

**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. If a pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.**

## **BIRMINGHAM CITY COUNCIL**

### **CABINET**

**Tuesday, 17 May 2016 at 1000 hours**  
**in Committee Rooms 3 and 4,**  
**Council House, Birmingham**

### **PUBLIC AGENDA**

**1. NOTICE OF RECORDING**

Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site ([www.birminghamnewsroom.com](http://www.birminghamnewsroom.com)) and 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.

**2. APOLOGIES**

**Attached**

**3. PROCUREMENT STRATEGY- SUPPLY AND DISTRIBUTION OF MILK, DAIRY PRODUCTS AND MORNING GOODS F0258**

Report of the Head of Category – (Facilities Management), Procurement.

**Attached**

**4. ERDF BUSINESS GROWTH PROGRAMME (BGP) – FULL BUSINESS CASE**

Report of the Strategic Director of Economy.

**Attached**

**5. DRUIDS HEATH INVESTMENT OPTIONS STRATEGY**

Report of the Strategic Director of Economy.

**Attached**

**6. TENDER STRATEGY FOR RE-PROCUREMENT OF INTEGRATED PREVENTION SERVICES (C0218[R])**

Report of the Strategic Director for People.

**Attached**

**7. PROPOSAL TO REMOVE SIXTH FORM PROVISION AT ST JOHN WALL RC SCHOOL**

Report of the Strategic Director for People.

- Attached**     8.     **QUARTERLY UPDATE ON ACADEMY CONVERSIONS – JANUARY-APRIL 2016)**
- Report of the Strategic Director for People.
- Attached**     9.     **WASTE DEPOTS MODERNISATION PROGRAMME PHASE 1: PROJECT DEFINITION DOCUMENT**
- Report of the Acting Strategic Director - Place.
- Attached**     10.     **PLANNED PROCUREMENT ACTIVITIES (JULY 2016 – SEPTEMBER 2016) AND QUARTERLY CONTRACT AWARD SCHEDULE (JANUARY 2016 – MARCH 2016)**
- Report of the Assistant Director – Procurement.
- Attached**     11.     **APPOINTMENTS TO OUTSIDE BODIES**
- Report of the City Solicitor.
12.     **OTHER URGENT BUSINESS**
- To consider any items of business by reason of special circumstances (to be specified) that, in the opinion of the Chairman, are matters of urgency.
13.     **EXCLUSION OF THE PUBLIC**
- That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
- (Exempt Paragraph 3)

### **PRIVATE AGENDA**

- Attached**     14.     **PROCUREMENT STRATEGY- SUPPLY AND DISTRIBUTION OF MILK, DAIRY PRODUCTS AND MORNING GOODS F0258**
- Report of the Head of Category – (Facilities Management), Procurement.
- (Exempt Paragraph 3)
- Attached**     15.     **WASTE DEPOTS MODERNISATION PROGRAMME PHASE 1: PROJECT DEFINITION DOCUMENT**
- Report of the Acting Strategic Director - Place.
- (Exempt Paragraph 3)

Attached

16. **PLANNED PROCUREMENT ACTIVITIES (JULY 2016 – SEPTEMBER 2016)  
AND QUARTERLY CONTRACT AWARD SCHEDULE (JANUARY 2016 –  
MARCH 2016)**

Report of the Assistant Director - Procurement.

(Exempt Paragraph 3)

17. **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that, in the opinion of the Chairman, are matters of urgency.

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>HEAD OF CATEGORY – (FACILITIES MANAGEMENT) PROCUREMENT</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> May 2016</b>
<b>SUBJECT:</b>	<b>PROCUREMENT STRATEGY - Supply &amp; Distribution of Milk, Dairy products and Morning Goods F0258</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 001475/2016</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Stewart Stacey, Cabinet Member, Commissioning, Contracting &amp; Improvement</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources</b>
<b>Wards affected:</b>	<b>ALL</b>

<b>1. Purpose of report:</b>
1.1 This report provides details of the procurement process and the tender strategy for the supply and distribution of milk, dairy products and morning goods. The private report contains any confidential market information which could impact on the tender process.

