

# **BIRMINGHAM CITY COUNCIL**

## **CABINET**

**TUESDAY, 13 FEBRUARY 2024 AT 10:00 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

## **A G E N D A**

### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

### **2 APOLOGIES**

To receive any apologies.

### **3 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

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4 **MINUTES**

To confirm and sign the Minutes of the meeting held on the 16 January 2022.

5 **EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC**

a) To highlight reports or appendices which officers have identified as containing exempt information within the meaning of Section 100I of the Local Government Act 1972, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.

b) To formally pass the following resolution:-

**RESOLVED** – That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.

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6 **UPDATE ON COUNCIL TAX SETTING FOR 2024/25**

Report of the Interim Director of Finance and Section 151 Officer.

**35 - 60**

7 **WMCA GRANT FUNDING: PROVISION OF ENTERPRISE CO-ORDINATOR SERVICES & CAREERS HUB IN BIRMINGHAM**

Report of Director for Children & Families

**61 - 86**

8 **WMCA GRANT FUNDING: COMMONWEALTH GAMES LEGACY ENHANCEMENT FUND – PROVISION OF WIDER JOBS & SKILLS IN BIRMINGHAM**

Report of Director for Children & Families

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9 **CONSULTATION ON PROPOSED ADMISSION ARRANGEMENTS AND PUBLISHED ADMISSION NUMBERS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS AND THE DETERMINATION OF THE ADMISSION ARRANGEMENTS AND THE LOCAL AUTHORITY CO-ORDINATED ADMISSIONS SCHEME 2025/2026**

Report of the Director of Children & Families

- 151 - 164**
- 10 **KEY DECISION PLANNED PROCUREMENT ACTIVITIES (MARCH 2024 – MAY 2024)**
- Report of Assistant Director - Procurement
- 165 - 172**
- 11 **NON KEY DECISION PLANNED PROCUREMENT ACTIVITIES (MARCH 2024 – MAY 2024)**
- Report of Assistant Director - Procurement
- 12 **OTHER URGENT BUSINESS**
- To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.



# BIRMINGHAM CITY COUNCIL

<p><b>CABINET MEETING</b>  <b>TUESDAY, 16 JANUARY 2024</b></p>
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**MINUTES OF A MEETING OF THE CABINET COMMITTEE HELD ON  
TUESDAY 16 JANUARY 2024 AT 1000 HOURS IN COMMITTEE ROOMS  
3&4, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

**PRESENT:** - Councillor John Cotton, Leader in the Chair

Councillor Nicky Brennan, Cabinet Member for Social Justice, Community Safety and Equalities  
Councillor Liz Clements, Cabinet Member for Transport  
Councillor Jayne Francis, Cabinet Member for Housing and Homelessness  
Councillor Brigid Jones, Cabinet Member for Finance and Resources  
Councillor Majid Mahmood, Cabinet Member for Environment  
Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families  
Councillor Robert Pocock, Interim Cabinet Member for Health and Social Care  
Councillor Saima Suleman, Cabinet Member for Digital, Culture, Heritage and Tourism

**ALSO PRESENT:-**

Councillor Robert Alden, Leader of the Opposition (Conservative)  
Councillor Roger Harmer, Leader (Liberal Democrat)  
Councillor Ken Wood (Conservative)  
Professor Graeme Betts, Director, Adult Social Care (DASS)  
Richard Brooks, Director, Strategy Equalities and Partnerships  
Deborah Cadman, Chief Executive  
Craig Cooper, Strategic Director of City Operations  
Wayne Davies, Service Director Asset Management  
Katy Fox, Director of People Services  
Fiona Greenway, Interim Finance Director and Section 151 Officer  
Andrew Healey, Finance Business Partner  
Paul Kitson, Strategic Director of Place, Prosperity and Sustainability  
Paul Langford, Strategic Director, City Housing  
Naomi Morris, Head of Service (Strategic Housing & Enabling Service)  
Marie Rosenthal, Interim City Solicitor and Monitoring Officer  
Steve Sandercock, Assistant Director, Procurement  
Mark Shelswell, Assistant Director Highways & Infrastructure  
Jo Tonkin, Assistant Director, Partnerships Insight and Prevention  
Errol Wilson, Committee Team Leader

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**NOTICE OF RECORDING/WEBCAST**

282. The Chair welcomed attendees and advised, and the Committee noted, that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.
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**APOLOGIES**

283. An apology for absence was submitted on behalf of Councillor Sharon Thompson for her inability to attend the meeting. Susan Harrison, Director for Children and Families
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**DECLARATIONS OF INTERESTS**

284. The Chair reminded Members that they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at the meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

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Any declarations will be recorded in the minutes of the meeting.

Councillor Robert Alden declared his interest in Agenda item 12 on the basis that he worked parttime for Gary Sambrook, MP who made comment to the Council around Dublin Road disposal and the processed that was followed around it.

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**MINUTES**

285. **RESOLVED:** -

The Minutes of the meeting held on 12 December 2023, having been previously circulated, were confirmed and signed by the Chair.

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**EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC**

## **Cabinet Committee – 16 January 2024**

The Chair advised that the reports at Agenda items 11 and 16A, contained an exempt appendix within the meaning of Section 100I of the Local Government Act 1972.

The Chair then enquired whether there were any matters that Members would like to raise on the exempt appendix that may affect the decision to be made or to ask for clarification on a point on the exempt appendix.

The committee noted that there were two items with exempt appendices i.e. items 11 and 16A. The Chair advised that in respect of item 16A which was a late report which was added for noting we needed to move into private session at the end of the Agenda for that item and then come back into public session to take the decision.

### **286. RESOLVED:–**

That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.

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### **SECTION 151 OFFICER UPDATE ON THE FINANCIAL POSITION OF THE COUNCIL – JANUARY 2024**

The Committee noted that this report was published by late dispatch.

The Leader introduced the item and drew the attention of Cabinet to the information contained in the report and highlighting the key points.

The Cabinet Member for Finance and Resources acknowledged the hard work of staff and officers particularly over the Christmas break. She added that it has been a challenging period, but we were committed to being open and honest about the difficulties we were facing. We were not the only Council in this position. The scale of our challenge was bigger and as the Leader had stated there were Birmingham specific elements to it and there were Councils of all political stripes who were struggling, and it would continue this way until a stable local government settlement was found. We have written to the Department for Levelling Up, Housing and Communities (DLUHC) for exceptional financial support to enable the setting of a balanced budget for 2024/25. We were clear that this was no silver bullet, and it was not going to ...

Councillor Roger Harmer voiced concerns about the report and stated that the biggest pressures in local government was the rising cost of Adult and Social Care which has still not been resolved nationally in terms of how to fund it and the burden was falling significantly on local government. The phrase was that Birmingham was the youngest city in Europe, therefore we should not be vulnerable to that. The issues we have and were wrestling with were primarily

## **Cabinet Committee – 16 January 2024**

of our own making. There would have been difficulties and there would have been cuts but the reasons the Section 114 notices were issued was down to the failings of this Council. It would have been appropriate if the leader had spent more time talking about how those had been dealt with than talking about the national situation. The question was given that things had gotten worse, and we were talking of tens of millions over the £300m, who this would be coped with in the process. Whether we were looking at further cuts since the Cabinet last met and whether we were looking at greater rises in the Council Tax. A further question was what the proposals were to deal with the extra tens of millions of pounds that had been uncovered.

Councillor Robert Alden expressed thanks to the staff for their on-going work in pulling this together both across all the directorates and also the Scrutiny teams. As a group we have long supported calls for more support for local government and more support where there were pressures nationally. He remarked that the Cabinet proudly claimed that the Council was in the best financial position for 30 years only a year ago and now we expect the people of Birmingham to believe us that this was to do with other people. The Council was not saying it was unable to balance its books a year ago. Looking at the report the Council was unable to set a legal budget. The Council was not saying a year ago that it was unable to set a legal budget. It was saying its finance was the best it had been for 30 years. It was not credible to claim that this was anything other than a catastrophic failure of this administration to manage the Council's budget. It was worth remembering the context of the December report where the commissioners had requested by the 7 January 2024 that the Council had a credible plan to meet a £300m savings over two years.

The Commissioners were clear in their statement that this was achievable. What we had instead paragraph 3.10 refers - 45% of savings that did not met the target that was set were listed as Red or Amber. This was a serious position that this Council in the introduction did not seemed to be grasping was the level of seriousness. Paragraph 3.7 refers the financial grant could be growing by tens of millions over the £300m which was a further issue on top of that. The Commissioners were concerned about the 2024/25 savings and if we did not get a grip of this quickly it would be the utter destruction of the services that residents in the city rely upon and a total failure of the obligations of people running the Council to ensure that the citizens of Birmingham were protected. There was a report coming from the Budget Scrutiny Committee that considered a lot of issues around the proposals and it was important that Cabinet gives proper weighting to those issues when it considers the financial statement.

Councillor Alden referred to the Public Health Grant and stated that it was vital that the Council assured itself that there was appropriate use of that grant and other similar grants when it comes to finalising the proposals, not least as the Council had had to return money from the Public Health Grant that had been considered to not have been appropriately used following challenges by the OSAID previously. What the people of Birmingham wanted to know was how was the Council going to ensure that those savings were delivered. It cannot be business as usual as business as usual for this administration over the last 10 years had been to miss significant numbers of savings.



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The Cabinet Member for Transport commented that we all understand how serious the situation was and the work that had gone on had been intense and rigorous. We were looking at how we could make savings in areas which would not impact the most vulnerable. We could not ignore the context and last week there were press stories about the Government looking at relaxing the Public Sector Accounting rules for the whole sector to allow Councils to capitalised assets. This was the consequence of 12 -13 years of austerity which was disproportionately impacted Councils like Birmingham.

The interim Cabinet Member noted Councillor Harmer's comments concerning the city's age structure and stated that the latest figures showed that the most rapidly growing demographics were the over 65 age group. This did not take away from the fact that we had a lot of young people, but there was an increasing and growing fraction of our community hitting the 65 and plus age limit and the care consequences that flows from that. There was a need to readjust our view that the demands on the city's services to recognised that growing segment. The Director of Public Health will be producing a Public Health report next year which will detailed the demographics in the city for the benefit of projecting the implications on services.

The Chair emphasised that nobody was in denial about specific issues that were facing this Council and the Birmingham specific issues to be addressed and indeed that the report contained a number of observations around how we were seeking to address those matters. However, the point was also clear that this was not happening in a vacuum and that there was a crisis in the wider financing of local government. We have to be mindful of that as we seek to address the specific challenges facing this Council. With regard to the question of how we dealt with the further emerging challenges as we continue to do due diligence on the budget, clearly we were in a two-year budget process, so the aim was to seek to balance that budget over the two-year period and was the reason we were also seeking that exceptional financial support from Government to be able to do that. There will be a whole series of transformative savings that we needed to make as part of the 2025/26 budget year.

The Chair continued that in terms of the Public Health Grant it was clear that that had to be deployed appropriately and in accordance with the guidance and regulations that surrounds Public Health. The Chair gave assurance that the Public Health Director had been absolutely robust in ensuring that that was the case with any proposals that came forward. A valid point was made concerning the deliverability of the savings that were not being delivered previously. The whole area of governance around this had been gripped closely by Cabinet through a series of budget assurance forums which was also supported by the Commissioners through the Finance Board which Members of all parties were represented on. We needed to ensure that any savings proposals that came forward were absolutely deliverable and that deliverability would be tracked throughout the coming year.

### **287. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

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## **Cabinet Committee – 16 January 2024**

- a. Noted the update on the overall financial position and savings programme for 2024/25 and 2025/26 (paragraphs 3.3 to 3.13 refers);
  - b. Noted the current status of the progress towards setting the budget and Council Tax Requirement for 2024/25 (paragraphs 3.14 to 3.30 refers); and
  - c. Noted the update on the savings and transformation programme for 2025/26 (as stated in paragraphs 3.31 to 3.38 of the report.
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### **COUNCIL TAX TAX-BASE FOR 2024/25**

The Cabinet Member for Finance and Resources introduced the item and drew the attention of Cabinet to the information contained in the report.

Councillor Robert Alden commented that there were some key points in the report. Firstly the Commissioners highlighted that they wanted a review of the Council Tax support scheme. It was worth noting that that was a requirement to raise Council Tax beyond the national referendum limit. In terms of the proposal to increase the collection this was welcomed that the Commissioners stated that this was achievable and the Council also agreeing that that was achievable not least that we have been raising this for a number of years. The Council was suffering from a failure to have delivered more of the larger family homes that the city needed to meet its population needs and would have delivered a higher Council Tax base without having to increase Council Tax. Other Councils did that to ensure those houses were supplied.

The Cabinet Member for Social Justice, Community Safety and Equalities stated that in relation to the review of the Council Tax Support Scheme it was important that this be kept in place to protect our most vulnerable citizens.

The Cabinet Member for Housing and Homelessness commented that regarding the Council Tax empty homes premium referenced in paragraph 3.6 of the report and work that was being done to bring homes back into the market. Empty homes could have a significant detrimental impact on communities especially when they fell into disrepair. They could attract antisocial behaviour vandalism and infestation of vermin all of which affected neighbouring homes and families negatively.

Against the backdrop of the national housing crisis it was vital that we bring every house back into the market and help tackle the increase in demand for homes. In 2019 we introduced the new property strategy which included the use of an empty homes premium on Council Tax to discourage people letting homes if they were empty. Previously we were only able to charge the empty homes premium after two years because of non-occupancy. She highlighted that she was pleased to announced that from April 2024 onwards we will be able to charge the premium after one year of a house lying empty to ensure that good quality family homes were on the market as soon as possible.

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The Cabinet Member for Finance and Resources stated that concerning Council Tax support we had tried to review this in 2020 but had to abandoned plans to do so as a result of the pandemic destabilising the cohort of people receiving Council Tax support. The legislation was clear that we needed a stable cohort on which to model the changes and consult. In terms of the collection of funds we were behind where we wanted to be, and this was exacerbated over the last year with problems with our IT system for finance and HR which had not given us a clear picture of where debts lay. We did not want to pursue people unnecessarily for debts they may not owed. We have two sets of savings in the next year's financial plan one of which was drafting in new staff to work on Council Tax debt owed. The other was to review single person discounts which frequently rolled over for years to ensure these were appropriately applied. In terms of building larger homes we would be happy to do so if the land could be found and the planning system was reformed.

The Cabinet Member for Finance and Resources noted Councillor Ken Wood's enquiry regarding the collection of outstanding rent and advised that rent owed was dealt with separately. She undertook to investigate the issue and get a response to Councillor Wood.

### **288. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- (i) Approved a Council Tax base for Birmingham of 267,940 Band D equivalent properties, for 2024/25, as calculated in Appendix 2, to the report, in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012;
- (ii) Approved a Council Tax base for the New Frankley in Birmingham Parish Council of 1,373 Band D equivalent properties for 2024/25, as calculated in Appendix 3 to the report;
- (iii) Approved a Council Tax base for the Royal Sutton Coldfield Town Council of 37,444 Band D equivalent properties for 2024/25, as calculated in Appendix 4, to the report;
- (iv) Noted that, once formally determined (by approving this report), this tax base cannot subsequently be altered, and will be used when the City Council sets the Council Tax for 2024/25; and
- (v) Noted that there are no changes to the current Council Tax Support Scheme in 2024/25, subject to the Council's final decision on the potential increase for the year.

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### **BIRMINGHAM AND SOLIHULL SEXUAL HEALTH TREATMENT AND PREVENTION SERVICE – CONTRACT AWARD**

The Interim Cabinet Member for Health and Social Care presented the item and drew the attention of Cabinet to the information contained in the report. He then congratulated Councillor Mariam Khan the Cabinet Member for Health and

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Social Care on her new arrival. Members of the meeting then expressed congratulations to Councillor Mariam Khan.

The Cabinet Member for Finance and Resources commented that she was pleased that the Commissioner had supported the report. She added that there had been comments about the lack of tenders for this contract but that this highlighted the fact that there was not a market out there for several types of NHS services. There was a flaw in the Government's approach to forcing the constant retendering for some of those things, but we were stuck with what we had, and it was a process we had to follow. She further added that she was pleased that this service would provide some continuity to those that used it.

The Cabinet Member for Social Justice, Community Safety and Equalities commented that the Interim Cabinet Member for Health and Social Care referred to the partnership work that was undertaken with this service. She stated that often victims of sexual abuse would go to a centre like this or people that do not often realised that they were being sexually exploited. It was important that we have those pathways in place for people in Birmingham and Solihull Women's Aid so that victims could get the right support they needed. There were staff at these facilities that understood what sexual exploitation was, what domestic abuse was and were able to support victims whether they wanted to make a case to the police or to get other support they needed to cope and recover from the abuse they have suffered.

In response to questions and comments the Deputy Director of Public Health responded as follows:

- a. That she could speak directly to the questions raised by the Commissioners but that she could not respond to the questions concerning the wider process. The questions that were asked of us were ones that we had already addressed and asked ourselves throughout the procurement process.
- b. With regard to the tendering of an integrated service delivery model that was the national model for sexual health services. This was the model of best practice we did not have any and would not wish to change that mode of delivery.
- c. Therefore a disaggregated delivery model would not be appropriate having been historically tested and not effective in delivering the outcomes that we required.
- d. In terms of marketing engagement and market testing, that was part of the procurement process. It was not surprising that at an early stage we could get a high number of providers who were potentially interested as it was at that stage that they could receive the detail of our specification what we wanted to purchase.
- e. That information was useful information to nay providers who had intended to consider bidding in Birmingham but also it informed their strategy for bidding in other parts of the country. This was part and parcel of the process.
- f. We went back to the subsequent providers who then put forward proposals and we assessed their reasons and looked at whether we could have changed our strategy and it was our conclusion and this was

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what we shared with the Commissioners that we could do nothing at that stage.

- g. In terms of our joint working with Solihull all of the decision making were now signed off with Solihull at a point in which the Commissioners asked the question there was an outstanding issue which have now been resolved.
- h. Regarding the changes in the contract values that referred specifically to and including a customer relation to an HIV was not an escalation of the contract price which resulted from the procurement process was provided with significant details around contract management which was robust in the delivery of clinical services.
- i. There was a national statutory dataset in terms of contract and commercial leavers. We have robust monitoring in place and other leavers had been tested in other major procurement processes in relation to the delivery of public health services have not generally demonstrated themselves to be effective.
- j. We have provided some indication to Commissioners about what the role of the partnership board was.
- k. Regarding the procurement of Public Health there had been a change to procurement legislation nationally with the introduction of the provider selection regime. This was an indication that competitive processes in this context where services were delivering a high-quality services already did not best met the outcome of our population.
- l. We work in a collaborative way notwithstanding the robust monitoring of these services.

The Interim Cabinet Member for Health and Social Care stated that the competitive tendering environment limits the effectiveness of marketisation work of this sort. The market was unable to support a competitive tender and a compliant tender for a service of this capacity, so it rightly went to the provider who was able to meet the requirement to cover a city the size of Birmingham. To find the premises themselves was a huge challenge for a tender. Constraint on the ability of the market to provide options for this service. The Tier Four model was to make communities accessibility as strong as possible and for confidentiality to be paramount in the way in which people could access the service.

### **289. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- a) Approved the award of a 4-year contract for the provision of the Birmingham and Solihull Sexual Health Treatment and Prevention Service to University Hospitals Birmingham NHS Foundation Trust , commencing on 1st April 2024, with an option to extend for a further 2 years to 31st March 2030 subject to budget availability and satisfactory performance for the estimated value of up to £62,205,055 for Birmingham for the initial 4-year contract term and up to £32,028,257 for the 2-year extension;
- b) Approved delegated authority for the Director of Public Health in conjunction with the Cabinet Member for Health & Social Care, Assistant

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Director – Procurement (or their delegate), Strategic Director of Council Management (or their delegate) and the City Solicitor & Monitoring Officer (or their delegate) to approve any option to extend beyond the initial 4-year period up to a maximum of 2 additional years, subject to satisfactory performance and continued budget availability; and

- c) Authorised the City Solicitor to execute and complete all necessary legal documents to give effect to the decisions above.

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### **HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN AND RENT SETTING 2024/2025**

The Cabinet Member for Housing and Homelessness presented the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Finance and Resources stated that the fundamental thing behind this was that we were committed to ensure everyone in Birmingham had a safe affordable and good quality place to live. The investment plan had recalibrated our spend to ensure that the money goes where our priorities were.

The Cabinet Member for Finance and Resources then highlighted the following:

- £4.3b investment going in to ensure that our homes met statutory and compliant obligations which was vital for us going forward. This would help to provide a solid foundation that we needed to see across our Council housing.
- We have over £0.5b investment to develop a direct delivery pipeline of affordable homes in a timely generation.
- £0.25b investment going towards decarbonisation and £0.1b of revenue going to deliver quality services to our residents.
- We knew there had been challenges to our housing services locally but there were improvement plans in place to turn that around.
- It must be acknowledged nationally that we were living in a long-term housing crisis exacerbated by the ongoing cost of living crisis.

Members then made the following statements:-

Councillor Ken Wood referred to paragraph 4.1 of the report and stated that there was not a second vote on Stock Transfer and that what there was in 2004 – 2006 by the Conservative/Liberal Democrat administration at the time was an Options Appraisal that had overwhelming backing of the administration approach of positive changing of the housing stock. In 2002 the Labour Administration led by Councillor Sir Albert Bore stated that there was no Plan B and had embarked on a media campaign stating that there was no choice but to vote for Stock Transfer or they would have to continue living in the squalor. He added that the report felt more of the same by trying to argue that if our tenants had voted for Stock Transfer then we possibly would not be in the same mess now. He further added that this was disingenuous as it attempted to pass the buck.

## **Cabinet Committee – 16 January 2024**

Councillor Wood continued that the 2012 HRA Business Plan had set out a long-term strategy to maintain the homes at decent standards. This would have been self-financing and not affected by any national changes and just need the incoming Labour administration to keep the same level of decent homes. He added that he was horrified that housing did not have its own directorate when he rejoined the Council and was sat under the Neighbourhoods Directorate. This showed that there was a lack of importance going to housing by the administration at the time.

Councillor Harmer commented that housing was often the ignored part of the current crisis in the City Council. Huge collapse in decency levels were seen. 99% in 2012 to just over 60% now. The report points to the pressure in local government finance but Leeds and Sheffield have both been under the same generic pressures and had maintained 99% decency standard during that time. As we look at how Scrutiny was looked at with the changes and the resetting of the Council he had complained at the time in May 2022 that Scrutiny arrangement being discussed would mean that there would be no Scrutiny reports about housing. He added that he had also raised the point that we were seeing more findings against the Council by the Ombudsman and that the Scrutiny Committee needed to look at that and what the reasons were behind that.

Before that happened we got the report by the Ombudsman which was behind a lot of what we were seeing today. We needed to ensure that when we looked at the structure of Scrutiny that where we were able to look at the significant issues like the deterioration of the situation in housing and used that diligence within the Council to try and pick up these issues before they got to this state. Understandably a lot of the impact of the increase in the rent and the work being planned was to tackle the decline in decency which had to be a huge priority.

We also needed to consider that we have huge number of residents living in temporary accommodations. We needed to consider the decency of the accommodations they were living in. The prioritisation of getting back to decency central as that was pointed to bleak prospects for those residents who needed socially rented housing and did not currently have it. We desperately needed a significant and most importantly prolonged decades in building new socially rented housing.

Councillor Robert Alden stated that the Council had a moral obligation as a landlord to ensure that the Council was providing safe homes for the residents of Birmingham who were our Council tenants. Frankly, the Council would expect any other landlords in the city to do so and it should hold itself at no lesser standards than it was holding other people. The failure of the Council to have done that over the last 10 years was no doubt why the press have at times called Birmingham City Council the biggest slum landlord in the city. It was welcomed in the Commissioners comments that the Commissioners were highlighting the Council were now accepting that they did not invest in the housing stock of the city for a significant period and that they failed to do the landlord functions properly.

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In terms of service charges there were cases in his Ward where in the past the Council had not correctly levied those service charges. An issue had arisen in a resident tower block in Erdington where they took away the service they were charging for and continued to charge residents for years afterwards. It was important that the Council ensured that this did not happen again. Councillor Alden enquired whether the Council had undertaken any research to ascertain the impact on rent increase in the city if they were to be forced to go out to stock transfer by a sole provider rather than the current provision for the Council. It would be disingenuous not to be open and honest to resident about what the anticipated impact would be on the rent to them under that circumstance. Councillor Alden referred to paragraph 4.3 of the report and commented that it was important to remember that this was the Housing Revenue Account (HRA) Business Plan and was not the general fund and in fact a ringfenced fund.

The Cabinet Member for Transport referred to Councillor Wood's comments and stated that it was necessary to have a full account of history. She added that the Stock Transfer Ballot occurred in a context and had taken place over 20 years of selling off Council houses under the Right to Buy scheme and the fact that Councils could not keep the receipts resulted in years of underfunding in Council housing. She stated that it was interesting for Councillor Alden to reflect on housing decency without stating that within the whole period of the Conservative/Liberal Democrat administration we had a Labour Government who had implemented the Neighbourhood Renewal Scheme which had a series of floor targets one of which was about housing decency and warm houses. She further added that we needed to have this on a wider context.

The Cabinet Member for Housing and Homelessness stated that investments were not without risks, but we needed the investments in order to improve our housing stock. Of importance was ensuring that our citizens lived in housing that was safe and secure. The role of Scrutiny was important, and we now have some things on the Scrutiny agenda that ensures that we effectively monitor the impacts and effects of what we were doing.

The Strategic Director, City Housing advised that in relation to point raised about scrutiny, agreement was had to go to Scrutiny on a quarterly basis for updates on both regulations, compliance and investments was an important part of what we intended to do moving forward.

### **290. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- 1) Approved the HRA Business Plan 2024/25 as the strategic framework for operating the HRA, see Appendix 1 to the report;
- 2) Approved the 7.7% increase (to reflect CPI+ 1%) for social housing rents;
- 3) Approved the 7.7% increase in temporary accommodation rents (dispersed);



## **Cabinet Committee – 16 January 2024**

- 4) Approved the 7.7% increase in temporary accommodation homeless centre rents;
- 5) Approved the increase in temporary accommodation service charges in both affordable homes and temporary accommodation, in line with a full cost recovery approach and the national rent setting policy; and
- 6) Approved the proposal to review the direct delivery model, assessing the speed, effectiveness, and financial viability of the model.

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## **ASSET MANAGEMENT STRATEGY 2024-2029**

The Cabinet Member for Housing and Homelessness presented the item and drew the attention of Cabinet to the information contained in the report.

In response to questions and comments the Cabinet Member for Housing and Homelessness and the Service Director, Asset Management made the following statements:

- a. That the allocations policy would be looked at as there were some significant issues in relation as to who got a place where.
- b. We were keen to explore the use and effectiveness of the CCTV as it gave many of our residents some significant security.
- c. That Stephen Gabriel who was present at the meeting was doing a lot of work around how we managed our estates and ensuring that staff and officers were out more and capturing real time information needed to make those improvements in our services.
- d. Regarding consultation feedback it was important to know what was being stated and this would be picked up.
- e. CCTVs were important in the city, and this was a feedback from the residents, and this was supported by Members. This was only a pilot in terms of establishing a long-term programme.
- f. It was taken into consideration the local circumstances working with stakeholders such as police, residents and also ensuring that not only could we produce the CCTV in question but also monitoring it for the long-term.
- g. Our links with the Community Safety team was critical as we were ensuring that it was a long-term investment that could be monitored closely and to show output in terms of the fact that the CCTV had made a difference.
- h. With regard to the sheltered housing scheme from a management perspective this was not surprising given the decency provision.
- i. Looking at some of our sheltered accommodations and indeed many of our Highrise that were identified for investment not only from an environmental aspect for decarbonising the buildings but also in terms of improvement for which CCTV and all the compliance measures were just a few to mention.
- j. In time over the next 7 – 8 years we would have seen that investment starting to take place across the city. The strategies were only set for five years purely because asset management have changed significantly over the last 10 years particularly around compliance.

## **Cabinet Committee – 16 January 2024**

- k. Also following some key tragedies such as Grenfell Tower but also Awaab and now Awaab's Law in terms of the impacted damp and mould. We were taking a holistic approach with the asset management strategy and will be reviewing the strategy in five years' time from which point we will have Decent Homes Two which was promised not only on age but also on stock condition.
- l. Whilst we were taking a view of the impact of Decent Homes Two although it is under consultation at present we will be building that as part of our approach in the strategy on the basis that we wanted to do things once and do them well.
- m. As part of the interim solution, the Council did have four contract areas. Historically we now have two because of not necessarily the size and scope of the contracts but the type of contract that we have as a Council.
- n. It was a complex contract which was very demanding on contractors. Two of the contractors did not work with the Council was because of the risks of the cost for them as contractors.
- o. Therefore, the longer-term view was that we will need to consult with the Council Members, residents the City Housing Liaison Board to design a contract moving forward that was attractive to the marketplace but also delivered the services that we wanted for residents.

### **291. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- a. Approved the strategic priorities set out in the Asset Management Strategy 2024-2029, that resident's homes must be warm, safe, and sustainable;
- b. Approved the Council's intention to deliver an Asset Management Strategy that covers a 5-year period, enabling the Council to focus on 'getting the basics right' for our residents;
- c. Endorsed the Council's approach to making sure our homes are compliant with all statutory obligations, including Decent Homes Standards; and
- d. Endorsed the Council's approach to the regular monitoring and evaluation of the proposed Asset Management Strategy 2024-2029, providing assurance on an annual basis that the commitments set out are delivered.

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### **CONTRACT AWARD FOR THE PROVISION OF REPAIRS AND MAINTENANCE, GAS SERVICING AND CAPITAL IMPROVEMENT WORKS PROGRAMMES – INTERIM CONTRACT 2024-2026**

The Cabinet Member for Housing and Homelessness presented the item and drew the attention of Cabinet to the information contained in the report.

