

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

CITY COUNCIL

TUESDAY, 12 JANUARY 2016 AT 14:00 HOURS
IN COUNCIL CHAMBER, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs.

The whole of the meeting will be filmed except where there are confidential or exempt items.

5 - 14

2 MINUTES

To confirm and authorise the signing of the Minutes of the Meeting of the Council held on 1 December 2015

3 LORD MAYOR'S ANNOUNCEMENTS

To receive the Lord Mayor's announcements and such communications as the Lord Mayor may wish to place before the Council.

4 PETITIONS

(15 minutes allocated)

To receive and deal with petitions in accordance with Standing Order 8.

As agreed by Council Business Management Committee a schedule of outstanding petitions is available electronically with the published papers for the meeting and can be viewed or downloaded.

5 QUESTION TIME

(90 minutes allocated)

To deal with oral questions in accordance with Standing Order 9(B)

- A. Questions from Members of the Public to any Cabinet Member or District Committee Chairman (20 minutes)
- B. Questions from any Councillor to a Committee Chairman or Lead Member of a Joint Board (20 minutes)
- C. Questions from Councillors other than Cabinet Members to a Cabinet Member (25 minutes)
- D. Questions from Councillors other than Cabinet Members to the Leader or Deputy Leader (25 minutes)

15 - 16

6 APPOINTMENTS BY THE COUNCIL

(5 Minutes allocated)

To make appointments to, or removals from, committees, outside bodies or other offices which fall to be determined by the Council as set out on the attached schedule.

7 EXEMPTION FROM STANDING ORDERS

Councillor Sharon Thompson to move an exemption from Standing Orders.

17 - 42

8 REPORT OF THE DEPUTY LEADER

(15 minutes allocated)

**Localisation of Council Tax Support
The Deputy Leader to move the following Motion:**

"That the City Council continues with the current Council Tax Support scheme as contained at Appendix 3, for the financial year 2016/17 with no revision or replacement"

(Break 1615 -1630)

43 - 66

9 REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEES

**(60 Minutes allocated may be reduced to 45 Minutes)
Missing Children**

To consider a report of the Education & Vulnerable Children Overview and Scrutiny Committee together with a commentary from the Executive.

Councillor Barry Bowles to move the following Motion:

"That the recommendations above be approved, and that the Executive be requested to pursue their implementation"

10 **MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

(90 minutes allocated may be increased to 105 Minutes)

To consider the attached Motions of which notice has been given in accordance with Standing Order 4(A)



**MEETING OF BIRMINGHAM
CITY COUNCIL
1 DECEMBER 2015**

**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY 1 DECEMBER 2015 AT 1400 HOURS IN THE COUNCIL
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Ray Hassall) in the Chair.

Councillors

Muhammad Afzal	Mick Finnegan	Gareth Moore
Uzma Ahmed	Eddie Freeman	Yvonne Mosquito
Mohammed Aikhlaq	Matthew Gregson	John O'Shea
Deirdre Alden	Peter Griffiths	David Pears
John Alden	Paulette Hamilton	Eva Phillips
Robert Alden	Andrew Hardie	Robert Pocock
Nawaz Ali	Roger Harmer	Victoria Quinn
Tahir Ali	Kath Hartley	Hendrina Quinnen
Sue Anderson	Barry Henley	Chauhdry Rashid
Gurdial Singh Atwal	Penny Holbrook	Habib Rehman
Mohammed Azim	Des Hughes	Carl Rice
Susan Barnett	Jon Hunt	Fergus Robinson
David Barrie	Mahmood Hussain	Gary Sambrook
Bob Beauchamp	Timothy Huxtable	Valerie Seabright
Matt Bennett	Mohammed Idrees	Rob Sealey
Steve Booton	Zafar Iqbal	Shafique Shah
Sir Albert Bore	Ziaul Islam	Mike Sharpe
Barry Bowles	Kerry Jenkins	Sybil Spence
Marje Bridle	Meirion Jenkins	Claire Spencer
Mick Brown	Simon Jevon	Stewart Stacey
Alex Buchanan	Brigid Jones	Ron Storer
Sam Burden	Carol Jones	Martin Straker Welds
Andy Cartwright	Nagina Kauser	Sharon Thompson
Tristan Chatfield	Tony Kennedy	Paul Tilsley
Zaker Choudhry	Ansar Ali Khan	Karen Trench
Debbie Clancy	Changeese Khan	Lisa Trickett
John Clancy	Mariam Khan	Anne Underwood
Lynda Clinton	Narinder Kaur Kooner	Margaret Waddington
Maureen Cornish	Chaman Lal	Anita Ward
John Cotton	Mike Leddy	Ian Ward
Basharat Dad	Bruce Lines	Mike Ward
Peter Douglas Osborn	Keith Linnecor	Elaine Williams

City Council – 1 December 2015

Barbara Dring

Neil Eustace

Jerry Evans

Mohammed Fazal

Ewan Mackey

Majid Mahmood

Karen McCarthy

James McKay

Fiona Williams

Ken Wood

Alex Yip

Waseem Zaffar

NOTICE OF RECORDING

- 18579 The Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs.

The whole of the meeting would be filmed except where they were confidential or exempt items.

MINUTES

It was moved by the Lord Mayor, seconded and –

- 18580 **RESOLVED:-**

That the Minutes of the Meeting of the City Council held on 3 November 2015, having been printed and a copy sent to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

Official Engagement

- 18581 The Lord advised the Chamber that he had an official engagement in the Museum and Art Gallery that evening. Therefore he would have to leave the meeting before 1845 hours and the Deputy Lord Mayor would assume the chair.
-

PETITIONS

Petitions Relating to City Council functions Presented before the Meeting

The following petitions were presented:-

(See document No 1)

In accordance with the proposals by the Members presenting the petitions, it was moved by the Lord Mayor, seconded and -

- 18582 **RESOLVED:-**

That the petitions be received and referred to the relevant Chief Officers.

Petitions Relating to City Council Functions Presented at the Meeting

The following petitions were presented:-

(See document No 2)

In accordance with the proposals by the Members presenting the petitions, it was moved by the Lord Mayor, seconded and -

18583 **RESOLVED:-**

That the petitions be received and referred to the relevant Chief Officers.

Petitions Update

The following Petitions Update was submitted:-

(See document No 3)

It was moved by the Lord Mayor, seconded and -

18584 **RESOLVED:-**

That the Petitions Update be noted and those petitions for which a satisfactory response has been received, be discharged.

QUESTION TIME

18585 The Council proceeded to consider Oral Questions in accordance with Standing Order 9 (B).

Details of the questions asked are available for public inspection via the webcast.

ELECTION OF THE DEPUTY LORD MAYOR

It was moved by Councillor Anne Underwood, seconded and -

18586 **RESOLVED:-**

That Councillor Mike Leddy be appointed Deputy Lord Mayor of this City for the period ending with the Annual Meeting of the Council in May 2016, in place of Councillor Shafique Shah.

It was moved by the Lord Mayor, seconded and –

18587 **RESOLVED:-**

That the Deputy Lord Mayor receive the appropriate proportion of the Allowance as agreed at the Annual Meeting of the Council in May 2015.

LEADER OF THE COUNCIL

18588 The Lord Mayor called upon from the Leader of the Council to make announcement.

Councillor Sir Albert Bore formally announced that he was standing down as Leader of the City Council and made a short speech.

APPOINTMENTS BY THE COUNCIL

A. New Leader of the Council

The Lord Mayor called for nominations for Leader of the Council.

Councillor John Clancy was nominated by Councillor Sir Albert Bore which was seconded.

There being no other nominations, the proposal was put to the vote and by a show of hands the Lord Mayor was able to declare that Councillor John Clancy be elected Leader of the City Council, pursuant to Article 6.3 of the City Council's Constitution, until the Annual Meeting 2018 (or for up to the end of his term of office as a Member, whichever is the shorter) and it was-.

18589 **RESOLVED:-**

That Councillor John Clancy be elected Leader of the City Council, pursuant to Article 6.3 of the City Council's Constitution, until the Annual Meeting 2018 (or for up to the end of his term of office as a Member, whichever is the shorter).

The Lord Mayor indicated his intention to afford Councillor John Clancy up to 10 minutes to address the Council.

The Leader of the Council (Councillor John Clancy) addressed the Council.

Councillor Paul Tilsley spoke of Sir Albert Bore's time as Leader and went on to indicated that his Group would work with the new Leader of the Council for the benefit of the City of Birmingham.

Councillor Robert Alden also spoke of Sir Albert Bore's time as Leader. Looking forward he made reference to the new Leader of the Council needing to engage with residents of the City so that they benefited from any new proposals and plans he intended to introduce.

B. Other Appointments

On receipt of nominations it was –

18590 **RESOLVED:-**

That the following persons be appointed until the Annual Meeting of the Council in 2016 as set below:-

<u>Body</u>	<u>Representative</u>
Council Business Management Committee	Cllr John Clancy in place Cllr Sir Albert Bore
Planning Committee	Cllr James McKay in place of Cllr John Clancy
Corporate Resources Overview and Scrutiny Committee	Cllr Mick Finnegan in place of Cllr Mathew Gregson
Education and Vulnerable Children Overview and Scrutiny Committee	Cllr Sir Albert Bore in place of Cllr Mike Sharpe
Trusts and Charities Committee	Cllr Mathew Gregson in place of Cllr Mick Finnegan
Local Government Association - General Assembly	Cllr John Clancy in place Cllr Sir Albert Bore
West Midlands Joint Committee	Cllr John Clancy in place Cllr Sir Albert Bore

EXEMPTION FROM STANDING ORDERS

It was moved by Councillor Sharon Thompson, seconded and

18591 **RESOLVED:-**

That, pursuant to a CBM discussion, Standing Orders be waived as follows:

- Allocate 60 Minutes (2x30 Minutes) for item10 (Reports of the Executive);

REPORTS OF THE EXECUTIVE

“Birmingham 2020 – Forward Together” A Contribution to a Future Vision For the City

18592 The following report was submitted:-

(See document No 4)

Councillor Sir Albert Bore spoke to the report.

A debate ensued to which Councillor John Clancy replied.

Education and Schools Strategy and Improvement Plan and Birmingham Early Help and Children’s Social Care Services Improvement Plan 2015-17

18593 The following report was submitted:-

(See document No 5)

Councillor Sir Albert Bore spoke to the report.