<b>2. Decision(s) recommended:</b>
That Cabinet :
2.1 Notes the contents of this report.

<b>Lead Contact Officer(s):</b>	Richard Tibbatts Head of Category – Contract Management
<b>Telephone No:</b> <b>E-mail address:</b>	Corporate Procurement Services, Economy Directorate  07827 367 245 <a href="mailto:Richard.tibbatts@birmingham.gov.uk">Richard.tibbatts@birmingham.gov.uk</a>
<b>Additional Contact Officer:</b>	Nikki Fox Pelican Procurement Services Ltd
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<b>Email address:</b>	<a href="mailto:nikki.fox@pelicanprocurement.co.uk">nikki.fox@pelicanprocurement.co.uk</a>



### 3. Consultation

#### 3.1 Internal

Officers from City Finance, Legal and Democratic Services and Procurement have been involved with the preparation of this report.

Representatives from People Directorate (Adults & Communities and Children, Young People & Families / Cityserve and Acivico (Civic Catering) have been involved with the preparation of this report.

The Operations Team Manager - Food Safety Team, Environmental Health has been involved with the preparation of this report.

#### 3.2 External

No external consultation has been carried out or was required.

### 4. Compliance Issues:

#### 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

These proposals will support the Council Business Plan and, Budget 2016+ and Birmingham Business Charter for Social Responsibility (BBC4SR) principles via:

##### 4.1.1 Council Business Plan and Budget 2016+

A healthy, happy population:

- **Safety** – the contracted supplier will have policies covering food hygiene and food safety procedures. Additional information will be supplied by the supplier(s) enabling caterers to eliminate foods that could cause fatal injury to those who have allergies, and will provide products which do not contain harmful / adverse food additives.
- **Wellbeing** – to benefit from improved health and wellbeing by providing products that support healthy eating, and meeting the needs of the diverse community.
- **Poverty** – the employees of the provider engaged on this contract will be paid at the Birmingham Living Wage or above.

A strong economy:

- **Employment, education and training** – the successful supplier will be required to work with schools and colleges to help ensure that the young people of Birmingham are equipped with the right skills to match the requirements of the labour market.
- **Sustainability** – ensuring the best value pricing and products are obtained. By ensuring the supplier meets the needs of clients, resulting in the reduction of non-contract purchase and better value for the Council. The contracted supplier will help the Council in the provision of locally / UK sourced products and aid local economic development.

#### 4.1.2 Birmingham Business Charter for Social Responsibility

Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of this contract. Tenderers will submit an action plan with their tender that will be evaluated in accordance with the approach set out in Appendix 1 and the action plan of the successful tenderer will be implemented and monitored during the contract period.

#### 4.2 Financial Implications

This proposed framework contract will not commit the council to any particular level of spend.

The products bought under this contract will be funded from within Strategic Directorates' approved budgets. Products purchased by schools will be funded from the schools delegated budget. Products purchased by Civic Catering will be funded from Acivico Ltd's budget.

Information on the breakdown of spend is included in the private report.

Pelican Procurement Service Ltd (Pelican), the food procurement agent for the Council will benchmark the proposed prices against current market prices and renegotiate with the supplier as applicable. The impact of any price changes will be analysed by Pelican and circulated to Directorates prior to implementation.

The tender process will be resourced by Pelican with representatives from Corporate Procurement Services (CPS) and service directorates who will contribute to the development of the detailed specification and the tender evaluation process.

In tendering these requirements the Council will collaborate with Improvement and Efficiency West Midlands (IEWM). Therefore any of the region's 33 local authorities can utilise this framework agreement instead of undertaking their own tender process. 2% will be added to pricing and collected as a rebate to be paid to Birmingham City Council.

#### 4.3 Pre-Procurement Duty under the Public Service (Social Value) Act 2012

Consideration of how this project might contribute to achieving the Council's priorities and improve the economic, social and environmental well-being of the relevant area was discussed with key stakeholders (Cityserve, Acivico – Civic Catering and Adults and Communities) and this is reflected in the requirements, being relevant and proportionate to the overall contract. Additional stakeholder consultation was not required to achieve this as sufficient information on how social value could be achieved was available to key stakeholders.