## **Cabinet Committee – 16 January 2024**

The Cabinet Member for Finance and Resources commented that she did not believe anyone would pretend that the service that our residents has had was good enough as it was clearly not been. She advised that the reason we were pausing on this to consider our longer-term options for a contract was exactly that our residents deserved significantly better from our contractor. This was the right approach to ensured that we had the right contracting going forward. The Cabinet Member for Finance and Resources noted Councillor Wood's comments concerning the KPI's and stated that he was right as sometimes our KPIs reporting corporately was somewhat out of kilter with the astonishing levels of complaints we were getting from our residents in our council homes through the complaints process. This highlighted some of the issues we have that had led to a change in the way that we monitor our contracts going forward.

The Service Director, Asset Management noted Councillor Ken Wood's comments concerning the awarding of the contract and advised that the reason we had retrospectively request permission was that there was little time to renegotiate the existing contractual arrangements with the existing contractors. This contract was significantly different, and we have already covered the requirements in the HRA Business Plan, and the levels of investments required. One thing that was really clear was that the level of investment required by the contractors even for an interim two-year period was substantial. Therefore, in our simple example moving from a few hundred kitchens to thousands of kitchens each year per contractor was significant. That changed the pricing metrics and meant that in negotiations that we undertook we needed to do this quickly but to do them in a diligent way to ensured that we got value for money.

As part of all of this we looked at the detailed design specifications to establish best value for money and more importantly better outcome for residents in terms of the quality of the kitchens we were installing. The point of this was that we had undertaken an intensive deep dive. We have been in negotiation for the last two and a half months in details with the contractor. We were close to finalising this in terms of the legal agreement and he contract amendments and today was about receiving that approval so that we could finalised those contracts.

### **292. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- a. Approved the award of contracts for the provision of Responsive Repair & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) regarding the Council's housing stock in all areas of Birmingham, as follows:
  - To Equans Regeneration Limited for the North, West and East areas of the city for a two-year period commencing 1st April 2024 for the value of £259.7m up to a maximum of £371.3m to include standalone1 projects.

## **Cabinet Committee – 16 January 2024**

- To Fortem Solutions Limited for the South area of the city for a two-year period commencing 1st April 2024 for the value of £163.3m up to a maximum of £231.7m to include standalone projects;
- b. Retrospectively approved the commencement of negotiations with the incumbent contractors (Equans and Fortem) in accordance with the Procurement and Contract Governance Rules, which states ‘when negotiating contracts without competition with a value above £500K revenue and with a value above £1m capital, authorisation to commence the procurement activity is obtained through consultation with Cabinet Member(s) and relevant Scrutiny Chair(s) prior to Cabinet Inclusion on Forward Plan, Formal Cabinet Report including the Procurement Strategy’; and
- c. Authorised the City Solicitor and Monitoring Officer (or their delegate) to negotiate, execute and complete all necessary legal documents to give effect to the above decisions.

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### **BUILDING BIRMINGHAM: DEVELOPMENT STRATEGY FOR VARIOUS HOUSING SITES**

The Cabinet Member for Housing and Homelessness presented the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Children, Young People and Families commented that she had previously stated that every part of the Council needed to be engaged on making Birmingham a better place for children and young people to grow up. Housing was top of the list for those services that needed to play their part and that she welcomed the report as it would help to do that. We were seeing an increased number of families with children in temporary accommodation, and we needed to get those families into affordable housing so that they could have their own homes close to schools, amenities and services and that they have a future in a local community.

At the moment families were in temporary accommodations despite our best efforts school availability did not necessarily match up with that and that impacted on school attendance which was of top priority. Also in terms of engagement in understanding their future in the city what was available to them going forward and all those other aspects of what the city and our partners and employers in the city could offer. This affordable housing will make a difference to young people and children and although it will take time she was happy to offer her support to the report.

Councillor Robert Alden declared his interest in the item on the basis that he worked parttime for Gary Sambrook, MP who made comment to the Council around Dublin Road disposal and the process that was followed around it.

In response to questions and comments officers responded as follows:-

1. The officer noted Councillor Robert Alden’s comments in relation to community involvement and consultation would be taken on board.

## **Cabinet Committee – 16 January 2024**

Some of the sites that were listed in the paper have detailed planning consent.

2. As part of the direct delivery that would have been undertaken Ward Members were involved in some of that process, but going forward that comment would be taken on board.
3. In terms of the depots there was a site review and a number of sites, but she was not personally involved in the reviews but that she understood that the two sites that were listed in the report were not available at the moment as we did not have vacant possession. However, there was early indication that they would be available subject to looking at it from April 2026.
4. What we were looking at and as was stated with the HRA sites if we were looking at a disposal that was subject to planning the timescale realistically was going to be 18 months if we were looking at the consultation going through the planning process. We were not saying that they were vacant and available we were saying that we were going to do that as part of the review going forward.
5. Regarding tenure some of the sites that would have been directly delivered included sale units that was part of the original model and therefore what he have got were current planning consents in place where we were looking at what would have been social rent and homes for sale. We needed to have a look at where the sale units were. We will do an options appraisal for each of these sites and would be happy to take comments on board.
6. Some of the sites that were to be directly delivered by the Council were not all for 100% social rent. With regards to public sector bodies and reference to such bodies acquiring sites was because the Combined Authority and Homes England have had referenced and have had meetings and discussions about a whole portfolio of sites and there may be an opportunity where they have landholdings to acquire.

Councillor Alden stated that it sounded like the College Road site tied into when the maintenance contract ended in terms of need. He requested that we ensured that we did the new maintenance contract before we determined to sell the site just in case when we did the new contract it turned out that that site was actually needed to meet the maintenance requirements.

The Cabinet Member for Environment stated that 11 of the 21 sites fell within his Ward of Bromford and Hodge Hill and the potential for 198 homes we have had meaningful consultations with Housing Officers over the last few years and a number of engagement exercises with residents around the build. Originally the plan was to use our own Birmingham Housing Municipal Trust. This was no longer going to happen, but he was aware of two sites which were subject to petitions – one where the residents did not want the build to go through and the other was around the access way for vehicles. It was hoped that there would be meaningful dialogue as we needed to be fully involved from the outset. What we did not want was for the sites to be put up for sale and then we have the petition which was still outstanding, and the residents were up in arms.

The Cabinet Member for Housing and Homelessness referred to Councillors Harmer and Alden's comments concerning the relationships we have with the

## **Cabinet Committee – 16 January 2024**

local Registered Social Landlords and stated that she was committed to ensuring that was improved on.

The Chair stated that it was important that we were demonstrating that ongoing commitment to partnership working in terms of delivery of housing and the discussion we had this morning reflected the importance of delivering affordable housing for the people of this city. The Chair highlighted that we have the city's first ever Housing Week taking place between the 5-9 February 2024 in collaboration with local partnerships and educational charity. This would look at housing provision but also housing investment and employment opportunity in the sector.

### **293. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- a. Declared surplus to the Council's requirements the land as detailed in Appendix 1, to the report, with the capacity to deliver in the region of 1,176 homes;
- b. Approved the principle for the sale of the Council's interest in identified surplus land identified in Appendix 1, to the report, to Registered Housing Providers, Developer Partners or other public sector bodies to deliver housing, with the best route to disposal to be agreed at Cabinet Committee – Property;
- c. Noted the proposed approach for each site will be for an options appraisal assessing the financial and non-financial implications and the final transaction details for disposal arrangement to be decided by Cabinet Committee - Property and taking into account the constraints of funding within the HRA Business Plan;
- d. Noted the land assets have been identified for sale from both the Council's General Fund and Housing Revenue Account (HRA) to provide primarily affordable housing across the city with the Council retaining Nomination Rights for those on its housing register;
- e. Approved a budget of £350,000 capital funds from the Housing Revenue Account for the disposal of sites to cover legal, valuation and agent fees and any site due diligence and surveys required for marketing. This will be repaid by the capital receipts obtained. General Fund receipts will be paid into the General Fund (minus disposal costs) and HRA receipts will be paid into the HRA;
- f. Delegated authority to the Strategic Director for Place, Prosperity, and Sustainability (or their delegate), in consultation with the Assistant Director Corporate Procurement (or their delegate), the Interim Finance Director (s151 Officer), (or their delegate), and the City Solicitor & Monitoring Officer (or their delegate) to approve the procurement strategy and the award of contract(s), for professional services (including legal, market and valuation advice) to support the sale process;

## **Cabinet Committee – 16 January 2024**

- g. Delegated authority to the Strategic Director for Place, Prosperity, and Sustainability, in consultation with the Assistant Director Corporate Procurement (or their delegate), the Interim Finance Director (s151 Officer), (or their delegate) and the City Solicitor & Monitoring Officer (or their delegate) to approve the procurement strategy and the award of contract(s) for any developments requiring compliance to the Procurement Contract Regulations 2015 (or 2024 update);
- h. Delegated authority to the Strategic Director for Place, Prosperity, and Sustainability to submit further applications to Homes England (HE) and West Midlands Combined Authority (WMCA) and the Department of Levelling Up, Housing and Communities (DLUHC) or other government departments where opportunities arise for grant funding to support future phases of new housing development and to negotiate and accept such funding in the event of such applications being successful by entering into funding agreements;
- i. Noted that there is an existing two-year corporate Affordable Housing Delivery Programme, (started in April 2023) to support increasing affordable housing output covering themes of partnership working, governance and direct delivery;
- j. Noted it is proposed as part of this programme to complete an independent review of the Council's direct delivery to ensure there is a clear reflection on the approach and the options available to the City Council along with their implications. The review will cover value for money, resource capacity, risks and opportunities and set out recommendations for consideration as part of a review of delivery models. Results of this review are expected to be reported back to Cabinet;
- k. Agreed that the Dawberry Fields scheme presented to Cabinet on 25 April 2023 and subsequently called in on 17 May 2023 will not progress as planned. The planning application has been withdrawn and alternative delivery routes for the site within the wider context of the approaches outlined within this report will be brought to Cabinet Committee - Property in due course, with a commitment to engage with the local community and Ward members;
- l. Authorised the City Solicitor and Monitoring Officer to prepare, execute, and complete all relevant legal documentation to give effect to the above decisions; and
- m. Noted that an update on disposals will be reported to the Cabinet Committee - Property as part of routine monitoring.

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## **CITY HOUSING COMPENSATION POLICY**

The Cabinet Member for Housing and Homelessness presented the item and drew the attention of Cabinet to the information contained in the report.

## **Cabinet Committee – 16 January 2024**

The Head of Service (Strategic Housing & Enabling Service) note Members questions and comments and responded as follows:-

The Cabinet Member for Finance and Resources

- I. That all of the recommendations for the Ombudsman Special Report have been built into the contract and that included that work. We have complete freedom to work with the contractors to ensure that they were the right person to pay the compensation.
- II. In terms of the amended complaints policy that was also a requirement of the Ombudsman in a special report – the Compensation Policy and the Complaints Policy which interlinked with one another. The Complaints Policy will be amended once the Compensation Policy was approved and published.
- III. The Policy was developed in line with the Ombudsman new guidelines around financial redress, so we have used the same timelines as the Ombudsman. We were also looking at Stage 1 and Stage 2 complaints when they reached that process perhaps before they go to the Ombudsman in areas where we might be liable making those payments even earlier.
- IV. The aim of this Policy was that we try and intervene early. In terms of the delay, there were a couple of reasons in that the Ombudsman released the Published Guidance on Financial Redress mid-way through the process, so we needed to ensure that the new policy aligned to those.
- V. Across the Council we provide compensation in a lot of different services in a lot of different ways, and we needed to ensure that we had everything squared off and legal in terms of not inhibiting another area of the Council as this was specific to Housing Ombudsman and Housing recommendations.

### **294. RESOLVED UNANIMOUSLY: -**

That Cabinet endorsed the implementation of the Compensation Policy (Appendix 3, to the report).

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### **KEY DECISION PLANNED PROCUREMENT ACTIVITIES (FEBRUARY 2024 – APRIL 2024)**

The Cabinet Member for Finance and Resources presented the item and drew the attention of Cabinet to the information contained in the report.

Councillor Robert Alden referred to the Social Housing Decency Fund and stated that it was announced in January 2023 and that Manchester went live with their work on it in June 2023. It has taken the Council until January 2023 to bring this report to Cabinet. He voiced concerns that this would impact on the effective use of that money as the deadline for spend was June 2023.



## **Cabinet Committee – 16 January 2024**

The Service Director, Asset Management advised that it had taken time to procure and pull the process together and understanding the detail to support the fund so we could spend the money wisely. This had taken time and our capability around the stock data information was still ongoing. It was fair to say that that was the reason it had taken that time to pull this together. We were convinced that we already have programme in place to support this fund and the grant spend.

The Chair requested further clarity on the issue outside the meeting so that Members had a degree of reassurance. The Service Director, Asset Management undertook to do so.

**295. RESOLVED UNANIMOUSLY: -**

That Cabinet approved the planned procurement activities as set out in Appendix 1, to the report and approved Chief Officer delegations, set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.

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### **APPOINTMENTS TO OUTSIDE BODIES**

The Leader presented the item and drew the attention of Cabinet to the information contained in the report.

**296. RESOLVED UNANIMOUSLY: -**

That Cabinet agreed the continuation of Honorary Alderman John Lines and Honorary Alderman Sue Anderson as representative trustees for a further 4 year-term on the Alderson Disabled Ex-Servicemen's Homes Trust expiring on the 15 January 2028.

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### **HIGHWAYS MAINTENANCE AND MANAGEMENT SERVICES PFI CONTRACT**

The Cabinet Member for Transport presented the item and drew the attention of Cabinet to the information contained in the report.

**297. RESOLVED UNANIMOUSLY: -**

That Cabinet noted the contents of the report and received a verbal update.

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### **OTHER URGENT BUSINESS**

**298.** No further item of urgent business was raised.

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The meeting ended at 1242 hours.

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CHAIRPERSON

**Birmingham City Council**  
**Report to Cabinet**  
13 February 2024



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**Subject:** Update on Council Tax Setting for 2024/25

**Commissioner Review**

The commissioners support this report.



# Birmingham City Council

## Report to Cabinet

13 February 2024



**Subject:** Update on Council Tax Setting for 2024/25

**Report of:** Fiona Greenway, Interim Director of Finance and Section 151 Officer

**Relevant Cabinet Member:** Leader, Councillor John Cotton  
Cabinet Member for Finance & Resources, Councillor Brigid Jones

**Relevant O&S Chair(s):** Chair of Finance & Resources Overview & Scrutiny, Councillor Jack Deakin

**Report author:** Fiona Greenway, Interim Director of Finance and Section 151 Officer

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential: N/A		

### 1. Executive Summary

- 1.1 This report provides an update on the timeline for Council Tax setting and the presentation of a balanced budget for the 2024/25 financial year to Cabinet and City Council.
- 1.2 In line with the timeline for Council Tax setting for the 2024/25 financial year, papers were due to be presented to Cabinet on 13<sup>th</sup> February 2024 and City Council on 27<sup>th</sup> February 2024.

- 1.3 There is an urgent need to reschedule the Cabinet and City Council meetings in relation to the setting of Council Tax and a Budget for the 2024/25 financial year.
- 1.4 Birmingham City Council has now written two letters to the Department for Levelling Up, Housing and Communities (DLUHC) in relation to Exceptional Financial Support (EFS). DLUHC have confirmed that the outcome of these letters and any agreed form of support will not be confirmed until at least the week commencing 26<sup>th</sup> February 2024.
- 1.5 Without this letter Cabinet and City Council are unable to consider a budget as, without EFS, the budget presented would have a deficit position.
- 1.6 As such, the meetings in relation to the setting of Council Tax and a Budget for the 2024/25 financial year will now be on 27<sup>th</sup> February 2024 for Cabinet and 5<sup>th</sup> March 2024 for Full Council.
- 1.7 This is ahead of the statutory deadlines for Council Tax setting. Under the Local government Finance Act 1992, Section 30 (6), Council Tax “must be set before 11<sup>th</sup> March in the financial year preceding that for which it is set”. As such, delays to Council Tax setting to the 5<sup>th</sup> March 2024 is within the proscribed timelines.

## **2. Recommendation(s)**

- 2.1 Cabinet is recommended to:
  - a) Agree the update to the dates for Council Tax and Budget setting for the 2024/25 financial year and,
  - b) An extraordinary meeting of Cabinet on 27 February 2024 to determine proposals to recommend to Council for the Council’s budget and council tax for 2024/25.

## **3. Background**

- 3.1 As laid out in paragraph 1.3 to 1.5, there is an urgent need now to reschedule the Cabinet and City Council meetings in relation to the setting of Council Tax and a Budget for the 2024/25 financial year.
- 3.2 Birmingham City Council has now written two letters to the Department for Levelling Up, Housing and Communities (DLUHC) in relation to Exceptional Financial Support (EFS). DLUHC have confirmed that the outcome of these letters and any agreed

form of support will not be confirmed until at least the week commencing 26<sup>th</sup> February 2024.

3.3 Without this letter Cabinet and City Council are unable to consider a budget as, without EFS, the budget presented would have a deficit position.

3.4 In order to reach a conclusion on a potential delay to Council Tax setting, the following risks have been considered alongside proposed mitigations:

- a) Without confirmation of EFS from DLUHC, Cabinet and City Council are unable to consider a budget as without the confirmation of EFS the budget presented would have a deficit position. As such, delaying the date of which both meetings are held to after the date at which a conclusion is reached by DLUHC would facilitate presentation of a balanced budget.
- b) Council Tax bills for households with a 1<sup>st</sup> April instalment date need to be delivered to residents 14 days before 1<sup>st</sup> April 2024 (i.e. 16<sup>th</sup> March 2024). Bills therefore need to be posted via Royal Mail by 13<sup>th</sup> March. The Revenues Service has worked with suppliers/partner and put together a potential timeline to achieve this. However, it is important to note that the delay in processing leaves no room at all for any contingency (other than first class postage if this is possible). This would incur an additional postage cost of £250k to deliver the bills (unless on e-billing) first class, but mitigate the potential of delay.
- c) There is no slippage for 'failed' billing runs with our suppliers. Pushing the Council Tax meetings back by one week only would mitigate this risk fully, however this is not feasible due to the conflicting timelines for receipt of Exceptional Financial Support.
- d) The billing cycle for Council Tax will need to be completed during the working week, compared to over the weekend (as originally planned). This has previously been part of standard working practices, meaning over 300 staff can work 'normally' and residents will be able to have their calls answered with live data available. The revised proposal means that the Contact Centre staff will only have 'read-only' access available for at least two days while the annual billing processing takes place. Preparatory work will be completed over the weekend of the 2<sup>nd</sup> and 3<sup>rd</sup> March to mitigate the time and impact of full access being unavailable.

- e) The timeline for completing Quality Assurance (QA) of all bills will be shortened to two days. There is no contingency for failures in the process.
- f) As the print run and billing cycle must start immediately following the Full Council meeting, an alternative venue will be secured as a backup in the event the Council House and Chamber is unavailable on 5th March. This mitigates the risk that the meeting cannot occur due to issues with the venue.

3.5 Considering the potential risks and mitigations, it has been concluded that the meetings in relation to the setting of Council Tax and a Budget for the 2024/25 financial year will now be on 27<sup>th</sup> February 2024 for Cabinet and 5<sup>th</sup> March 2024 for Full Council.

#### **4. Public Consultation and Engagement**

- 4.1 This report has been written in consultation with The Lord Mayor, Commissioners, Directors and has been discussed with Executive Management Team (EMT).
- 4.2 The 2024/25 budget will be subject to legal advice and guidance regarding the Council's legal duties to consult and other statutory obligations under the Equality Act 2010.

#### **5. Risk Management**

- 5.1 Risks of this proposed date change have been fully considered and mitigated appropriately within the body of this report.

#### **6. Compliance issues**

- 6.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?** This change facilitates the completion of Council Tax setting for the 2024/25 financial year, which is in line with Council priorities.
- 6.2 **Legal Implications:** The Council must set and maintain a legally balanced budget and must take steps to present a budget which does not have a deficit position. Further, consideration must be made to the deadlines for Council Tax setting, as laid out within the Local Government Finance Act 1992, Section 30 (6).
- 6.3 **Financial Implications:** Financial implications are included in the body of this report, of which there may be the requirement to spend up to £250k on first class



post to meet requirements for informing citizens of billing changes. The reason for the delay to these meetings is that the Council has submitted a formal request to DLUHC for EFS. This EFS would give the Council permission to treat revenue expenditure as capital expenditure. This would therefore mean that the Council would need to use capital receipts to fund the expenditure.

6.4 **Public Sector Equality Duty:** The Council will ensure that all actions taken in response to these recommendations are in line with the Public Sector Equality Duty.

## 7. Appendices

7.1 None



**Birmingham City Council  
Cabinet Committee**

Date 13 February 2024



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**Subject: WMCA Grant Funding: Provision of Enterprise Co-Ordinator Services and Careers Hub in Birmingham**

**Commissioner Review**

The Commissioners have reviewed this report and the recommendations are supported.



# Birmingham City Council

## Report to Cabinet

13 February 2024



**Subject:** **WMCA GRANT FUNDING: PROVISION OF ENTERPRISE CO-ORDINATOR SERVICES & CAREERS HUB IN BIRMINGHAM**

**Report of:** **Sue Harrison, Executive Director Children and Families**

**Relevant Cabinet Member:** **Cllr Sharon Thompson, Deputy Leader**

**Relevant O & S Chair(s):** **Cllr Sir Albert Bore, Chair of Co-ordinating O&S Committee**

**Report author:** **Maria Lopez**  
**Interim Programme Manager – Employment & Skills**  
**Email: [Maria.Lopez@birmingham.gov.uk](mailto:Maria.Lopez@birmingham.gov.uk)**

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012422/2024		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

### 1 Executive Summary

- 1.1 This report seeks approval for acceptance of Grant Funding from West Midlands Combined Authority (WMCA) and deployment of this funding to Birmingham Education Partnership to enable 'provision of Careers & Enterprise Co-ordinator Services' in Birmingham.
- 1.2 Birmingham Education Partnership (BEP) has been the sole provider of Enterprise Co-ordinator and Careers Hub Services in Birmingham since 2018/19, contracting

directly with the Careers & Enterprise Company (CEC); with most of the requisite match funding provided by GBSLEP. Through the LEPs' Review and integration process, the WMCA, CEC and GBSLEP decided that the CEC contracts will be held regionally by WMCA going forward.

- 1.3 In 2023/24, WMCA decided to offer CEC grant funding to the City Council for the provision of local Enterprise Co-ordinator Services in Birmingham. To deploy this grant funding without any delivery gap, The Council will need to a) enter into an agreement with WMCA for delivery of the Enterprise Co-ordinator Services and b) enter into a back-to-back Agreement with BEP to pass down the obligations under the WMCA/Council agreement to BEP. Birmingham City Council wish to seek approval to consequently enter into a back-to-back Agreement with BEP (as the sole provider in the area) to continue this delivery in the 2023/24 academic year. BEP are currently delivering this service at risk, outside of a contract. This delivery will complement the Birmingham Careers Service direct support to schools and young people in education.
- 1.4 The £347,355 grant funding for the delivery of the Birmingham Careers Hub and Enterprise Co-ordinator Services includes support to schools and students for the period: 1 September 2023 to 31 August 2024. The grant funding can only be used for designated salary costs towards posts either 50% match funded or fully funded, in addition to providing a Local Hub Fund & Teacher Encounters Fund to respectively, help meet the Careers and Gatsby Benchmark KPI's and provide teacher development for careers education.
- 1.5 **This Cabinet Report is directly linked to the Cabinet Report** for 'WMCA Grant Funding: Commonwealth Games Legacy (CWGL) Enhancement Fund - wider Jobs & Skills & Wellbeing activity'. Part of Birmingham's CWGL Fund's activities will provide £171,545 match funding requirement for the remaining 50% towards Enterprise Co-ordinator Services' salary costs.

Therefore, the total revenue value of the Council's subsequent back-to-back Agreement for the period 1 September 2023 to 31 August 2024 will be £518,900.

## 2. Recommendations

It is recommended that Cabinet provides:

- 2.1 Approval for Birmingham City Council to enter into an Agreement with and accept the grant funding from WMCA for the Careers & Enterprise Company provision of Enterprise Co-ordinator Services in Birmingham.
- 2.2 Authorisation, in respect of BEP - for a negotiated procedure of contracts without competition to commence in accordance with the Procurement and Contract Governance Rules.
- 2.3 Approval for award of contract following negotiations conclusion. To prevent further contracting delay, Cabinet is also requested to consider confirming that delegated

approval to the Deputy Leader could be permitted at pre-procurement stage, rather than requiring a Contract Award Report for Cabinet Approval.

- 2.4 Approval to consequently enter into a back-to-back Agreement with BEP to provide the Careers Hub and Enterprise Co-ordinator Services in Birmingham, subject to and following the satisfactory conclusion of negotiations as above.
- 2.5 Delegation of authority to the Deputy Leader to work with the Executive Director for Children and Families, and the Chief Finance Officer, Finance & Governance to accept the funding offer and enter into the Agreements.
- 2.6 Authorisation to the City Solicitor to execute and complete all necessary legal documents to give effect to the above recommendations, including noting the satisfactory negotiation for Contract Award by the Head of Procurement.

### **3. Background**

- 3.1 The Careers and Enterprise Company (CEC) delivers employer focused careers support within schools across the country. This is done through a network of Enterprise Coordinators and engaged Cornerstone Employers. In most areas it is delivered through Local Enterprise Partnerships (LEPs) but in Birmingham this provision was delivered through Birmingham Education Partnership (BEP) due to Greater Birmingham and Solihull LEP (GBSLEP) covering several education authority areas. Prior to the 2023/24 school year, BEP held the direct CEC contract with match funding being provided by GBSLEP.
- 3.2 Following the LEP Review process and subsequent LEP integration, the CEC contracts in the West Midlands are held by WMCA. Due to the nature of the LEP Review process in the West Midlands, WMCA has made the decision to deliver some of the CEC contract regionally (where appropriate) and to sub-contract most of it to Local Authorities to deliver in each appropriate geography. The sub-contracted allocations are based on CEC engaged schools in each local authority area, accordingly Birmingham has been assigned a share of WMCA CEC funding.
- 3.3 WMCA has provided Birmingham with £347,355 grant funding in the school year 2023/24 to mainly employ appropriate hub leadership and Enterprise Co-ordinator roles and to administer a flexible pot of funding. Some of these roles are fully funded while others are 50% funded. The remaining £171,545 match funding is requested from the grant recipient: in this case Birmingham City Council. A decision has been made to allocate this match funding from the theme: 'regional careers activity for 14–19-year olds' in the CWGL Funding, to relieve budget pressures on the Council.
- 3.5 The CEC funding is intended to provide all Secondary Schools and Colleges with support to achieve a series of targets and KPIs related to the Gatsby Framework for Careers Education. This will be achieved by working with Senior Leaders within institutions and the business community to create opportunities for all students to experience the world of work and gain encounters with local and national

employers. Additional funding has been allocated to provide targeted support to those schools with a high percentage of students on Free School Meals (FSM).

- 3.6 Following discussions with legal services and procurement regarding the urgency to swiftly provide a back-to-back Agreement with BEP due to a 3-month CWGL Agreement provision delay, authorisation for a negotiated procedure of contracts without competition to commence in accordance with the Procurement and Contract Governance Rules has been requested. The Agreement award exceeds £500k revenue for the supply of services, and the justification for a negotiated procedure request made to Cabinet is by reason of circumstance vii) ‘the activities are of a specialised nature which are carried out by only one supplier, and it can be evidenced that there is no reasonably satisfactory alternative available’. More detail is available in **Appendix 1**.

#### **4. Options considered and Recommended Proposal**

- 4.1 The proposal for Enterprise Co-ordinator and Careers Hub Services in Birmingham has been developed in consultation with CSLT, Birmingham Careers Service, WMCA and BEP. The grant Agreement has already been provided by WMCA. Accordingly, the options available are:

- Accept the grant funding offer, through the executing of the deed.
- Reject the offer through not executing the deed.
- Look to redesign the offer in some way.

- 4.2 The latter two options are not possible due to the specificity of the requested provision of Enterprise Co-ordinator Services, contractual delivery requirements having already commenced on 1 September 2023, and the potential time constraints in finding an alternative delivery vehicle or method. Rejecting the offer could also mean loss of Birmingham City Council’s involvement with the £347,355 CEC Enterprise Co-ordinator Services grant funding; this supports employer involvement and careers support targeting interventions at schools and for economically disadvantaged young people (Free School Meals (FSM)) and those who face barriers. Accordingly, it is recommended that Cabinet Member approves the acceptance of the funding offer and executing of the associated deed.

#### **5. Consultation**

- 5.1 Consultation within BCC (and externally) relating to this proposal was extensive throughout 2023, with Cabinet Member Briefings taking place and CSLT being briefed and approving of activity. Consultation has also taken place in depth with Birmingham Careers Service, WMCA and BEP to determine an optimum approach related to this transitional year.

#### **6. Risk Management**

- 6.1 All risks associated with this project will be appropriately managed through the appropriate governance systems of Birmingham City Council.



6.2 The delivery proposal has been developed in such a way to note any risk and delivery and minimise that risk, through specific CEC contractual and delivery plan activity and BCC staff involvement in Project Management.

6.4 Section 151/spend control approval received in relation to CEC Enterprise Co-ordinator Services Funds on 26 September 2023 and Commonwealth Games Legacy (CWGL) Enhancement Fund – ‘wider Jobs & Skills & Wellbeing activity’ (including match funding element for CEC Funds) on 03 November 2023.

## **7. Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?**

7.1.1 As the proposal is essentially adding value to BCC provision to careers and to young people in education, it is designed to be consistent with strategies, plans and priorities. These include:

- Breaking Down Barriers: in overcoming those barriers faced by young people in addressing careers, employment and skills issues.
- Social Value/Good Employment: a key part of the project relates to employer engagement and the Cornerstone Employer Group involvement and activity to support knowledge of careers to School Career Leaders and economically disadvantaged young people (Free School Meals (FSM)) and those who face barriers. Social value and good employment support are being developed via the EA Team to ensure involvement of key employers and work opportunities in the CEC project activity.
- Levelling Up: pilot project activities are being developed to support young people and schools in the East Birmingham North Solihull Levelling Up Zone and help to identify activities that make a strong influencing difference to careers support.