A debate ensued to which Councillor John Clancy replied.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

18594 **RESOLVED:-**

That the Council be adjourned until 1635 hours on this day.

The Council then adjourned at 1615 hours.

At 1637 hours the Council resumed at the point where the meeting had been adjourned.

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

The Council proceeded to consider the Motions of which notice had been given in accordance with Standing Order 4(A).

A. Councillors John Cotton and John O’Shea have given notice of the following Motion:-

(See document No 6)

Councillor John Cotton moved the Motion which was seconded by Councillor John O’Shea.

In accordance with Council Standing Orders, Councillors Roger Harmer and Jon Hunt gave notice of the following amendment to the Motion:-

(See document No 7)

Councillor Roger Harmer moved the amendment which was seconded by Councillor Jon Hunt.

In accordance with Council Standing Orders, Councillors Gary Sambrook and Peter Douglas Osborn gave notice of the following amendment to the Motion:-

(See document No 8)

Councillor Gary Sambrook moved the amendment which was seconded by Councillor Peter Douglas Osborn.

A debate ensued during which it was suggested that the date to change the current system should be 2017-18.

Councillor John Cotton replied to the debate.

The first amendment having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

The second amendment having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

The Motion having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore -

18595 **RESOLVED:-**

This Council notes with grave concern the Government's proposals to impose a "Pay to Stay" policy that will compel council tenants earning over £30,000 to pay a full market rent in order to remain in their home.

Council believes that "Pay to Stay" is nothing more than a new "tax on tenants", unfairly penalising those who are already in employment and actively undermining efforts to help others back into work. Council is particularly concerned to note that a relatively marginal increase in the Government's recently announced national minimum wage premium rate would result in many households on modest incomes having to pay a full market rent.

Council understands that any additional income raised through "Pay to Stay" will be repaid direct to the Treasury, rather than retained locally. This is unjustifiable and runs counter to the Government's own commitment to localism.

This Council also notes that the administrative burden of implementing “Pay to Stay” is likely to result in an additional £1million in costs initially, with significant ongoing costs. This will need to be met from our already stretched resources and at a time when the government are setting rent policies that further reduce funds available for Birmingham to build and invest in homes.

Accordingly, Birmingham City Council confirms its opposition to the “Pay to Stay” policy and urges Ministers not to proceed with the imposition of this new tax on working tenants and their families.

B. Councillors Matt Bennett and Debbie Clancy have given notice of the following Motion:-

(See document No 9)

Councillor Matt Bennett moved the Motion which was seconded by Councillor Debbie Clancy.

In accordance with Council Standing Orders, Councillors Brigid Jones and Barry Bowles gave notice of the following amendment to the Motion:-

(See document No 10)

Councillor Brigid Jones moved the amendment which was seconded by Councillor Barry Bowles.

A debate ensued.

Councillor Matt Bennett replied to the debate.

The first amendment having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The Motion as amended having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore -

18596

RESOLVED:-

At the recent Cabinet Meeting on 17th November 2015, the Council Business Plan monitoring report highlighted a number of concerning trends in children’s services.

Council further notes that, at Cabinet Meeting on 16th June 2014, the Children’s Social Care Improvement Plan was agreed. This committed the Council to a three year plan to improve children’s services in Birmingham.

Council further notes that this plan, at the guidance of Lord Norman Warner, former Commissioner for Children’s Services in Birmingham, focussed in the first instance on the underpinning services and requirements for

children's services improvement. It was recognised that improvement in key areas would not be possible until sound and credible foundations were laid.

Council welcomes that every goal set for us by the Commissioner in the first year has been achieved – as set out in the Quartet report considered earlier by Council- and reaffirms its commitment to seeing the plan through to completion over the remaining two years.

The Council calls: on the Executive to ensure that the performance measures reported to the Quartet are also reported to the public through Cabinet; for each of the Education and Safeguarding Quartets to report to the Council every six months; and for the Education and Vulnerable Children Overview and Scrutiny Committee to continue to carry out its scrutiny function in between these reports..

The meeting ended at 1751 hours.

REPORT OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE

APPOINTMENTS BY THE COUNCIL

Set out below for approval is a recommendation of the Council Business Management Committee relating to appointments etc. to be made by the City Council.

RECOMMENDED:-

That the following persons be appointed to serve on the Bodies set out below:-

Employee Consultative Forum (Education)

Councillor Debbie Clancy (Con) in place of Councillor Gary Sambrook (Con).

Standards Committee

New Frankley in Birmingham Parish Councillor Ian Brukshaw in place of Gareth Griffiths.

REPORT OF THE DEPUTY LEADER
LOCALISATION OF COUNCIL TAX SUPPORT

1. Introduction

- 1.1 The Local Government Finance Act of 2012 requires that the Billing Authority must, for each financial year, consider whether to revise its Council Tax Support scheme (CTS) or to replace it with another scheme.

2. Background

- 2.1 The Welfare Reform Act 2012 abolished Council Tax Benefit with effect from 1st April 2013 and this was replaced with a local scheme of Council Tax Support to be administered by local authorities.
- 2.2 As part of the development of the scheme for Birmingham, consultation took place with the precepting authorities following which, a draft scheme was then published and a formal consultation process with stakeholders and affected members of the public took place between September and December 2012.
- 2.3 As a result of the consultation, amendments were made to the draft scheme resulting in additional groups receiving protection from a reduction in their Council Tax Support. A full Equality Impact Assessment was carried out as part of the design of the scheme and this was updated throughout the consultation process.
- 2.4 The Council Tax Support scheme for Birmingham was adopted following a Motion proposed at Full Council on the 8th January 2013. The scheme took effect from 1st April 2013.

3. Annual review of The Council Tax Support Scheme

- 3.1 In line with the regulatory requirements of the Local Government Finance Act 2012, each year since the introduction of the scheme a formal annual review has taken place and a further Motion has been presented to City Council to approve the scheme for the following year.
- 3.2 The current scheme for Birmingham was agreed at the meeting of Full Council on the 6th January 2015. A formal review of the current scheme was undertaken in September 2015 along with a review of the Equality Assessment. The conclusion of this review is that the scheme continues to meet the original objectives of protecting the most vulnerable. The contents of this review are attached at Appendix 1 to this Motion.
- 3.3 The full review of the Equality Assessment is contained at Appendix 2.

- 3.4 A report was presented to the corporate Resources Overview and Scrutiny Committee on Wednesday 21st October 2015 which detailed the findings of the annual review and the Equality Assessment. The contents of the report were noted.
- 3.5 The current Council Tax Support Scheme for Birmingham allows for the annual uprating of allowances required to calculate an award. It is recommended that allowances and premiums are uprated in line with Prescribed Regulations for pensioners and in line with national welfare benefits for all other allowances and premiums.
- 3.6 The Council Tax Support Scheme for Birmingham includes a Discretionary Hardship Fund designed to assist the most vulnerable citizens who are struggling to pay their Council Tax. It is recommended that the level of Discretionary Hardship Fund is reduced to £250,000 for 2016/17 which better reflects the amount of take up of this fund having taken account of the level of spend during the first three years of the current scheme.
- 3.7 All of the above recommendations in respect of the Council Tax Support Scheme for Birmingham for 2016/17 have been accounted for in the setting of the overall Council Tax base calculations.
- 3.8 It is therefore proposed that the City Council continues with the current Council Tax Support scheme for the financial year 2016/17 with no revision or replacement.

MOTION

That the City Council continues with the current Council Tax Support scheme as contained at Appendix 3, for the financial year 2016/17 with no revision or replacement.

Review of Birmingham's Council Tax Support Scheme 2015/16

Introduction

On the 1st April 2013, Council Tax Benefit was abolished and the Department for Communities and Local Government (DCLG) transferred responsibility for provision of Council Tax Support to local Councils. Councils now have a duty to design and administer local Council Tax Support schemes.

Funding for Council Tax Support schemes provided by the DCLG in 2013/14 reduced nationally by 10%. Future funding will no longer alter to reflect increases or decreases in claimant numbers and loss of council tax income. Any changes in the amount of Council Tax Support discounts must be accounted for within the collection fund.

The Council Tax Support scheme (CTS) for Birmingham was adopted following a Motion proposed at Full Council on the 8th January 2013. The scheme took effect from 1st April 2013.

Consultation took place with the precepting authorities, following which, a draft scheme was then published and a full consultation process with stakeholders and members of the public took place between September and December 2012.

As a result of this consultation, amendments were made to the draft scheme resulting in additional groups receiving protection from a reduction in their Council Tax Support. A full Equality Impact Assessment was carried out as part of the design of the scheme and this was updated throughout the consultation process.

A formal review of the first year of the scheme was carried out as required under the Local Government Finance Act 2012 and a further Motion was presented to a meeting of Full Council in January 2014 recommending that the same scheme be adopted for year two and this motion was approved.

A formal review of the second year of the scheme was carried out in September 2014. Following this review a Motion was subsequently presented to a meeting of Full Council in January 2015 again recommending that the same scheme be adopted for year three.

This is a review of the third year of the Scheme and to consider whether any revisions to the current scheme are necessary for 2016/17 or whether there is a requirement to replace the current scheme with another.

This report considers how the scheme has worked, whether any anomalies have arisen and whether any apparent injustices have been caused. The Equality Impact Assessment is revisited taking account of the third year of the operation of the Scheme.

Summary of the Current Council Tax Support Scheme

The principles of Birmingham's Council Tax Support scheme are:

- Claimants of working age must contribute at least 20% of their council tax liability and receive up to a maximum of 80% Council Tax Support dependant on their income and family circumstances.
- Protection for pensioners is prescribed in law so that their maximum council tax support is based on at 100% of their council tax liability subject to their income and circumstances.
- The Birmingham scheme incorporates protection for vulnerable groups as follows:
 - Disabled claimants
 - Claimants with young families
 - Carers and claimants in receipt of a war pension
 - A Council Tax Discretionary Hardship fund is in place to assist those who are affected by the scheme and experience difficulties in paying. This Hardship fund is financed entirely by the Council

Key Findings from the Operation of the Council Tax Support Scheme in 2015/16

The Council Tax Support Scheme for Birmingham which was launched on the 1st April 2013, provides a system of financial support to those people in greatest need whilst also minimising the impact of the significant reduction in funding from central Government on the Council's finances.