The process for securing this social value during the procurement will be through the Birmingham Business Charter for Social Responsibility

#### 4.4 Legal Implications

The Council's powers for the provision of food are:-

- Section 1 Civic Restaurants Act 1947 which allows it to establish restaurants for the provision for the supply to the public of meals.
- Section 19 Local Government (Miscellaneous) Provisions Act 1976 which allows it to provide food and drink within recreational facilities inside or outside its area.
- Section 512 Education Act 1996 which allows the Council to provide meals to registered pupils at maintained schools.
- Section 145 of the Local Government Act 1972 confirms that a local authority may do, or arrange for the doing of, or contribute towards the expenses relating to the

provision of refreshments held by them.

#### **4.5 Public Sector Equality Duty**

An initial screening to decide whether the planned procurement for the supply and distribution of milk, dairy products and morning goods had any relevance to the equality duty (contained in Section 149 of the Equality Act 2010), of eliminating unfair/unlawful discrimination and to promoting equality and human rights was conducted on 3<sup>rd</sup> February 2016.

The screening identified there was no requirement to assess it further and completion of an Equality Assessment form was not required

#### **5. Relevant background / chronology of key events:**

- 5.1 Milk, dairy products and morning goods are currently supplied to the schools meals service (Cityserve), older and younger adult residential homes and day centres managed by the People Directorate; and Civic Catering managed by Acivico Ltd.
- 5.2 Cityserve provide a whole school catering service including breakfast, mid morning break, lunchtime, after school, staffroom service, internal and external functions, and require milk, dairy products and morning goods to enable them to produce menus that comply with the Requirements for School Food Regulations 2014.
- 5.3 The existing contract for the supply & distribution for milk, dairy products and morning goods commenced on the 20<sup>th</sup> August 2012 following Delegated Authority approval from the Assistant Director of Procurement in conjunction with the Director of Finance and the Director of Legal and Democratic Services on 3<sup>rd</sup> July 2012.
- 5.4 The contract was awarded to Johal Dairies for a period of 4 years. The contract expires on 19<sup>th</sup> August 2016.
- 5.5 It is intended to tender the contract as one lot as per the existing contract. Multiple lots were considered but discounted as unattractive and unviable to suppliers due to the low Average Drop Values.
- 5.6 It is proposed that the new contract starts on 20<sup>th</sup> August 2016 for a period of 4 years.
- 5.7 This start date will be in advance of the new school year and will allow sufficient time for contract mobilisation during August if required.
- 5.8 The tender process will be resourced by Pelican with representatives from Corporate Procurement Services (CPS) and Service Directorates who will contribute to the development of the detailed specification and the tender evaluation process.
- 5.9 The successful tenderer(s) will be required to adopt the requirements for the Business Charter for Social Responsibility, including the payment of the Birmingham Living Wage to employees of the providers engaged on these contracts

The outline specification and tender strategy is included in Appendix 1.

**6. Evaluation of alternative option(s):**

6.1 To do nothing – this option was discounted as the Council would have no compliant means of purchasing milk, dairy products and morning goods.

6.2 The alternative procurement options are in Appendix 1.

**7. Reasons for Decisions (s):**

7.1 To enable the Council to tender for this requirement and deliver a contract for the supply and distribution of milk, dairy products and morning goods.

**Signatures**

Chief Officer(s): .....

Richard Tibbatts

Head of Category Facilities Management

**Date**

Cabinet Member(s): .....

Councillor Stewart Stacey

Cabinet Member for Commissioning, Contracting and Improvement

**Date**

**List of Background Documents used to compile this Report:**

**List of Appendices accompanying this Report**

1. Outline specification and tender strategy

## **Appendix 1: Outline specification and tender strategy**

### **Outline Requirements**

#### **1. SERVICE REQUIREMENTS**

The Council has an ongoing requirement to support the Directorates in the supply and distribution of milk, dairy products and morning goods for their service users.

There is a requirement for milk, dairy products and morning goods to be delivered to the following service areas:

- Children Young People and Families, including Cityserve
- Adults & Communities
- Acivico Ltd - Civic Catering

Currently 370+ Birmingham City Council units require a supply and distribution service for milk, dairy products and morning goods with multiple deliveries per week.