### **7.2 Legal Implications**

7.2.1 Legal implications are all outlined and addressed in the associated grant deed and acceptance thereof.

7.2.2 Section 151/spend control approval received in relation to CEC Enterprise Co-ordinator Services Funds on 26 September 2023 and Commonwealth Games Legacy (CWGL) Enhancement Fund – ‘wider Jobs & Skills & Wellbeing activity’ (including match funding element for CEC Funds) on 03 November 2023.

7.2.3 Legal advice is taken in respect of the WMCA Agreements, and the back-to-back Agreement being prepared to deploy the Enterprise Co-ordinator Services Funds. Obligations regarding delivery of the service are to be passed on to BEP under the back-to-back Agreement. Despite sitting within the Children and Families directorate there are no aspects of education law within this proposal and therefore

legal advice will be sought from Legal Services whenever appropriate throughout the project's lifetime.

- 7.2.4 Under the general power of competence set out in Section 1 of the Localism Act 2011, a Local Authority has a general power to do anything that individuals generally may do. The Council has the power to enter into the arrangements set out in this report and they are within the boundaries and limits of the general power of competence Section 2 and 4 of the Localism Act 2011.

### **7.3 Financial Implications**

- 7.3.1 This proposal will see a total £518,900 investment in careers and enterprise co-ordinator activity in Birmingham via the Council's subsequent back-to-back Agreement for the period 1 September 2023 to 31 August 2024.
- 7.3.2 Section 151/spend control approval received in relation to CEC Enterprise Co-ordinator Services Funds on 26 September 2023 and Commonwealth Games Legacy (CWGL) Enhancement Fund – 'wider Jobs & Skills & Wellbeing activity' (including match funding element for CEC Funds) on 03 November 2023.

### **7.4 Procurement Implications (if required)**

- 7.4.1 Procurement advice has been sought in relation to swiftly deploying the £518,900 funding relating to CEC Enterprise Co-ordinator Services to meet the timescales involved, whilst complying with appropriate procurement rules and regulations.
- 7.4.2 The recommended solution is to seek authorisation for a 'negotiated procedure of contracts without competition' to commence in accordance with the Procurement and Contract Governance Rules, and Regulation 32 of the Public Contract Regulations 2015: based on there being one single delivery organisation. The activities are of a specialised nature which are carried out by only one supplier, and it can be evidenced that there is no reasonably satisfactory alternative available. The approval for award of contract will follow the conclusion of satisfactory negotiations. **See Appendix 1.**

### **7.5 Human Resources Implications (if required)**

- 7.5.1 BCC staff will be involved in the project management of the Agreement, co-ordination with internal services, and partnership liaison with the single delivery organisation appointed, as well as other associated duties. The BCC staff involved comprises permanent, fixed term and agency workers. Staffing costs are supported with agreed management costs applied to eligible external grant funding.
- 7.5.2 BEP commenced delivery activity involving 7.5 FTE existing CEC Enterprise Co-ordinator staff roles on 1 September 2023 to ensure career services continued from the last academic year.
- 7.5.3 The recruitment, redeployment or termination of any staff or workers involved with the project will be in line with BCC policy and contractual obligations and/or the

relevant employer's policy and contractual obligations for non-BCC staff or workers.

7.5.4 Section 151/Spend Control approval received for the BCC Employment and Skills staffing team was granted on 26 September 2023 for the period January to March 2024 and on 12 December 2023 for the 2024/25 year costs.

## **7.6 Public Sector Equality Duty**

7.6.1 Public Sector Equality Duty will be embedded in all activity associated with this proposal. This Duty will be undertaken in each aspect of delivery as it seeks to remove barriers and ensure equality of opportunity and prosperity in relation to all employment, careers and skills activities.

## **7.7 Environmental and Sustainability Implications**

7.7.1 Embedded within all activities will be environmental and sustainability implications and the opportunities to improve wherever possible.

7.7.2 Young People or School Careers Leaders travel to and attendance at employers' workshops, private sector and workforce safaris and careers events will consider and reduce the environmental and sustainability impacts in their planning, delivery and activities.

## **8. Appendices**

8.1 **Appendix 1** - Negotiated Procedure Contract Report for CEC Enterprise Co-ordinator Services

8.2 **Appendix 2** - Equality Impact Assessment

8.3 **Appendix 3** - Environmental Impact Assessment

## **9. Background Documents**

- Department for Education Career Guidance Strategy & Good Careers Guidance – 8 Gatsby Benchmarks at its heart - December 2017



**BIRMINGHAM CITY COUNCIL**

**APPENDIX 1 - NEGOTIATED PROCEDURE REPORT**

<b>Report to:</b>	<b>Cabinet</b>
<b>Report of:</b>	<b>Sue Harrison, Executive Director Children and Families</b>
<b>Date of Decision:</b>	<b>13 February 2024</b>
<b>SUBJECT:</b>	<b>GRANT AGREEMENT FOR PROVISION OF CEC ENTERPRISE CO-ORDINATOR SERVICES</b>

<b>1. Purpose and Decision(s) recommended:</b>
<p>That Cabinet:</p> <p>1.1 Under the Council’s Procurement and Contract Governance Rules approves the commencement of a negotiated procedure and concludes the award of contract by Sue Harrison with Birmingham Education Partnership for the provision of CEC Enterprise Co-ordinator Services in Birmingham for the estimated sum of £518,900 over a period of 12 months, commencing 1<sup>st</sup> September 2023</p>

<b>Lead Contact Officer:</b>	Maria Lopez, Interim Programme Manager - Employment & Skills, Skills and Employability, Children & Families Directorate
Telephone No:	-
E-mail address:	<a href="mailto:Maria.Lopez@birmingham.gov.uk">Maria.Lopez@birmingham.gov.uk</a>

## 2. Relevant background/chronology of key events

### 2.1 Details of Requirement and Background

- 2.1.1 The Careers and Enterprise Company (CEC) delivers employer focused careers support within schools and colleges. This is done through a network of Enterprise Coordinators and engaged Cornerstone Employers. Since 2018/19 in Birmingham, this provision was delivered through Birmingham Education Partnership (BEP), with them holding the direct CEC contract and match funding being provided by GBSLEP. Following the Local Enterprise Partnership (LEP) Review process in 2022/23, the CEC contracts in the West Midlands are now held by the WMCA.
- 2.1.2 The WMCA made the decision to deliver some CEC contract regionally and to sub-contract most of it to Local Authorities to deliver in each appropriate geography in 2023/24. The sub-contracted allocations are based on CEC engaged schools in each local authority area, accordingly Birmingham has been assigned a share of WMCA CEC funding for 119 schools.
- 2.1.3 The CEC funding is intended to provide all Secondary Schools and Colleges with support to achieve a series of targets and KPIs related to the Gatsby Framework for Careers Education. This will be achieved by working with Senior Leaders within institutions and the business community to create opportunities for all students to experience the world of work and gain encounters with local and national employers. Additional funding has been allocated to provide targeted support to those schools with a high percentage of students on Free School Meals (FSM).
- WMCA has provided Birmingham City Council with £347,355 grant funding in the school year 2023/24 to mainly employ appropriate careers hub leadership and enterprise Co-ordinator roles and to administer and delivery activity from a flexible pot of funding. Some of these 7.5 roles are fully funded while others are 50% funded.
  - The remaining £171,545 match funding for salary roles is requested from the grant recipient: in this case Birmingham City Council. A decision has been made to allocate this match funding from the theme: 'regional careers activity for 14–19-year olds' in the Commonwealth Games Legacy Enhancement Fund (CWGL) external grant funding (also from the WMCA), to relieve budget pressures on the Council.
- 2.1.4 Therefore, the total revenue value of the Council's subsequent back-to-back Agreement for 'Provision of Enterprise Co-ordinator Services' from 1 September 2023 to 31 August 2024 will be **£518,900**.
- 2.1.5 Legal Services have been reviewing the WMCA Agreement for Provision of CEC Enterprise Co-ordinator Services since early Sept & liaising with WMCA legal services. This Agreement requires a back-to-back Agreement to sub-contract the services.
- 2.1.6 The WMCA Agreement for Commonwealth Games Legacy Enhancement Fund (CWGL) Provision of Wider Jobs & Skills in Birmingham was received by Birmingham City Council on 12 December 2023. This is 3 months later than BCC originally expected and has caused considerable delay with completing the back-to-back Agreement for the Provision of CEC Enterprise Co-ordinator Services.
- 2.1.7 Due to the urgency to provide a back-to-back Agreement to the sole organisation that can deliver these services, BCC is looking to negotiate on the timescales involved in the Procurement and Contract Governance Rules and ideally reduce this timescale

considerably to enable provision of the back-to-back Agreement as soon as is reasonably possible and urgently.

- 2.1.8 Birmingham Education Partnership (BEP) are the only organisation able to provide this service in Birmingham and have been delivering the Enterprise Co-ordinator Services and Birmingham Careers Hub since 2018/19 on behalf of the CEC. BEP provide a team of 7.5 staff and have delivered well against the CEC KPI's and contractual expectations on a yearly basis; increased the educational establishment involvement to almost all schools and colleges in Birmingham. The Local Hub Fund is relatively new, and BEP are working closely with BCC support to identify suitable and varied activity that makes optimum use of this funding with the young people and schools that are in most need.
- 2.1.9 BEP have been delivering the Enterprise Co-ordinator Services in Birmingham 'at risk' since the 1 September 2023, due to not having an Agreement in place. BEP chose to do this to ensure that there was continuity of the Enterprise Co-ordinator Services provision to schools and colleges in the 2023/24 education year.
- 2.1.10 If BCC does not appoint a contractor to deliver the Enterprise Co-ordinator Services, there will be a loss of income for this provision and careers hub and enterprise service provision to young people in education and to the schools Careers Leaders.
- 2.1.11 The value of this contract is above the threshold for the Birmingham Business Charter for Social Responsibility to apply. The supplying organisation already commits to salaries that exceed the capped salary costs set out and provided in the Agreement provision and they increase these with their own funding.

## **2.2 Benefits Appraisal:**

The following are the key benefits that result from the negotiated procedure:

- 2.2.1 The CEC Enterprise Co-ordinator Services grant funding supports employer involvement in careers activity to young people and with schools.
- 2.2.2 The CEC Enterprise Co-ordinator Services grant funding supports careers support targeting interventions at schools and for economically disadvantaged young people (Free School Meals (FSM)) and those who face barriers.
- 2.2.3 The negotiated procedure consideration will enable the services to continue to be provided and be achieved in the delivery timescale.

## **2.3 Value for Money Assessment:**

- 2.3.1 BCC has assessed that the negotiated contract provides value for money when compared to the contract values provided to the other West Midlands Local Authorities delivering (either directly or via back-to-back Agreements) the Agreement for Provision of Enterprise Co-ordinator Services.
- 2.3.2 The value provided is a proportionate share of WMCA CEC funding based on the staff delivery roles and number of schools involved in the provision.

## **2.4 Options Appraisal**

### 2.4.1 Alternative Options:

- No other contract currently exists in Birmingham that delivers similar CEC services.
- There is not sufficient available staff in BCC for this activity to be undertaken in-house and the skills, experience and knowledge acquired for this delivery sit with the staff employed by BEP.
- A formal procurement process would take too long within the timescale BCC currently faces. This reduced timescale is due to the delay with an Agreement reaching BCC (this was caused by the need for additional S.151 assurances required that it would be possible to meet the delivery needs of the WMCA Agreement for Commonwealth Games Legacy Enhancement Fund (CWGL) Provision of Wider Jobs & Skills)

### 2.4.1 Future Options:

In the future, full procurement and agreement compliance for the services will be undertaken in accordance with Procurement and Contract Governance Rules. This will be undertaken well in advance of any future Agreements being provided for subsequent academic delivery years.

## **2.5 Consultation**

- 2.5.1 The relevant Cabinet Member, Heads of Service in CSLT and the Interim Head of Service for Employment & Skills have been consulted with during 2023 and agree with the content of the report and the decisions recommended.
- 2.5.2 Officers from Finance, Procurement and Legal and Governance have been involved in the preparation of this report.

## **3. Justification for Negotiated Procedure:**

- 3.1 A negotiated procedure without competition is requested to commence in accordance with the Procurement and Contract Governance Rules by reason of circumstance:
- vii) The activities are of a specialised nature which, are carried out by only one supplier, and it can be evidenced that there is no reasonably satisfactory alternative available.
- 3.2 Birmingham Education Partnership have been the sole provider of the Careers & Enterprise Company (CEC) Enterprise Co-ordinator Services to schools and colleges in the Birmingham area, with delivery in place since 2018/19. The CEC model only allows for one provider in each Local Authority area.



## **4. Financial and Legal Implications**

### **4.1 Financial Implications**

4.1.1 The estimated cost of the 'Provision of Enterprise Co-ordinator Services' is £518,900 in total.

4.1.2 This is comprised of £347,355 WMCA grant funding for the delivery of the Birmingham Careers Hub and Enterprise Co-ordinator Services and £171,545 WMCA Grant Funding for the delivery of Commonwealth Games Legacy (CWGL) Enhancement Fund - wider Jobs & Skills & Wellbeing activity'.

4.1.3 The Agreement delivery period is from 1 September 2023 to 31 August 2024.

4.1.4 The financial negotiations will be undertaken within the following specific commercial and financial parameters:

- adhering to the prescribed authorisation requirements to enter into the Agreement based on the value exceeding £500k revenue.
- negotiating the on the timescales involved in the Procurement and Contract Governance Rules and ideally reduce this timescale considerably to enable provision of the back-to-back Agreement as soon as is reasonably possible and urgently.
- WMCA directly contracting with the sub-contractor has been considered, however the optimum arrangement which was agreed in August 2023 was that of WMCA contracting the services to the Local Authorities.
- Value for money is based on set and capped salary costs for each distinct delivery role; availability of Local Hub Funds to assist with careers and enterprise activity that is otherwise not available and contributes to support young people in alternative provision and potentially at risk of NEET.

4.1.5 The cost will be funded from the approved budget for (1) Provision of Enterprise Co-ordinator Services and (2) Provision of the Commonwealth Games Legacy (CWGL) Enhancement Fund - wider Jobs & Skills & Wellbeing activity grant awards within Childrens & Families Service Directorate. The exact cost will be confirmed at Contract Award stage and recorded at the end of this report.

4.1.6 Section 151/spend control approval received in relation to CEC Enterprise Co-ordinator Services Funds on 26 September 2023 and Commonwealth Games Legacy (CWGL) Enhancement Fund – 'wider Jobs & Skills & Wellbeing activity' (including match funding element for CEC Funds) on 03 November 2023.

### **4.2 Legal Powers and Implications**

4.2.1 The legal powers that underpin and confirm the services being supplied are provided within a back-to-back Agreement from BCC to the sole delivery organisation. This legal Agreement will require signatures from both parties and deed of execution.

## 5. Compliance Issues

- 5.1 As the proposal is essentially adding value to BCC provision to careers and to young people in education, it is designed to be consistent with strategies, plans and priorities. These include:
- Breaking Down Barriers: in overcoming those barriers faced by young people in addressing careers, employment and skills issues.
  - Social Value/Good Employment: a key part of the project relates to employer engagement and the Cornerstone Employer Group involvement and activity to support knowledge of careers to School Career Leaders and economically disadvantaged young people (Free School Meals (FSM)) and those who face barriers. Social value and good employment support are being developed via the EATeam to ensure involvement of key employers and work opportunities in the CEC project activity.
  - Levelling Up: pilot project activities are being developed to support young people and schools in the East Birmingham North Solihull Levelling Up Zone and help to identify activities that make a strong influencing difference to careers support.
- 5.2 The proposals contribute to the delivery of the Council's core vision and priorities in the Council's Corporate Plan 2022 – 2026 of:
- **A Bold Prosperous Birmingham:** Tackle unemployment
  - **A Bold Inclusive Birmingham:** Support and enable all children and young people to thrive

## 6. Public Sector Equality Duty

- 6.1 Entering into a negotiated procedure and concluding the award of this contract does not revise, amend or review Council policies of functions and therefore an Equality Impact Needs Assessment is not required.



## EQUALITY IMPACT ASSESSMENT

Employment, Unemployment, Skills & Careers Support and  
Response

Reference: EIA000183

Date: 19/01/2024

Submitted by: Maria.Lopez@birmingham.gov.uk



**EIA Form – About your EIA**

Reference number	EIA000183
Date Submitted	19/01/2024
Subject of the EIA	Employment, Unemployment, Skills & Careers Support and Response
Brief description of the policy, service or function covered by the EIA	The Skills & Employment Service provide a number of functions: (1) support to tackle and reduce both youth unemployment and the number of young people classified as NEET (Not in Employment Education & Training); (2) support to unemployed and inactive adults aged 19+ to gain skills, careers advice, enter into education, employment or training; (3) Employment, Work Experience, Placement/Intern, Work-Trial 'Opportunities Development' and Employer Interaction; (4) Liaising with Developers and Employers to ensure their S.106 their Corporate Social Responsibilities relating to employment, skills and careers are effectively planned and achieved; (5) Working with employers to encourage commitment to the Employment & Skills 'Charter' and 'Good Employment' conditions; (6) Planning, managing and deploying external funding related to employment, unemployment, skills, careers support to ensure it provides effective services to residents and targeted cohorts or organisations; (7) Employment and Skills activity that involves collaboration with businesses and enterprises, other providers or partners of support, or commissioned/contracted services.
Equality Assessment is in support of...	["Amended function", "Amended service"]
How frequently will you review impact and mitigation measures identified in this EIA?	Every two years
Due date of the first review	2024-10-09

**Directorate, Division & Service Area**

Which directorate(s) are responsible for this EIA?	["Children and Families"]
Division	Skills and Employability
Service area	Employment and Skills
Budget Saving	No

**Officers**

What is the responsible officer's email address?	Maria.Lopez@birmingham.gov.uk
What is the accountable officer's email address?	Helen.X.Price@birmingham.gov.uk



### Data Sources

Data sources	["Birmingham City Observatory data and insight", "Relevant research", "Interviews", "Quantitative data (please specify in the box below)", "Relevant reports/strategies", "Surveys"]
Data source details	<p>Youth Promise Plus (YPP) data (held on BCC's Insight database)</p> <p>YPP survey October 2020</p> <p>Youth Futures Foundation and Prince's Trust Kickstart reporting and best practice policies</p> <p>YPP anecdotal feedback from participants and staff, and case studies to date and Evaluation of Phase 1 (2018)</p> <p>YPP Evaluation (second stage) undertaken in 2023</p> <p>Birmingham Area and Ward Profiles Power BI tool - 2023 onwards</p> <p>Corporate Social Responsibility and S.106 monitored achievements</p> <p>Power BI tool identifying Wards and SOA's with inactive residents</p> <p>Schools related data - Free School Meals, at risk of NEET's, EHCIP's</p>

### Protected Characteristics

#### Protected Characteristic – Age

Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
What age groups are impacted by your proposal?	["10-19 years", "20-29 years", "30-39 years", "40-49 years", "50-59 years", "60-69 years"]
Please describe the impact to the age characteristic	<p>We need to ensure that the services offered below are fully inclusive and do not discriminate against different protected characteristics:</p> <p>Support to young people not in employment, education or training (NEETs) of 15 (post school age) to 29 years old via with person-centred support towards employment, education or training entry.</p> <p>Support to young people with SEND, EHCIP's, Care Leavers, Lone Parents.</p> <p>Support to unemployed / inactive residents of working age of 19+ (including access to mentoring, mental health support, and learning difficulties and disabilities)</p>
How will you mitigate against any negative impact to the age characteristic?	Require strong data monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics



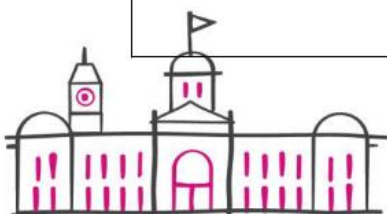
	measures; Surveys of providers and of residents via organisations providing support to ensure services are all-inclusive
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### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe the impact to the disability characteristic	We need to ensure that the services offered below are fully inclusive and do not discriminate against different protected characteristics: physical or learning disabilities, SEND needs, with EHCIP's,
How will you mitigate against any negative impact to the disability characteristic?	Require strong data monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;

### Protected Characteristic – Gender

Does this proposal impact citizens based on their gender as per the Equality Act 2010?	Yes
What genders will be impacted by this proposal?	["Male", "Female", "Non-binary"]
Please describe the impact to the gender characteristic	We need to ensure that the services offered are fully inclusive and do not discriminate against different protected characteristics: to male and female and non-binary residents
How will you mitigate against any negative impact to the gender characteristic?	Require strong data monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents



	and protects from harassment or discrimination in their support;
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### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	Yes
Please describe the impact to the gender reassignment characteristic	We need to ensure that the services offered are fully inclusive and do not discriminate against different protected characteristics
How will you mitigate against any negative impact to the gender reassignment characteristic?	Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;

### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No
What legal marital or registered civil partnership status will be impacted by this proposal?	
Please describe the impact to the marriage and civil partnership characteristic	
How will you mitigate against any negative impact to the marriage and civil partnership characteristic?	

### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the	Yes
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Equality Act 2010 under the protected characteristic of pregnancy and maternity?	
Please describe the impact to the pregnancy and maternity characteristic	We need to ensure that the services offered are fully inclusive and do not discriminate against different protected characteristics.
How will you mitigate against any negative impact to the pregnancy and maternity characteristic?	Surveys of providers and via organisations Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;

### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["White British", "Other White", "Bangladeshi", "Chinese", "Indian", "Pakistani", "Other Asian", "African", "Caribbean", "Black British", "Western and Southern Europe", "Central and Eastern Europe", "Roma", "Gypsy or Irish Traveller", "Irish", "Latin American", "Arab", "Other Black"]
Please describe the impact to the ethnicity and race characteristic	We need to ensure that the services offered below are fully inclusive and do not discriminate against different protected characteristics: Support to young people who are NEET or unemployed Support to residents aged 19+ who are unemployed or inactive
How will you mitigate against any negative impact to the ethnicity and race characteristic?	Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations and providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents





	and protects from harassment or discrimination in their support;
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### Protected Characteristic - Religion or Beliefs

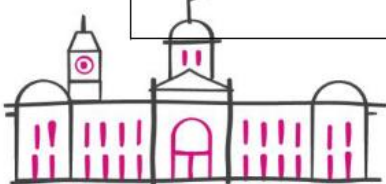
Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	Yes
What religions could be impacted by this proposal?	["No religion", "Christian", "Buddhist", "Hindu", "Jewish", "Muslim", "Sikh"]
Please describe the impact to the religion or beliefs characteristic	We need to ensure that the services offered are fully inclusive and do not discriminate against different protected characteristics.
How will you mitigate against any negative impact to the religion or beliefs characteristic?	Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations and providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe the impact to the sexual orientation characteristic	
How will you mitigate against any negative impact to the sexual orientation characteristic?	

### Monitoring

How will you ensure any adverse impact and	Data will be collected in relation to external grant funded activity that is received by BCC and then deployed in Agreements/Contracts/via Partners.
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<p>mitigation measures are monitored?</p>	<p>Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations and providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;</p>
<p>Please enter the email address for the officer responsible for monitoring impact and mitigation</p>	<p>Maria.Lopez@birmingham.gov.uk</p>



### Environment and Sustainability Assessment

<b>Project Title:</b> <b>WMCA GRANT FUNDING: PROVISION OF ENTERPRISE CO-ORDINATOR SERVICES &amp; CAREERS HUB IN BIRMINGHAM</b>				
<b>Department:</b> Skills and Employability	<b>Team:</b> Skills and Employability		<b>Person Responsible for assessment:</b> Maria Lopez	
<b>Date of assessment:</b> 18/01/24		<b>Is it a new or existing proposal?:</b> New		
<b>Brief description of the proposal:</b> Funding Provided for CEC Enterprise Co-ordinator Services in 119 Schools & Colleges				
<b>Potential impacts of the policy/development decision/procedure/ on:</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	<b>No Specific Impact</b>	<b>What will the impact be? If the impact is negative, how can it be mitigated, what action will be taken?</b>
Natural Resources- Impact on natural resources including water, soil, air			✓	
Energy use and CO <sub>2</sub> emissions			✓	
Impact on local green and open spaces and biodiversity			✓	
Use of sustainable products and equipment			✓	
Minimising waste			✓	
Council plan priority: a city that takes a leading role in tackling climate change	✓			Consideration and action re: travel to/from and attendance at events and activities by public transport or walking
Overall conclusion on the environmental and sustainability impacts of the proposal	Young People or School Careers Leaders travel to and attendance at employers' workshops, private sector and workforce safaris and careers events will consider and reduce the environmental and sustainability impacts in their planning, delivery and activities			

If you require assistance in completing this assessment, then please contact: [ESAGuidance@birmingham.gov.uk](mailto:ESAGuidance@birmingham.gov.uk)



**Birmingham City Council  
Cabinet Committee**

**Date 13 February 2024**



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**Subject: WMCA Grant Funding: Commonwealth Games  
Legacy Enhancement Fund Provision of Wider Jobs  
and Skills in Birmingham**

**Commissioner Review**

The Commissioners have reviewed this report and the recommendations are supported.



# Birmingham City Council

## Report to Cabinet

13 February 2024



**Subject:** WMCA GRANT FUNDING: COMMONWEALTH GAMES LEGACY ENHANCEMENT FUND – PROVISION OF WIDER JOBS & SKILLS IN BIRMINGHAM

**Report of:** Sue Harrison, Executive Director Children and Families

**Relevant Cabinet Member:** Cllr Sharon Thompson, Deputy Leader

**Relevant O & S Chair(s):** Cllr Sir Albert Bore, Chair - Co-ordinating O&S Committee

**Report author:** Maria Lopez  
Interim Programme Manager – Employment & Skills  
Email: [Maria.Lopez@birmingham.gov.uk](mailto:Maria.Lopez@birmingham.gov.uk)

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012419/2024		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

### 1 Executive Summary

- 1.1 This report seeks approval for acceptance of Grant Funding from West Midlands Combined Authority (WMCA) and deployment of this funding to enable 'provision relating to the Commonwealth Games Legacy (CWGL) Enhancement Fund - Wider Jobs & Skills & Wellbeing activity' in Birmingham.
- 1.2 In April 2023, the WMCA advised that each Local Authority would be allocated £801,714.28 of Commonwealth Games Legacy Enhancement Funds in relation to

Jobs and Skills Projects. The funding needs to be spent across two financial years, from 1 September 2023 to 31 March 2025: to deliver against one or more of six WMCA defined priority employment, skills and careers activities. In addition, the WMCA requested that £125,485.71 of the £801,714.28 funding should be specifically spent against the Mentoring programme (mental health) support priority activity.

The final profiled proposal submitted to the WMCA from Birmingham City Council includes funding activity for three of the six priority projects as follows:

- a) **Regional Careers Programme for 14–19-year-olds** (NEET prevention and outreach gap not covered by National Careers Service) (£335,000.00) NB. This will provide £171,545 requisite match funding against the CEC Enterprise Co-Ordinator funded provision (also grant funded by WMCA); thereby supporting careers targets & KPIs allocation in Birmingham.

The remaining allocation for regional Careers Programme will fund activity suggested by Birmingham Careers Service in the 2024/25 delivery year.

- b) **An all-age Jobs and Skills Hub sitting in deprived localities with a multi-service ethos** (1 exists in each Local Authority area), run by community boards and resident governance – it also builds on Jobs Centre Plus partnership and connecting communities’ activity (£341,228.57).

One Community Organisation led ‘All-age Jobs and Skills Hub’ has been identified as the only pilot JCP ‘All Age Hub and JCP Youth Hub’ in Birmingham meeting the required definition provided by WMCA.

- c) **‘Mentor Me - a mentoring programme, targeted at disadvantaged young people**, including both end-to-end activities and wraparound mental health and wellbeing support (£125,485.71).

Supporting young people with mental health issues to access employment, training, and education, both specialised end-to-end mental health support for young people with significant barriers and wraparound support offered alongside the other CWGL projects and the Shared Prosperity Funding projects in 2024/25 targeting NEETs aged 16–24 across Birmingham.

**TOTAL Funds = £801,714.28**, activity from 1 September 2023 to 31 March 2025  
**5%** of above funds have been allocated to internal staff project management costs.

- 1.3 Some of the funded activity identified in **this Cabinet Report is directly linked to the Cabinet Report** for ‘WMCA Grant Funding: Enterprise Co-Ordinator Services in Birmingham’. Part of Birmingham’s CWGL Funding in the ‘careers programme for 14–19-year olds’ activity will provide a £171,545 match funding requirement for the remaining 50% funds towards ‘Enterprise Co-Ordinator Services’ salary costs.



## 2. Recommendations

It is recommended that Cabinet provide:

- 2.1 Approval for Birmingham City Council to enter into an Agreement with and accept funding from WMCA for the Commonwealth Games Legacy (CWGL) Enhancement Fund - Wider Jobs & Skills & Wellbeing activity' in Birmingham and deployment of this funding.
- 2.2 Authorisation for a negotiated procedure of contracts without competition to commence in accord with the Procurement and Contract Governance Rules. This would provide £324,167.14 funding for an '**all-age Jobs & Skills Hub in deprived localities with a multi service ethos**', acknowledging that only one organisation meets the activity provision parameters in Birmingham.
- 2.3 Acknowledgment that a waiver approach is being requested from specific elements of the Procurement and Contract Governance Rules for the '**Mentor Me**' project. This is below the threshold for Cabinet approval requirement.
- 2.4 Approval for award of contracts following the negotiated procedure and waiver of procedure conclusion and to consequently enter into back-to-back Agreements with organisations to provide the project activities following the procedures, as above.
- 2.5 Delegation of authority to the Deputy Leader to work with the Executive Director for Children and Families, and the Chief Finance Officer, Finance & Governance to accept the funding offer and enter into the Agreements.
- 2.6 Authority or delegation to the City Solicitor to execute and complete all necessary legal documents to give effect to the above, including noting the satisfactory Contract Awards by the Head of Procurement.

## 3. Background

- 3.1 The Commonwealth Games Legacy Enhancement Fund is funded by the Department for Digital, Culture, Media, and Sport (DCMS) and is double devolved via the WMCA to Birmingham City Council, to deliver activity and enhance the legacy of the Birmingham 2022 Commonwealth Games.