The key principles of the scheme are set out above and this section provides some information in relation to how the scheme is operating during its third year.

Caseload Analysis

As at August 2015 there are 129,038 claims in receipt of a discount within the Council Tax Support Scheme which is made up of approximately 35% pensionable age claimants and 65% working age claimants. The Council Tax Support caseload continues to show a slight decrease year on year.

Prior to the introduction of the new scheme 136,400 claimants were in receipt of Council Tax Benefit. The split between pensionable age claimants and working age claimants was 51,403 and 84,997 respectively.

Current statistics show that the caseload has reduced by 7,362 cases. The split between pensionable age claimants and working age claimants is 44,792 and 84,246 respectively. The majority of the reduced caseload is therefore pension age whereas the working age caseload has remained fairly static.

The reduction in pensioner claims appears to follow the Government's predicted forecasts that claims for pensioners are set to reduce as the national retirement age increases.

Appendix 1

The reduction cannot be attributed to the Birmingham scheme design as the scheme follows the prescribed regulations to protect pensioners at up to 100% of council tax liability and as such they are excluded from the 80% maximum discount for working age claimants not in a protected category.

Further to this, a reduction in CTS caseload could be attributed to the introduction of Real Time Information (RTI) files received from the Department for Work & Pensions (DWP) / Her Majesty Revenues & Customs (HMRC). This is monthly data sent to the Benefit Service in regards to changes in claimants income, tax credits etc, which results in a reduction in CTS entitlement in most cases and in some instances means there is no longer an entitlement to an ongoing CTS discount.

Of the 65% of working age customers, 37% fall in the protected/vulnerable category and 28% of claims are for working age non protected customers and as such can only claim up to a maximum of 80% of their Council Tax liability.

29,745 new CTS claims were received in 2014/2015, broadly similar to the number of new claims received under the previous Council Tax Benefit scheme. This would indicate that the CTS scheme is as accessible to Birmingham citizens as Council Tax Benefit.

The speed of processing of new claims for Council Tax Support is being delivered inline with the target of an average of 21 days overall but with 100% being paid within 10 days if all necessary information is available.

Discretionary Hardship Fund

Birmingham City Council established the Council Tax Support Discretionary Hardship Scheme from 01 April 2013. This is a limited fund that is awarded to claimants affected by the Council Tax Support scheme, particularly those not in a protected category and as such are now liable to pay the minimum of 20%, who are experiencing extreme financial difficulty.

The fund was agreed at £0.5million in 2015/16. The total awards of Council Tax Discretionary Hardship in 2014/15 was £79, 981.31.

There has been a significant increase in the take up of the fund in the current year when compared to the previous year as £158,351 has already been awarded between April 2015 and September 2015.

This is reflective of the targeted initiatives work that has been undertaken to increase awareness and take up of this fund.

Review of the Equality Assessment

An Equality Assessment (EA) commenced in May 2012 as part of the development of the CTS scheme for Birmingham. The EA was refined throughout the development of the scheme taking account of feedback from the formal consultation exercise. The EA set out the following aims and objectives to ensure that the scheme has due regard to the Council's duties to its equalities and diversity responsibilities.

- To provide a localised Council Tax Support scheme for Birmingham
- To provide a scheme that helps the most vulnerable with financial assistance towards their council tax liability.
- A scheme that provides support for vulnerable people and pensioners but also provides an incentive to encourage people to obtain employment.

The EA has been revisited and the third year scheme review suggests that the Council Tax Support Scheme continues to meet our original objectives of protecting the most vulnerable. There have been no disproportionate or detrimental effects on any of the protected characteristic groups, the details of which are captured as part of the formal CTS EA review (attached to this report as Appendix 1).

Key Implications and Issues

This section provides some key implications and issues to be considered regarding any proposal to revise the current scheme.

Funding

Government funding to the Council for the Council Tax Support scheme is now part of the Settlement Funding Assessment.

The latest financial monitoring shows that the Council is operating within current resource forecasts

As such any changes to the current scheme design will need to be modelled within the context of the budget setting process and considered alongside the City's spending plans and the proposed savings programme.

Welfare Reform

In July 2015 the Government delivered its spending plan budget which introduces further welfare reforms.

From April 2016 a number of key changes may affect the administration and budget of Council Tax Support.

The precise impact of any of the reforms is difficult to model in terms of the CTS scheme at this time. These reforms are included in the Welfare Reform and Work Bill which is currently progressing through the various Parliamentary stages.

A key consideration of the Birmingham scheme for 2016/17 is whether or not to uprate the allowances used to calculate Council Tax Support. The announcement that all working age benefits will be frozen for a period of four years from April 2016 was made as part of the Summer Budget.

The Birmingham scheme allows the council scope to uprate or not the all premiums and allowances used in the calculation of Council Tax Support independently of national working age benefits.

In previous years the Birmingham scheme has uprated allowances and premiums in line with DWP uprating of national working age benefits. For the financial year 2015/16 these allowances and premiums were uprated by 1% in line with other working age benefits.

The impact of uprating these allowance and premiums is likely to be an additional £0.5million in Council Tax Support awards for the whole of the financial year 2016/17.

Government Review

The Local Government Finance Act 2012 places a requirement on the Government to conduct an independent review of all local Council Tax support schemes within three years of the Act taking effect.

This will now be completed by March 2016 and a timetable and terms of reference in respect of the Government's formal review will be made available in due course.

In evidence to the Committee of Public Accounts the Department for Communities and Local Government reported that the review will examine "the effectiveness and efficiency of the scheme, its impact in terms of localism, and the relationship with Universal Credit."

Consultation

The Local Government Finance Act 2012 specifies that before any change to or introduction of a new scheme, the billing authority must in the following order:

- Consult as part of the design stage with any major precepting authority which has power to issue a precept to it
- Publish a draft scheme in such manner as it thinks fit, and
- Consult such other persons it considers are likely to have an interest in the operation of the scheme

Birmingham City Council will also have to re-consult with the public and any relevant stakeholders on the redesign of its local Council Tax Support scheme. Consultation would ideally need to run for a 12 week period.

The Council Tax Support Scheme 2016/17

Schedule 4 of the Local Government Finance Act 2012 requires each Billing Authority to consider whether to revise the scheme or replace it with another scheme for each financial year. Any revision or replacement must be made no later than the 31st January in the financial year preceding that for which revision or replacement is due to have effect. It is therefore necessary to give due consideration as to any revisions or replacement of the current scheme.

This report outlines some of the key findings from the Birmingham Council Tax Support scheme during its third year in operation. The scheme has continued to be

effective in providing a system of financial support to those people in greatest need whilst also minimising the impact of the significant reduction in funding from central Government on the Council's finances.

The EA has been revisited which demonstrates that there has been no disproportionate or detrimental effects on any of the protected characteristic groups.

Funding for CTS forms part of the overall Settlement Funding Assessment (SFA) . As Government funding for CTS will not be increased, any reduction in council tax income because of the Government's budget changes will need to be met by the Council.

There are a number of factors which have been outlined in the report which need to be considered as part of the decision for the future of the scheme most notably the impacts of planned welfare reform on the CTS budget.

It is difficult at this stage to gauge how much the cost of the scheme will increase following the budget changes announced. In fact any savings possibly identified by making minor adjustments to the scheme are likely to be outweighed by the cost and risk of rushing through changes without appropriate time to scope new schemes, conduct data analysis, financial modelling, develop IT systems, equality assess and consult on by 31 January 2016.

The Council should consider retaining the current funding levels for the Council Tax Discretionary Hardship Fund to help those suffering undue hardship meet their Council Tax liability. This is especially important given the Government's proposed welfare changes for 2016 and 2017 as detailed above.

Retaining the current scheme for Birmingham until the results of the Government review of Council Tax Support are known in 2016/2017 and when more information is known about the Universal Credit and further Welfare Reform timetable may be the best way to assist Birmingham City Council design a better overall scheme as a result.

Recommendation

Having carried out the internal review on Birmingham's current Council Tax Support scheme it is recommended that no revision or replacement is required for 2016/17 and that the current scheme should continue for the next financial year notwithstanding any prescribed changes set by Government and/or annual uprating.

The Council should explore in detail future CTS scheme redesign, to impact assess the recent reforms, Universal Credit and the results of the Government CTS review so that the Council can understand the total, cumulative effect that these reforms have across the City as and when the effects and details are more widely known.

Birmingham Council Tax Support Scheme Equality Assessment Review

August 2015

Purpose

This paper reports on the third year review of the Equality Assessment of the Birmingham Council Tax Support Scheme following its introduction in April 2013 and subsequent year one review in December 2013 and year two review in September 2014.

The Local Government Finance Act requires the billing authority to consider annually whether to revise its scheme or replace it with another scheme.

This review will contribute to those considerations and provide details about the impact of the scheme on those claimants with characteristics protected by the Equality Act 2010. Additionally it will evaluate the assumptions made in design of the scheme and whether any further mitigation is required.

Background

The Welfare Reform Act 2012 abolished Council Tax Benefit from April 2013. The Local Government Finance Act 2012 required Local Authorities to design their own schemes for Council Tax Support to be in place by 31 January 2013.

Pensioners are protected by prescribed regulations and therefore Council Tax Support for this group remains as it was under the previous Council Tax Benefit scheme.

The Council Tax Support scheme for Birmingham is a means tested discount, defined in principle by the terms of the Government's default scheme. The maximum Council Tax Support is restricted to 80% of the Council Tax liability for claimants of working age.

The Birmingham scheme has built in protection for vulnerable claimants, these are:-

- Claimant or their partner is a pensioner (as prescribed in law)
- Claimant or their partner is entitled to the disability premium, severe disability premium, enhanced disability premium or disabled child premium
- Claimant or their partner is in receipt of Employment Support Allowance with a
 - qualifying disability related benefit
- Claimant or their partner receives a war disablement pension, war widows pension or war widower's pension
- Claimant or their partner has a dependent child under 6
- Claimant or their partner qualifies for the carer's premium

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As such, people with the greatest need of support, pensioners, carers, those with a disability, those in receipt of a war pension, those with dependent children under 6 years of age and those with a disabled child continue to have their maximum council tax support calculated based on 100% of their council tax liability as part of the Birmingham scheme.