#### **2. OUTCOMES EXPECTED**

A stakeholder group consisting of representatives from People Directorate (Children, Young People & Families and Adults & Communities) and Economy Directorate (Civic Catering) has been established to review the current contractual arrangements, new opportunities and lessons learned from the current contract. From this the stakeholders identified their key outcomes needed from this contract, these are:

- Price and cost reductions.
- The supply and distribution of goods in accordance with the tender specification.
- The need for suppliers to demonstrate current quality and hygiene certification to the required standards from an approved inspection body.
- Ensure deliveries to the units are within their required delivery time frames.
- % of product availability
- Opportunities to implement Council policies where appropriate.
- To ensure suppliers have contingency plans to deal with unforeseen circumstances and demands.
- A minimum or reduced order lead time.

#### **3. MARKET ANALYSIS**

Research of the market place has identified only a small number of suppliers who have the capability and capacity to provide the full range of goods required to a large number of sites within required delivery windows throughout the City;

Pelican's knowledge and market experience of foodservice suppliers and consultation with the stakeholder group support this decision. During the course of the tender process Pelican will work with a stakeholder group of representatives from each Directorate who will use this contract.

#### **4. PROCUREMENT OPTIONS**

In considering the options available the stakeholder group identified the key outcomes (see above) required in order to deliver an effective service to its end users. Delivery models and possible outcomes, research and considerations led to the following options being considered:

##### **Option 1**

Tender the contract for the supply and distribution of milk, dairy products and morning goods via one supplier covering the full range of products (to ensure consistency of product quality and pricing). This would give one order point, ease of ordering and pricing. The framework agreement will be available to other West Midlands authorities. This is the preferred option as it gives the greatest opportunity to deliver improvement and achieve the desired outcomes. The contract as a collaborative framework arrangement, will enable the council to benefit from a rebate on spend.

### **Option 2**

Use of other West Midlands authority frameworks. This was rejected as there are currently no other frameworks available that would cover the needs of this contract and meet the policy objectives of Birmingham's Business Charter for Social Responsibility

### **Option 3**

Tender a Birmingham only Framework Agreement. This option was rejected as other local authorities, would not be in a position to utilise the framework agreement. Also, the Council may lose any opportunity for rebates from other organisations using the framework.

### **Option 4**

Continue to purchase from existing supplier when the current contract expires. This is not recommended option as it contravenes the Public Contracts Regulations 2015 and the Council's Standing Orders relating to contracts.

**Option 1** is therefore recommended for acceptance.

## **5. PROCUREMENT APPROACH**

### **Contract Duration and Advertising Route**

Supply & distribution of milk, dairy products and morning goods for the duration of 4 years to one supplier with a termination of convenience clause of 3 months notice to accommodate business changes to Directorates and service requirements that may occur during the term of the contract.

The tender opportunity will be advertised via [www.finditinbirmingham.com](http://www.finditinbirmingham.com), Contracts Finder and the Official Journal of the European Union (OJEU).

### **Procurement Route**

The requirement will be tendered using the open route on the basis that:

- It can be clearly defined; and
- There are a limited number of suppliers able to service the contract

## **6. TENDER STRUCTURE (INCLUDING EVALUATION AND SELECTION CRITERIA)**

The structure of the tender will be as follows:

- Stage One – Pre- Qualification Stage (PQQ)
- Stage Two – Award (to be entered into DPS Approved Supplier List)
- Stage Three – Further Competition Exercise
- Stage Four – Scheme-Specific Contract Award
- Ongoing – Contract Management

### **PQQ Stage**

The PQQ will require tenderers to complete a pre-qualification questionnaire which requires the following to be fully answered. The documents will be available for new entrant suppliers to access for the duration of the DPS. Suppliers whose submissions have been rejected at any stage will also have the opportunity will have the opportunity to modify their return if their circumstances have changed.