The Commonwealth Games legacy activities are divided into 4 pillars:

- Economy, trade, and tourism
- Culture and heritage
- Inclusive communities; and
- Wellbeing and sustainability.

- 3.2 The Jobs & Skills and Wellbeing projects are aligned to the Economy Trade and Tourism pillar which aims to add to the benefits that the Games have already delivered for the region by converting the inward investment pipeline, developing the West Midlands' strategic tourism offer, attracting other major events, and

delivering targeted jobs and skills training focusing particularly on disadvantaged communities.

- 3.3 The Jobs & Skills and Wellbeing projects bring together two elements of the legacy funding to deliver employment support projects that include mental health and wellbeing as an integral part of their activity. Delivery will build on the projects delivered as part of the 2022 Commonwealth Games, addressing barriers for residents who do not benefit from the economic prosperity that major events bring to the region and supporting the response to the regional Mental Health Commission recommendations.
- 3.4 Since April 2023, several project proposals have been developed within Birmingham City Council (BCC) and submitted to the WMCA for consideration, as more programme and process information has been shared. The WMCA indicated that no funding carryover will be allowed from Year 1 to Year 2, therefore three projects have been developed to reflect an overall funding split of 30:70 for the activities in 2023/24 and 2024/25 years. Thereby reducing risk of loss of funding by the inability to carry over unspent funding from year to year.
- 3.5 The WMCA Agreement was received by BCC in December, three months later than originally anticipated. This has created significant pressure to undertake procurement regulated activity swiftly and put in place back-to-back Agreements to enable delivery of the activities and outputs in the reduced timescale.
- 3.6 Following discussions with legal services and procurement regarding the urgency to swiftly provide back-to-back Agreements, authorisation for a negotiated procedure of contracts without competition and a waiver of procedure in accordance with the Procurement and Contract Governance Rules have been suggested by procurement as an optimum way forward. More detail is available in **Appendix 1 – Negotiated Procedure: All-age Jobs & Skills Hub**

#### **4. Options considered and Recommended Proposal**

- 4.1 The proposal for CWGL Enhancement Fund activities in Birmingham has been developed in consultation with CSLT, Birmingham Careers Service, Childrens Trust, mental health provision colleagues and WMCA. The grant Agreement was provided by WMCA in mid-December 2023. The options available are:
- Accept the grant funding offer, through the executing of the deed.
  - Reject the offer through not executing the deed.
  - Look to redesign the offer in some way.
- 4.2 The third option of redesign has already been carried out since April to plan delivery activities that reflect the six activities on offer and respond to employment, skills, careers and wellbeing needs identified by Birmingham City Council.
- 4.3 Rejecting the offer would cause the loss of Birmingham City Council's involvement in three projects. It would also require the Council to identify other funding sources

to use in order to provide the required £171,545 match funding requirement for the remaining 50% funds towards 'Enterprise Co-Ordinator Services' salary costs.

- 4.4 Accordingly, it is recommended that Cabinet Member approves the acceptance of the funding offer and executing of the associated deed.

## **5. Consultation**

- 5.1 Consultation within BCC (and externally) relating to this proposal was extensive throughout 2023, with Cabinet Member Briefings taking place and CSLT being briefed and approving of activity. Consultation has also taken place in depth with Birmingham Careers Service, WMCA and BEP to determine an optimum approach reflecting employment, skills, careers and wellbeing needs in Birmingham.

## **6. Risk Management**

- 6.1 All risks associated with this project will be appropriately managed through the appropriate governance systems of Birmingham City Council.
- 6.2 The delivery proposal has been developed in such a way to note any risk and delivery and minimise that risk, through specific CWGL contractual and delivery plan activity and BCC staff involvement in Project Management.
- 6.4 Section 151/spend control approval was received in relation to CWGL Enhancement Fund – 'wider Jobs & Skills & Wellbeing activity' (including the match funding element for CEC Enterprise Co-Ordinator Funds) on 03 November 2023.

## **7. Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 As the proposal is essentially adding value to BCC provision for employment, skills careers and wellbeing support to residents, it is designed to be consistent with strategies, plans and priorities. These include:
- **Breaking Down Barriers:** in overcoming those barriers faced by young people in addressing careers, employment, skills and mental health issues.
  - **Social Value/Good Employment:** a key part of the funding provides £171,545 match funding requirement for the CEC Enterprise Co-Ordinator Services' salary costs. This activity will support employer engagement and the Cornerstone Employer Group involvement and activity to support knowledge of careers to School Career Leaders and economically disadvantaged young people (Free School Meals (FSM)) and those who face barriers. Social value and good employment support are being developed via the EA Team to ensure involvement of key employers and work opportunities in project activity.
  - **Levelling Up and Disadvantaged Areas:** The 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos' activity was chosen to provide much needed support in areas of need.

## **7.2 Legal Implications**

- 7.2.1 Legal implications are all outlined and addressed in the associated grant deed and acceptance thereof.
- 7.2.2 Section 151/spend control approval was received in relation to CWGL Enhancement Fund – ‘wider Jobs & Skills & Wellbeing activity’ (including match funding element for CEC Funds) on 03 November 2023.
- 7.2.3 Legal advice is being taken in respect of the WMCA Agreement and the back-to-back Agreement being prepared to deploy the CWGL Enhancement Funds. Despite sitting within the Children and Families directorate there are no aspects of education law within this proposal and therefore legal advice will be sought from Legal Services whenever appropriate throughout the project’s lifetime.
- 7.2.4 Under the general power of competence set out in Section 1 of the Localism Act 2011, a Local Authority has a general power to do anything that individuals generally may do. The Council has the power to enter into the arrangements set out in this report and they are within the boundaries and limits of the general power of competence Section 2 and 4 of the Localism Act 2011.

## **7.3 Financial Implications**

- 7.3.1 This proposal will see a total £801,714.28 investment in careers and enterprise co-ordinator activity in Birmingham via the Council’s subsequent back-to-back Agreement for the period 1 September 2023 to 31 August 2024.
- 7.3.2 Section 151/spend control approval was received in relation to CWGL Enhancement Fund – ‘wider Jobs & Skills & Wellbeing activity’ (including match funding element for CEC Funds) on 03 November 2023.

## **7.4 Procurement Implications (if required)**

- 7.4.1 Procurement advice has been sought in relation to swiftly deploying £801,714.28 funding relating to CWGL Enhancement Fund to meet the timescales involved, whilst complying with appropriate procurement rules and regulations.
- 7.4.2 The recommended solution is to seek authorisation for a ‘negotiated procedure of contracts without competition’ to commence in accordance with the Procurement and Contract Governance Rules, and Regulation 32 of the Public Contract Regulations 2015: based on there being one single delivery organisation. The activities are of a specialised nature which are carried out by only one supplier, and it can be evidenced that there is no reasonably satisfactory alternative available. The approval for award of contract will follow the conclusion of satisfactory negotiations to provide £324,167.14 funding for an ‘all-age Jobs & Skills Hub in deprived localities with a multi service ethos’ to the sole organisation that meets the provision parameters.

Furthermore, a waiver to the procedure from specific elements of the Procurement and Contract Governance Rules for the £119,211.42 ‘Mentor Me’ project. This is based on the justification that there is both i) an

efficiency/expediency requirement in relation to the procurement process, and iii) time constraints involved that are beyond the control of the Council which would create unreasonable time pressures to deliver the outcomes required.

**See Appendix 1** for more details.

## **7.5 Human Resources Implications (if required)**

- 7.5.1 BCC staff will be involved in the project management of the Agreement, co-ordination with internal services, and partnership liaison with the delivery organisations appointed, as well as other associated duties. The BCC staff involved comprises permanent, fixed term and agency workers. Staffing costs are supported with agreed management costs applied to eligible external grant funding.
- 7.5.2 The recruitment, redeployment or termination of any staff or workers involved with the project will be in line with BCC policy and contractual obligations and/or the relevant employer's policy and contractual obligations for non-BCC staff or workers.
- 7.5.3 Section 151/Spend Control approval received for the BCC Employment and Skills staffing team was granted on 26 September 2023 for the period January to March 2024 and on 12 December 2023 for the 2024/25 year costs.

## **7.6 Public Sector Equality Duty**

- 7.6.1 Public Sector Equality Duty will be embedded in all activity associated with this proposal. This Duty will be undertaken in each aspect of delivery as it seeks to remove barriers and ensure equality of opportunity and prosperity in relation to all employment, careers, skills and wellbeing activities.

## **7.7 Environmental and Sustainability Implications**

- 7.7.1 Embedded within all activities will be environmental and sustainability implications and the opportunities to improve wherever possible with ideas and solutions shared with the delivery organisations appointed to implement, if they are not already doing so.

## **8. Appendices**

- 8.1 **Appendix 1** - Negotiated Procedure Contract Report for CWGL funded 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos'.
- 8.2 **Appendix 2** - Equality Impact Assessment
- 8.3 **Appendix 3** - Environmental Impact Assessment

## **9. Background Documents**

None



**BIRMINGHAM CITY COUNCIL**

**APPENDIX 1 - NEGOTIATED PROCEDURE REPORT**

<b>Report to:</b>	<b>Cabinet</b>
<b>Report of:</b>	<b>Sue Harrison, Executive Director Children and Families</b>
<b>Date of Decision:</b>	<b>13 February 2024</b>
<b>SUBJECT:</b>	<b>GRANT AGREEMENT FOR PROVISION OF CWGL FUNDED 'ALL-AGE JOBS &amp; SKILLS HUB IN DEPRIVED LOCALITIES WITH A MULTI SERVICE ETHOS'</b>

<b>1. Purpose and Decision(s) recommended:</b>
<p>That the Chief Officer (in accordance with Directorate Scheme of Delegation approval level) and the Assistant Director – Procurement:</p> <p>1.1 Under the Council’s Procurement and Contract Governance Rules approves the commencement of a negotiated procedure and concludes the award of contract by Sue Harrison with Witton Lodge Community Organisation for the provision of CWGL funded ‘all-age Jobs &amp; Skills Hub in deprived localities with a multi service ethos’ activity for the estimated sum of £324,167.14 over a period of 18 months, commencing 1 October 2023.</p>

<b>Lead Contact Officer:</b>	Maria Lopez, Interim Programme Manager - Employment & Skills, Skills and Employability, Children & Families Directorate
Telephone No:	-
E-mail address:	<a href="mailto:Maria&gt;Lopex@birmingham.gov.uk">Maria&gt;Lopex@birmingham.gov.uk</a>

## 2. Relevant background/chronology of key events

### 2.1 Details of Requirement and Background

2.1.1 The Commonwealth Games Legacy Enhancement Fund is funded by the Department for Digital, Culture, Media, and Sport (DCMS) and is double devolved via the WMCA to Birmingham City Council, to deliver activity and enhance the legacy of the Birmingham 2022 Commonwealth Games.

The Commonwealth Games legacy activities are divided into 4 pillars:

- Economy, trade, and tourism
- Culture and heritage
- Inclusive communities; and
- Wellbeing and sustainability.

2.1.2 The Jobs & Skills and Wellbeing projects are aligned to the Economy Trade and Tourism pillar which aims to add to the benefits that the Games have already delivered for the region by converting the inward investment pipeline, developing the West Midlands' strategic tourism offer, attracting other major events, and delivering targeted jobs and skills training focusing particularly on disadvantaged communities.

2.1.3 The Jobs & Skills and Wellbeing projects bring together two elements of the legacy funding to deliver employment support projects that include mental health and wellbeing as an integral part of their activity. Delivery will build on the projects delivered as part of the 2022 Commonwealth Games, addressing barriers for residents who do not benefit from the economic prosperity that major events bring to the region and supporting the response to the regional Mental Health Commission recommendations.

2.1.4 In April 2023, the WMCA advised that each Local Authority would be allocated £801,714.28 of Commonwealth Games Legacy Enhancement Funds in relation to Jobs and Skills Projects. The funding needs to be spent across two financial years, from 1 September 2023 to 31 March 2025: to deliver against one or more of six WMCA defined priority employment, skills and careers activities. In addition, the WMCA requested that £125,485.71 of the £801,714.28 funding should be specifically spent against the Mentoring programme (mental health) support priority activity.

2.1.5 This negotiated procedure relates to: funding provision of **£324,167.14** for an '**all-age Jobs and Skills Hub sitting in deprived localities with a multi-service ethos**' run by community boards and resident governance. It is an 'all age Hub' and it also builds on Jobs Centre Plus partnership and connecting communities' activity.

2.1.6 BCC can acknowledge that only one exists in each Local Authority area. The sole Community Organisation led 'All-age Jobs and Skills Hub' has been identified as the only pilot JCP All Age Hub and JCP Youth Hub in Birmingham ('all Age').

2.1.7 The WMCA indicated that no funding carryover will be allowed from Year 1 to Year 2, therefore three projects have been developed to reflect an overall funding split of 30:70 for the activities in 2023/24 and 2024/25 years. Thereby reducing risk of loss of funding by the inability to carry over unspent funding from year to year.

2.1.8 The WMCA Agreement for Commonwealth Games Legacy Enhancement Fund (CWGL) Provision of Wider Jobs & Skills in Birmingham was received by Birmingham City Council on 12 December 2023. This is 3 months later than BCC originally



expected and will cause considerable delay with completing the back-to-back Agreement for the provision of CWGL funded 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos' in Birmingham.

2.1.9 This has created significant pressure to undertake procurement regulated activity swiftly and put in place back-to-back Agreements to enable delivery of the activities and outputs in the reduced timescale.

2.1.10 Legal Services have been reviewing the WMCA Agreement for Provision of CEC Enterprise Co-Ordinator Services since early Sept & liaising with WMCA legal services. This Agreement requires a back-to-back Agreement to sub-contract the services.

2.1.11 Due to the urgency to provide a back-to-back Agreement to the sole organisation that can deliver these services, BCC is looking to negotiate on the timescales involved in the Procurement and Contract Governance Rules and ideally reduce this timescale considerably to enable provision of the back-to-back Agreement as soon as is reasonably possible and urgently.

2.1.12 If BCC does not hastily appoint a contractor to deliver the 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos' in Birmingham, there will be:

- a loss of income for this provision,
- BCC will not be able to carry forward underspend between fiscal years,
- and a potential under-performance risk and contractual outputs/outcomes may not be met due to the reduced delivery timescale involved.

2.1.13 The value of this contract is above the threshold for the Birmingham Business Charter for Social Responsibility to apply. The supplying organisation already commits to salaries that exceed the capped salary costs set out and provided in the Agreement provision and they increase these with their own funding.

## **2.2 Benefits Appraisal:**

The following are the key benefits that result from the negotiated procedure:

2.2.1 The Commonwealth Games Legacy Enhancement grant funding supports the delivery of an 'All Age Hub and a JCP Youth Hub' in the area that builds on JSA & UC (fitting to the activities in the CWGL programme). Success of this delivery will help to inform current plans by WMCA to develop a blueprint for more employment & skills Hubs across the West Midlands.

2.2.2 The negotiated procedure will reduce the potential need for the Council to identify other funding sources to use to provide the required service provision.

2.2.3 The negotiated procedure consideration will enable the services to be provided and achieved in the delivery timescale.

## **2.3 Value for Money Assessment:**

2.3.1 BCC has assessed that the negotiated contract funds committed to this 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos' project will provide value for money, when compared to market value rates that other community hubs cost in the Birmingham area.

2.3.2 The value provided is a similar to that provided by other Local Authorities providing this same 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos' in their localities.

## **2.4 Options Appraisal**

2.4.1 Alternative Options:

- No other contract currently exists in Birmingham that delivers exactly the required 'all-age Jobs & Skills Hub' services.
- There is not sufficient available staff in BCC for this activity to be undertaken in-house.
- The staff in Employment and Skills and the Programme Team provide project management services, ensuring claims and compliance, outputs achievement and delivery timelines are being met, not the direct delivery required in this service.
- A formal procurement process would take too long within the timescale BCC currently faces. This reduced timescale is due to the delay with an Agreement reaching BCC (this was caused by the need for additional S.151 assurances required that it would be possible to meet the delivery needs of the WMCA Agreement for Commonwealth Games Legacy Enhancement Fund (CWGL) Provision of Wider Jobs & Skills)

2.4.1 Future Options:

In the future, full procurement and agreement compliance for the services will be undertaken in accordance with Procurement and Contract Governance Rules. This will be undertaken well in advance of any future Agreements being provided for subsequent similar funding being provided.

## **2.5 Consultation**

2.5.1 The relevant Cabinet Member, Heads of Service in CSLT and the Interim Head of Service for Employment & Skills have been consulted with during 2023 and agree with the content of the report and the decisions recommended.

2.5.2 Officers from Finance, Procurement and Legal and Governance have been involved in the preparation of this report.

## **3. Justification for Negotiated Procedure:**

3.1 A negotiated procedure without competition is requested to commence in accordance with the Procurement and Contract Governance Rules by reason of circumstance:

vii) The activities are of a specialised nature which, are carried out by only one supplier, and it can be evidenced that there is no reasonably satisfactory alternative available.

3.2 Witton Lodge Community Organisation are the sole provider of a Hub that meets the criteria and requirements set out by the WMCA. They are the one Community

Organisation led 'All-age Jobs and Skills Hub' that has been identified as the only pilot JCP All Age Hub and JCP Youth Hub in Birmingham - by definition ('all Age').

#### **4. Financial and Legal Implications**

##### **4.1 Financial Implications**

4.1.1 The estimated cost of this 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos' is £324,167.14.

4.1.2 The activity will be delivered across two financial years: 2023/24 and 2024/25 and be utilising funding from the WMCA Grant Funding for the delivery of Commonwealth Games Legacy (CWGL) Enhancement Fund - wider Jobs & Skills & Wellbeing activity'.

4.1.3 The Agreement delivery period is from 1 October 2023 to 31 March 2025.

4.1.4 The financial negotiations will be undertaken within the following specific commercial and financial parameters:

- adhering to the prescribed authorisation requirements to enter into the Agreement based on the value being between £200k to £500k revenue.
- negotiating the on the timescales involved in the Procurement and Contract Governance Rules and ideally reduce this timescale considerably to enable provision of the back-to-back Agreement as soon as is reasonably possible and urgently.
- WMCA directly contracting directly with the provider has been considered and discounted as the WMCA wish to provide the funding to the Local Authorities.
- Value for money is based on a comparison to market value rates that other community hubs cost in the Birmingham area.

4.1.5 The cost will be funded from the approved budget for Provision of the Commonwealth Games Legacy (CWGL) Enhancement Fund - wider Jobs & Skills & Wellbeing activity grant award within Childrens & Families Service Directorate. The exact cost will be confirmed at Contract Award stage and recorded at the end of this report.

4.1.6 Section 151/spend control approval was received in relation to Commonwealth Games Legacy (CWGL) Enhancement Fund – 'wider Jobs & Skills & Wellbeing activity' on 03 November 2023.

##### **4.2 Legal Powers and Implications**

4.2.1 The legal powers that underpin and confirm the services being supplied are provided within a back-to-back Agreement from BCC to the sole delivery organisation. This legal Agreement will require signatures from both parties and deed of execution.

## 5. Compliance Issues

5.1 As the proposal is essentially adding value to BCC provision for employment, skills careers and wellbeing support to residents, it is designed to be consistent with strategies, plans and priorities. These include:

- **Breaking Down Barriers:** in overcoming those barriers faced by young people in addressing careers, employment, skills and mental health issues.
- **Social Value/Good Employment:** a key part of the funding provides £171,545 match funding requirement for the CEC Enterprise Co-Ordinator Services' salary costs. This activity will support employer engagement and the Cornerstone Employer Group involvement and activity to support knowledge of careers to School Career Leaders and economically disadvantaged young people (Free School Meals (FSM)) and those who face barriers. Social value and good employment support are being developed via the EA Team to ensure involvement of key employers and work opportunities in project activity.
- **Levelling Up and Disadvantaged Areas:** The 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos' activity was chosen to provide much needed support in areas of need.

The proposals contribute to the delivery of the Council's core vision and priorities in the Council's Corporate Plan 2022 – 2026 of:

- **A Bold Prosperous Birmingham:** Tackle unemployment
- **A Bold Inclusive Birmingham:** Support and enable all children and young people to thrive

## 6. Public Sector Equality Duty

6.1 Entering into a negotiated procedure and concluding the award of this contract does not revise, amend or review Council policies of functions and therefore an Equality Impact Needs Assessment is not required.



## EQUALITY IMPACT ASSESSMENT

Employment, Unemployment, Skills & Careers Support and  
Response

Reference: EIA000183

Date: 19/01/2024

Submitted by: Maria.Lopez@birmingham.gov.uk



**EIA Form – About your EIA**

Reference number	EIA000183
Date Submitted	19/01/2024
Subject of the EIA	Employment, Unemployment, Skills & Careers Support and Response
Brief description of the policy, service or function covered by the EIA	The Skills & Employment Service provide a number of functions: (1) support to tackle and reduce both youth unemployment and the number of young people classified as NEET (Not in Employment Education & Training); (2) support to unemployed and inactive adults aged 19+ to gain skills, careers advice, enter into education, employment or training; (3) Employment, Work Experience, Placement/Intern, Work-Trial 'Opportunities Development' and Employer Interaction; (4) Liaising with Developers and Employers to ensure their S.106 their Corporate Social Responsibilities relating to employment, skills and careers are effectively planned and achieved; (5) Working with employers to encourage commitment to the Employment & Skills 'Charter' and 'Good Employment' conditions; (6) Planning, managing and deploying external funding related to employment, unemployment, skills, careers support to ensure it provides effective services to residents and targeted cohorts or organisations; (7) Employment and Skills activity that involves collaboration with businesses and enterprises, other providers or partners of support, or commissioned/contracted services.
Equality Assessment is in support of...	["Amended function", "Amended service"]
How frequently will you review impact and mitigation measures identified in this EIA?	Every two years
Due date of the first review	2024-10-09

**Directorate, Division & Service Area**

Which directorate(s) are responsible for this EIA?	["Children and Families"]
Division	Skills and Employability
Service area	Employment and Skills
Budget Saving	No

**Officers**

What is the responsible officer's email address?	Maria.Lopez@birmingham.gov.uk
What is the accountable officer's email address?	Helen.X.Price@birmingham.gov.uk



Data Sources	
Data sources	["Birmingham City Observatory data and insight", "Relevant research", "Interviews", "Quantitative data (please specify in the box below)", "Relevant reports/strategies", "Surveys"]
Data source details	Youth Promise Plus (YPP) data (held on BCC's Insight database) YPP survey October 2020 Youth Futures Foundation and Prince's Trust Kickstart reporting and best practice policies YPP anecdotal feedback from participants and staff, and case studies to date and Evaluation of Phase 1 (2018) YPP Evaluation (second stage) undertaken in 2023 Birmingham Area and Ward Profiles Power BI tool - 2023 onwards Corporate Social Responsibility and S.106 monitored achievements Power BI tool identifying Wards and SOA's with inactive residents Schools related data - Free School Meals, at risk of NEET's, EHCIP's

### Protected Characteristics

Protected Characteristic – Age	
Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
What age groups are impacted by your proposal?	["10-19 years", "20-29 years", "30-39 years", "40-49 years", "50-59 years", "60-69 years"]
Please describe the impact to the age characteristic	We need to ensure that the services offered below are fully inclusive and do not discriminate against different protected characteristics: Support to young people not in employment, education or training (NEETs) of 15 (post school age) to 29 years old via with person-centred support towards employment, education or training entry. Support to young people with SEND, EHCIP's, Care Leavers, Lone Parents. Support to unemployed / inactive residents of working age of 19+ (including access to mentoring, mental health support, and learning difficulties and disabilities)
How will you mitigate against any negative impact to the age characteristic?	Require strong data monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics



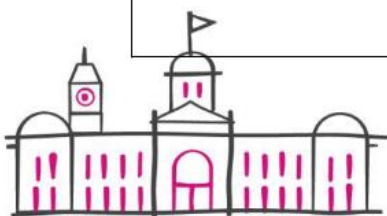
	measures; Surveys of providers and of residents via organisations providing support to ensure services are all-inclusive
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### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe the impact to the disability characteristic	We need to ensure that the services offered below are fully inclusive and do not discriminate against different protected characteristics: physical or learning disabilities, SEND needs, with EHCIP's,
How will you mitigate against any negative impact to the disability characteristic?	Require strong data monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;

### Protected Characteristic – Gender

Does this proposal impact citizens based on their gender as per the Equality Act 2010?	Yes
What genders will be impacted by this proposal?	["Male", "Female", "Non-binary"]
Please describe the impact to the gender characteristic	We need to ensure that the services offered are fully inclusive and do not discriminate against different protected characteristics: to male and female and non-binary residents
How will you mitigate against any negative impact to the gender characteristic?	Require strong data monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents





	and protects from harassment or discrimination in their support;
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### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	Yes
Please describe the impact to the gender reassignment characteristic	We need to ensure that the services offered are fully inclusive and do not discriminate against different protected characteristics
How will you mitigate against any negative impact to the gender reassignment characteristic?	Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;

### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No
What legal marital or registered civil partnership status will be impacted by this proposal?	
Please describe the impact to the marriage and civil partnership characteristic	
How will you mitigate against any negative impact to the marriage and civil partnership characteristic?	

### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the	Yes
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Equality Act 2010 under the protected characteristic of pregnancy and maternity?	
Please describe the impact to the pregnancy and maternity characteristic	We need to ensure that the services offered are fully inclusive and do not discriminate against different protected characteristics.
How will you mitigate against any negative impact to the pregnancy and maternity characteristic?	Surveys of providers and via organisations Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;

#### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["White British", "Other White", "Bangladeshi", "Chinese", "Indian", "Pakistani", "Other Asian", "African", "Caribbean", "Black British", "Western and Southern Europe", "Central and Eastern Europe", "Roma", "Gypsy or Irish Traveller", "Irish", "Latin American", "Arab", "Other Black"]
Please describe the impact to the ethnicity and race characteristic	We need to ensure that the services offered below are fully inclusive and do not discriminate against different protected characteristics: Support to young people who are NEET or unemployed Support to residents aged 19+ who are unemployed or inactive
How will you mitigate against any negative impact to the ethnicity and race characteristic?	Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations and providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents



	and protects from harassment or discrimination in their support;
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### Protected Characteristic - Religion or Beliefs

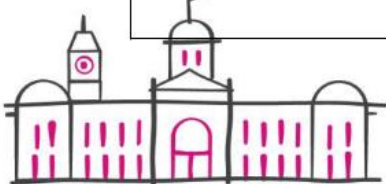
Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	Yes
What religions could be impacted by this proposal?	["No religion", "Christian", "Buddhist", "Hindu", "Jewish", "Muslim", "Sikh"]
Please describe the impact to the religion or beliefs characteristic	We need to ensure that the services offered are fully inclusive and do not discriminate against different protected characteristics.
How will you mitigate against any negative impact to the religion or beliefs characteristic?	Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations and providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe the impact to the sexual orientation characteristic	
How will you mitigate against any negative impact to the sexual orientation characteristic?	

### Monitoring

How will you ensure any adverse impact and	Data will be collected in relation to external grant funded activity that is received by BCC and then deployed in Agreements/Contracts/via Partners.
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<p>mitigation measures are monitored?</p>	<p>Require strong data collection, monitoring, management and performance management in relation to beneficiary engagement/support and service/outcome provided, including monitoring the sets of protected characteristics measures; Surveys of providers and via organisations and providing support to ensure services are all-inclusive; Ensure services, funded provision or collaborative providers have in place evidence in the form of policies and action plans that ensure they comply with support that prevents and protects from harassment or discrimination in their support;</p>
<p>Please enter the email address for the officer responsible for monitoring impact and mitigation</p>	<p>Maria.Lopez@birmingham.gov.uk</p>



### Environment and Sustainability Assessment

<b>Project Title:</b> <b>WMCA GRANT FUNDING: COMMONWEALTH GAMES LEGACY FUND – PROVISION OF WIDER JOBS &amp; SKILLS IN BIRMINGHAM</b>				
<b>Department:</b> Skills and Employability	<b>Team:</b> Skills and Employability		<b>Person Responsible for assessment:</b> Maria Lopez	
<b>Date of assessment:</b> 18/01/24		<b>Is it a new or existing proposal?:</b> New		
<b>Brief description of the proposal:</b> Funding Provided for Jobs & Skills Projects				
<b>Potential impacts of the policy/development decision/procedure/ on:</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	<b>No Specific Impact</b>	<b>What will the impact be? If the impact is negative, how can it be mitigated, what action will be taken?</b>
Natural Resources- Impact on natural resources including water, soil, air			✓	
Energy use and CO <sub>2</sub> emissions			✓	
Impact on local green and open spaces and biodiversity			✓	
Use of sustainable products and equipment			✓	
Minimising waste			✓	
Council plan priority: a city that takes a leading role in tackling climate change	✓			Consideration and action re: travel to/from and attendance at events and activities by public transport or walking; printing & recycling; energy use
Overall conclusion on the environmental and sustainability impacts of the proposal	Providers of funded projects will be encouraged to promote public transport or walking; reduced printing & recycling; reduced energy use, as well as wide consideration about environmental and sustainability impacts in their project planning, delivery and activities.			

If you require assistance in completing this assessment, then please contact: [ESAGuidance@birmingham.gov.uk](mailto:ESAGuidance@birmingham.gov.uk)



**Birmingham City Council  
Cabinet Committee**

**Date 13 February 2024**



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**Subject:** **Consultation on Proposed Admission Arrangements and Published Admission Numbers for Community and Voluntary Controlled Schools and the Determination of the Admission Arrangements and the Local Authority Co-ordinated Admissions Scheme 2025/2026**

**Commissioner Review**

The Commissioners have reviewed this report and the recommendations are supported.





# Birmingham City Council

Cabinet 13 February 2024



**Subject:** **ADMISSION ARRANGEMENTS AND PUBLISHED  
ADMISSION NUMBERS FOR COMMUNITY AND  
VOLUNTARY CONTROLLED SCHOOLS AND THE  
LOCAL AUTHORITY CO-ORDINATED SCHEME  
2025/2026**

**Report of:** **Sue Harrison, Director Children and Families**

**Report author:** **Alan Michell, Head of Service School Admissions,  
Attendance, Exclusions and Pupil Tracking**

## 1) Decisions not on the Forward Plan / Urgent Decisions

To be completed for decisions not on the Forward Plan 28 days before the Cabinet meeting at which the decision is to be taken.