The scheme also allows for claims to be backdated up to a maximum of one month.

The scheme includes a discretionary hardship fund.

Equality Assessment Review

The scheme was subject to a full Equality Assessment and consultation through to introduction.

The Equality Assessment commenced in May 2012 as part of the development of the CTS scheme for Birmingham. The assessment was amended throughout the development of the scheme taking account of feedback from the formal consultation exercise. The Equality Assessment set out the following aims and objectives to ensure that the scheme has due regard to the Council's duties to its equalities and diversity responsibilities:

- To provide a localised Council Tax Support scheme for Birmingham
- To provide a CTS scheme that helps the most vulnerable with financial assistance towards their council tax liability.
- The implementation of a scheme that provides support for vulnerable people and pensioners but also provides an incentive to encourage people to obtain employment.

This review of the Equality Assessment as at July 2015 considers the impact of the scheme against the protected characteristics defined by the Equality Act 2010, using the data profiles gathered from the CTS caseload.

The protected characteristics are defined under age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, gender and sexual orientation.

The initial Equality Assessment was made on the basis of known ethnicity data for 25% of the caseload, since introduction of the new scheme this has risen to 46%. This could be attributed to the increased use of on line claim forms where the collection of ethnicity data forms a more prominent part of the process.

Protected Characteristics

Age - The scheme is prescribed for pensioners to continue receiving up to a maximum of 100% of their Council Tax liability subject to means testing.

Prior to the introduction of the new scheme 136,400 claimants were in receipt of Council Tax Benefit. The split between pensionable age claimants and working

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age claimants was 38% (51,403) and 62% (84,997) respectively.

Current statistics show that the caseload of 129,038 has reduced by 7,362 cases since the start of the scheme in April 2013. The split between pensionable age claimants and working age claimants is 44,792 and 84,246 respectively. The majority of the reduced caseload is pension age whereas the working age caseload has remained fairly static.

The reduction in pensioner claims appears to follow the Government's predicted forecasts that claims for pensioners are set to reduce in the coming years as the national retirement age increases. The reduction cannot be attributed to the Birmingham scheme design as the scheme follows the prescribed regulations to protect pensioners at up to 100% of council tax liability and as such they are excluded from the 80% maximum discount for working age claimants not in a protected category.

The scheme also provides protection for claimants with children under the age of 6. It was predicted prior to the introduction of the scheme, (using previous scheme data) that 21,129 claimants would benefit from this protection. The current scheme data indicates 19,237 claimants receive this protection.

The number of those protected in this grouping could be indicative of:

- a) current caseload trends
- b) national birth rate trends*

*The Office of National Statistics has reported a decrease in national birth rates when compared to 2012, so numbers in this protected group are not expected to increase substantially (*Births in England & Wales, 2014, ONS July 2015*).

This demonstrates that the Birmingham scheme is meeting its overall objective of providing protection for families with young children as set out in the original Equality Assessment.

Disability - When designing the scheme and it was proposed as part of the formal consultation to offer protection to disabled people who included in their benefit assessment a disability premium. At that point there were around 13,000 benefit claims meeting these criteria. In response to feedback as part of the formal consultation this definition was widened to include those claimants in receipt of ESA who were in receipt of a qualifying benefit such as DLA. Similarly, maintaining support for people with disabilities, carers entitled to the carer's premium were also protected. It was assumed prior to the introduction of the scheme, using previous scheme data that 18,043 claimants would benefit from this protection.

Current statistics show that there are now 27,719 claims having been made from these groupings. This demonstrates that the Birmingham scheme is meeting its overall objective of providing protection for people with disabilities as set out in the original Equality Assessment.

The marked increase in the number of those protected in these groupings could be indicative of:

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a) current caseload trends (increased number of claims from vulnerable customers received since 01 April 2013)

b) notification of a relevant change in circumstance, such as the award of a disability/carers benefit.

(Now that most working age customers must pay at least 20% towards their Council Tax bill, customers are more likely to keep us up to date with their circumstances so to receive their correct entitlement / protection from the minimum contribution).

Gender reassignment – This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

Marriage and civil partnerships - This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

Pregnancy and Maternity- This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme. The scheme does not provide any specific protection for this grouping, however following the birth of a child, if entitled to the discount, the claimant would receive protection as a member of the protected categories already set out as part of the scheme due to having a child under the age of 6.

Race – Analysis of the working age caseload indicates that the ethnicity breakdown of claimants is broadly comparable to that of last year, with less than a 1% (plus or minus) difference in most groups and only a small shift of 1.68% in the case of the White UK grouping. As we currently now hold data on 46% of cases as opposed to 25% when the scheme began and given we have a reduced caseload since go-live, a small fluctuation in overall caseload percentages would be relative and therefore no disproportionate change is evident.

The scheme provides protection for claimants with children under the age of 6. A comparison of the ethnicity of those protected is broadly comparable to last year, at less than a 1% (plus or minus) difference for all groups with the exception of a reduced number of White UK (-3.1%) claimants. This could be indicative of:

a) current caseload trends (reduced caseload since 01 April 2013 / increased 'ethnicity' data pool)

b) national birth rate trends*

* The Office of National Statistics has reported that the proportion of births to mothers born outside the UK is increasing year on year. Over a quarter of births (27%) in 2014 were to mothers born outside the UK (*Births in England & Wales*,

2014, ONS July 2015).

Similarly, when considering the ethnic background of those claimants with disabilities who receive protection against the caseload ethnicity breakdown these are also broadly comparable to last year, at around 1% (plus or minus) difference for all groups.

Religion and belief - This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

Gender – Although this information is recorded, there is no adverse impact on the grounds of gender. The Birmingham Council Tax Support scheme is open to applications from persons of any gender and there are no aspects of the scheme which impact in any way on the availability of support to claimants based solely on gender.

Sexual Orientation- This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

Council Tax Discretionary Hardship Fund

As part of the design of the Council Tax Support scheme for Birmingham there is a Discretionary Hardship Fund. This fund was included as part of the scheme as the main source of mitigation for any claimants affected by the reduction in the level of support from the previous maximum of 100% under the council tax benefit scheme to a maximum of 80% under the Council Tax Support scheme.

This fund is available to any person experiencing difficulty in making the payments against their liability following the award of Council Tax Support and operates in a similar way to the Discretionary Hardship Payment system already in place for Housing Benefit.

Council Tax Discretionary Hardship awarded in 2014/15 amounted to £79, 981.31.

There has been an increase in the take up of the fund in the current year when compared to the previous year as £158,351 has already been awarded between April 2015 and August 2015.

This is reflective of the work that has been undertaken over the last year to increase take up of this fund, including improved promotion of the scheme and developing proactive initiatives to ensure that the fund is utilised by those who need it most.

Furthermore the Benefit Service continues to review its Council Tax Discretionary Hardship Fund policy to ensure it is maximised and it is anticipated that the full £500,000 will be awarded by 31st March 2016 as a result.

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The Council should consider retaining the current funding levels for the Council Tax Discretionary Hardship Fund to assist those suffering undue hardship meet their Council Tax liability.

Conclusion

Following the third year review of the Equality Assessment for the Council Tax Support Scheme it has been concluded that Birmingham continues to protect the most vulnerable categories of claimant which includes those defined to have protected characteristics within the Equality Act 2010. As such further mitigation does not appear to be required.

Council Tax Support Scheme

April 2013

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1. Background

On 1 April 2013, Council Tax Benefit, the method of supporting low income households to pay their Council Tax, was abolished by the Government. It was replaced by a new local scheme of Council Tax Support defined and administered by each Local Authority.

The Government has stated that pensioners are to be protected from these changes and entitlement will be subject to the provisions of nationally defined regulations, similar to that of the former Council Tax Benefit scheme.

Working age claimants are subject to the provisions of a new local scheme of Council Tax Support determined by Birmingham City Council.

2. Introduction

As part of the process to introduce a local scheme, a consultation exercise with citizens of Birmingham was embarked upon and concluded on 2nd December 2012.

We have taken on board the views and comments that have arisen from the result of the consultation exercise and this document outlines the scheme of Council Tax Support in Birmingham.

This Scheme sets out a number of rules; however it will still be subject to amendments on secondary legislation in relation to:

1. Local Government Finance Act and subsequent secondary legislation;
2. Welfare Reform Act 2012 and any secondary legislation.

In this document 'the new Scheme' means the Council Tax Support Scheme (CTS).

In this document 'the current Scheme' means the former Council Tax Benefit Scheme (CTB).

3. Classes of Persons

This Scheme sets out rules for working age claimants. The Government has concluded that support for pensioners should be delivered through a national framework of criteria and allowances. As such regulations prescribe a scheme for claimants of state pension credit age. They also prescribe certain classes of persons who are not eligible to claim Council Tax Support, principally those citizens from abroad and refugees who do not have leave to remain in the country.

Eligibility for Council Tax Support is means tested and determined by reference to the household composition, income and capital of the claimant

and any partner; and by the income, capital and number of non-dependants in the household.

This Scheme states that the key principals and methods set out within the Government's default scheme regulations will be used to determine Council Tax Support, except where amendments are set out in this Scheme, by statute under the Local Government Finance Act, Welfare Reform Act and accompanying legislation, by changes as a result of the introduction of Universal Credit or where Birmingham City Council deems fit.

4. Key Features of the Scheme

Our Scheme is based on the following principles:

- people of working-age (unless specified) will have their Council Tax Support assessment based 80% of their council tax liability,
- people with disabilities (entitled to the disability premium, severe disability premium, enhanced disability premium or disabled child premium) should be protected from this requirement;
- people in receipt of Employment Support Allowance with a qualifying disability related benefit should also be protected,
- people with dependant children under 6 should be protected,
- people in receipt of a war pension should be protected,
- people who qualify for the carer's premium should be protected,
- the backdating of claims should be limited to 1 month.
- A discretionary fund be set up to support people suffering from hardship

5. Classes of Reduction

Council Tax Support is calculated as a means tested discount, defined in principle by the terms of the Government's default scheme with the exceptions as identified below:

The eligible Council Tax will be limited in the following way:

- a) A 'cap' of 80% will be set as a proportion of the claimant's eligible Council Tax liability

This means the assessment of Council Tax Support for claimants other than those listed below will be set at 80% of their Council Tax charge. This capped liability will be used in the calculation of entitlement based on the claimant's circumstances.