Pass / Fail

- Supplier Information
- Grounds for Mandatory Exclusion
- Grounds for Discretionary Exclusion (Part 1 and Part 2)

- Economic and Financial Standing
- Technical and Professional Ability
- Additional Selection Questions
  - Environmental Management
  - Insurances
  - Compliance to Equality Duties
  - Health & Safety
  - Compliance to the Birmingham Business Charter for Social Responsibility

#### Scored Section

- Experience and Competence (80%)
- References (20%)

Tenderers that pass the selection criteria will process to the Further Competition stage.

#### **Further Competition Stage**

Individual procurement exercises will be undertaken for specific projects using the following evaluation criteria of 30% quality, 10% social value and 60% price, as agreed at the stakeholder group meeting. These ratios were established having due regard to the corporate document 'Advice and Guidance on Evaluating Tenders'.

#### **Quality (30%)**

Criteria	Overall Weighting	Sub-Weighting
Specific product criteria	100%	41.0%
Vehicles and deliveries		34.0%
Management Structure		7.0%
Order lead time and order management		9.0%
Supplier premises		9.0%

Tenderers who score less than 60% of the quality threshold i.e. a score of 300 out of a maximum quality score of 500 may not take any further part in the process.

Interviews may be required to understand and to clarify any questions or concerns arising from the written evaluation stage.

#### **Social Value (10%)**

Criteria	Overall Weighting	Sub-Weighting
Local Employment	100%	10.0%
Buy Birmingham First		16.0%
Partners in Communities		20.0%
Good Employer		16.0%
Green and Sustainable		18.0%
Ethical Procurement		18.0%

Tenderers will be expected to submit their proposals on how they intend to deliver social value. Responses will be scored against a pre-determined evaluation model and evaluated in accordance with their submission.

## **Pricing (60%)**

Tenderers will be expected to price against a pre-determined specification for each project

### **Combined Price/Quality/Social Value Evaluation**

The evaluation process will result in comparative price, quality and social value scores for each tenderer. The maximum quality score will be awarded to the bid that demonstrates the highest for quality, the maximum price score will be awarded to the lowest acceptable price and similarly the maximum social value score will be awarded to the bid that demonstrates the highest social value. Other tenderers will be scored in proportion to the maximum scores in order to assess value for money. The weighted scores will be added together to determine the successful bid

## **Overall Evaluation**

The evaluation process will result in comparative quality, price and social value scores for each tenderer. For each element (quality, social value, price), the tender obtaining the highest marks will be awarded the maximum score for that element, with other tenders being allocated scores on a pro-rata basis

## **Evaluation Team**

The evaluation of tenders will be undertaken by officers from:  
People Directorate (Adults & Communities and Children, Young People & Families / Cityserve and Acivico (Civic Catering)

## **Indicative Implementation Plan**

Cabinet Approval (Strategy)	May 2016
OJEU Notice Issued	May 2016
Clarification Period	May 2016
Tender Return Date	June 2016
Tender Evaluations	June 2016
Tender clarifications	July 2016
Delegated Contract Award	July 2016
Mobilisation period (if applicable)	August 2016
Contract Start	August 2016

## **7. SERVICE DELIVERY MANAGEMENT**

### **Contract Management**

The contract will be managed by Pelican Procurement Ltd. Any performance issues will be addressed in conjunction with the Head of Category Contract Management; Corporate Procurement Services.

### **Performance Monitoring**

Day to day performance of the contract will include a number of key performance indicators (KPI's) that will measure the delivery of the outcomes. KPI's will be developed by the stakeholder group during tender development and will also include KPI's for measuring how suppliers will meet the requirements of the Birmingham Business Charter for Social Responsibility.



## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Strategic Director of Economy</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> May 2016</b>
<b>SUBJECT:</b>	<b>ERDF BUSINESS GROWTH PROGRAMME - FULL BUSINESS CASE</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 001093/2016</b>
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>
<b>Relevant Cabinet Member</b>	<b>Cllr Tahir Ali, Cabinet Member Development, Transport &amp; Economy</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Victoria Quinn, Economy, Skills and Sustainability</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>	
1.1	To accept an offer of European Regional Development Fund (ERDF) grant of £16.3m to deliver a Business Growth Programme (BGP) for the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP), Stoke-on-Trent and Staffordshire Local Enterprise Partnership (LEP) and The Marches LEP areas and for Birmingham City Council to act as the Accountable Body for the programme on behalf of the 3 LEP areas.
1.2	To note that the BGP will provide a grant assistance programme targeted at up to 576 existing Small/Medium Enterprises (SME's), specifically supply chain businesses (especially HS2 suppliers) where they are purchasing new plant/ equipment, relocating to new premises, developing new products and processes, systems and marketing, coaching and mentoring, especially where there are green benefits (i.e. energy efficiency).