<i>Reasons for Urgency / why not included on the notification.</i>	N/A
<i>Reasons for Immediate Implementation (if applicable for both key and non-key decisions)</i>	<p>Failure of Cabinet to formally determine both the admission arrangements and the co-ordinated admissions scheme by 28<sup>th</sup> February 2024 and associated failure to notify the Secretary of State the same will place the council in breach of the School Admissions Code (2021) which has been issued under Section 84 of the School Standards and Framework Act 1998.</p> <p>Any request for scrutiny call in procedures for this report could impact on meeting this deadline requirement (Cabinet decision by 28<sup>th</sup> February).</p> <p>All admission authorities, of which Birmingham City Council is one, are required to set ('determine') admission arrangements annually by 28 February. The arrangements so determined will apply to the next-but-one academic year (i.e., arrangements determined on 28 February 2024 will apply to the academic year 2025/26). Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements by 31 January each year.</p>

	<p>Where consultation is required, this must last for a minimum of 6 weeks.</p> <p>The local authority is also required to determine, on an annual basis, a co-ordinated admissions scheme which is to apply to the next-but-one academic year, and to inform the Secretary of State that such a scheme has been adopted by no later than 28 February each year.</p> <p>Any required admission arrangements and/or co-ordinated scheme consultation activity is always scheduled to follow on from completion of the essential work including ensuring the on-line prospectuses are live for the opening of the secondary (September) and primary (October) admissions rounds. This approach ensures that both the capacity is in place to facilitate the work, and that the timing allows for all related feedback on the two sets of arrangements to be reflected in the proposed documents. This includes time for engagement with schools as regards matters of sufficiency and school PANs.</p> <p>Any consultation activity is required to be live for a minimum period of 6 weeks, and we always accommodate additional time (7 weeks in total) to compensate for the school Christmas holiday period.</p> <p>Post the consultation period, officers review all responses and amend papers as necessary, including in this cycle, the report, admission arrangements and equality impact assessment.</p> <p>This cycle of activity and related compact timeline is historically accommodated by the February Cabinet meeting.</p> <p>Consideration will be given for next year's work to meet the January (2025) Cabinet meeting date.</p>
<p><i>Date Chief Executive Agreement obtained</i></p>	<p>24 January 2024</p>
<p><i>Date of Leader's Agreement</i></p>	<p>25 January 2024</p>
<p><i>Name, Date and any comments of O&amp;S Chair agreement obtained:</i></p>	<p>Cllr Kerry Jenkins - 25 January 2024</p>

**2) Decisions not notified on the Notification of Intention to Consider Matters in Private**

To be completed for all exempt decisions not on the Notification of Intention to Consider Matters in Private 28 days before the Cabinet meeting at which the decision is to be taken.

<i>Reasons for Urgency / why not included on the exempt notification sheet.</i>	N/A
<i>Date of Leader's Agreement</i>	N/A
<i>Name, Date and any comments of O&amp;S Chair agreement obtained:</i>	N/A

**3) Late Reports**

To be completed for all late reports, i.e. which cannot be despatched with the agenda papers i.e. 5 clear working days' notice before meeting.

<i>Reasons for Urgency / why late</i>	N/A
<i>Date Chief Executive Agreement obtained</i>	N/A
<i>Date of Leader's Agreement</i>	N/A



# Birmingham City Council

## Report to Cabinet

13<sup>th</sup> February 2023



**Subject:** **ADMISSION ARRANGEMENTS AND PUBLISHED ADMISSION NUMBERS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS AND THE LOCAL AUTHORITY CO-ORDINATED SCHEME 2025/2026**

**Report of:** **Sue Harrison, Director Children and Families**

**Relevant Cabinet Member:** **Cllr Karen McCarthy – Children Young People and Families**

**Relevant O&S Chair(s):** **Cllr Kerry Jenkins, Education, Children and Young People**

**Report author:** **Alan Michell, Head of Service School Admissions, Attendance, Exclusions and Pupil Tracking**

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012234/2024		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

### 1 Executive Summary

- 1.1 All admission authorities, of which Birmingham City Council is one, are required to set ('determine') admission arrangements annually by 28 February.

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The arrangements so determined will apply to the next-but-one academic year (i.e., arrangements determined on 28 February 2024 will apply to the academic year 2025/26). Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements by 31 January each year. If no changes are made to admission arrangements, they must be consulted on at least every seven years. The local authority is also required to determine, on an annual basis, a co-ordinated admissions scheme which is to apply to the next-but-one academic year, and to inform the Secretary of State that such a scheme has been adopted by no later than 28 February each year. Where substantial changes are proposed to the co-ordinated scheme from that adopted from the previous academic year, the local authority must consult the other admission authorities in the area.

- 1.2 Substantial changes are not proposed to the co-ordinated scheme for 2025/2026.
- 1.3 The decision to consult on the local authority's admission arrangements was due to the proposed changes to the published admission numbers (PAN) of three primary schools (other related changes are minor).
- 1.4 The purpose of this document is to report the outcome of the consultation on the proposed admission arrangements, including published admission numbers, for community schools and voluntary controlled schools for the academic year 2025/2026; agree the admission arrangements for community and voluntary controlled schools, including published admission numbers, as detailed in **Appendix 1A** and **Appendix 1B** respectively; and agree the proposed co-ordinated scheme for admissions to schools (**Appendix 2**) for the academic year 2025/2026.
- 1.5 Failure of Cabinet to formally determine both the admission arrangements and the co-ordinated admissions scheme by 28<sup>th</sup> February 2024 and associated failure to notify the Secretary of State the same will place the council in breach of the School Admissions Code (2021) which has been issued under Section 84 of the School Standards and Framework Act 1998.

## **2 Recommendations**

- 2.1 That Cabinet approves the:
  - 2.1.1 Proposed admission arrangements, including published admission numbers, for community and voluntary controlled schools for the academic year 2025/2026, as set out in **Appendices 1A** and **1B**.

- 2.1.2 Proposed scheme for co-ordinated admissions to schools for the academic year 2025/2026, as set out in **Appendix 2**.

### **3 Background**

- 3.1 Admission authorities must set (determine) admission arrangements annually. Where changes are proposed to admission arrangements, it is a statutory requirement that the admission authority must first publicly consult on those arrangements. The proposed admission arrangements for community and voluntary controlled schools include the criteria by which school places are allocated when a school receives more applications than places.
- 3.2 The local authority is also required to determine, on an annual basis, a Co-ordinated Admissions Scheme which is to apply to the next-but-one academic year, and to inform the Secretary of State that such a scheme has been adopted by no later than 28 February each year. Where substantial changes are proposed to the co-ordinated scheme from that adopted from the previous academic year, the local authority must consult the other admission authorities in the area.
- 3.3 The Co-ordinated Admissions Scheme includes key dates for co-ordinating admissions with other admission authorities for the normal secondary transfers, entry to reception class, year 2-3 and year 14-19 rounds, as well as appeals and waiting list arrangements.
- 3.4 All admission authorities – aside from those for 14-19 schools/University Technical Colleges, who are able to opt out – must participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme.
- 3.5 The consultation process included the proposals to reduce the PAN of three community schools for September 2025. These schools were Sladefield Infant School, William Murdoch Primary School and Clifton Primary School. We have met with all three schools and listened to their feedback. Following this feedback and on the basis that William Murdoch Primary and Clifton Primary are financially stable and able to manage substantial vacancies and ongoing in-year admissions, we are proceeding with the following one change only which is supported by the school in question:

DfE	School Name	Phase	Type	Intake	PAN 2024	PAN 2025	Change	Comments
2174	Sladefield Infant School	Primary	Community	Reception	120	90	-30	Proposed change due to reduced local forecasts.

#### 4 Timeline for consultation and determining admission arrangements and the Local Authority Co-ordinated Scheme

- 4.1 **20<sup>th</sup> November 2023 – 8<sup>th</sup> January 2024:** Consultation on proposed admission arrangements, including PANs for community and voluntary controlled schools, was published on the Council’s website: [www.schooladmissions@birmingham.gov.uk](mailto:www.schooladmissions@birmingham.gov.uk). Comments could be made at Birmingham BeHeard: [www.birminghambeheard.org.uk](http://www.birminghambeheard.org.uk).
- 4.2 **28<sup>th</sup> February 2024:** Admission arrangements, including PANs for community and voluntary controlled schools and the Local Authority Co-ordinated Scheme, must be formally agreed (determined) by this date.
- 4.3 **15<sup>th</sup> March 2024:** Admission arrangements, including PANs for community and voluntary controlled schools, as well as all own authority schools in Birmingham and the Local Authority Co-ordinated Scheme, will be published on the Council’s website: [www.birmingham.gov.uk/schooladmissions](http://www.birmingham.gov.uk/schooladmissions).

#### 5 Options considered and recommended proposal

- 5.1 It is not a viable option for the Council to not determine the relevant school admission arrangements or a co-ordinated scheme. To comply with the local authority’s duties to determine primary and secondary admission numbers and admission arrangements, and to have a single scheme for co-ordinating admissions to schools for 2025/2026, it is proposed that Cabinet approves the admission arrangements including PANs for community and voluntary controlled schools for the academic year 2025/2026 (September 2025 entry) as set out in **Appendices 1A and 1B**, and approves the Scheme for Co-ordinated Admissions to Schools for the academic year 2025/2026, as set out in **Appendix 2**.
- 5.2 The admission arrangements are proposed after due consideration of all related consultation feedback. The approval of these arrangements and the Co-ordinated Scheme will support the Corporate Plan, particularly outcome 2, ‘Birmingham is an aspirational city to grow up in’, and its related priorities:
- ‘We will improve protection of vulnerable children and young people.’
  - ‘We will work with Early Years and schools to improve educational attainment and standards.’
  - ‘We will inspire our children and young people to be ambitious and achieve their



full potential.’

## **6 Consultation**

### **6.1 External**

- Governing bodies of community and voluntary controlled primary and secondary schools in Birmingham.
- Governing bodies of academies, voluntary aided and foundation primary and secondary schools (admission authorities) in Birmingham.
- Neighbouring local authorities (admission authorities that share a boundary with Birmingham).
- An email was sent to all Birmingham schools asking them to include in their newsletters details of where parents could view the proposed admission arrangements.
- An email was sent to Birmingham nurseries.
- Information regarding the consultation was included on the School Noticeboard on 30 November 2023.
- Information regarding the consultation was published on Birmingham City Council’s social media sites (Twitter/X and Facebook) on 27 November 2023, 11 December 2023 and 3 January 2024.
- The consultation was published on the Birmingham City Council website to ensure all Birmingham residents and parents of all children aged between 2 and 18 had the opportunity to contribute to it.
- Consultation with the religious bodies representing schools of a religious denomination took place via email.
- The consultation was published on the ‘BeHeard’ website. Consultation was based on the proposed admission arrangements for community and voluntary controlled schools (**Appendix 1A**), including the proposed published admission numbers set out in **Appendix 1B**.
- The three schools whose PANs were proposed to change were consulted on the proposed reductions in their respective published admission numbers.

### **6.2 Internal**

- An email was sent to all Councillors on 17<sup>th</sup> November 2023 inviting comments on the proposed admission arrangements for community and voluntary controlled

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schools including the proposed published admission numbers.

- Senior council officers from Special Educational Needs Assessment and Review (SENAR), Education Infrastructure Team, Early Years, Alternative Provision, SENDIASS, Access to Education and Birmingham Children's Trust were consulted.

### **6.3 Consultation responses**

- 26 consultation responses were received in total during the consultation period as shown in **Appendix 4 –Consultation response (redacted)**. Respondents were able to respond to one or more areas of the consultation.
- 25 of the consultation responses were in relation to the proposed admissions arrangements for Al-Furqan Primary School. 8 of those responses were objections regarding the removal of priority for admission for children of staff for the school. 1 respondent stated the school 'was amazing'. 1 response stated that they think the school should reduce their published admissions number. The remaining 15 responses were regarding the faith criterion and the supplementary information form.
- 1 of the consultation responses was from a Councillor objecting to the proposed reduction to the published admissions number for Clifton Primary School from 120 to 90. As reflected in 3.6, the proposed reduction will not go ahead.
- As a result of the consultation responses, relevant amendments have been made to the faith criterion for Al-Furqan Primary School and the supplementary information form.
- The children of staff criterion (for priority admission) will be removed as consulted on for Al-Furqan Primary School. This is to bring the school's admissions arrangements in-line with all the other schools that Birmingham City Council is the admission authority for. Al-Furqan Primary School and parent/carers of children attending the school were made aware that this change was going to be made as part of the separate consultation process that was undertaken when the school changed status from voluntary aided to voluntary controlled (1 January 2023).

## **7 Risk Management**

- 7.1 The Council is legally required to determine the admission arrangements for community and voluntary controlled schools, to determine a co-ordinated scheme which explains the co-ordination of arrangements for all publicly funded schools in the Birmingham area, and to consult as appropriate.

7.2 The approach outlined in this report is designed to ensure that the Council meets its related statutory obligations.

7.3 The proposed decreases in the published admission numbers of the listed schools (see **Appendix 1B**) support the Council in meeting its statutory obligations to provide sufficient school places.

## **8 Compliance Issues:**

### **8.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

8.1.1 The determining of the admission arrangements and the Local Authority Co-ordinated Scheme for 2025/2026 will support the Council Plan, particularly outcome 2, 'Birmingham is an aspirational city to grow up in', and its related priorities: -

- 'We will improve protection of vulnerable children and young people.'
- 'We will work with Early Years and schools to improve educational attainment and standards.'
- 'We will inspire our children and young people to be ambitious and achieve their full potential.'

### **8.2 Legal Implications**

8.2.1 The Council has duties under Part III of the School Standards and Framework Act 1998, in particular sections 88C and 88M, the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, the statutory School Admissions Code (September 2021), and statutory School Admissions Appeals Code (October 2022), to determine the admission arrangements for community and voluntary controlled schools for which the authority is the admission authority, and to formulate a qualifying scheme for co-ordinating the arrangements for the admission of pupils to all schools and academies in the authority's area.

### **8.3 Financial Implications**

8.3.1 The direct costs associated with managing these admission arrangements are funded from the School Admissions, Attendance, Exclusions and Pupil Tracking Service budget, Children and Families Directorate. Revenue costs associated with pupil places in schools are funded directly from the Dedicated Schools Grant. Any changes to pupil numbers will result in either a reduction or increase to this Dedicated Schools Grant.

8.3.2 Full details of school financial implications related to changes in the published admission numbers of schools are reported separately via colleagues in the

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Education Skills Infrastructure team in relation to school expansions. Reductions in PANs and related funding are managed by schools.

#### **8.4 Procurement Implications (if required)**

8.4.1 There are no direct procurement issues.

#### **8.5 Human Resources Implications (if required)**

8.5.1 There are sufficient officers in place in Schools Admissions and Fair Access Team to ensure that the proposals set out in this Cabinet report can be successfully delivered. There are no other human resources implications resulting from this report.

#### **8.6 Public Sector Equality Duty**

8.6.1 The local authority has a statutory duty to co-ordinate centrally the admission arrangements of all schools in its area. The admission arrangements for community and voluntary controlled schools aim to provide for equality of access by parents and their children. The authority's admission criteria do not disadvantage particular social groups or those with special educational needs. There is no anticipated adverse impact on those individuals with protected characteristics. The admission arrangements and Co-ordinated Scheme are designed to ensure a fair and transparent system for school admissions and consider the needs of vulnerable groups including children with Education, Health and Care Plans and Looked After and Previously Looked After Children. Please refer to the completed Equality Impact Assessment attached as **Appendix 3**.

#### **8.7 Environmental and Sustainability Implications**

8.7.1 There are no direct environmental and sustainability implications.

### **9 Appendices**

**1A** - Proposed Admission Arrangements for Community and Voluntary Controlled Schools September 2025-26.

**1B** - Proposed Published Admission Numbers for Community and Voluntary Controlled Schools September 2025-26.

**2** - Proposed Scheme for Co-ordinated Admissions to Schools September 2025- 26.

3 - Equality Impact Assessment - EQUA462.

4 - Consultation responses (redacted).

## 10 **Background Documents**

- School Standards and Framework Act 1998.
- School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.
- School Admissions Code statutory guidance issued by the DfE – September 2021.
- School Admission Appeals Code statutory guidance issued by the DfE – October 2022.



## PROPOSED ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR 2025 / 2026 ACADEMIC YEAR FOR THE YEAR OF ENTRY AND IN-YEAR ADMISSIONS

### 1. Birmingham Local Authority (community and voluntary controlled infant, primary and secondary schools)

- 1.1. Any child with an Education, Health and Care Plan is required to be admitted to the school that is named in the plan. This gives such children overall priority for admission to the named school. **This is not an oversubscription criterion and applies to all rounds of admission.**
- 1.2. Oversubscription criteria  
 The local authority is the admission authority for community and voluntary controlled schools. Children are admitted to schools in accordance with parental preference as far as possible. However, where there are more applications than there are places available, places at community and voluntary controlled schools will be offered based on the following order of priority (except those schools set out in paragraphs 2, 3, 4 and 5 below):
- 1.3. Looked after children or children who were previously looked after (including previously looked after children from outside England), irrespective of their faith.
- 1.4. Children with a brother or sister already at the school who will still be in attendance at the time the child enters the school, excluding those children attending nursery or a sixth form (and excludes those in year 6 at the time of the application), irrespective of their faith.
- 1.5. In the case of voluntary controlled primary schools, children whose parents have made applications on faith grounds. This will be confirmed by the parent/carer by filling in the supplementary information form and getting section B completed by the priest/minister/faith leader/imam of the relevant place of worship, or, in the case of Al-Furqan Primary School, by the parent/carer completing self-declarations for sections C and D. Details of all the schools that use faith as a criteria can be viewed in section 6 of this document.
- 1.6. Children who live nearest to the school.
- 1.7. Within each of the categories above, priority is given to those who live nearest to the school, measured in a straight line from the child's home address to a designated point on the school premises (see 11).
- 1.8. Admission to a nursery school or nursery class does not give the child any priority or additional right to transfer to the Reception year of the primary or infant school to which the nursery is linked or attached. A separate application must be made.

## **2. Oversubscription criteria for Year 2 to Year 3 Transfers**

- 2.1. Looked after or previously looked after children (including previously looked after children from outside England).
- 2.2. Linked Schools: Children who will be attending the linked Infant School at the time of application and will still be in attendance at the end of Year 2. (A list of linked infant and junior schools is available in the primary prospectus and on the [School Admissions](#) webpage).
- 2.3. Children with a sibling already at the Infant or Junior School who will still be in attendance at the time the child enters the school.
- 2.4. Children who live nearest to the school.
- 2.5. Within each of the categories above, priority is given to those who live nearest to the school, measured in a straight line from the child's home address to a designated point on the school premises.

## **3. Chilcote Primary, Hall Green Infant and Hall Green Junior schools**

- 3.1. Chilcote Primary, Hall Green Infant and Hall Green Junior schools each have catchment areas. At these schools, the order of priority for admission is as follows:
  - 3.1.1. Looked after or previously looked after children (including previously looked after children from outside England).
  - 3.1.2. Children living within the catchment area of the school who will have a sibling in attendance at the school at the time the child enters the school.
  - 3.1.3. Children living within the catchment area of the school who live nearest to the school.
  - 3.1.4. Children living outside the catchment area of the school who will have a sibling in attendance at the school at the time the child enters the school.
  - 3.1.5. Children living outside the catchment area who live nearest to the school.
  - 3.1.6. Within each of the categories above, priority is given to those who live nearest to the school.

## **4. Over-subscription criteria for Year 2 to Year 3 Transfer - Hall Green Junior**

- 4.1. Looked after or previously looked after children (including previously looked after children from outside England).
- 4.2. Children attending Hall Green Infant School.
- 4.3. Children who are attending the school at the time of the application and will still be in attendance at the end of Year 2.



- 4.4. Children living within the catchment area of the school who will have a sibling in attendance at the Infant or Junior school at the time the child enters the school.
- 4.5. Children living within the catchment area of the school who live nearest to the school.
- 4.6. Children living outside the catchment area of the school who will have a sibling in attendance at the Infant or Junior school at the time the child enters the school.
- 4.7. Children living outside the catchment area who live nearest to the school.
- 4.8. Within each of the categories above, priority is given to those who live nearest to the school.

## **5. Sixth Form entry requirements for Community Schools**

- 5.1. Mainstream sixth form places for year 12 and above are not coordinated by the Local Authority, and applications should be made directly to the school(s) concerned. Children with an Education, Health and Care Plan will have a SENAR Post 16 preference form sent to their current school for them to complete.
- 5.2. Each school that admits pupils into Year 12 is required to publish in the school prospectus the minimum academic criteria for entry into the sixth form. This is the same for both external and internal places. Details of the academic requirements for each course can be obtained by contacting the school.
- 5.3. Children and their parents applying for sixth form places may use the Local Authority Preference Form, although if they are already on roll at the school they are not required to do so in order to transfer into year 12. Internal applicants who meet the minimum academic entrance requirements will be offered a place automatically.
- 5.4. The following oversubscription criteria will be used for external applicants who meet the minimum academic entry criteria when there are more applications than places available:
  - a) Looked after or previously looked after child (including previously looked after children from outside England).
  - b) Proximity of the child's home to the school, with those living nearer accorded the higher priority.
- 5.5. Applicants refused a place in Year 12 are entitled to appeal to an independent appeal panel.
- 5.6. The secondary community schools listed below will admit the following number of children externally into Year 12:

Bordesley Green Girls' School: 10  
Holte Visual and Performing Arts College: 20  
Swanshurst School: 20

## 6. Voluntary controlled schools' faith criteria

### 6.1. **Al-Furqan Primary School**

Any child whose parent/carer regularly attends a mosque (where relevant). Regular is defined as once a month for the twelve-month period prior to the date of the application. This will be confirmed by the parent/carer filling in the supplementary information form and getting section B completed by the imam of the mosque with the address of the mosque. The parent/carer must be able to understand the 'Shahada' (Ashhadu alla ilaha illa Allah, wa ashhadu anna Muhammadun Rasulu'Llah). **The child is not required to adhere to the above. This only applies to the parent/carer making the application for their child.**

For parent/carers who do not attend a mosque but are practising Muslims, the parent/carer must be able to understand the 'Shahada' (Ashhadu alla ilaha illa Allah, wa ashhadu anna Muhammadun Rasulu'Llah). **The child is not required to adhere to the above. This only applies to the parent/carer making the application for their child.** A self-declaration that they are practicing Muslims must be stated and signed on section C of the supplementary information form.

Where there is a child who is a Muslim, but the parent(s) or carer(s) are not practicing Muslims, a declaration that the child is a Muslim must be completed and signed by the parent/carer as per section D of the supplementary information form.

**The school will make the final decision on whether the parents/carers meet the relevant Islamic faith requirements and whether their child will be considered under this criterion, using their discretion where appropriate. Please note that the school's decision is final and will not be overturned.**

In the event that during the period specified for attendance the mosque has been closed for public worship and has not provided alternative premises, the requirements of these admissions arrangements in relation to attendance will only apply to the period when the mosque or alternative premises have been available for public worship.

**A Supplementary Information Form is used at Al-Furqan Primary School. Please see section 6.6 below.**

### 6.2. **Christ Church CE Primary School**

Any child whose parent/carer regularly attends the local Church of England Parish Church (Christ Church, Farm Road, B11). Regular is defined as meaning once a month for the twelve-month period prior to the date of the application. This will be confirmed by the parent/carer filling in the supplementary information form and getting section B completed by the local minister.

In the event that during the period specified for attendance the church has been closed for public worship and has not provided alternative premises, the requirements of these admissions arrangements in relation to attendance will only apply to the period when the church or alternative premises have been available for public worship.

**A Supplementary Information Form is used at Christ Church CE Primary School. Please see section 6.6 below.**

### 6.3. St James CE Primary School

Any child whose parent/carer regularly attends St James' Church, Handsworth. Regular is defined as meaning once a month for the twelve-month period prior to the date of the application. This will be confirmed by the parent/carer filling in the supplementary information form and getting section B completed by the Parish Priest.

In the event that during the period specified for attendance the church has been closed for public worship and has not provided alternative premises, the requirements of these admissions arrangements in relation to attendance will only apply to the period when the church or alternative premises have been available for public worship.

**A Supplementary Information Form is used at St James CE Primary School. Please see section 6.6 below.**

### 6.4. St Matthew's CE Primary School

Any child whose parent/carer regularly attends any Church of England church. Regular is defined as meaning once a month for the twelve-month period prior to the date of the application. This will be confirmed by the parent/carer filling in the supplementary information form and getting section B completed by the local minister.

Any child whose parent/carer regularly attends any other Christian church. 'Any other Christian church' is defined as a church which is Designated under the Ecumenical Relations Measure 2018, nationally by the Archbishops of Canterbury and York, or locally by the diocesan bishop, or which is a member of Churches Together in England, or affiliated to the Evangelical Alliance or a Partner Church of Affinity. The list of nationally Designated churches can be found at: [List of designated churches](#) Regular is defined as meaning once a month for the twelve-month period prior to the date of the application. This will be confirmed by the parent/carer filling in the supplementary information form and getting section B completed by the local minister.

In the event that during the period specified for attendance the church has been closed for public worship and has not provided alternative premises, the requirements of these admissions arrangements in relation to attendance will only apply to the period when the church or alternative premises have been available for public worship.

**A Supplementary Information Form is used at St Matthew's CE Primary School. Please see section 6.6 below.**

### 6.5. St Saviour's CE Primary School

Any child whose parent/carer regularly attends the local Church of England Parish Church (St Saviour's, St Saviour's Road). Regular is defined as meaning once a month for the twelve-month period prior to the date of the application. This will be confirmed by the parent/carer filling in the supplementary information form and getting section B completed by the local minister.

Any child whose parent/carer regularly attends any other Church of England church. Regular is defined as meaning once a month for the twelve-month period prior to the date of the application. This will be confirmed by the parent/carer filling in the supplementary

information form and getting section B completed by the local minister.

Any child whose parent/carer regularly attends any other Christian church. 'Any other Christian church' is defined as a church which is Designated under the Ecumenical Relations Measure 2018, nationally by the Archbishops of Canterbury and York, or locally by the diocesan bishop, or which is a member of Churches Together in England, or affiliated to the Evangelical Alliance or a Partner Church of Affinity. The list of nationally Designated churches can be found at: [List of designated churches](#) Regular is defined as meaning once a month for the twelve-month period prior to the date of the application. This will be confirmed by the parent/carer filling in the supplementary information form and getting section B completed by the local minister.

In the event that during the period specified for attendance the church has been closed for public worship and has not provided alternative premises, the requirements of these admissions arrangements in relation to attendance will only apply to the period when the church or alternative premises have been available for public worship.

**A Supplementary Information Form is used at St Saviours' CE Primary School. Please see section 6.6 below.**

#### **6.6. Supplementary Information Form for Birmingham City Council's Voluntary Controlled Schools**

**This form is only to be completed if applying under faithal grounds criteria for Al-Furqan Primary School, Christ Church CE Primary School, St James CE Primary School, St Matthew's CE Primary School and St Saviour's CE Primary School**

**Section A:** Must be completed by the parent/carer.

**Section B:** Must be completed by the priest/minister/faith leader/imam from the relevant place of worship.

**Section C:** For parent/carers who do not attend a mosque but are practicing Muslims, a self-declaration must be completed signed.

**Section D:** For those parent(s) or carer(s) who are not Muslim, but their child is, complete the declaration below with your full-name and signature.

#### Notes for Parents:

1. Please make sure **both** section A and B (and C and D where applicable) are **completed and return the completed form directly to the school**. One form needs to be completed for each school.

For Reception entry applications for September 2025, this form must be returned directly to the relevant school by 15 January 2025.

2. This form is only a part of your application for a place at the school.

For September 2025 admissions, you **must** also complete your home Local Authority's Common Application form by 15 January 2025. For Birmingham residents, details of how to make your online application can be found at: [www.birmingham.gov.uk/schooladmissions](http://www.birmingham.gov.uk/schooladmissions).

For in-year admissions, you **must** also submit an application directly to the schools. You can ask the school for a form, or you can use the Birmingham in-year application form, available at: [In-Year Application](#)

### **Section A**

Name of School: \_\_\_\_\_

Child's Surname: \_\_\_\_\_

Child's First name(s): \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Parent/carer's name(s): \_\_\_\_\_

Home Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

**Section B** (To be completed by the priest/minister/faith leader/imam, or the parent/carer in the instance that they do not attend a mosque but are practicing Muslims.)

I confirm that the parent named above has attended:

\_\_\_\_\_ **church/faith centre/mosque**

For public worship, at least once a month for the twelve month period prior to the date of application\*

\*In the event that during the period specified for attendance the church/faith centre/mosque has been closed for public worship and has not provided alternative premises, the requirements of these admissions arrangements in relation to attendance will only apply to the period when the church/faith centre/mosque or alternative premises have been available for public worship.

**Signature of priest/minister/faith leader/imam:** \_\_\_\_\_

**Full address of place of worship:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name of priest/minister/faith leader/imam:** \_\_\_\_\_

### **Section C**

**For those parent/carers who do not attend a mosque, complete the self-declaration below with your full-name and signature.**

**I am a practicing Muslim who does not attend a mosque (please circle/delete as appropriate): Yes/No**

**Parent/Carer's full name:** \_\_\_\_\_

Parent/Carer's signature: \_\_\_\_\_

## **Section D**

For those parent(s) or carer(s) who are not Muslim, but their child is, complete the declaration below with your full-name and signature.