As such most claimants of working age will be expected to contribute some payment towards their Council Tax bill the amount of which will be, dependent upon individual financial circumstances.

6. People with the Greatest Need of Support

Certain claimants shall be affected by the changes implemented and will continue to have their Council Tax Support assessment based on 100% of their Council Tax liability if the:

- Claimant or their partner is a pensioner
- Claimant or their partner is entitled to the disability premium, severe disability premium, enhanced disability premium or disabled child premium
- Claimant or their partner is in receipt of Employment Support Allowance with a qualifying disability related benefit
- Claimant or their partner receives a war disablement pension, war widows pension or war widower's pension
- Claimant or their partner has a dependent child under 6
- Claimant or their partner qualifies for the carer's premium

As such people with the greatest need of support, pensioners, carers, those with a disability, those in receipt of a war pension, those with dependant children under 6 years of age and those with a disabled child shall be excluded from the liability cap as detailed in section a) and will continue to receive support at the same level as Council Tax Benefit.

7. Backdating

This Scheme introduces a maximum limit for backdating Council Tax Support claims up to 1 month. This is in line with Government plans for Universal Credit.

8. Hardship Fund

A discretionary Hardship Fund has been created to support people suffering from genuine hardship, whether or not they fall into the category of people with greatest need of support. This reflects our aim to support the most vulnerable in our society.

9. General Administration of the Scheme

The section below details in general how the Council Tax Support Scheme shall be administered:

9.1 Applications

An application shall be required for all new claims from the 1st April 2013.

Applicants may apply either in:

- Writing, with a form provided free for the purpose
- By means of electronic communication
- By Telephone

Where an application is received which is not supported by all necessary evidence we will write to the claimant to give notice of this and provide an opportunity for this to be corrected by supplying the required information.

Claimants currently in receipt of Council Tax Benefit will transfer onto the new Council Tax Support scheme. .

A review process will be implemented by Birmingham City Council for new and existing awards. Awards will be reviewed in a time period to be determined by Birmingham City Council and failure of the claimant to fulfil any request during a review of their award may result in the termination of that award.

9.2 Electronic Communication

Claimants may use electronic communication in relation to their claim.

However the claimant must use an approved method of

- Authenticating their identity
- Communicating electronically
- Authenticating any claim or notice delivered in this manner

Where a claimant uses electronic communication that is not approved, then the information or evidence will not be accepted as being received.

Birmingham City Council may make use of intermediaries in relation to electronic communication and may require other persons to use intermediaries.

Electronic information shall not be treated as being received until such time as it is accepted by Birmingham City Council's computer system.

If necessary to prove the date of receipt of an electronic communication, the date of receipt shall be the date of receipt shown on Birmingham City Council's computer system.

9.3 Evidence

Birmingham City Council may request such evidence as it requires to determine entitlement.

Claimants will be given one month to provide any information requested.

9.4 Amendment and Withdrawal of Application

Claimants may amend any application before Birmingham City Council has made a decision on it.

Claimants can withdraw an application at any time.

9.5 Claimant's Duty to Notify Change in Circumstances

Claimants have a duty to notify Birmingham City Council of any changes in their circumstances that may affect entitlement, in the same manner as within the former Council Tax Benefit regulations.

9.6 Decisions

Apart from where statutorily required, advice of any Council Tax Support granted, removed or revised will be by an adjustment to the Council Tax Bill and the bill itself will be the formal notification. Birmingham City Council also reserves the right to include additional notifications informing of an award or non-award made under the new scheme of Council Tax Support.

9.7 Overpayments

Any overpayment of Council Tax Support granted to which a claimant was not entitled to receive shall be recovered by an adjustment to the Council Tax bill.

9.8 Time and Manner of Granting a Reduction

The manner in which Council Tax Support should be applied is the same as under former Council Tax Benefit rules, i.e. made to the customers Council Tax account for the relevant financial year unless extenuating circumstances apply.

Where Birmingham City Council revises a decision and deems that the claimant was entitled to more support, it has a duty to make good that shortfall by reducing any future payments required for Council Tax.

Where the claimant has since died and Birmingham City Council is unable to make payment to the account, such payment should be made to the administrator of the estate.

9.9 Appeals Process

Birmingham City Council shall give all claimants the opportunity to make written representation where they believe their claim has been dealt with incorrectly and we will look at this decision again.

Where a claimant remains unhappy with a decision following the above process, they may appeal to the Valuation Tribunal.

9.10 Annual Reassessment

Any figures set out in the Scheme may be uprated, to take effect on 01 April each year, by the consumer price index, retail price index rate of inflation set out in the preceding September, or by another rate determined with reference to provisions made for Housing Benefit and Universal Credit or as decided by Birmingham City Council.

9.11 Discretionary Reduction

Discretionary reductions will be considered by Birmingham City Council under section 13A (1) (c) of the Local Government Finance Act where customers can demonstrate severe hardship. An application must be made in writing or by electronic communication.

10. Other Matters

This document may be subject to change following public consultation, Government statute or any other means deemed appropriate by Birmingham City Council.

Further proposals may be set for subsequent years of the Scheme starting 01 April 2014 and beyond but should this happen these will be subject to further consultation.

The final local Scheme for 2013/14 was approved by the Council in January 2013 and shall be reviewed annually thereafter.

Glossary of Terms

Backdated Award – In some cases we have been able to pay people a period of up to six months before they made a claim. The person will have needed to have had a good reason for not making a claim sooner than they did.

Carers – For the purpose of Council Tax Support – Carers are defined for this purpose as a claimant or their partner who is in receipt of carer's allowance and as a result qualifies for the carers' premium within the current Council Tax benefit system.

Council Tax – A local tax based on the property valuation. It is used to fund public services.

Council Tax Benefit – This is the current system to help someone on a low income or no income to pay their Council Tax.

Council Tax Support – This is the new scheme to help someone on low income or no income to pay their Council Tax

Council Tax Liability – The amount of Council Tax that a person is liable to pay before any Council Tax Benefit is deducted.

Dependant – A child (under 16) or young person up to the age of 20 who lives with the claimant and for who the claimant or their partner receives Child Benefit in respect of.

Disabled – For the purpose of Council Tax Support - People with a disability are defined for this purpose as a claimant or their partner who is entitled to the disability premium, severe disability premium or enhanced disability premium within the current Council Tax benefit system. This includes claimants or their partners who are registered blind, have been off sick for 52 weeks or more or are getting benefits such as Disability Living Allowance, Attendance Allowance, Severe Disablement Allowance, long term Incapacity Benefit etc (see http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/OtherBenefitsAndSupport/DG_068683 for further information).

This definition also includes a claimant or their partner who are entitled to the disabled child premium for a dependant child who is registered blind or is getting Disability Living Allowance.

Employment Support Allowance with a qualifying disability related benefit – For the purpose of Council Tax Support - People with a disability are also defined for this purpose as a claimant or their partner who is in receipt of Employment Support Allowance and a qualifying disability related benefit.

A qualifying disability related benefit is defined by the disability premium, severe disability premium or enhanced disability premium within the current Council Tax benefit system. This includes claimants or their partners who are registered blind, have been off sick for 52 weeks or more or are getting benefits such as Disability

Living Allowance, Attendance Allowance, Severe Disablement Allowance, long term Incapacity Benefit etc (see http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/OtherBenefitsAndSupport/DG_068683 for further information).

Pensioner – We will follow the definition of a pensioner in line with the statutory guidance. On the 01 April 2013 this will be someone who was born before 06 October 1951

War Pension - For the purpose of Council Tax Support - Someone who is in receipt of War Disablement Pension, a War Widows Pension or War Widower's Pension.

Working Age - We will follow the definition of working age in line with the statutory guidance. On the 01 April 2013 this will be someone who was born on or after 06 October 1951



Children Missing from Home and Care



A report from Overview & Scrutiny





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Reports that have been submitted to Council can be downloaded from www.birmingham.gov.uk/scrutiny.



Glossary of Terms

BSCB	Birmingham Safeguarding Children Board
CareFirst	The Council's computer system for social care case management
Children's social care	Birmingham City Council's team dealing with support for families and children and safeguarding issues
CMOG	Child Sexual Exploitation and Missing Operational Group
COG	CSE Operational Group
CSE	Child Sexual Exploitation
HMIC	Her Majesty's Inspectorate of Constabulary
MASE Meeting	Multi Agency Sexual Exploitation Meeting
MASH	Multi Agency Safeguarding Hub (provides a single point of contact for anyone who wants to seek support or raise concerns about a child)
MOG	Missing Operational Group
Ofsted	Office for Standards in Education, Children's Services and Skills
Return Interview	Independent interview carried out after a missing child has returned home / to their placement – responsibility of children's social care
Safe and Well Check	Check by West Midlands Police immediately after a missing child has returned home / to their placement
TCS	The Children's Society
WMP	West Midlands Police



Preface

By Councillor Barry Bowles, Deputy Chair of the Education and Vulnerable Children Overview & Scrutiny Committee



I was involved in the Committee's previous inquiry '*We Need to Get it Right: A Health Check into the Council's Role in Tackling Child Sexual Exploitation (CSE)*'. This inquiry is a continuation of that work and I am very grateful to Cllr Susan Barnett, Chair of the Education and Vulnerable Children Overview and Scrutiny Committee, for allowing me the opportunity to present this report on a topic about which I feel very passionate.

I would like to thank members of the Education and Vulnerable Children Overview & Scrutiny Committee, together with witnesses and officers who have given their time and effort to contribute to this inquiry.

The evidence we heard points to the high workload connected to missing children and that there is much good work going on. However, existing safeguarding practices and what appears to be a lack of joined up working between partners and within the City Council is of great concern to the Committee.

It is imperative that responsibilities for missing children are clear and understood, risk is managed well, especially for looked after children and persistent runaways, information is shared effectively and appropriate support is in place for children and families. We are pleased to hear the commitment from West Midlands Police, The Children's Society and the Council that this is a priority and they are working towards improving this.

I am pleased that the Cabinet Member for Children's Services has already indicated her commitment to signing and implementing The Children's Society Runaway's Charter.

When we assess progress, we will want to know about the practical impact of the changes and how they have made children safer. 'Ticking the boxes' by simply signing a charter and putting in place new policies and procedures will not suffice.

We look forward to receiving updates on the progress made.