<b>2. Decision(s) recommended:</b>	
That Cabinet :-	
2.1	Approves the Full Business Case (FBC) (attached at Appendix 1) for the Business Growth Programme (BGP) European Regional Development Fund (ERDF) project, which will provide a comprehensive grant assistance package to support Small and Medium Enterprises (SME's) across the Greater Birmingham and Solihull Local Enterprise Partnership, Stoke-on-Trent and Staffordshire Local Enterprise Partnership and The Marches LEP areas for the period from June 2016 to the end of December 2018.
2.2	Approves the City Council acting as the Accountable Body for the BGP and accepts the offer of ERDF grant of £16.3m (attached as Appendix 2), which is being matched against an equivalent amount of public and private sector expenditure.
2.3	Delegates the award of specific financial assistance grants between £10,000 to £200,000 per SME up to the total of £14.775m to the Strategic Director of Economy as per the approval process shown in Appendix 4.
2.4	Approves an exemption to Standing Orders Volume B Section 2 in relation to the requirement to place legal charges on grants of £25,000 or more.
2.5	Authorises the City Solicitor to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

<b>Lead Contact Officer(s):</b>	Mohammed Zahir - Head of Business Enterprise and Innovation
<b>Telephone No:</b> <b>E-mail address:</b>	0121 303 2956 <a href="mailto:Mohammed.zahir@birmingham.gov.uk">Mohammed.zahir@birmingham.gov.uk</a>
<b>3. Consultation</b>	
3.1 <u>Internal</u>	Regular briefings have been provided to the Leader and Deputy Leader who are both supportive of this report proceeding to an executive decision. City Finance and Legal and Democratic Services have been involved in advising on the development and management of the BGP. Briefings have been given to Local Enterprise Partnerships (LEP's) and Planning and Regeneration to develop the proposed programme structure and the role of Accountable Body.
3.2 <u>External</u>	The BGP research, design and development has been carried out in consultation with the GBSLEP, Stoke-on-Trent and Staffordshire LEP and The Marches LEP, the Birmingham Chamber of Commerce group; HS2 Ltd; Birmingham City University and the Midland Environmental Business Council.
<b>4. Compliance Issues:</b>	
4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>	
4.1.1	The objectives of the programme are consistent with the long term outcomes of the Council Business Plan and Budget 2016+, which confirms the City Council's support for GBSLEP. This programme has emerged from research evidence and intelligence from earlier bids supported by ERDF funding and reflects the Department of Communities and Local Government's priorities of supporting all the LEPs across the West Midlands. The BGP will contribute towards the City Council's priority outcome one: A Strong Economy by helping SME's within the eligible area to grow and create new job opportunities. The proposal will also support strategic initiatives such as Enterprise Zone and Economic Zones by attracting investment and supporting the development and growth of businesses in the region.
4.1.2	The programme is aligned to the European Structural and Investment Fund (ESIF) Growth Strategies of GBSLEP, Stoke-on-Trent and Staffordshire LEP and The Marches LEP areas; by stimulating business and enterprise activity by investing in evidence-based business support programme.
4.1.3	BGP is also fully aligned to the GBSLEP "The Midlands HS2 Growth Strategy", which seeks to maximise the benefits of the largest infrastructure project in Europe and accelerate the UK's engine of growth.

4.2 Financial Implications  
(Will decisions be carried out within existing finance and Resources?)

4.2.1 Total BDG project expenditure is anticipated to be £32.588m, comprising £16.294m ERDF grant and an equivalent amount of public and private sector match funding. The ERDF grant will support estimated grant payments to SMEs of £14.775m and programme delivery costs (City Council and partner staffing, marketing and evaluation) which are estimated at £1.519m.