My child is a practicing Muslim (please circle/delete as appropriate): Yes/No

Parent/Carer's full name: \_\_\_\_\_

Parent/Carer's signature: \_\_\_\_\_

Please return this completed form directly to the relevant school(s) by email or post on the details below:

### **Al-Furqan Primary School**

Email address: [enquiries@al-furqan-pri.bham.sch.uk](mailto:enquiries@al-furqan-pri.bham.sch.uk)

School address: Reddings Lane, Tyseley, Birmingham, B11 3EY

### **Christ Church CE Primary School**

Email address: [enquiry@christch.com](mailto:enquiry@christch.com)

School address: Claremont Road, Sparkbrook, Birmingham B11 1LF

### **St James CE Primary School**

Email address: [enquiry@stjamesce.bham.sch.uk](mailto:enquiry@stjamesce.bham.sch.uk)

School address: Sandwell Road, Handsworth, Birmingham B21 8NH

### **St Matthew's CE Primary School**

Email address: [enquiry@st-matthews.bham.sch.uk](mailto:enquiry@st-matthews.bham.sch.uk)

School address: Duddeston Manor Road, Nechells, Birmingham B7 4JR

### **St Saviour's CE Primary School**

Email address: [enquiry@stsav.bham.sch.uk](mailto:enquiry@stsav.bham.sch.uk)

School address: Alum Rock Road, Salfley, Birmingham B8 1JB

Please note that as well as completing this Supplementary Application Form and returning it directly to the school, you must also complete your home Local Authority's Common Application Form for entry into Reception, or an In-Year Application Form if applying for an in-year place. If you fail to do this, your application will be deemed incomplete and therefore invalid.

## **7. Waiting lists**

- 7.1. Parents whose children have not been offered a place at one or more of their higher preference schools will be informed of their right of appeal and will be added to their preferred schools' waiting lists. Parents will be advised that inclusion on a school's waiting list does not mean a place will eventually become available there.
- 7.2. Waiting lists will be created following the refusal of places and are subject to change. Any new applicants to whom it is not possible to offer a place will be added to each school's waiting list in accordance with the relevant oversubscription criteria. This means that a child's waiting list position during the year could go up or down. Places

will not normally be allocated from waiting lists until after the time for refusal of offers has expired and the number of places offered and accepted has been confirmed. This process will normally take approximately 3 weeks.

7.3. The School Admissions and Fair Access Service, on behalf of the Local Authority, will maintain waiting lists for community and voluntary controlled schools for the summer term of the academic year.

7.4. At the start of the autumn term each year, the School Admissions and Fair Access Service will give Community and Voluntary Controlled schools their waiting lists to maintain following the end of the normal round of admissions. Waiting lists will be maintained until the end of the academic year in July 2026. Waiting lists will be disbanded after the end of the academic year. Parent/carers that wish to remain on a school's waiting list will need to make an In-Year Application for a place at the school from start of term in September 2026.

7.5. Waiting lists for voluntary aided and foundation schools, academies and free schools in Birmingham will be maintained by the schools and Academies on behalf of their Governing Bodies. The Local Authority may require sight of the waiting lists at these schools, in order to determine that the co-ordinated scheme is operating effectively.

## 8. Appeals

8.1. Where parents are refused a place at a school that they have expressed a preference for/applied for, arrangements exist for appeals to be heard by an appeals panel that is independent of the admission authority for the school.

8.2. Parents can only appeal for schools for which they have expressed a preference for/applied for and where their application has been refused.

8.3. In the case of appeals for Reception, Year 1 and Year 2, because infant classes have a legal limit of 30, appeal panels are limited regarding the circumstances they can take into account. In this type of appeal, a panel can only uphold an appeal if it is satisfied that:

- the admission of additional children would not breach the infant class size limit; or
- the child would have been offered a place if the arrangements had been correctly and impartially applied; or
- the child would have been offered a place if the arrangements had not been contrary to the School Admissions Code and legislation; or the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

8.4. Appeals in respect of community, voluntary controlled schools and those academies who have delegated responsibility for the administration of appeals to Birmingham Local Authority should be sent to Birmingham's School Admissions and Fair Access Service. Appeals in respect of voluntary aided and foundation schools, the King Edward VI schools, Ninestiles and Holyhead School should be sent to the Governing Body of the school(s) concerned. A comprehensive list of which schools administer their own appeals

is available on the [School Admissions](#) webpages.

## 9. Definitions

### 9.1. Looked After and previously looked after children

A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school." This would include children accommodated under Section 20 of the Act and those provided with accommodation by virtue of being remanded or detained into local authority accommodation under Section 21 of the Act. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). All references to previously looked after children in this Code mean such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

Birmingham Local Authority's School Admissions and Fair Access Service will obtain names of all children who are looked after, or will verify details for those applicants who indicate that their child was previously looked after, within the appropriate age range.

Places for these children will be considered in accordance with each school's admission criteria. **However, evidence may be requested from carers whose children are looked after or were previously looked after by another Local Authority.**

#### **Children adopted from state care outside England**

Children who appear (to the admission authority) to have been in state care outside England and ceased to be in state care as a result of being adopted will be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). These children are referred to as internationally adopted previously looked after children, "IAPLAC".

Evidence will be required from the carer confirming that their child meets the above criteria in accordance with the DfE's non-statutory guidance on the admission of IAPLAC. The School Admissions and Fair Access Service may be required to check with colleagues from the Birmingham Virtual School the acceptability of any evidence provided by the carer of an IAPLAC before considering their child's application under this criterion.

### 9.2. Siblings

Siblings (brothers or sisters) are considered to be those children who live at the same address and either:

- i have one or both natural parents in common;
- or ii are related by a parent's marriage;
- or iii are adopted or fostered by a common parent.

Unrelated children living at the same address, whose parents are living as partners, are also considered to be siblings.



Children not adopted or fostered or related by a parents' marriage, or with one natural parent in common, who are brought together as a family by a same sex civil partnership and who are living at the same address, are also considered to be siblings.

Children who attend either a linked infant or junior school and will still be in attendance at the time of admission are considered as sibling claims.

Children who attend a resource base at a school and will still be in attendance at the time of admission are considered as sibling claims, this includes children who attend a resource base at either a linked infant or junior school.

Separate boys' and girls' schools are not considered to be linked for the purposes of sibling claims. All siblings must still be attending the preferred school at the time the child enters the school. For example, for the September 2025 intake the sibling must still be attending in September 2025. **Therefore, for entry into Reception Class siblings currently attending nursery class or attending Year 6 are not classed as meeting the sibling criteria. For secondary transfers siblings in Year 11 or the Sixth Form are not classed as meeting the sibling criteria.**

### 9.3. Distance measurements to schools

Distances are calculated on the basis of a straight-line measurement between the applicant's home address and a point decided by the school (usually the front gates). The Local Authority uses a computerised system, which measures all distances in metres. Ordnance Survey supplies the co-ordinates that are used to plot an applicant's home address and the address of the school. The measuring point for each school is specified below in section 11.

### 9.4. Tie-Breaker

In a very small number of cases where a school is oversubscribed, it may not be possible to decide between the applications of those pupils who are the final qualifiers for a place when applying the published admission criteria.

For example, this may occur when children in the same year group live at the same address, or if the distance between the home and school is exactly the same, for example, blocks of flats. If there is no other way of separating the application according to the admissions criteria and to admit both or all of the children would cause the Published Admission Number for the child's year group to be exceeded, the Local Authority will use a computerised system to randomly select the child to be offered the final place.

In the event of this occurring with twins or other multiple birth applicants, schools will be asked to admit over their Published Admission Number to accommodate the pupils.

### 9.5. Home Address

A pupil's home address is a residential property that is the child's only or main residence.

Evidence of ownership may be required, plus proof of residence at the property concerned.

Parents who are unable to provide proof of permanent residence should contact a member of School Admissions and Fair Access Service to discuss providing other

acceptable proof of address.

Where parents have shared responsibility for a child, and the child lives with both parents for part of the school week, then the main residence will be determined as the address where the child lives the majority of the school week. Parents may be requested to supply documentary evidence to satisfy the authority that the child lives at the address put forward. If a school is offered on the basis of an address that is subsequently found to be different from a child's normal and permanent home address, then that place may be withdrawn.

If parents are separated, the application should be made by the parent the child normally lives with. Where a child spends equal time during the school week with each parent, the exact arrangements must be made clear by email with a copy of any child arrangements order/court order (where applicable), this must be submitted by email to [admissions@birmingham.gov.uk](mailto:admissions@birmingham.gov.uk) and the application reference number must be provided for applications made for the normal admissions rounds. For In-Year Admissions this information and any supporting documents must be sent directly to the preferred school(s).

It is the parents' responsibility to agree between themselves and make clear which address will be used and to provide supporting evidence in respect of that address. An application can only be processed from one address. The final decision about which address is to be used rests with the local authority for applications made for the normal round of admissions and the school for In-Year Admissions.

#### **10. Deferred Entry**

By law, parents must ensure that their children are receiving suitable full-time education at the beginning of the term after their 5th birthday. However, in Birmingham, children are admitted to Reception Class in the September at the start of the academic year in which they reach five years of age.

Parents may, however, defer their child's admission to primary or infant school until later in the school year, but not beyond the beginning of the first academic term after the child's fifth birthday (the time when the child reaches compulsory school age) and not beyond the beginning of the final term of the school year of which the offer was made. Alternatively, a parent has the right for their child to be admitted on a part-time basis during Reception year but not beyond the point when they reach compulsory school age. In both cases above a school place is held for the child until they take it up.

A child who reaches the age of five during the 2025/2026 summer term would reach compulsory school age in September 2026. However, it is not possible to accept a place in Reception for September 2025 but defer the child's admission until the beginning of the 2026/2027 academic year, and if a child did not take up their place in a Reception class in 2025/2026, a separate in-year application would need to be made for the child to enter the school in Year 1.

Parents of children who reach the age of five during the summer term of the 2025/2026 academic year who are considering deferring their child's admission to primary or infant school until the beginning of the 2026/2027 academic year should note that, as the overwhelming majority of children in Birmingham start school at the start of the academic year in which they reach the age of five, it is likely that some or all of the parents' preferred schools will not have vacancies in their child's year group if they apply for a place in Year 1 (these places having been allocated to children who started school the previous

year).

For children born in the summer, parent/carers may believe it to be in their child's best interests to be admitted to Reception in September 2026, rather than year 1, outside their child's normal age group. These requests will be considered by the admission authority of the school(s) and a decision made on the basis of the circumstances of each case and also in the best interests of the child concerned. **Parents do not have the right to insist that their child is admitted to a particular age group, including Reception.**

Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. Parents that are seeking for their child to be taught outside the normal admissions round will need to contact the school(s) directly in writing and seek written agreement from the Head Teacher/Principal that they have accepted their request for their child to be taught outside their normal year group.

Where a parent wishes to request admission out of the normal age group for their child, they should still make an application for their child's normal age group at the usual time. At the same time, the parent should submit their request for their child to be admitted out of their normal age group to the relevant admission authority, (for all community and voluntary controlled schools this is Birmingham City Council), together with supporting evidence.

Admission authorities must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking into account the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if they had not been born prematurely. They must also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision. The admission authority must ensure that the parent receives the response to their request before primary national offer day.

If the request is agreed, the application for the normal age group may be withdrawn and the parent must make a new application for a place in Reception as part of the main admissions round the following year. If the request is refused, the parent must decide whether to accept the offer of a place for the normal age group, or to refuse it and make an in-year application for admission to Year 1 for the September following the child's fifth birthday.

One admission authority cannot be required to honour a decision made by another admission authority on admission out of the normal age group. Parents, therefore, should consider whether to request admission out of the normal year group at all their preferred schools, rather than just their first preference schools.

Parents have the right to appeal against the refusal of a place at a school for which they have applied but cannot appeal if they are offered a place but not in their preferred age group.

### **Deferred entry to Year 7**

**The below process only applies to children who had deferred entry agreed at the point they were due to start Reception in September 2017 and started Reception in**

## September 2018 instead.

Parent/carers whose children are due to transfer to Secondary School in September 2025 as they were born between 01/09/2013-31/08/2014, but who wish to defer transfer until September 2026, **are required to make an application for their child's transfer to secondary school in September 2025 by 31 October 2024.**

Parent/carers must contact the relevant admission authority directly to request deferment, for schools where Birmingham Local Authority is not the admission authority (non-Community/Voluntary Controlled Schools). Parents will be required to provide evidence that they have requested and had deferment approved by the admission authority for that school. Parents do not have the right to insist that their child is admitted to a particular age group including Year 7.

If the admission authority refuses to agree to deferment until September 2026, then the parent/carer will need to make an in-year application for a place in Year 8 in September 2026, and then request via the school for their child to be taught outside their normal chronological year group.

### Implications of deferred entry to school

Placement outside a child's chronological year group must be considered to be in the best interests of the child. The decision could potentially have long-term effects and it is therefore important to establish the reasons for the request to delay starting school. It is also important to anticipate what will happen when your child is old enough to transfer to secondary school, to leave statutory education, and the timing of any consequent examinations. Some points to consider:

- Your preferred school may not have space in the following year to accommodate your child.
- As your child matures they may realise that the rest of their class are of a different age, causing adverse emotional impact.
- Admission authorities (e.g., academies) will be the decision makers and, as they are independent of the local authority, may choose to decline a deferral request.
- As the law currently stands, a child who starts Reception a year behind cohort will need to request a formal deferral to progress through each phase of education with their adopted cohort (for example to apply for a deferral to secondary phase when a child is in year 5.)
- A child applying for a selective school (e.g., grammar school) may be subject to a weighting in their selective test due to being older than other children in their cohort.
- If your child reaches school-leaving age before they have completed their Key Stage 4 curriculum, they may decide to leave school without completing formal examinations.

### 11. Measuring Points

Establishment Name	Measuring point
Adderley Primary School	Main entrance on Arden Road
Al-Furqan Primary School	School gates on Formans Road
Allens Croft Primary School	Main entrance to the school building
Anderton Park Primary School	Main entrance to the school building
Anglesey Primary School	Main entrance to the school building
Arden Primary School	Main entrance to the school building

<b>Establishment Name</b>	<b>Measuring point</b>
Barford Primary School	Centre point of the school building
Beeches Infant School	Main gate of the Perry Beeches site
Beeches Junior School	Main gate of the Perry Beeches site
Bellfield Infant School (NC)	Main entrance to the school building
Bellfield Junior School	Main entrance to the school building
Bells Farm Primary School	Main entrance to the school building
Benson Community School	Main entrance to the school building
Blakesley Hall Primary School	Main entrance to the school building
Boldmere Infant School and Nursery	School gate on Cofield Road
Boldmere Junior School	School gate on Cofield Road
Bordesley Green Girls' School & Sixth Form	School gate on Bordesley Green Road
Bordesley Green Primary School	School gate on Drummond Road
Broadmeadow Infant School	Main entrance to the school building
Broadmeadow Junior School	Main entrance to the school building
Calshot Primary School	Main entrance to the school building
Chad Vale Primary School	Main entrance to the school building
Cherry Orchard Primary School	Main entrance to the school building
Chilcote Primary School	Centre point of the school site
Christ Church CofE Controlled Primary School and Nursery	School gate on Claremont Road
Clifton Primary School	Main entrance to the school building
Colebourne Primary School	School gate on Stechford Road
Colmore Infant and Nursery School	Entrance to the school building
Colmore Junior School	Entrance to the main school building
Cotteridge Primary School	School gate on Breedon Road
Court Farm Primary School	Entrance to the school building
Deykin Avenue Junior and Infant School	Entrance to the school building
Elms Farm Community Primary School	Entrance to the school building
Featherstone Primary School	School gate on Glenville Drive
Forestdale Primary School	Entrance to the school building
George Dixon Primary School	Entrance to the school building
Gilbertstone Primary School	Main entrance to the school building
Glenmead Primary School	Entrance to the school building
Grendon Junior and Infant School (NC)	Entrance to the school building
Grove School	Centre of the school building
Gunter Primary School	School gate
Hall Green Infant School	Centre of the building
Hall Green Junior School	Main school gate
Harborne Primary School	Main entrance to the school building
	on Station Road
Hawthorn Primary School	Main entrance to the school building
Highters Heath Community School	Centre point of the school building
Hodge Hill College	A point within the main school building
Hodge Hill Girls' School	Entrance to the school building
Holland House Infant School and Nursery	Main entrance to the school building

<b>Establishment Name</b>	<b>Measuring point</b>
Hollywood Primary School	Main school gate
Holte School	Centre of the school grounds
James Watt Primary School	Main entrance to the school building
Kings Heath Boys	School building
Kings Heath Primary School	Main entrance to the school building
Kingsland Primary School (NC)	Centre of the school building
Kingsthorpe Primary School	Main entrance to the school building
Kitwell Primary School and Nursery Class	Centre of the school building
Ladypool Primary School	Main entrance to the school building
Lakey Lane Junior and Infant School	Main gate of the school
Lozells Junior and Infant School and Nursery	Main entrance of the school
Lyndon Green Infant School	Main entrance of the school building
Lyndon Green Junior School	Main entrance to the school building
Maney Hill Primary School	Main school gate
Mapledene Primary School	Main gate of the school
Marsh Hill Primary School	Main gate to the school
Minworth Junior and Infant School	Main entrance to the school
Nelson Junior and Infant School	Main entrance to the school
Nelson Mandela School	Main entrance to the school
New Hall Primary School	Centre of the school building
New Oscott Primary School	School gate
Paganel Primary School	Main entrance to the school
Paget Primary School	Centre of the school building
Park Hill Primary School	Main school gate
Penns Primary School	Main entrance to the school
Raddlebarn Primary School	Main school gate
Redhill Junior and Infant School	Main entrance of the school
Rednal Hill Infant School	Main entrance of the school
Rednal Hill Junior School	Main entrance to the school
Regents Park Community Primary School	Main entrance to the school
Selly Park Girls' School	Centre of the main school building
Severne Junior Infant and Nursery School	Main entrance to the school building
Shaw Hill Primary School	Main school gate
Sladefield Infant School	Main entrance of the school
Somerville Primary (NC) School	Centre point of the school
St Benedict's Primary School	Main entrance of the school
St James Church of England Primary School, Handsworth	Main entrance of the school
St Matthew's CofE Primary School	Centre point of the school
St Saviour's C of E Primary School	Main gate of the school
Stanville Primary School	Main entrance of the school
Stechford Primary School	Main entrance of the school
Story Wood School	Centre point of the school
Summerfield Junior and Infant School	Centre of the school
Sundridge Primary School	Main entrance to the school

<b>Establishment Name</b>	<b>Measuring point</b>
Swanshurst School	School gate on Brook Lane
The Meadows Primary School	Main entrance to the school building
The Oaks Primary School	Main entrance to the school
Thornton Primary School	Centre of the school
Ward End Primary School	School gate
Water Mill Primary School	Main entrance to the school
Wattville Primary School	Main entrance of the school
Welford Primary School	Main school gate
Welsh House Farm Community School	Main school gate
West Heath Primary School	Main entrance of the school
Wheelers Lane Primary School	Centre of the school site
Wheelers Lane Technology College	Centre of the school
William Murdoch Primary School	Centre point of the school
Woodcock Hill Primary School	Main entrance of the school
Woodgate Primary School	Main entrance of the school
Woodthorpe Junior and Infant School	Main entrance of the school
World's End Infant and Nursery School	Main school gate
World's End Junior School	Main entrance of the school
Wylde Green Primary School	Main school gate
Yardley Primary School	Main entrance to the school
Yardley Wood Community Primary School	Centre point of the school
Yorkmead Junior and Infant School	Main school gate

**Note:** Distances are calculated on the basis of a straight-line measurement (as the crow flies) between the applicant's home address (coordinates provided by ordinance survey data) and to the measuring point stated above.





DfE	School Name	Type	Intake	Determined 2024 PAN	Proposed 2025 PAN	Change	Comments
2010	Adderley Primary School	Community	R	60	60	0	
5949	Al-Furqan Primary School	Voluntary Controlled	R	90	90	0	
2153	Allens Croft Primary School	Community	R	60	60	0	
2062	Anderton Park Primary School	Community	R	60	60	0	
2479	Anglesey Primary School	Community	R	90	90	0	
2300	Arden Primary School	Community	R	90	90	0	
2014	Barford Primary School	Community	R	60	60	0	
2017	Beeches Infant School	Community	R	90	90	0	
2239	Bellfield Infant School (NC)	Community	R	60	60	0	
2456	Bells Farm Primary School	Community	R	30	30	0	
2435	Benson Community	Community	R	45	45	0	
2254	Blakesley Hall Primary School	Community	R	60	60	0	
2402	Boldmere Infant School and Nursery	Community	R	90	90	0	
2030	Bordesley Green Primary School	Community	R	90	90	0	
2238	Broadmeadow Infant School	Community	R	60	60	0	
2465	Calshot Primary School	Community	R	60	60	0	
2312	Chad Vale Primary School	Community	R	60	60	0	
2040	Cherry Orchard Primary School	Community	R	60	60	0	
2251	Chilcote Primary School	Community	R	60	60	0	
3002	Christ Church CofE Controlled Primary School and Nursery	Voluntary Controlled	R	30	30	0	
3432	Clifton Primary School	Community	R	120	120	0	
2185	Colebourne Primary School	Community	R	60	60	0	
2054	Colmore Infant and Nursery School	Community	R	120	120	0	
2055	Cotteridge Primary School	Community	R	60	60	0	
2191	Court Farm Primary School	Community	R	30	30	0	
2284	Deykin Avenue Junior and Infant School	Community	R	30	30	0	
2454	Elms Farm Community Primary School	Community	R	60	60	0	
2294	Featherstone Primary School	Community	R	60	60	0	
2486	Forestdale Primary School	Community	R	30	30	0	
2079	George Dixon Primary School	Community	R	30	30	0	
2081	Gilbertstone Primary School	Community	R	60	60	0	
2296	Glenmead Primary School	Community	R	30	30	0	
2087	Grendon Primary School	Community	R	30	30	0	
2466	Grove School	Community	R	90	90	0	
2091	Gunter Primary School	Community	R	30	30	0	
2093	Hall Green Infant School	Community	R	120	120	0	
2477	Harborne Primary School	Community	R	120	120	0	
2099	Hawthorn Primary School	Community	R	30	30	0	
2015	James Watt Primary School	Community	R	60	60	0	
2005	Kings Heath Primary School	Community	R	90	90	0	
2115	Kingsland Primary School (NC)	Community	R	45	45	0	
2441	Kingsthorpe Primary School	Community	R	45	45	0	
2321	Kitwell Primary School	Community	R	30	30	0	
2189	Ladypool Primary School	Community	R	30	30	0	
2119	Lakey Lane Junior and Infant School	Community	R	60	60	0	
2127	Lozells Junior and Infant School and Nursery	Community	R	60	60	0	
2129	Lyndon Green Infant School	Community	R	90	90	0	
2420	Maney Hill Primary School	Community	R	60	60	0	
2004	Mapledene Primary School	Community	R	45	45	0	
2133	Marsh Hill Primary School	Community	R	60	60	0	
2406	Minworth Junior and Infant School	Community	R	30	30	0	
2457	Nelson Mandela School	Community	R	60	60	0	
2142	Nelson Primary School	Community	R	60	60	0	
2469	New Hall Primary School	Community	R	45	45	0	

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3431	New Oscott Primary School	Community	R	90	90	0	
2021	Paganel Primary School	Community	R	60	60	0	
2149	Paget Primary School	Community	R	45	45	0	
2150	Park Hill Primary School	Community	R	30	30	0	
2425	Penns Primary School	Community	R	30	30	0	
2157	Raddlebarn Primary School	Community	R	60	60	0	
2159	Redhill Primary School	Community	R	30	30	0	
2161	Rednal Hill Infant School	Community	R	90	90	0	
2063	Regents Park Community Primary School	Community	R	60	60	0	
2169	Severne Junior Infant and Nursery School	Community	R	60	60	0	
2008	Shaw Hill Primary School	Community	R	60	60	0	
2174	Sladefield Infant School	Community	R	120	90	-30	Proposed change due to reduced local forecasts, following consultation with school and governors
2176	Somerville Primary (NC) School	Community	R	90	90	0	
2183	St Benedict's Primary School	Community	R	30	30	0	
3010	St James Church of England Primary School, Handsworth	Voluntary Controlled	R	60	60	0	
3016	St Matthew's CofE Primary School	Voluntary Controlled	R	30	30	0	
3019	St Saviour's C of E Primary School	Voluntary Controlled	R	60	60	0	
2178	Stanville Primary School	Community	R	30	30	0	
2184	Stechford Primary School	Community	R	60	60	0	
2097	Story Wood School	Community	R	30	30	0	
2067	Summerfield School	Community	R	60	60	0	
2190	Sundridge Primary School	Community	R	30	30	0	
2246	The Meadows Primary School	Community	R	60	60	0	
2108	Ward End Primary School	Community	R	120	120	0	
2306	Water Mill Primary School	Community	R	30	30	0	
2482	Wattville Primary School	Community	R	60	60	0	
2308	Welford Primary School	Community	R	60	60	0	
2245	Welsh House Farm Community and Special Needs Resources Base	Community	R	30	30	0	
2019	West Heath Primary School	Community	R	60	60	0	
2011	Wheeler's Lane Primary School	Community	R	90	90	0	
2293	William Murdoch Primary School	Community	R	90	90	0	
2445	Woodcock Hill Primary School	Community	R	30	30	0	
2278	Woodgate Primary School	Community	R	60	60	0	
2314	Woodthorpe Junior and Infant School	Community	R	30	30	0	
2317	World's End Infant and Nursery School	Community	R	90	90	0	
2412	Wylde Green Primary School	Community	R	60	60	0	
3421	Yardley Primary School	Community	R	120	120	0	
2227	Yardley Wood Community Primary School	Community	R	60	60	0	
2231	Yorkmead Junior and Infant School	Community	R	60	60	0	
2016	Beeches Junior School	Community	3	90	90	0	
2241	Bellfield Junior School	Community	3	60	60	0	
2401	Boldmere Junior School	Community	3	90	90	0	
2236	Broadmeadow Junior School	Community	3	60	60	0	
2053	Colmore Junior School	Community	3	120	120	0	
2092	Hall Green Junior School	Community	3	120	120	0	
2128	Lyndon Green Junior School	Community	3	90	90	0	
2160	Rednal Hill Junior School	Community	3	90	90	0	
2192	Thornton Primary School	Community	3	120	120	0	
2225	World's End Junior School	Community	3	90	90	0	
4115	Bordesley Green Girls' School & Sixth Form	Community	7	125	125	0	
4201	Hodge Hill College	Community	7	240	240	0	
4015	Hodge Hill Girls' School	Community	7	150	150	0	
4223	Holte School	Community	7	192	192	0	
4063	Kings Heath Secondary	Community	7	168	168	0	
4177	Selly Park Girls' School	Community	7	160	160	0	
4237	Swanshurst School	Community	7	300	300	0	

4193	Wheelers Lane Technology College	Community	7	130	130	0	
				8005	7975	-30	





**PROPOSED SCHEME FOR THE CO-ORDINATED ADMISSIONS  
TO SCHOOLS AND ACADEMIES – SEPTEMBER 2025/2026**

**Contents**

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2. Background
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## **1. Relevant area**

- 1.1 In accordance with The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999, Birmingham Local Authority has determined its relevant area as that contained within the administrative area of the City of Birmingham. It is proposed that this arrangement will continue for 2025/2026 academic year.

## **2. Background**

- 2.1 This scheme applies to all primary and secondary maintained schools, academies, free schools, university technical colleges, foundation, voluntary aided (excluding special schools) in Birmingham for the academic year 2025/2026 and is made under the provisions of the School Standards and Framework Act 1998, as amended by the Education Act 2002, and The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2012.
- 2.2 The School Admissions and Fair Access Service, on behalf of the Local Authority and other admission authorities in Birmingham, will co-ordinate applications made during the normal admissions round (i.e. applications for Reception Year, Year 3 at a Junior School, Year 7 and, in the case of selected 14-19 Academies, Year 10). Parents/carers resident in Birmingham who are applying for a place for their child in September 2025 will make a single application to the Local Authority (School Admissions and Fair Access Service) for any Birmingham maintained school, academy or free school or any such school or academy in a neighbouring authority.
- 2.3 For the academic year 2025/2026 and subsequent years, subject to any review, applications made outside the normal admissions round (i.e. in-year applications) will be made directly to individual schools.
- 2.4 Birmingham City Council is the relevant admission authority for all community and voluntary controlled schools within the City.
- 2.5 For academies and free schools (including Trust schools), their Trust or board of directors is the admissions authority. For voluntary aided and foundation schools, governing bodies of such schools are the admissions authority.
- 2.6 Co-ordination schemes do not affect the rights and duties of the governing bodies of academies, free schools, university technical colleges, foundation, voluntary aided schools to set and apply their own admission arrangements and oversubscription criteria, but they must ensure that their own arrangements are compatible with the Local Authority's admission arrangements and co-ordinated scheme.

### **3. Admission Authority for each type of school in Birmingham**

3.1 There are a number of different school types in Birmingham:

<b>Type of School</b>	<b>Who is the admission authority?</b>
Academies (inc. Free Schools)	Academy Trust
Community Schools	Local Authority
Foundation Schools	Governing Body
Voluntary Aided Schools	Governing Body
Voluntary Controlled Schools	Local Authority

### **4. Parents' right to apply for a school**

4.1 Birmingham City Council, as a Local Authority, must enable parents and carers to say where they would prefer their child to go to school. The law does not give parents a right to "choose" which school their child will attend.

4.2 Subject to certain exceptions an admission authority must comply with any preference expressed by a parent/carer as to the school at which their child should be educated.

#### Exceptions

4.3 The law recognises that it may not always be possible to carry out parents' wishes, for a number of reasons:

- because this would "prejudice the provision of efficient education or the efficient use of resources", e.g., because a particular school may be full (i.e., it has already admitted pupils up to the Published Admission Number for the child's year group).
- because it is a selective (grammar) school and the child has not reached the required academic standard for entry to a selective school;
- because the child has been permanently excluded from two or more schools and the most recent of the exclusions took place within the last two years;
- because the school's statutory infant class size limit of 30 has been reached.

### **5. The application process for primary and secondary normal admission rounds**

#### All rounds

5.1 Applications made on behalf of children with an Education Health and Care Plan will be considered by the Special Educational Needs Assessment and Review Service (SENAR), in accordance with parental preference and each child's individual needs, taking account of Birmingham City Council's inclusion policy and any consultation required with school governing bodies.