1 Why did we Look at Missing Children?

1.1 The Aim of this Inquiry

1.1.1 Our key question for this inquiry was:

What safeguards does the City Council, working with partners, need to implement to effectively and comprehensively reduce the number of children who are missing from home and care and minimise the risks they are exposed to?

1.1.2 This inquiry follows the Education and Vulnerable Children Overview and Scrutiny Committee's previous inquiry '*We Need to Get it Right: A Health Check into the Council's Role in Tackling Child Sexual Exploitation (CSE)*'.¹ This highlighted the work that needed to be undertaken to raise practitioners' and children's understanding of CSE and grooming and for the Council and its partners to better manage the risks posed for children. Missing children were linked to CSE.

1.1.3 Not all children who go missing are groomed, but when children are not where they are meant to be, it can provide an opportunity for perpetrators to be with them instead.

1.1.4 Frequent episodes of missing may be an indicator that a child is being exploited. The Children's Society (TCS), which carries out interviews with children on their return to home or care, gave evidence to the CSE inquiry and reported on the risks which going missing poses to children.

1.1.5 Missing has previously been flagged as a concern. The Ofsted inspection in **March and April 2014** (of services for children in need of help and protection, children looked after and care leavers and the effectiveness of the local safeguarding children board) had an outcome of "inadequate".² Key issues relating to missing children that were noted at that point include:

There is a lack of strategic planning and coordination for children and young people who go missing from education, home and care or who are at risk of sexual exploitation.

Senior leaders and partners should develop effective, strategic multi-agency systems and practices to respond to children missing from care, home and education so that their exposure to risk can be minimised.

¹ agreed at City Council on 2nd December 2014

²



BSCB [Birmingham Safeguarding Children Board] does not receive data on children missing from home, care or education and receives insufficient data on child sexual exploitation. This is a deficit of significant magnitude, not least because it shows that the local authority and partners do not collect, collate and analyse this information in a systematic way.

- 1.1.6 Then, during the course of the inquiry the Birmingham Safeguarding Children Board's (BSCB) annual report 2014-15 was published.³ This covers April 2014 – March 2015 and states:

The Board and the lead partners have completely failed to deliver a programme of work with partners to develop good quality collection and collation of data on missing children so that partners have a full understanding of the risks to these children and can identify what actions they need to take to minimise these risks. Over the year there were various attempts to address it but inconsistent leadership grasp and a focus on getting CSE sorted deflected attention too often. This is a high priority and challenge for 2015/16.

Clearly scrutiny of challenge to this data and related performance must be included in the routine work of the BSCB. This was not done over 2014/15. The challenge for 2015 is for the multi-agency partnership through the Missing Operational Group to develop an integrated approach to identifying responding to and intervening with children missing from home, care, school and from view. This should include the development of a shared data base, some simple accessible systems and processes and the ability to ensure appropriate early help or statutory interventions are put in place with each individual child.

- 1.1.7 This short inquiry into missing children ("runaways") aimed to look at the headline issues only. Of course there is scope to investigate further the reasons why children go missing and how organisations should respond. It was agreed that this inquiry would focus solely on children missing from home and care, but we acknowledge that children going missing from education and those trafficked into the UK are of equal concern (we have added these issues to the Committee's work programme for the future).

1.2 Our Methods

- 1.2.1 We undertook two evidence gathering sessions: 21st October and 30th October 2015. These can be viewed at http://www.birmingham.public-i.tv/core/portal/webcast_interactive/194634 and http://www.birmingham.public-i.tv/core/portal/webcast_interactive/196473 (until October 2016). We are grateful to the witnesses at these sessions and they are listed in Appendix 1.

³ http://www.lscbbirmingham.org.uk/images/AnnualReport-Executive_Summary_-_2014-15.pdf



Children Missing from Home and Care

- 1.2.2 Written evidence was also received. The final report is deliberately short, but we recommend that the evidence and background papers are referred to. These are available on the scrutiny webpage (<http://bit.ly/1Hwbz9Y>).



2 Are we Managing the Risk to Children?

2.1 The Size of the Problem

- 2.1.1 West Midlands Police (WMP) were notified over 1,000 times of missing children between January and September 2015. This does not mean 1,000 missing children: some children's multiple missing episodes mean they are counted several times.
- 2.1.2 The WMP data suggests around a third of notifications concerned children missing from social services care, but this data may not be accurate. One of the reasons children in care are more likely to be reported as missing, is that care staff have obligations to report more quickly, whereas, families may wait a bit longer as they carry out searches before reporting their child missing.
- 2.1.3 TCS see some of the more vulnerable children (see section 2.4). In a six month period to April 2015 a quarter of the children and young people they saw had gone missing nine or more times (amounting to 100 episodes). Further for the three months to March 2015 the three most persistent runaways were all in care and between them had a total of 34 missing episodes.⁴

2.2 When a Child Goes Missing

Family and Carers

- 2.2.1 In the first place family members and carers play a critical part in helping to locate and support their child.

West Midlands Police

- 2.2.2 West Midlands Police are the first port of call for reporting missing children and use national police guidelines when assessing whether a child is 'missing' or 'absent'⁵:

Missing: 'anyone whose whereabouts cannot be established and where the circumstances are out of character or the context suggests the person may be subject of crime or at risk of harm to themselves or another.'

Absent: 'a person not at a place where they are expected or required to be **and there is no apparent risk.**'

- 2.2.3 We noted a concern that sometimes West Midlands Police may assess a child as 'absent' when other professionals might assess the risk as requiring a 'missing' classification. However, West Midlands Police clarified that they only make a decision as to whether a child is classified as

⁴ See evidence pack

⁵ Department for Education (2014) *Statutory Guidance on Children Who Run Away or Go Missing From Home or Care*
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'absent' if they assess that 'there is no apparent risk'. This is determined by the completion of the risk assessment process.

- 2.2.4 West Midlands Police hold a daily management meeting chaired by a Superintendent where they will review missing persons and, in those cases where a missing person is considered vulnerable to CSE, ensure appropriate action is taken. In addition, there are monthly local vulnerability meetings to discuss CSE that feed into a city wide level monthly meeting.
- 2.2.5 Members were informed that Coventry and Solihull are trialling a system regarding the questions the Police use to assess 'risk' and a sergeant is located within the contact centre to look at the case immediately and allocate resources more accurately and quickly. We hope the evaluation will help shape best practice in Birmingham

Multi-Agency Safeguarding Hub (MASH)

- 2.2.6 West Midlands Police have two approaches to dealing with the Multi-Agency Safeguarding Hub (MASH⁶). First, they refer children if they have concerns and feel children's social care actions are required. Second, they also notify the MASH daily of missing children, even if they do not feel the child is at risk.

Children's Social Care

- 2.2.7 The Committee was informed that the MASH receives on average 5 to 15 missing children notifications per day from the Police. All notifications are entered on to the CareFirst database. If a child is known to children's social care their social worker will be alerted. If not, then a decision is made at what point this becomes a referral and a family assessment is carried out. Where there remain concerns about a child, they may be referred to early help (with parental consent) or for a family assessment as a child in need, again with parental consent. Where a child is likely to suffer significant harm, this is categorised as a red case and a multi-agency strategy meeting is held.
- 2.2.8 We were informed that further understanding of consent needs to be developed in the city as in almost every case involving children's social care, parental consent should be sought.
- 2.2.9 If the child remains missing for more than 72 hours the social worker will arrange a **missing person's strategy meeting** to share information and coordinate action to locate the child.⁷ Officers reassured us that, where needed, a strategy discussion is held before this.
- 2.2.10 Part of the initial discussions need to assess the risk of a missing child to CSE. If this is felt to be a risk, there will be a family assessment. If there is a risk of CSE this is followed by a **Multi-Agency Sexual Exploitation meeting (MASE)**, where they review and manage individual cases. If the missing child is at risk of serious harm this will trigger child protection procedures.

⁶ Birmingham MASH is the first port of call for anyone with a child safeguarding concern.

⁷ BSCB Procedures



2.3 Issues for Missing Children from Different Settings

- 2.3.1 For children living at **home** there was a clear message that their parents or carers have the primary responsibility for their welfare, even when they are missing from home. Thus, a social worker would only be allocated if risks required it and West Midlands Police are generally the family's key contact through this time, unless the family have an allocated social worker already. The family must be seen as a source of help and intelligence for the child's whereabouts. Engaging with them as early as possible is important.
- 2.3.2 Currently, the City Council manages ten **children's residential homes**, five of which are for children with disabilities. The City Council also places children in private children's residential homes. There are approximately 92 children in residential homes in Birmingham and approximately 73 Birmingham children are placed in homes outside of Birmingham.
- 2.3.3 The City Council children's residential homes have a West Midlands Police neighbourhood officer who will engage regularly, every two weeks, and they will discuss missing children trigger plans etc. In addition, there is a new **Care Home Forum**, that shares information and other partner agencies are invited. However, not all children's homes are represented on the new Care Home Forum. We suggest that all care homes within Birmingham (especially if Birmingham looked after children are currently or sometimes placed there) are invited to engage with the Forum. We feel it is important that the Care Home Forum plays a role in improving information sharing and would ask officers (commissioners and residential homes managers) to help ensure that relationships between such homes and TCS work well.
- 2.3.4 There are 653 children **fostered within Birmingham** and 656 **Birmingham children fostered outside of Birmingham**. Two specific concerns were raised about missing children who are fostered. First, concern was expressed that risk assessments may not be up-dated frequently enough to capture missing episodes and that this needs to change, to ensure they are current and up-to-date. However, we have since been informed that foster carers have a duty to inform the child's social worker every time a child goes missing from their foster home. Second, we were informed that the fostering service is not always invited to strategy meetings and that this may increase risk to children. The fostering service should be invited whenever a child is in a City Council foster care placement.
- 2.3.5 A child may be moved to a foster or residential care home outside of Birmingham, if it will help safeguard the child. Although many of these may be within the West Midlands, Members had concerns about the additional difficulties of managing missing children at a distance. We were informed that decisions about moving children should be ratified at a child care review chaired by an Independent Review Officer.
- 2.3.6 On this topic it is worth noting the BSCB procedures for missing children in external fostering or children residential homes:

Out of Area Placements:



Children Missing from Home and Care

When a child is placed out of their local authority area, the responsible authority must make sure that the child has access to the services they need in advance of placement. Notification of the placement must be made to the host authority and other specified services.

