2022 remaining at £258,000 the same as 2020-2021, with grant streams for Asylum Support, Resettlement, Unaccompanied asylum-seeking children (UASC) and English for speakers of other languages (ESOL) capped in line with the spending review.
- 5.4 Work is progressing to align the grant funding agreement to the service transfer. Once finalised, future reports will be brought forward to Councillors confirming both the terms and conditions of the grant funding agreement and approve the creation of associated supplementary budgets.
- 5.5 Cabinet, on the 8 July 2020, approved the continuation of delegation of authority to the Cabinet Member for Resources, in consultation with the Director of Finance, to allocate funds from the Budget Contingency Reserve.
- 5.6 In order to facilitate the service transfer in a timely manner whilst grant terms and conditions are being finalised, and in accordance with the above delegation, it is

proposed that an allocation of £258,000 be made in the short term from the Budget Contingency reserve for which approval is sought in this report.

[TT/30032021/L]

6.0 Legal implications

- 6.1 A transfer agreement will need to be entered into by the City of Wolverhampton Council and Birmingham City Council. All staff employed as part of the WMSMP (total of three) will transfer along with all operations which form part of what is known as the WMSMP Service to the City of Wolverhampton Council in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended). From the Transfer Date, City of Wolverhampton Council will operate the Transferring Services.

[Legal Code: TS/18032021/T]

7.0 Equalities implications

- 7.1 There are no equality implications arising from the recommendation in this report.

8.0 All other implications

8.1 Human resources implications

- 8.1.1 The recommendation in this report will result in three employees transferring to the City of Wolverhampton Council as part of a TUPE transfer in accordance with the Transfer of Undertaking (Protection of Employment) Regulations 2006.

9.0 Schedule of background papers

- 9.1 Reserves, Provisions and Balances 2019-2020, Cabinet on 8 July 2020