- 5.2 Birmingham Local Authority's School Admissions and Fair Access Service will obtain names of children who are looked after by Birmingham and will verify details for those applicants who indicate that their child was previously looked after but has not subsequently been adopted (or became subject to a child arrangements or special guardianship order) within the appropriate age range. Places for these children will be considered in accordance with each school's admission criteria. Evidence will be required from carer's whose children were previously adopted. We may require evidence from carers whose child was looked after or was previously looked after by another Local Authority.

### **Children adopted from state care outside of England**

Children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted will be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). These children are referred to as internationally adopted previously looked after children (IAPLAC).

Evidence will be required from the carer confirming that their child meets the above criteria in accordance with the DfE's non-statutory guidance on the admission of IAPLAC. The School Admissions and Fair Access Service may be required to check with colleagues from the Birmingham Virtual School about the acceptability of any evidence provided by the carer of an IAPLAC before considering their child's application under this criterion.

### Starting Reception Class

- 5.3 If a child attends a nursery class, this does not mean that he or she will automatically get a place in the primary or infant school to which the nursery is linked or attached. Parents with children in a nursery class must apply for a Reception Class place at the school in the same way as other parents.
- 5.4 By law, parents must ensure that their children are receiving suitable full-time education at the beginning of the term after their 5th birthday. However, in Birmingham, children are admitted to Reception Class in the September at the start of the academic year in which they reach five years of age.
- 5.5 Parents may, however, defer their child's admission to primary or infant school until later in the school year, but not beyond the beginning of the first academic term after the child's fifth birthday (the time when the child reaches compulsory school age) and not beyond the beginning of the final term of the school year of which the offer was made. Alternatively, a parent has the right for their child to be admitted on a part-time basis during the Reception Class year but not beyond the point that they reach compulsory school age. In both cases above a school place is held for the child until they take it up.
- 5.6 A child who reaches the age of five during the 2025/2026 summer term would reach compulsory school age in September 2026. However, it is not possible to accept a place in the Reception Class for September 2025 but defer the child's admission until the beginning of the 2026/2027 academic year, and if a child



did not take up their place in a Reception Class in 2025/2026 a separate in-year application would need to be made for the child to enter the school in Year 1.

- 5.7 Parents of children who reach the age of five during the summer term of the 2025/2026 academic year, who are considering deferring their child's admission to primary or infant school until the beginning of the 2026/2027 academic year, should note that as the overwhelming majority of children in Birmingham start school at the start of the academic year in which they reach the age of five, it is likely that some or all of the parents' preferred schools will not have vacancies in their child's year group if they apply for a place in Year 1 (these places having been allocated to children who started school the previous year).
- 5.8 For children born in the summer, parents/carers may believe it to be in their child's best interests to be admitted to Reception Class rather than Year 1, outside their child's normal age group. These requests will be considered by the admission authority of the school(s) and a decision made on the basis of the circumstances of each case and also in the best interests of the child concerned. Parent/carers must contact the relevant admission authority directly to request deferment, for schools where Birmingham Local Authority is not the admission authority (non-Community/Voluntary Controlled Schools). Parents will be required to provide evidence that they have requested and had deferment approved by the admission authority for that school. Parents do not have the right to insist that their child is admitted to a particular age group including Reception.
- 5.9 Deferred entry Year 7

**The process outlined below only applies to children that had deferred entry agreed at the point their child was due to start Reception Class in September 2017 and was agreed for them to start Reception Class in September 2018 instead.**

Parent/carers whose children are due to transfer to Secondary School in September 2025 (children born between 01/09/2013-31/08/2014) but wish to defer entry until September 2025 are required to make an application for their child's transfer to Secondary School in September 2025 by 31 October 2024.

- 5.10 Parent/carers must contact the relevant admission authority directly to request deferment, for schools where Birmingham Local Authority is not the admission authority (non-Community/Voluntary Controlled Schools). Parents will be required to provide evidence that they have requested and had deferment approved by the admission authority for that school. Parents do not have the right to insist that their child is admitted to a particular age group including Year 7.
- 5.11 If the admission authority refuses to agree for deferment until September 2026, then the parent/carer will need to make an in-year application for a place in Year 8 in September 2026 and then make a request to the school for their child to be taught outside their normal chronological year group.

## 5.12 Implications of deferred entry to school

Placement outside a child's chronological year group must be considered to be in the best interests of the child. The decision could potentially have long-term effects and it is therefore important to establish the reasons for the request to delay starting school. It is also important to anticipate what will happen when your child would be old enough to transfer to secondary school, to leave statutory education and the timing of any consequent examinations. Some points to consider:

- Your preferred school may not have space in the following year to accommodate your child.
- As your child matures, they may realise that the rest of their class are of a different age, causing adverse emotional impact.
- Admission authorities (e.g., academies) will be the decision makers and as they are independent of the local authority may choose to decline a deferral request.
- As the law currently stands, a child who starts Reception a year behind cohort will need to request a formal deferral to progress through each phase of education with their adopted cohort (for example to apply for a deferral to secondary phase when a child is in year 5.)
- A child applying for a selective school (e.g. grammar school) may be subject to a weighting in their selective test due to being older than other children in their cohort.
- If your child reaches school-leaving age before they have completed their Key Stage 4 curriculum, they may decide to leave school without completing formal examinations.

5.13 Where a parent wishes to request admission out of the normal age group for their child, they should still make an application for their child's normal age group at the usual time. At the same time, the parent should submit their request for their child to be admitted out of their normal age group to the relevant admission authority, (this is BCC for all community and voluntary controlled schools), together with supporting evidence.

5.14 Admission authorities (the school in question, not the Local Authority) must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking into account the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if were not for being born prematurely. They must also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision. The admission authority must ensure that the parent receives the response to their request before primary national offer day.

- 5.15 If the request is agreed, the application for the normal age group may be withdrawn and the parent must make a new application for a place in Reception Class as part of the main admissions round the following year. If the request is refused, the parent must decide whether to accept the offer of a place for the normal age group, or to refuse it and make an in-year application for admission to Year 1 for the September following the child's fifth birthday.
- 5.16 One admission authority cannot be required to honour a decision made by another admission authority on admission out of the normal age group. Parents should therefore consider whether to request admission out of the normal year group at all their preferred schools, rather than just their first preference schools.
- 5.17 Parents have the right to appeal against the refusal of a place at a school for which they have applied but cannot appeal if they are offered a place but not in their preferred age group.

#### Reception process

- 5.18 In October 2024, the local authority will write or make arrangements to inform parents/carers of children who are on roll at a community or private nursery via the nursery advising them of how to apply for a Reception Class place online and of where to view the primary prospectus.
- 5.19 The statutory closing date is 15 January 2025. Applications received after this date will be treated in accordance with the procedure for late applications. Proof of address may be required to be provided to the School Admissions and Fair Access Service.
- 5.20 Parents will be allowed to express up to three preferences for their child to be admitted to any maintained primary or infant school or academy or free school inside or outside the Birmingham Local Authority area.
- 5.21 Applications made online will receive an immediate email confirmation when the application is submitted as long as an email address is provided.
- 5.22 Data will be exchanged with other admission authorities and other local authorities as detailed in Section 7.
- 5.23 The School Admissions and Fair Access Service will send details of any siblings included in a parent's application to schools and academies for verification.
- 5.24 The School Admissions and Fair Access Service will compare ranked parental preferences for each school. All ranked preferences will be given equal consideration against schools' admission criteria. If the child ranks sufficiently highly within the admission criteria for two or more schools and could therefore potentially be offered a place at either school, the school the parent ranked highest as a preference will be offered.
- 5.25 Children who live in Birmingham that have not been offered one of their parents'

three preferences, following consultation with another admission authority if appropriate, will be offered a place at one of their closest Birmingham all state funded primary or infant schools with a vacancy.

- 5.26 Primary/infant schools will verify the child's date of birth at either the time of acceptance of the offer or at the school's induction day. Offers will be conditional on providing valid proof of date of birth.

#### Transfer from Infant School to Junior School (Year 2 to Year 3)

- 5.27 If a child attends an infant school, it is necessary for the child to transfer to a different school for his/her junior education.
- 5.28 In October 2024, parents/carers with a child in Year 2 at an infant school will be sent a letter via the school advising them how to apply online for a Year 3 place at a junior school or any other junior school. The same timetable and process as Reception Class admissions above will be used. Parent/carers can express up to three preferences in total, however they must consider that applying for a junior school other than the school that is linked to their child's current infant school, means that their child is less likely to be offered a place at that school, as children that already attend the linked infant school get higher priority for a place at that junior school.
- 5.29 Applications made online will receive an immediate email confirmation when the application is submitted as long as an email address is provided.
- 5.30 If a child attends a primary school (rather than an infant school) it is not necessary to apply for him / her to transfer at the end of Year 2.

#### Transfer from Year 6 to Secondary School

- 5.31 At the end of the Summer Term 2024, Birmingham Local Authority will invite parents of children who will transfer to secondary education in September 2025 to complete an online application form. The online system will be available from September 2024.
- 5.32 All parents will be required to make an application to the Local Authority in which they live. By the second week in July 2024, all maintained primary and junior schools, academies and free schools and, where possible, the majority of independent primary schools in Birmingham, will be forwarded a letter for them to distribute to their Year 5 children living in Birmingham, inviting their parents/carers to make their application for a secondary school place online. Birmingham Local Authority's prospectus will be available to view on the Birmingham City Council's website.
- 5.33 Parents of children who live in Birmingham but whose children attend a primary school outside Birmingham will be advised to make their application online by 31 October 2024.
- 5.34 Online applications will be accepted up until 31 October 2024, which is the

statutory deadline for the submission of applications. Applications received after this date will be treated in accordance with the procedures for late applications as detailed in Section 8.

- 5.35 Applications to sit any selective or assessment tests are to be made via separate forms, to be returned by dates specified by the admission authority for the school concerned (i.e., the governing body of a foundation or voluntary aided school or Academy Trust for academies and free schools). No other separate application form will be required by admission authorities in Birmingham; however, some voluntary controlled schools (particularly those with a religious character) have a Supplementary Information Form, which needs to be completed to determine which category a child should be placed in. These schools will be listed in Birmingham Local Authority's prospectus on the School Admissions website.
- 5.36 Parents may express up to six preferences for their child to be admitted to any maintained school, Academy or Free School inside or outside Birmingham Local Authority.
- 5.37 Applications made online will receive an immediate email confirmation when the application is submitted as long as an email address provided.
- 5.38 Data will be exchanged with other admission authorities and other local authorities as detailed in Section 7.
- 5.39 The School Admissions and Fair Access Service will compare ranked parental preferences for each school. All ranked preferences will be given equal consideration against schools' admission criteria. If the child meets the admission criteria for two or more schools and could therefore potentially be offered a place at either school, the school the parent ranked highest as a preference will be offered.
- 5.40 Children who live in Birmingham who have not been offered one of their parents' six preferences, following consultation with another admission authority if appropriate, will be offered a place at one of their closest Birmingham Local Authority maintained secondary schools or academies or free schools with a vacancy.

#### Year 10 (in the case of 14-19 academies)

- 5.41 At the start of the Autumn Term 2024, parents who wish to make an application for their child to transfer to Year 10 at selected 14 -19 Academies in September 2024 will be able to make their application online. The online system will be available from September 2024.
- 5.42 Some 14-19 Academies in Birmingham will not be part of the co-ordinated scheme, details of which academies this affects will be published in Birmingham's composite prospectus. For these academies parent/carers will need to apply directly to them.

- 5.43 Applications to sit any selective or aptitude tests are to be made via separate forms, to be returned by dates specified by the Academy concerned.
- 5.44 Parents may express up to three preferences for their child to be admitted to any 14 - 19 Academy inside or outside of the Birmingham Local Authority area.
- 5.45 Applications made online will receive an immediate email confirmation when the application is submitted as long as an email address provided.
- 5.46 Data will be exchanged with other admission authorities and other local authorities as detailed in Section 7.
- 5.47 The School Admissions and Fair Access Service will compare ranked parental preferences for each Academy. All ranked preferences will be given equal consideration against Academies' admission criteria. If the child meets the admission criteria for two or more 14 - 19 Academies and could therefore potentially be offered a place at either Academy, the Academy the parent ranked highest will be offered.
- 5.48 Children who live in Birmingham who have not been offered one of their parents' three preferences will continue to have a place at their current school and they will be added to the Academies' waiting lists and their parents/carers informed of their right of appeal.

## **6. Determining the offer of school places**

- 6.1 In determining applications for school places admission authorities must usually comply with parental preference.
- 6.2 In accordance with Section 86 of the School Standards and Framework Act 1998, with the exception of designated grammar schools, all maintained schools and Academies that have enough places available must offer a place to every child that has applied for one, without condition or the use of any criteria.

### **Children with challenging behaviour and those who have been excluded twice**

- 6.3 Admission authorities must not refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so), and EHC plans.

7. **Timetable for primary and secondary normal admissions rounds for 2025/2026**

<b>Admissions Round</b>	<b>Reception</b>	<b>Junior (Yr 2 – 3)</b>	<b>Secondary (Yr 6 – 7)</b>	<b>Year 10 (14-19 academies)</b>
<b>Birth range</b>	01/09/20 – 31/08/21	01/09/17 – 31/08/18	01/09/13 – 31/08/14	01/09/10 – 31/08/11
<b>Rounds open</b>	1 October 2024	1 October 2024	1 September 2024	1 September 2024
<b>Final closing date for receipt of applications</b>	15 January 2025	15 January 2025	31 October 2024	31 October 2024
<b>Rounds close (Applications will need to be made via the in-year process after this date)</b>	31 July 2025	31 July 2025	31 July 2025	31 July 2025
<b>Data exchange with other Local Authorities</b>	27 January 2025	27 January 2025	15 November 2024	15 November 2024
<b>Unranked preferences forwarded to Birmingham Admission Authorities</b>	10 February 2025	10 February 2025	26 November 2024	26 November 2024
<b>Sibling reports sent to schools and academies</b>	10 February 2025	10 February 2025	26 November 2024	26 November 2024
<b>Ranked preferences from Birmingham Admission Authorities and sibling reports from community schools / academies to be returned to Birmingham LA</b>	28 February 2025	28 February 2025	22 December 2024	22 December 2024
<b>Offer exchange with other Local Authorities</b>	10 March 2025 24 March 2025 31 March 2025	10 March 2025 24 March 2025 31 March 2025	20 January 2025 27 January 2025 10 February 2025 24 February 2025	24 February 2025
<b>Offer day – Notifications sent</b>	16 April 2025	16 April 2025	3 March 2025	3 March 2025

<b>Admissions Round</b>	<b>Reception</b>	<b>Junior (Yr 2 – 3)</b>	<b>Secondary (Yr 6 – 7)</b>	<b>Year 10 (14-19 academies)</b>
<b>Refusal of any offer should be made by this date</b>	30 April 2025	30 April 2025	21 March 2025	21 March 2025
<b>Any appeal should be received by this date (20 school days following notification that application was unsuccessful).</b>	2 June 2025	2 June 2025	31 March 2025	31 March 2025
<b>Appeals received on-time should be considered by this date (40 school days).</b>	30 June 2025	30 June 2025	13 May 2025	13 May 2025



## **8. Late applications**

- 8.1 Applications received after the statutory closing dates (31 October 2024 for Secondary and 14-19 Transfers and 15 January 2025 for Reception and Year 2-3 Transfers) will only be considered after applications received on time.
- 8.2 Birmingham City Council is unable to consider any late applications with exceptional circumstances as on time after the 9 November 2024 for Secondary and 14-19 Transfers and after 22 January 2025 for Reception and Year 2-3 Transfers, as the council will be exchanging data with other admission authorities, including neighbouring councils, as part of the coordinated admissions scheme. Birmingham City Council will only consider applications received after the closing date as on time if there were exceptional reasons which prevented the parent/carer from applying by the closing date:
- A child and the person with parental responsibility have moved home.
  - Where the local authority has contacted that parent/carer regarding the information contained within their application, for example, an incomplete application or potentially misleading information requiring further investigation.
- 8.3 If you feel you meet the exceptional circumstances as above, you must submit your late application together with evidence/documentation supporting your exceptional circumstances to Birmingham Local Authority for Secondary and 14-19 Transfers between 1 November 2024 and 9 November 2024 and for Reception and Year 2-3 Transfers between 16 January 2025 and 22 January 2025.
- 8.4 Important your evidence must be marked Exceptional Circumstances along with your online application reference number e.g. 330-2025-09-E-001875 and you must explain your exceptional reasons and attach any relevant documents/evidence, if applicable. We can only consider applications submitted as late but with exceptional circumstances if the above process is fully adhered to. Evidence/documentation will not be requested by Birmingham Local Authority to support late applications (further to the above). Evidence/documentation must be sent in with the email as stated above by the parent/carer.
- 8.5 Parent/carers that fully adhere to 8.3 and 8.4 above will have their late applications considered by Birmingham Local Authority on a case-by-case basis. Those that we do consider as having exceptional circumstances preventing them applying on time will be processed as on time applications, those that are not considered exceptional will be treated as late applications. Parent/carers will be informed by email of our decision and that decision is final.
- 8.6 If parents/carers submit subsequent application(s) after their original application and after the final closing dates (see 8.3 above), they will be restricted to a maximum of six live preferences for secondary and a maximum of three live preferences for reception at any one time. This does not impact parents/carers' right to express changes in preference for other schools, however if they do

wish to do so, they must carefully consider which preferences they wish to keep and which they wish to remove. Parent/carers must be aware that if they remove a preference for a school where their child has been offered a place they will not have their offer at this school withdrawn. Parents/carers must also consider the impact on waiting lists and appeals for any schools that they remove as preferences, as they will also be removed from those schools' waiting lists and the appeals will be withdrawn. The maximum of six preferences for secondary schools also includes grammar schools. When places are offered in March (secondary) and April (reception), Birmingham City Council will make one offer of a school place for each child. If parents/carers then make changes to their live preferences and these changes overwrite the school place offered, this offer will be withdrawn and no further offer will be made at an alternative school unless a place can subsequently be offered at one of their preferred schools due to waiting list movement. However, inclusion on a school's waiting list is not a guarantee of a place becoming available. Any changes made to live preferences that overwrite the schools a child is currently on the waiting list for will cause the child to be removed from that waiting list. Changes to live preferences that overwrite schools that parents/carers have previously submitted an appeal for will cause the appeal to be withdrawn.

- 8.7 Following the offer of places if parent/carers submit a change of order for preferences for the same schools that they have already applied for, that these changes in order will be disregarded. All preferences are treated as equal first preferences and their order is only important prior to the offer of places in March (Secondary) April (Reception). If a child does not get offered one of the preferences a parent/carer has ranked higher in their order of preferences following the offer of places, they will be added to those waiting lists when waiting lists are created (The only exception is grammar schools that have a final qualifying score that a child must achieve to be included on those waiting lists).
- 8.8 All applications made on or after 31 July 2025 will need to be submitted to their preferred school as in-year applications.

## **9. Foundation, trust and voluntary aided schools**

- 9.1 For each voluntary aided and foundation school (including Trust schools), the Governing Body is the admission authority and decides its own published oversubscription admission criteria.

## **10. Academies and Free Schools**

- 10.1 Admission arrangements for academies and free schools are approved by the Secretary of State for the Department for Education as part of an Academy's Funding Agreement, which requires compliance with admissions legislation and relevant Codes.

## **11. Selective schools**

- 11.1 The selection of children for admission to grammar schools in Birmingham is by reference to ability and for this purpose there are tests held in the Autumn

Term of the 2024/2025 academic year for admission to these selective secondary schools in September 2025.

- 11.2 Arrangements relating to selective testing for admission to Bishop Vesey's Grammar School and Sutton Coldfield Grammar School for Girls are made jointly with The Schools of King Edward the Sixth in Birmingham. This will be known as "The Grammar Schools in Birmingham"
- 11.3 The Grammar Schools in Birmingham shall consist of the following schools:
- Bishop Vesey's Grammar School
  - King Edward VI Aston School
  - King Edward VI Camp Hill School for Boys
  - King Edward VI Camp Hill School for Girls
  - King Edward VI Five Ways School
  - King Edward VI Handsworth School for Girls
  - King Edward VI Handsworth Grammar School for Boys
  - Sutton Coldfield Grammar School for Girls
- 11.4 Parents will be required to complete a test registration form to sit the selective test for a school that forms part of The Grammar Schools in Birmingham.
- 11.5 Pupils will only be required to sit one test to be considered for a place at a school that forms part of The Grammar Schools in Birmingham. Parents must also name any school(s) in The Grammar Schools in Birmingham on their Local Authority Preference Form to be considered for a place there.
- 11.6 Details and application dates will usually be publicised widely within the City from May each year. The closing date for applications to sit the test is 28 June 2024 at 4PM. No late applications to sit the test will be accepted. The test will take place in early September 2024.
- 11.7 Admission authorities for grammar schools must inform parents of the outcome of selection tests prior to the final closing date for applications each year, so that parents can make an informed decision as to whether they should name a selective school as one of their preferences.

## **12. The application process for in-year admissions**

- 12.1 In-Year applications may arise for a number of reasons, for example, where a family has moved to Birmingham or if a parent/carer wishes to move their child from one school to another at a time outside the normal admissions round.
- 12.2 The local authority and all schools will work together to manage the process of in-year applications.
- 12.3 The local authority will enable parents to complete an application for a school place and will provide details of schools with places available.
- 12.4 In the first instance, parents will be requested to make applications directly to

the school(s) concerned. Outside the normal admissions round, parents/carers can apply for a place for their child at any time and to any school.

- 12.5 The law relevant to admissions to state schools and academies provides that on receipt of an in-year application, they must notify the local authority of every application and its outcome as soon as reasonably practicable, but should aim to be within 2 school days. This will also allow the local authority to keep up to date with figures on the availability of school places in Birmingham.
- 12.6 The admission authority should aim to notify the parents of the outcome of their application in writing within 10 school days, but they must be notified within 15 school days.
- 12.7 Parent/carers who live in Birmingham who have not been offered their preferred school will be advised of their right of appeal and be added to the schools waiting list. In-Year waiting lists for community, voluntary controlled, voluntary aided, foundation schools, academies and free schools in Birmingham will be maintained by the schools. The Local Authority may require sight of the waiting lists at these schools, in order to determine that the process is operating effectively.
- 12.8 Children who are not offered a place at any of their preferred schools, will be offered a place at a Birmingham Local Authority maintained school, academy or free school near to the child's home address, that has a vacancy.
- 12.9 The Local Authority will be informed by schools and academies of any child who has not taken up a school place so that appropriate action can be taken.
- 12.10 Children who live in Birmingham whose parents have refused the school place offered may be issued with a formal notice advising of their legal requirement to ensure that their child is in receipt of a suitable education whether in school or otherwise.
- 12.11 Where a child is not receiving suitable education, further action may be taken against a parent under Birmingham Local Authority's School Attendance process.

### **13. Fair Access Protocol**

- 13.1 The operation of the Fair Access Protocol is outside the arrangements for the coordination of the normal admissions rounds and is only triggered when an eligible child has not secured a school place under in-year admission procedures.
- 13.2 Fair Access Protocols exist to ensure that unplaced children outside the normal admissions round, especially the most vulnerable, are offered a suitable school as quickly as possible and to ensure that all schools in an area admit their fair share of children with challenging behaviour.
- 13.3 In the event of a governing body refusing to admit a pupil with challenging

behaviour outside the normal admissions round, even though places are available, a referral will be made to the Local Authority for action under the Fair Access Protocol.

- 13.4 This provision will not apply to a looked after child or child with an Education Health and Care Plan naming the school in question, as these children must be admitted. Previously Looked after Children (including previously looked after children from outside of England) must be admitted promptly. If for any reason they are not admitted promptly they would be considered under the Fair Access Protocol.
- 13.5 All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

#### **14. Applications for a School Place from those living outside of England**

- 14.1 Applications for a place in Reception Class, Year 2-3, Secondary Transfers and those 14-19 Academies that are part of Birmingham's coordinated Admission Scheme for Entry in September 2025 can all be made by parent/carers from their current address if it is outside of England in accordance with the relevant timescales and sections as outlined above.
- 14.2 If your child is unsuccessful in meeting the criteria for a place at one of your preferred schools in Reception Class, Year 2-3, Secondary Transfers and 14-19 Academies for entry in September 2025 you will have the right of appeal against that decision to refuse to admit your child.
- 14.3 If your child is offered a place at one of your preferred schools in Reception Class, Year 2-3, Secondary Transfers and 14-19 Academies for entry in September 2025, they will be expected to take up the place at the start of term in September 2025. If your child does not attend on the first day of term you risk triggering the school's attendance processes which may result in the place eventually being withdrawn.
- 14.4 Applications for a place In-Year can be made by parent/carers from their current address outside of England. Please refer to the In-year section above for details on how to apply.
- 14.5 If your child is unsuccessful in meeting the criteria for an In-Year place at one of your preferred schools, you will have the right of appeal against that decision to refuse to admit your child.
- 14.6 Birmingham School Admissions and Fair Access Service will not place your child at an alternative school if your child was unsuccessful in meeting the criteria at one of your preferred schools until you have moved into Birmingham and can provide acceptable proof of address of this.
- 14.7 If your child is successful in gaining an In-Year place at one of your preferred

schools, they will be expected to start at the school within a reasonable time frame to be agreed with the school, otherwise you risk triggering the school's attendance processes which may result in the place eventually being withdrawn.

**15. Applications from UK Crown Servants and UK Military Families**

- 15.1 Birmingham School Admissions will process applications from UK crown servants or UK military families with evidence from their employers or commanding officers that they are returning to the area ahead of any move. We will accept any posting or quartering address as a 'home' address in the absence of any actual home address.



## EQUALITY IMPACT ASSESSMENT

Admission arrangements for council schools and the Co-ordinated Scheme

Reference: EIA000151

Date: 18/01/2024

Submitted by: [alan.michell@birmingham.gov.uk](mailto:alan.michell@birmingham.gov.uk)



**EIA Form – About your EIA**

Reference number	EIA000151
Date Submitted	18/01/2024
Subject of the EIA	Admission arrangements for council schools and the Co-ordinated Scheme
Brief description of the policy, service or function covered by the EIA	1.1 All admission authorities, of which Birmingham City Council is one, are required to set ('determine') admission arrangements annually by 28 February. The arrangements so determined will apply to the next-but-one academic year (i.e. arrangements determined in February 2024 will apply for entry to school in September 2026).
Equality Assessment is in support of..	["Amended policy"]
How frequently will you review impact and mitigation measures identified in this EIA?	Annually
Due date of the first review	2023-11-28

**Directorate, Division & Service Area**

Which directorate(s) are responsible for this EIA?	["Children and Families"]
Division	Education and Skills
Service area	Thriving Children
Budget Saving	No

**Officers**

What is the responsible officer's email address?	alan.michell@birmingham.gov.uk
What is the accountable officer's email address?	razia.butt@birmingham.gov.uk

**Data Sources**

Data sources	["Consultation results", "Relevant reports/strategies", "Statistical database"]
Data source details	Impulse and annual returns to Department for Education, previous consultation feedback, OSA judgments/advice and school places sufficiency plan

**Protected Characteristics**
**Protected Characteristic – Age**




Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
What age groups are impacted by your proposal?	["0-9 years", "10-19 years"]
Please describe the impact to the age characteristic	The policy is designed to manage admission arrangements (that apply to council schools and the co-ordinated scheme) for pupils of reception and statutory school age. Children will move school/into school based on age. This includes into reception, infant to junior and secondary school as per the published arrangements. At reception age there is the opportunity for deferred and part-time entry and to start school outside of the normal age range if requested by parents. Age is considered across the different phases and processes as per national policy including the School Admissions Code (2021).
How will you mitigate against any negative impact to the age characteristic?	There is no adverse impact expected in applying the arrangements based on a child's age.

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe the impact to the disability characteristic	Children are admitted to schools via the admission arrangements irrespective of disability, aside from children who require an Education, Health and Care Plan (EHCP). Children subject to an EHCP will normally have a named school that they are required to be admitted to as reflected in the admission arrangements which support the School Admissions Code (2021). This decision (of a named school) is subject to consultation with parents and carers and schools. The Code makes it clear that discrimination against children with a disability or any special educational need is contrary to the law and specifically the Equality Act (2010).
How will you mitigate against any negative impact to the disability characteristic?	There are no changes to the arrangements/scheme that have any impact including any adverse impact on children with disabilities. Children with an EHCP and named mainstream school will be offered that school as part of the normal transfer round.

#### Protected Characteristic – Gender

Does this proposal impact citizens based on their gender as per the Equality Act 2010?	Yes
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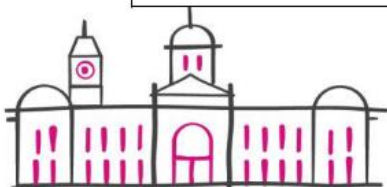
What genders will be impacted by this proposal?	["Male","Female"]
Please describe the impact to the gender characteristic	There are single sex schools within the school estate. The admission arrangements and co-ordinated scheme apply the required processes to allocate school places in- year and via the transfer round to all schools, including single sex schools, as per the School Admissions Code (2021) and related legislation.
How will you mitigate against any negative impact to the gender characteristic?	There is no adverse impact expected of the proposed changes to the scheme and arrangements (which do not impact directly on gender).

### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	Yes
Please describe the impact to the gender reassignment characteristic	There are single sex schools within the school estate. The admission arrangements and co-ordinated scheme simply apply the required processes to allocate school places in- year and via the transfer round as per the School Admissions Code (2021) and related legislation to all schools.
How will you mitigate against any negative impact to the gender reassignment characteristic?	There is no adverse impact expected of the proposed changes to the scheme and arrangements (which do not impact directly on gender reassignment) and no adverse impact reported in this area previously.

### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No
What legal marital or registered civil partnership status will be impacted by this proposal?	
Please describe the impact to the marriage and civil partnership characteristic	
How will you mitigate against any negative impact to the marriage and civil partnership characteristic?	