If children placed out of their local authority run away, this protocol should be followed, in addition to complying with other processes that are specified in the policy of the host local authority. It is possible that the child will return to the area of the responsible authority so it is essential that liaison between the police and professionals in both authorities is well managed and coordinated. A notification process for missing/ absent episodes should be agreed between responsible and host local authorities as a part of the care plan and the placement plan.

2.4 When a Missing Child Returns

Safe and Well Checks

- 2.4.1 When a missing child is found a police officer attends to check on the safety of the child. The record of this is purely a notification and does not contain detail of the conversation/interaction. However, we were informed that if the officer conducting the safe and well check has any concerns, then they would submit a referral to the MASH. This may be a crime report if a crime has been committed, a non-crime number if it is felt that it needs to be referred to other agencies via the MASH or alternatively other early help signposting or referral if that is the appropriate level.
- 2.4.2 The recent re-inspection of West Midlands Police Child Protection by Her Majesty's Inspectorate of Constabulary (HMIC)⁸ indicates that this does not always happen.

Return Interviews

- 2.4.3 The statutory guidance says that, in addition, to safe and well checks:

When a child is found, they must be offered an independent return interview. Independent return interviews provide an opportunity to uncover information that can help protect children from the risk of going missing again, from risks they may have been exposed to while missing or from risk factors in their home. The interview should be carried out within 72 hours of the child returning to their home or care setting. This should be an in-depth interview and is normally best carried out by an independent person (i.e., someone not involved in caring

⁸ <https://www.justiceinspectorates.gov.uk/hmic/publications/west-midlands-national-child-protection-inspection-re-inspection/>



for the child) who is trained to carry out these interviews and is able to follow-up any actions that emerge.⁹

2.4.4 TCS is commissioned to undertake return home interviews by the City Council. We were told that this amounts to 400 a year. Given the statutory guidance requirements, we have concerns of the high number who do not get independent return home interviews provided in this way, following each missing episode.

2.4.5 It is clear that information from the safe and well check does not feed into the return home interviews. Even though the statutory guidance says that, following return interviews, practitioners need to:

“identify and deal with any harm the child has suffered – including harm that might not have already been disclosed as part of the ‘safe and well check’ – either before they ran away or whilst missing.”

2.4.6 In addition, there is an expectation that every child who has an allocated a social worker is seen and listened to by their social worker or another team member within three days of their return, and that conversation is recorded on CareFirst.

2.4.7 TCS is not commissioned to undertake return home interviews for children who are placed outside of Birmingham. These interviews are undertaken either by the local authority where a child is placed (following a request by the City Council) or by a social worker going to visit the child. We have concerns that some children may not be offered an independent return interview as the guidance says:

When a looked after child is placed in a host authority, the responsible authority should ensure the independent review [return] interview takes place, working closely with the host authority.

2.4.8 On consulting on the draft report it was suggested that 100% of children should be offered an independent return interview and that one way to do this was to expand, review and test the compliance of the City Council's contract with TCS.

Data Sharing

2.4.9 We noted a number of concerns relating to the need to work better together and share quality and timely information between groups / partners. It was acknowledged that data sharing is a major issue. There are a number of databases for the different organisations involved in the MASH that are not open to partners within the MASH.

⁹ Department for Education (2014) *Statutory Guidance on Children Who Run Away or Go Missing From Home or Care*



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- 2.4.10 The **CareFirst database** is used by children's social care and is not available to partners as it contains hundreds of thousands of confidential records, just as Police and health systems are not available to the City Council's social workers.
- 2.4.11 In addition, the **West Midlands Police database** has recently been upgraded to include both "absent" and "missing" children information. Officers stressed the importance of being able to pull data out easily to form reports, track individual children, and share data. Members hope this new upgrade facilitates this.
- 2.4.12 We understand the request from one witness, but realise this may not be possible. Nonetheless, sharing of information with the purpose of safeguarding children is paramount.

‘An integrated electronic system is required to ensure that all data in relation to children/young people who go missing from care is collated effectively with the purpose of safeguarding and supporting those children/young people.’

- 2.4.13 As discussed previously, we recognise how important it is to use all the information coming from return home interviews to safeguard children and the need, therefore, to have effective mechanisms for sharing that information appropriately. Particular concerns were raised about the quality of the information relating to return interviews being shared between the City Council's children's care homes and TCS. Members were pleased to learn that following the Scrutiny meeting the officers responsible for the City Council's children's care homes and TCS have had a helpful meeting, focused on learning and joint working and that steps are being put in place to best protect children.

2.5 Preventing Children Going Missing

- 2.5.1 It may seem illogical that prevention is placed as the last step in this report, but a key task is to prevent reoccurrence of missing episodes and the importance of safe and well checks and return interviews, to identify steps that need to be taken, cannot be underestimated. There are a range of interventions that may be required to prevent runaways:
- a. Ensuring that the early help interventions available to children and families are effective;
 - b. There needs to be appropriate interventions for children, including the provision of therapeutic support and wrap around solutions for some. The new 0-25 mental health service, Forward Thinking Birmingham, is due to launch at the time of writing and it is important that missing, or the risks associated with this, is part of their risk assessment process;
 - c. The evidence presented showed large numbers of children who have runaway a number of times. What was not clear from the evidence gathering was what additional interventions are used to stop persistent runaways;
 - d. Effective use of the independent return interviews is key; and
 - e. Given the links to CSE it is important to ensure that CSE procedures are effective.



2.6 Agencies and Partnership Working

- 2.6.1 As discussed above many people become involved when a child goes missing. If a child is in the care of their parents then the parents retain the key responsibility for their child's well-being. West Midlands Police have a primary responsibility to locate and return the child. Children's social care staff are involved in risk assessing cases and intervene if risk is identified.
- 2.6.2 The BSCB has a statutory duty to co-ordinate how agencies work together to safeguard and promote the well-being of children and young people in Birmingham and to ensure the effectiveness of the safeguarding arrangements.¹⁰ The **Strategic Child Sexual Exploitation (CSE) Group**, chaired by the Executive Director for Children's Services, is accountable to the Board.
- 2.6.3 There are two operational groups which are relevant:
- the **CSE Operational Group** (COG, chaired by the Detective Chief Inspector who is the West Midlands Police Lead for the MASH); and
 - the **Missing Operational Group** (MOG, chaired by the City Council's new Chief Social Worker).
- 2.6.4 In 2014 when the CSE Inquiry was being undertaken there was a single CSE and missing operational group (CMOG). There were concerns then about its effectiveness and a decision was made to separate them. We still heard of some frustrations about the current groups including a lack of understanding of the role of COG and the lack of correct representation. Although, we understand that the recent COG meeting was better attended. We recognise that MOG has recently begun to meet again and needs to develop strong multi-agency guidance around missing children from home and care, as well as children missing from education.
- 2.6.5 Witnesses felt it was important that intelligence from strategy and MASE meetings feed into the **Missing Operational Group (MOG)** and **CSE Operational Group (COG)** which manage risk and look for patterns in places and people.
- 2.6.6 On consulting on the draft report it was suggested that data from the return interviews should inform MOG. It was suggested that the City Council evaluate the quality and impact of the independent return interview system in reducing risk and the number of missing episodes and report this to MOG as part of the performance data used to evaluate the effectiveness of the arrangements. It was also suggested that TCS should produce quarterly reports on the outcome of the independent return interviews to identify trends, hotspot locations and intelligence to inform the coordination of partnership action (victim, offender, location) through the MOG.

¹⁰ <http://www.lscbbirmingham.org.uk/>



3 What Needs to be Done?

3.1 What are the Challenges?

- 3.1.1 The evidence we heard points to the high workload connected to missing children and that there is much good work going on. However, existing safeguarding practices and what appears to be a lack of joined up working between partners and within the City Council is of great concern to the Committee. The Committee was pleased to hear the commitment from West Midlands Police, TCS and the Council that this is a priority and they were working towards improving this.

Risk

- 3.1.2 As noted above the BSCB reported that its partner agencies do not have a full understanding of the risks to missing children and are not always able to identify what actions they need to take to minimise these risks. Members were concerned about different risk analysis being undertaken by different agencies; each one leading to decisions about what resources and activity is required. It may be that to build confidence in the system, further work is needed to ensure that there is improved cross agency understanding of how risk is assessed and managed and that practitioners in different agencies understand the reasons for different approaches to assessing risk.
- 3.1.3 In consulting on the draft report, the Council's Chief Social Worker noted that the current approaches to assessing risk are not as sophisticated as they should be. He suggests that risk assessments are based on counting up risk factors (a "deficit based approach") which is now at odds with the strengths based orientation that children's social care are now working with.
- 3.1.4 He suggests that a new shared risk methodology is developed across agency boundaries, where risk, harm and need are understood. 'Signs of safety' is one example that could be explored, which has a track record of risk work across agencies' borders.¹¹ We would support the Chief Social Worker on investigating this further.

Clarity of Roles

- 3.1.5 So everyone knows what is required when a child goes missing it is clear that there needs to be an embedded "overarching strategy and multi-agency practice guidance" put in place, to set out a clear expectation for staff and partners and their responsibilities within it. It would also ensure there is no duplication of work happening in the MASH and other teams. The BSCB does have a

¹¹ "Signs of Safety is a strengths-based strategy that takes a collaborative approach to working with families where child protection is an issue. This approach stemmed from identified needs within the traditional risk assessment framework inherent in child protection practices. This risk assessment is described ... as being too judgemental, forensic and intrusive. The best child protection approach is considered to be both forensic and collaborative, whereby all stakeholders have full involvement with the process." Scerra N (2011) Strengths-Based Practice: The Evidence. At: http://www.childrenyoungpeopleandfamilies.org.au/info/social_justice/submissions/research_papers_and_briefs/?a=62401



procedure on its website, but this was not felt to be adequate i.e. it does not set out the process in a clear, simple way with the expectations of each part of the system.

Policing

- 3.1.6 The Committee was informed that the face of policing will be changing over the next five years and that West Midlands Police will be looking at ways to make their processes streamlined and children safer.
- 3.1.7 Members expressed concerns regarding reductions being made to the Neighbourhood Policing Teams and the possibility of the reduction in the level of support they would then give to Children's care homes and were fearful this would lead to less effective relationships between police officers and City Council officers. Assurances were given that "demand and vulnerability" remain police priorities and West Midland Police recognise that an improvement in partnership working is essential to getting this right.