**Protected Characteristic - Pregnancy and Maternity**

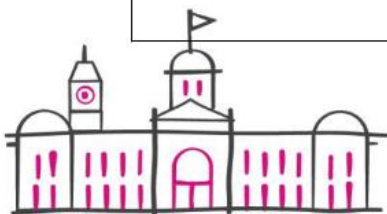
Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	No
Please describe the impact to the pregnancy and maternity characteristic	
How will you mitigate against any negative impact to the pregnancy and maternity characteristic?	

**Protected Characteristic - Ethnicity and Race**

Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["Not specified"]
Please describe the impact to the ethnicity and race characteristic	There are no changes to the policy, (arrangements or scheme) that impact directly or indirectly on race. Race is not part of any school's admission arrangements, and the council arrangements and the scheme have not been amended to have any related impact. As with all related protected characteristics, the School Admissions Code (2021) and related policy makes it clear that such discrimination is illegal.
How will you mitigate against any negative impact to the ethnicity and race characteristic?	There is no adverse impact in respect of race.

**Protected Characteristic - Religion or Beliefs**

Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	Yes
What religions could be impacted by this proposal?	["Not specified"]
Please describe the impact to the religion or beliefs characteristic	The school estate includes faith-based schools with a range of faith-based admission criteria and some with a faith-based ethos, all expected and understood to be compliant with the law and the School Admissions Code (2021). Faith is reflected legally and appropriately in the council's voluntary controlled schools' admission arrangements (for five schools) only. There is a change to the related



	admission arrangements focused on the supplementary information form (which is the format for parents and carers to provide information). This change relates to the inclusion of Al-Furqan school and confirmation of the faith of applicants. The change has no adverse impact.
How will you mitigate against any negative impact to the religion or beliefs characteristic?	There are no changes in the scheme as regards to how places are allocated across the city. No impact or adverse impact is expected as regards religion or beliefs.

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe the impact to the sexual orientation characteristic	
How will you mitigate against any negative impact to the sexual orientation characteristic?	

### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	Regular review and monitoring of admission arrangements, round and offer day activity, and data and feedback from consultation, complaints, and compliments.
Please enter the email address for the officer responsible for monitoring impact and mitigation	alan.michell@birmingham.gov.uk







# Birmingham City Council

## Report to Cabinet

Date 13<sup>th</sup> February 2024



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**Subject: KEY DECISION PLANNED PROCUREMENT  
ACTIVITIES**

### **Commissioner Review**

This service procurement is for a range of management functions of which one is programme delivery, including risk management and mitigation. Programme delivery in particular is key to the Council's recovery journey, as a result Commissioners expect this service to be a priority. The Council should ensure that proper analysis has been done to assess in-house capabilities in some of the other areas e.g., streamline processes, capture data. The Council should ensure all options have been explored, including hybrid options, combining internal and external resource to reduce spend and build a longer-term internal capability for future projects/programmes.





# Birmingham City Council

## Report to Cabinet

Date: 13<sup>th</sup> February 2024



**Subject:** KEY DECISION PLANNED PROCUREMENT ACTIVITIES (MARCH 2024 – MAY 2024)

**Report of:** ASSISTANT DIRECTOR – PROCUREMENT

**Relevant Cabinet Member:** Councillor Brigid Jones, Cabinet Member for Finance and Resources

**Relevant O & S Chair(s):** Councillor Jack Deakin, Chair of Finance and Resources OSC

**Report author:** Steve Sandercock, Assistant Director, Procurement  
Email Address: [steve.sandercock@birmingham.gov.uk](mailto:steve.sandercock@birmingham.gov.uk)

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012394/2024		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

### 1 Executive Summary

- 1.1 This report provides details of the planned procurement activity for the period March 2024 – May 2024 which are key decisions. Planned procurement activities reported previously are not repeated in this report.
- 1.2 The report enables Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision,

otherwise they will be dealt with under Chief Officer delegations up to the value of £10m, unless TUPE applies to current Council staff.

## **2 Recommendations**

- 2.1 To approve the planned procurement activities as set out in Appendix 1 and approve Chief Officer delegations, set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.

## **3 Background**

- 3.1 The report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process.
- 3.2 At the 12<sup>th</sup> July 2022 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £10m for key decisions over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.
- 3.3 In line with the Procurement and Contract Governance Rules that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Resources Overview & Scrutiny Committee.
- 3.4 This report sets out the planned procurement activity over the next few months where the contract value is between the procurement threshold £179,086.67 (excluding VAT) and £10m (excluding VAT) for key decisions. This will give members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the £10m delegation threshold.
- 3.5 It should be noted that the procurement threshold has changed from £177,897.50 to £179,086.67 (excluding VAT) and applies from 1st January 2024 for a period of 2 years.
- 3.6 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 3.7 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.
- 3.8 A briefing note with details for each item to be procured is listed in Appendix 2.

## **4 Options considered and Recommended Proposal**

4.1 The options considered are:

- To identify specific individual procurements as listed in appendix 1 for further consideration, along with clear reason(s) for such additional consideration, to Cabinet around the procurement strategy and contract award.
- To approve the planned procurement activities for all the projects listed in appendix 1 and approve Chief Officer delegations as set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.– this is the recommended option.

## **5 Consultation / Engagement**

5.1 This report to Cabinet is copied to Cabinet Members, Cabinet Support Officers and to Resources Overview & Scrutiny Committee and therefore is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Resources Overview & Scrutiny Committee Chair have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

## **6 Risk Management**

6.1 Members should note that in respect of any procurement projects which are sought to be referred back to Cabinet for further considerations these may impact on timescales around the delivery of those projects.

6.2 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

## **7 Compliance Issues:**

**7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 Details of how the contracts listed in Appendix 1 and Appendix 2 support relevant Council policies, plans or strategies, will be set out in the individual reports.

## **7.2 Legal Implications**

7.2.1 Members are reminded that as a Local Authority the Council has specific duties under public sector procurement, specifically the Public Contract Regulations 2015.

7.2.2 Specific details of any implications related to public sector procurement Regulations are set out- in the individual reports appended to this report.

## **7.3 Financial Implications**

7.3.1 Specific details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

7.3.2 Any cashable savings generated as a result of the procurement exercises are detailed in Appendix 2 to the delivery of procurement related savings and be removed from Directorate where identified in addition to the existing service area savings target as set out in the Medium-Term Financial Plan (MTFP) in line with the principles to treatment of identified savings against third party contracts as agreed by CLT on 24th January 2022.

#### **7.4 Procurement Implications (if required)**

7.4.1 As noted under the Legal Implications the Council has a duty to ensure that public sector procurement activity is in line with public sector legislation, specifically the Public Contracts Regulations 2015.

7.4.2 For each of the individual projects the specific procurement implications associated to the legislation are set out and detailed in the appendices.

#### **7.5 Human Resources Implications (if required)**

7.5.1 None.

#### **7.6 Public Sector Equality Duty**

7.6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports which should also give consideration to application of Equality Impact Assessments in line with Council Policy

### **8 Background Documents**

8.1 List of Appendices accompanying this Report (if any):

- 1. Appendix 1 - Planned Procurement Activity March 2024 – May 2024
- 2. Appendix 2 – Background Briefing Paper

**APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (MARCH 2024 – MAY 2024)**

No.	Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio	Finance Officer	Contact Name	Planned CO Decision Date
1	Approval to Tender Strategy	Community Engagement Partners	P0942	<p>To commission community engagement partners to identify local health need, map community assets, and co-produce solutions. This will be achieved through a variety of methods, including:</p> <ul style="list-style-type: none"> <li>•Dissemination of Public Health key information through existing or new networks</li> <li>•Delivery of four focus groups per year</li> <li>•Delivery of one project to reduce health inequalities per year</li> <li>•Delivery of four training sessions for health professionals on cultural intelligence</li> <li>•Produce annual summary reports</li> </ul> <p>These community organisations will be called deep engagement partners. The partners will be supported by an academic partner. The programme will feature 13 deep engagement partners each held under Lots that will work with the following communities:</p> <ol style="list-style-type: none"> <li>1. 5x ethnic communities and 3x faith communities</li> <li>2. 2x LGBTQ+ communities</li> <li>3. 3x communities with a disability</li> </ol>	2 years with an option to extend for a further 1 year	Strategy, Equalities & Partnership Insight Prevention	Health and Social Care	Ekbal Hussain	Joe Merriman / Manjit Samrai	18/03/2024
2	Strategy / Award	Library of Birmingham and The REP Theatre Mechanical and Electrical Maintenance Services	TBC	To deliver reactive, planned and cyclical maintenance of all specified Mechanical and Electrical and Plumbing systems situated within the Library of Birmingham and its conjoined neighbour The REP Theatre in order to maintain functionality of the shared Building Management Systems to maximise asset life and operate within any warranty requirements.	1 year with option to extend for up to a further 1 year	Adults Social Care	Digital, Culture, Heritage	Samantha Bloomfield	Dawn Beaumont / Jose Vitoria	18/03/2024
3	Strategy / Award	Programme Management for the Asset Disposal Project	TBC	<p>Programme Management support for the Council for the disposal of assets to contribute to the Financial Recovery Plan (FRP). The services to be provided where there is not capacity internally to undertake include:</p> <ul style="list-style-type: none"> <li>•Programme design and set up</li> <li>•Establishment of functions and identification of resources and processes</li> <li>•Implementation of best practice methodologies in the delivery of asset disposals project</li> <li>•Ensure governance and approvals processes are in place</li> <li>•Information and data gathering for each asset</li> <li>•Utilising Reporting tools to analyse progress against individual or groups of assets</li> <li>•Programme delivery including risk management and mitigation</li> </ul>	10 months	Place, Prosperity & Sustainability	Leader	Azhar Rafiq	Eden Ottley / Charlie Short	18/03/2024
4	Strategy / Award	Highways PFI Legal Advice	TBC	Specialist external advocacy, legal advice and support for resolution of settlement issues, expert advice (including technical and commercial expert advice) and contract restructuring and litigation advice in relation to potential disputes. Ongoing risk of claims following DfT decision and pending judicial review process.	Up to 6 months	City Operations	Transport	Carl Tomlinson	Judy Johnson / Andrea Webster	18/03/2024

## APPENDIX 2

### BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES CABINET – 13<sup>th</sup> FEBRUARY 2024

<b>Title of Contract</b>	<b>Community Engagement Partners</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Dr Justin Varney, Director of Public Health <b>Main Client Officer:</b> Joe Merriman, Public Health Senior Officer <b>Other Client Officers:</b> Alice Spearing, Public Health Senior Officer and Jordan Francis, Public Health Senior Officer <b>Procurement Officer:</b> Manjit Samrai, Sub Category Officer
<b>Relevant Portfolio</b>	<b>Councillor Rob Pocock - Cabinet Member for Health and Social Care</b>
Briefly describe the service required	<p>To commission community engagement partners to identify local health need, map community assets, and co-produce solutions. This will be achieved through a variety of methods, including:</p> <ul style="list-style-type: none"><li>• Dissemination of Public Health key information through existing or new networks</li><li>• Delivery of four focus groups per year</li><li>• Delivery of one project to reduce health inequalities per year</li><li>• Delivery of four training sessions for health professionals on cultural intelligence</li><li>• Produce annual summary reports</li></ul> <p>These community organisations will be called deep engagement partners. The partners will be supported by an academic partner. The programme will feature 13 deep engagement partners each held under Lots that will work with the following communities:</p> <ol style="list-style-type: none"><li>1. 5x ethnic communities and 3x faith communities</li><li>2. 2x LGBTQ+ communities</li><li>3. 3x communities with a disability</li></ol>
What is the proposed procurement route?	An open procurement process will be advertised on Find a Tender Service, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a>
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a new requirement.
Will any savings be generated?	No cashable savings will be generated by this project. However, Public Health preventative interventions provide a whole system cost savings via increased health and wellbeing of the local population. It is estimated that local authority public health interventions cost approximately £3,800 per additional year of good health; this is 3-4 times lower than the cost resulting from NHS interventions of £13,500. This service will save approximately £3,136,500 primary healthcare interventions.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house as the Council does not have the capability to undertake the requirements of the deep engagement partner. It is essential that the partners are well connected to the community, including seldom heard voices.
How will this service assist with the Council's commitments to Route to Zero?	This service will not assist with the commitments to 'Route to Zero'
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The opportunity fulfils objectives identified in the Everyone's Battle, Everyone's Business Strategy such as: <ol style="list-style-type: none"><li>1. Understand our diverse communities and embed that understanding in how we shape policy and practice across the Council – by facilitating focus groups with seldom-heard populations on health topics prevalent within the community. Findings from the focus groups will be shared with Public Health teams and wider system partners.</li><li>2. Involve and enable our diverse communities to play an active role in civic society and put the citizens' voice at the heart of decision making – by including the community engagement partners in</li></ol>

	Health and Wellbeing subforums, such as the Creating a City without Inequality.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty to provide this service. However, the service is in line with the statutory function of Public Health, in accordance with the Health and Social Care Act 2012, to : <ul style="list-style-type: none"> <li>• Protect the health of the local population.</li> <li>• Carry out research into health improvement, and provide information and advice (Section 12 of the Act)</li> </ul> Subsection 12(4) of the 2012 Act provides local authorities with the power to make grants or lend money to organisations or individuals in order to improve public health.
Approval via Spend Control Board.	Approval for this requirement was obtained from the Public Health spend Control Board on the 15 <sup>th</sup> November 2023 and approved at Section 151 Board on 22 <sup>nd</sup> December 2023.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the period of the contract is £410,000 per annum, with a maximum spend of £1,230,000 over 3 years.
What budget is the funding from for this service?	This is funded from the Public Health Grant (budget code AV0KR).
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> June 2024 for a period of 2 years with an option to extend for a further 1 year subject to funding availability and performance.

<b>Title of Contract</b>	<b>Library of Birmingham and The REP Theatre Mechanical and Electrical Maintenance Services</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Kalvinder Kohli, Assistant Director Early Intervention & Prevention <b>Client Officer:</b> Dawn Beaumont – Chief Librarian <b>Procurement Officer:</b> Jose Vitoria, Assistant Category Manager
<b>Relevant Portfolio</b>	<b>Councillor Saima Suleman - Cabinet Member for Digital, Culture, Heritage</b>
Briefly describe the service required	To deliver reactive, planned and cyclical maintenance of all specified Mechanical and Electrical and Plumbing systems situated within the Library of Birmingham and its conjoined neighbour The REP Theatre in order to maintain functionality of the shared Building Management Systems to maximise asset life and operate within any warranty requirements.  The scope also includes the monitoring and management of systems to control the internal environment at optimum efficiency for the wellbeing of staff, customers and to deliver cost savings efficiencies where possible.
What is the proposed procurement route?	A procurement process will be undertaken by way of a National Framework in accordance with its protocol via direct award. The Framework Agreement is free to access for all UK Public Sector Bodies The use of compliant frameworks, in accordance with the Framework call off conditions, is supported by the Council Constitution (Procurement and Contract Governance Rules) and complies with the Public Contract Regulations 2015 (PCR).
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing contract with Airtech Optimise Ltd expired 30th September 2023 and was not renewed on time due to other Council activities taking priority over officer time. Airtech Optimise Ltd are currently delivering the services to LoB on an ad-hoc basis. This contract will enable to now achieve contractual and legal compliance it is proposed to make a direct award for 1 year with an option to extend for 1 year if needed.  This will allow the service area and The REP Theatre to conduct a full options appraisal and develop a joint maintenance strategy when procuring the any future strategic contract. The full options appraisal will consider the possibility of insourcing as per the Councils Constitution.  The time above needed is to ensure a fully and competitively tendered procurement contract of this level of complexity is achievable/ Including the full options appraisal work needed with The REP Theatre Facilities Management, engaging with the Council's wholly owned company (Acivico) is likely to be lengthy as they will need to source competitive subcontractors for specialist systems at LoB/The REP e.g. Hypoxic, Ground Source Cooling, Tannoy, CCTV etc and for that to include the new element of cyclical maintenance element as well as reactive and planned to define the contract specification.  The ultimate outcome of which will be to appoint a suitable supplier for a 4 year contract either through insourcing or conducting a fully competitive tender exercise via a suitable framework.
Will any savings be generated?	No cashable savings can be guaranteed. Some cost savings are likely to be achieved via the direct award route but are not easily quantifiable. A 1 year stable maintenance supplier relationship will help deliver greater discounts through supply chains and subcontractors.  The costs of an extended procurement exercise will be also be avoided. The Library of Birmingham is now over 10 years old having opened in September 2013. Equipment in the building has run 24/7



	<p>365 days per year over that period with many systems now at end of life requiring increasing maintenance/replacement as a result.</p> <p>Shared Mechanical and Electrical plant systems serve both the Library of Birmingham and The REP Theatre. The REP Theatre will reimburse the Library of Birmingham for their element of the contract costs predicted at £75k per annum with the libraries share being £581k per annum total contract value circa £656k. A review of that split will be undertaken to determine if The REP should contribute more for their part of the shared systems.</p>
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house. Acivico have previously been invited to provide costs to undertake the maintenance of the Library of Birmingham but were uncompetitive. Acivico are a third-party option for The REP Theatre with prohibitive costs. The REP Theatre are not obliged to follow the Councils constitution and the In-House test.
How will this service assist with the Council's commitments to Route to Zero?	The Library of Birmingham has a Building Research Establishment Environmental Assessment Method (BREEAM) excellent rating and the maintenance provider always looks for efficiencies to reduce energy consumption. During the recent energy crisis, the supplier has optimised "dead bands" to reduce costs of heating and cooling and also through exchanging equipment for more energy efficient options including implementing low energy LED lighting schemes saving £1000s in energy bills.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The maintenance supplier is an enabler through which keeping the building well maintained allows the Library of Birmingham to deliver a statutory service that is inclusive to all communities, faiths, beliefs, and cultures.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is a statutory duty to provide planned maintenance checks for the safety of building occupants and to undertake repairs e.g. to prevent Legionella, to have safe electrical systems, to have legally compliant heating and cooling systems and airflows. In addition, the Council's powers to provide a statutory library service are contained in sections 7 and 12 of the Public Libraries and Museums Act 1964. Section 144 of the Local Government Act 1972 provides a power for the Council to encourage visitors to the Library of Birmingham and provide conference and other facilities.
Approval via Spend Control Board.	Approval for this requirement was obtained from the Adult Social Care Spend Control Board on 5 <sup>th</sup> December 2023 and approved at Section 151 Board on 5 <sup>th</sup> December 2023 - ID: 2656.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the period of the contract is £1,313,000.
What budget is the funding from for this service?	This is funded from the General Fund Budget.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> May 2024 for a period of 1 year with option to extend for up to a further 1 year. The project team will use reasonable endeavours to ensure that a new contract is in place on expiry of the initial term of one year. The extension option of up to 12 months is proposed to allow for unforeseen circumstances & delays that may impact the re-procurement timetable.

<b>Title of Contract</b>	<b>Programme Management for the Asset Disposal Project</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Kathryn James - Assistant Director, Investment and Valuation <b>Client Officer:</b> Eden Ottley, Property Strategy Delivery Manager <b>Procurement Officer:</b> Charlie Short, Procurement Manager
<b>Relevant Portfolio</b>	<b>Councillor John Cotton - Leader</b>
Briefly describe the service required	Programme Management support for the Council for the disposal of assets to contribute to the Financial Recovery Plan (FRP). The services to be provided where there is not capacity internally to undertake include: <ul style="list-style-type: none"> <li>• Programme design review</li> <li>• Establishment of functions and identification of resources and processes</li> <li>• Streamline systems and processes.</li> <li>• Implementation of best practice methodologies in the delivery of asset disposals project</li> <li>• Information and data gathering for each asset.</li> <li>• Utilising Reporting tools to analyse progress against individual or groups of assets.</li> <li>• Programme delivery including risk management and mitigation</li> </ul>
What is the proposed procurement route?	A further competition exercise will be undertaken using a compliant third-party framework agreement identified as the most suitable for this requirement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a new requirement.
Will any savings be generated?	No cashable savings will be generated by this project/ procurement process. However, this service will support the generation of capital receipts which will contribute to the FRP via the generation of £500m capital receipts and 2023-25 MTFP linked to the Commissioners and Section 151 Spend Control approval for the service.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house as currently there is insufficient internal capacity and capability for the Programme Management services to support the generation of asset disposal programme required to support the financial targets.
How will this service assist with the Council's commitments to Route to Zero?	The works will be undertaken using online platforms and minimising paper usage. Car trips will be minimised, and public transport links maximised. Therefore, reducing carbon footprint.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	There is no direct impact on Everybody's Battle, Everybody's Business from the award of this contract.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty to provide this service. However, the services are essential to support the Council in the delivery of the asset disposals programme to support the FRP.
Approval via Spend Control Board.	Approval was obtained on 14 December 2023 by the Section 151 Officer Spend Control Board ID: Ref -2376 for programme management support for the delivery of £500m of capital receipts for the Financial Recovery Plan.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the period of the contract is up to £900,000.
What budget is the funding from for this service?	The cost of Programme Management support will be funded from the capital receipts generated from the disposal of assets.
Proposed start date and duration of the new contract	The proposed start date is May 2024 for a period of 10 months.

<b>Title of Contract</b>	<b>Highways PFI Legal Advice</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Mark Shelswell, Assistant Director Highways & Infrastructure <b>Client Officer:</b> Judy Johnson, PFI Procurement Manager (Commercial) (Commercial) <b>Procurement Officer:</b> Andrea Webster, Sub Category Manager
<b>Relevant Portfolio</b>	<b>Councillor Liz Clements – Cabinet Member for Transport</b>
Briefly describe the service required	Specialist external advocacy, legal advice and support for resolution of settlement issues, expert advice (including technical and commercial expert advice) and contract restructuring and litigation advice in relation to potential disputes. Ongoing risk of claims following DfT decision and pending judicial review process.
What is the proposed procurement route?	The award of a further call off contracts under the Council's existing Highways PFI Legal Advice framework agreement. The ordering procedure in this framework allows for multiple call off contracts to be let.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is an existing contract (call off contract #1) with DLA Piper UK LLP that is set to expire on 30 <sup>th</sup> June 2024 but will expire on value earlier that anticipated in February 2024. Due to an extension to the procurement process of the Highways PFI procurement and unexpected delays awaiting a decision from Department for Transport and Treasury with regards the OBC spend under this contract has been more than originally anticipated.
Will any savings be generated?	No cashable savings will be generated by this project.
Has the In-House Preferred Test been carried out?	The In-House Preferred Test has been carried out and shows that this service cannot be undertaken in house.
How will this service assist with the Council's commitments to Route to Zero?	The use of these external resources will assist the Council in obtaining service delivery that supports Route to Zero (through maintenance of the city's roads).
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	These activities will assist the Council in meeting its EBEB objective 'Deliver responsive services and customer care that is accessible and inclusive to individual needs'.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council is under a statutory duty to maintain its public highways as Highway Authority under the Highways Act 1980. The PFI contract also supports statutory duties under the New Roads and Street Works Act 1992 and Traffic Management Act 2004. These statutory obligations are delivered via the Highway Maintenance and Management PFI Contract. Completing restructuring of the contract is essential to continuing to provide these services.
Approval via Spend Control Board.	Approval was obtained by the Section 151 Spend Board on 21 <sup>st</sup> December 2023 - ID3907.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the period of the contract is £1,850,400 for call #2.
What budget is the funding from for this service?	This is funded from the Highway Maintenance and Management PFI budget and reserves.
Proposed start date and duration of the new contract	The proposed start date is March 2024 for a period of up to 6 months. It is anticipated that there will be an ongoing need for this service beyond this 6-month period. During this 6-month period a procurement process will be undertaken to ensure that new replacement arrangements are in place on expiry.



**Birmingham City Council  
Cabinet Committee**

Date 13 February 2024



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**Subject: Non-key Decision Planned Procurement Activities  
(March 2024 – May 2024)**

**Commissioner Review**

The Commissioners have reviewed this report and the recommendations are supported.



# Birmingham City Council

## Report to Cabinet

Date: 13<sup>th</sup> February 2024



**Subject:** **NON-KEY DECISION PLANNED PROCUREMENT ACTIVITIES (MARCH 2024 – MAY 2024)**

**Report of:** **ASSISTANT DIRECTOR – PROCUREMENT**

**Relevant Cabinet Member:** **Councillor Brigid Jones, Cabinet Member for Finance and Resources**

**Relevant O &S Chair(s):** **Councillor Jack Deakin, Chair of Finance and Resources OSC**

**Report author:** Steve Sandercock, Assistant Director, Procurement  
Email Address: [steve.sandercock@birmingham.gov.uk](mailto:steve.sandercock@birmingham.gov.uk)

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

### 1 Executive Summary

- 1.1 This report provides details of the planned procurement activity for the period March 2024 – May 2024 which are not key decisions. Planned procurement activities reported previously are not repeated in this report.
- 1.2 The report enables Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision,

otherwise they will be dealt with under Chief Officer delegations up to the value of £500,000, unless TUPE applies to current Council staff.

## **2 Recommendations**

- 2.1 To note the planned procurement activities as set out in Appendix 1 and Chief Officer delegations, set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.

## **3 Background**

- 3.1 The report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process.
- 3.2 At the 12<sup>th</sup> July 2022 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £500,000 for non-key decisions over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.
- 3.3 In line with the Procurement and Contract Governance Rules that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Resources Overview & Scrutiny Committee.
- 3.4 This report sets out the planned procurement activity over the next few months where the contract value is between the procurement threshold £179,086.67 (excluding VAT) and £500,000 (excluding VAT) for non-key decisions. This will give members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the £10m delegation threshold.
- 3.5 It should be noted that the procurement threshold has changed from £177,897.50 to £179,086.67 (excluding VAT) and applies from 1st January 2024 for a period of 2 years.
- 3.6 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 3.7 Procurements below £500,000 contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.
- 3.8 A briefing note with details for each item to be procured is listed in Appendix 2.



## **4 Options considered and Recommended Proposal**

4.1 The options considered are:

- To identify specific individual procurements as listed in appendix 1 for further consideration, along with clear reason(s) for such additional consideration, to Cabinet around the procurement strategy and contract award.
- To note the planned procurement activities for all the projects listed in Appendix 1 and the Chief Officer delegations as set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.– this is the recommended option.

## **5 Consultation / Engagement**

5.1 This report to Cabinet is copied to Cabinet Members, Cabinet Support Officers and to Resources Overview & Scrutiny Committee and therefore is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members / Resources Overview & Scrutiny Committee Chair have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

## **6 Risk Management**

6.1 Members should note that in respect of any procurement projects which are sought to be referred back to Cabinet for further considerations these may impact on timescales around the delivery of those projects.

6.2 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

## **7 Compliance Issues:**

**7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 Details of how the contracts listed in Appendix 1 and Appendix 2 support relevant Council policies, plans or strategies, will be set out in the individual reports.

## **7.2 Legal Implications**

7.2.1 Members are reminded that as a Local Authority the Council has specific duties under public sector procurement, specifically the Public Contract Regulations 2015.

7.2.2 Specific details of any implications related to public sector procurement Regulations are set out- in the individual reports appended to this report.

## **7.3 Financial Implications**

7.3.1 Specific details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

7.3.2 Any cashable savings generated as a result of the procurement exercises are detailed in Appendix 2 to the delivery of procurement related savings and be removed from Directorate where identified in addition to the existing service area savings target as set out in the Medium Term Financial Plan (MTFP) in line with the principles to treatment of identified savings against third party contracts as agreed by CLT on 24th January 2022.

#### **7.4 Procurement Implications (if required)**

7.4.1 As noted under the Legal Implications the Council has a duty to ensure that public sector procurement activity is in line with public sector legislation, specifically the Public Contracts Regulations 2015.

7.4.2 For each of the individual projects the specific procurement implications associated to the legislation are set out and detailed in the appendices

#### **7.5 Human Resources Implications (if required)**

7.5.1 None.

#### **7.6 Public Sector Equality Duty**

7.6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports which should also give consideration to application of Equality Impact Assessments in line with Council Policy

### **8 Background Documents**

8.1 List of Appendices accompanying this Report (if any):

- 1. Appendix 1 - Planned Procurement Activity March 2024 – May 2024
- 2. Appendix 2 – Background Briefing Paper

**APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (MARCH 2024 – MAY 2024)**

No.	Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio	Finance Officer	Contact Name	Planned CO Decision Date
1	Strategy / Award	Roof Refurbishment for the Museum of the Jewellery Quarter	TBC	Refurbishment works to the roof and associated structures for the Museum of the Jewellery Quarter.	10 weeks	City Operations	Digital, Culture, Heritage and Tourism	Carl Tomlinson	Lesley Steele / Charlie Short	18/03/2024

## APPENDIX 2

### BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES CABINET – 13<sup>th</sup> February 2024

<b>Title of Contract</b>	<b>Roof Refurbishment for the Museum of the Jewellery Quarter</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Chris Jordan - Assistant Director, Neighbourhoods <b>Client Officer:</b> Lesley Steele, Operational Programme Manager <b>Procurement Officer:</b> Charlie Short, Procurement Manager
<b>Relevant Portfolio</b>	<b>Councillor Saima Suleman - Cabinet Member for Digital, Culture, Heritage and Tourism</b>
Briefly describe the service required	Refurbishment works to the roof and associated structures for the Museum of the Jewellery Quarter.
What is the proposed procurement route?	A further competition exercise will be undertaken using the Constructing West Midlands 2 Capital Works Framework Agreement. It should be noted that due to the urgency for the works to be completed, the procurement has commenced. A contract will not be awarded prior to the approval of this decision.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a new requirement.
Will any savings be generated?	No cashable savings will be generated by this procurement process. However, the refurbishment will lessen the impact on the repair and maintenance budget.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house for a construction project.
How will this service assist with the Council's commitments to Route to Zero?	The works will be undertaken using the most up-to-date sustainable materials in compliance with Building Regulations.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The refurbishment will enable the museum to be reopened and be inclusive and available to all sections of the community.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty to provide this service. However, the refurbishment will enable the museum to be reopened.
Approval via Spend Control Board.	Approved at City Operations Spend Control Board on 21 <sup>st</sup> November 2023 and Section 151 approval on 24 <sup>th</sup> November 2023.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the works is £274,000.
What budget is the funding from for this service?	The works are funded from the Museums Minor Capital Works budget.
Proposed start date and duration of the new contract	The proposed start date is July 2024 for a construction period of 10 weeks.