Data

- 3.1.8 Chapter 1 highlights the challenges set out in the Annual Report of the BSCB which was published in November 2015 which we would support. It also notes the need to:

Establish and embed the Missing Operational Group to improve our data collection systems to better identify the most vulnerable children so we can intervene earlier to make a difference.

3.2 What do we Recommend?

- 3.2.1 It is disappointing that not enough has been improved since the Ofsted report and the Committee agrees overall with the BSCB assessment in their Annual Report.
- 3.2.2 TCS developed a Runaway's Charter (see Appendix 2) in 2014 to set out some clear expectations of what local authorities should be putting in place to protect children. Many local authorities have signed this and we recommend the City Council sign and embed this Charter.
- 3.2.3 To underpin this we have set out the need to develop and embed an overarching strategy and multi-agency guidance for both missing children and for looked after children placed out of Birmingham who go missing so:
- responsibilities are clear and understood;
 - risk is managed well (especially for looked after children and persistent runaways);
 - information is shared effectively; and
 - appropriate support is in place for children and families.
- 3.2.4 This should include a clear set of expectations in the contracts when placing Birmingham children in foster homes, children's residential care homes and supported living that are not managed by the City Council.



Children Missing from Home and Care

- 3.2.5 During consultation on the draft report the BSCB suggested that this does not require a separate stand-alone strategy, but could be achieved through a refresh of the multi-agency CSE Framework and Strategy 2015-2017 to greater emphasise the role of the Strategic CSE Sub-Group and MOG in tackling missing children. We are content for practitioners to determine how best to achieve this recommendation.
- 3.2.6 We also suggest that an update on children missing from care is taken to the Corporate Parenting Board.
- 3.2.7 Regular updates are to be provided to the Education and Vulnerable Children O&S Committee from those involved, BSCB, West Midlands Police, TCS and City Council Officers.
- 3.2.8 To assess progress, we will want to know about the practical impact of the changes and how they have made children safer. 'Ticking the boxes' by simply signing a charter and putting in place new policies and procedures will not suffice.

	Recommendation	Responsibility	Completion Date
R01	That our signing up to the 'Runaway's Charter' is ratified at January 2016 City Council.	Cabinet Member Children's Services	January 2016
R02	Develop an overarching strategy for missing children so responsibilities are clear and understood, risk is managed well, especially for looked after children and persistent runaways, information is shared effectively and appropriate support is in place for children and families.	Cabinet Member for Children's Services Chair, Birmingham Safeguarding Children Board	Feedback to Education and Vulnerable Children O&S Committee <ul style="list-style-type: none">• 20 April 2016• Thereafter until completed
R03	Progress towards achievement of these recommendations should be reported to the Education and Vulnerable Children Overview and Scrutiny Committee no later than April 2016. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Children's Services Chair, Birmingham Safeguarding Children Board	April 2016

Motion to City Council

That the recommendations above be approved, and that the Executive be requested to pursue their implementation.



Appendix 1: Witnesses

We would like to thank the following for the evidence they presented for this inquiry.

Simon Cross	Business Co-ordinator, Birmingham Safeguarding Children Board (BSCB)
Michelle Gardiner	Assistant Head of Service, Internal Fostering, Birmingham City Council
Alastair Gibbons	Executive Director for Children's Services, Birmingham City Council
Chief Inspector Karen Greasley	Strategic Birmingham Partnership Police Manager, West Midlands Police
Sivay Heer	Head of Service, Integrated Services and Care - East Children in Care, Birmingham City Council
Bali Hothi	Programme Manager, The Children's Society
DCI Dawn Miskella	Child abuse lead in Birmingham and the Police lead for Birmingham MASH and Chair of the CSE Operational Group (COG), West Midlands Police
Debbie Southwood	Children's Services Manager, Barnardos
Val Thompson	Internal Residential Homes Children in Care, Birmingham City Council
Christine Wellington	Head of Service Multi Agency Safeguarding Hub (MASH)
Rob Willoughby	Area Director, The Children's Society
DCI Dean Young	Strategic lead for CSE in West Midlands, West Midlands Police

THE RUNAWAYS' CHARTER



_____ has committed to:

Count

We have a clear picture of the numbers of all children running away or going missing from care or home in our area, and regularly analyse the data to look for trends and hotspots.

Think

We address the problems of identifying and responding to children who run away in key strategy documents, such as the Joint Strategic Needs Assessment, Joint Health and Wellbeing Strategy, Local Safeguarding Children Board plans and other strategic plans for young people set out by the local authority.

Our Local Safeguarding Children Board has a set of protocols for preventing running away and dealing with incidents when they occur. There is a named person with responsibility for coordinating responses to runaways and missing children and young people.

We make sure that every professional who works to prevent repeated running away and responds to children and young people who run away, has a clear understanding of their role and responsibilities.

Act

We make available to children and young people, professionals, parents and carers, information on the risks of running away as well as information on 'safe places' where runaways can seek support.

Our agencies recognise that young people of 15, 16 and 17-years-old are not adults and should receive a response to keep them safe, just as younger children do.

Prevent

Our agencies work together and work with parents and carers to prevent repeat instances of running away.

We understand that running away is an indicator of need and requires appropriate responses from local agencies, including a police safe and well check and independent return interview. If a child runs away more than once there should be a presumption that they are at risk of significant harm which requires an appropriate response, such as a multi-agency risk management meeting.



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A better childhood. For every child.



THE RUNAWAYS' CHARTER



How runaways should be treated:

Be understanding, calm and relaxed with us

Don't automatically think we have been 'wasting your time' or have done something wrong. Children and young people can run away for a number of reasons, including abuse, neglect and grooming for child sexual exploitation. Young people are more likely to open up and allow you to help if you treat us with respect and understanding.

Help us trust you and don't judge us

We need a person that we can trust, that listens and doesn't judge - body language is important. It is important to develop trusting relationships - we might be in danger, but we may not feel able to tell you about it if we don't trust you to listen without judgment.

Be straightforward and honest with us

Where the law stops you from keeping things confidential, explain this to us and involve us in the process of sharing information. Be honest with us about what information you are sharing, why you are doing it and who you are sharing it with - we want to know what's being said and to whom.

Listen to us and take us seriously

Please listen to what we tell you and don't assume you know the facts about a situation until you have heard us. Support us when we come to you and talk about what is happening.

Explain things to us. Give us choices and don't force us into making decisions that we don't understand

Take the time to explain to us the reasons why we need to do certain things, such as attend school, rather than simply telling us that we have to. We need to understand the benefits of doing something, rather than simply being threatened with the consequences of not doing it.

Show us respect

If you need to cancel a meeting, tell us why and rearrange to see us.



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A REPORT OF THE EDUCATION AND VULNERABLE CHILDREN
OVERVIEW AND SCRUTINY COMMITTEE
REPORT TO CITY COUNCIL – 12 JANUARY 2016

CHILDREN MISSING FROM HOME AND CARE

EXECUTIVE COMMENTARY

This is another good example of a short scrutiny inquiry working effectively in drawing together the key issues and challenges for agencies in working together to protect vulnerable children and young people who are missing from Home and Care.

We are in year two of a three year improvement plan, and this is a helpful stock take on our work in this area.

I am pleased to report that the Birmingham Safeguarding Children's Board on-line procedure on missing children has recently been updated (in September 2015) to merge guidance on children missing from care, home and education into one procedure.

In addition, on the 9th December, the government launched an all-party parliamentary group on missing children and adults, looking into how children's services, schools and police safeguard children who are deemed 'absent' from home, care or education. The group also intends to examine how the introduction by the police of 'missing' and 'absent' categories in 2012 has affected safeguarding responses for children who runaway. Officers will also be updating the Education and Vulnerable Children O&S in January 2016 about children missing from education.

Lastly, I am pleased the executive decision to sign up to the Runaways' Charter developed by the Children's Society, which sets up clear expectations of what local councils should be putting in place to protect children, is now an additional recommendation in the scrutiny report. As our improvement work continues, this report will be a helpful addition to our work.

Brigid Jones
Cabinet Member Children's Services

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

To consider the following Motions of which notice has been given in accordance with Standing Order 4(A)

A Councillors Paul Tilsley and Jerry Evans have given notice of the following motion:-

“Council notes with concern the potential loss of social housing contained in the plans to extend Right to Buy to housing associations.

In particular, it expresses regret that there are proposals for the forced sale of council housing stock, when so-called high value properties become vacant.

Council expresses further concern that the Government proposes to retain the receipts of these sales to fund replacement of housing association properties purchased by tenants.

Council believes this marks a regression from recent progress which has allowed councils, such as Birmingham, to invest in new housing stock.

Council resolves to make clear its opposition to this policy to the Department for Communities and Local Government.”

B Councillors John Cotton and John Clancy have given notice of the following motion:-

“This Council is proud to note the tremendous progress that has been made in delivering new, affordable housing through the Birmingham Municipal Housing Trust (BMHT) over the last seven years. To date, the BMHT programme has delivered 1044 new council homes for rent and provided additional choice and opportunity for homebuyers through the building of 754 properties for sale. This Council is also pleased to note that the pace of the BMHT programme, which has already established the City Council as the leading developer of new homes within Birmingham, is being maintained over the next five years, with a plan to deliver a further 2056 homes, of which 1456 will be council properties for rent.

Nevertheless, in noting this progress, this Council is fully aware that the pace of delivery needs to be driven much further and faster in order to meet the city’s pressing housing needs.

Given this, Council is concerned to note that changes to national rent policy will result in the loss of some £42million from the Housing Revenue Account over the same period, which will place considerable pressure on the resources available to sustain and accelerate the BMHT programme.

Accordingly, this Council requests that the Government comes forward with proposals to compensate Birmingham and other local authorities for the loss of resources created by the changes to rent policy. Furthermore, this Council asks Government to engage in an early, constructive dialogue with the city over how they can provide us with the additional freedoms and flexibilities needed to properly unlock all opportunities to deliver new affordable housing for Birmingham's citizens."

C Councillors Robert Alden and Randal Brew have given notice of the following motion:-

"This Council opposes any form of congestion charges in Birmingham."