4.2.2 The precise mix of projects (and private sector match funding) expected to be delivered by the BGP will depend upon the scale of individual projects, but the following table shows the likely allocation of spend (in line with the BGP grant application) across thematic headings with required private sector contributions and confirmed public match-funding:

<b>Category of Programme costs:</b>	<b>ERDF Grant</b>	<b>Private Sector Contribution</b>	<b>Public Sector Match</b>	<b>Total Public and Private Sector Funding</b>
	<b>£'m</b>	<b>£'m</b>	<b>£'m</b>	<b>£'m</b>
<u>Capital Grants:</u>				
Business capital investment (new plant, equipment/systems/processes)	8.9	8.9		17.8
<u>Revenue Grants:</u>				
New product development	2.4	2.4		4.8
Market Development	2.4	2.4		4.8
Mentoring and Coaching/BIM	1.1	1.1		2.2
Total Revenue Grants	5.9	5.9		11.8
<b>Total Grants/Match Funding</b>	<b>14.8</b>	<b>14.8</b>		<b>29.6</b>
Other Revenue costs:				
City Council Delivery Costs/Salary match	1.2	0	1.2	2.4
Partner Delivery Costs/Salary match	0.3	0	0.3	0.6
<b>Total BGP Expenditure</b>	<b>16.3</b>	<b>14.8</b>	<b>1.5</b>	<b>32.6</b>

- 4.2.3 The City Council will be the Accountable Body for the ERDF grant, which needs to be defrayed by 31<sup>st</sup> December 2018. In order to minimise the risk of grant clawback, all grant conditions will be enforced through partnership agreements with LEP partners and Conditions of Grant Aid (COGA) agreements where financial support to SME's is provided enabling the City Council to recover funds in the event of a breach of these terms. As a requirement of the City Council's Financial Regulations (Standing Orders Volume B Part 2), grant expenditure of £25,000 or more requires a legal charge, however on the basis that this is likely to discourage the take up of grants, it is intended to waive this requirement on the basis that a signed COGA will be in place. Applications will be closely scrutinised and projects will be closely managed as part of risk management which is addressed in the FBC attached at Appendix 1. In the event of a company going into bankruptcy, DCLG have accepted this as being part of the normal business cycle and have confirmed that the City Council will not be subject to any liability for grant claw back on the basis of the due diligence and approval process set out in Appendix 4.
- 4.2.4 The City Council will claim ERDF grant from DCLG quarterly in arrears based upon actual grant payments to SME's. Given the time limit of the ERDF grant, the conditions of grant will specify that applicant projects need to be completed by 31<sup>st</sup> December 2018 or no grant will be paid. There will be no ongoing revenue implications for the City Council as a consequence of this project.

#### 4.3 Legal Implications

The Business Growth Programme is being delivered under the Council's general power of competence under section 1 Localism Act 2011, to help businesses to develop and grow by improving their competitiveness and also create conditions for them to create new job opportunities. Grants will be provided in compliance with State Aid De-minimis rules of £164,176 (grants of £10,000 to £30,000) and General Block Exemption Regulation (GBER) (grants of £20,000 to £200,000) both at up to a maximum of 50% of eligible expenditure.

#### 4.4 Public Sector Equality Duty (see separate guidance note)

The programme is open to all SMEs within the West Midlands area. An initial Equalities Analysis has been carried out in line with statutory protocol which is attached at Appendix 3 (Reference EA000077). This has not identified any issues of concern in relation to the Equality Act 2010. The proposed activity will not have any adverse impact upon the Council's protected categories.

### **5. Relevant background/chronology of key events:**

- 5.1 Cabinet approved the report "European Regional Development Fund, European Social Fund and Youth Employment Initiative Grant Bid Submissions" on 18<sup>th</sup> May 2015. This included eight outline applications which were submitted on 28<sup>th</sup> May 2015 and subsequently the outlines were approved by Department of Communities and Local Government (DCLG) in August 2015. This included five projects to provide business development support and the City Council was invited to submit a final single consolidate application seeking ERDF funding by 5<sup>th</sup> November 2015, which was called BGP. The offer letter from DCLG is attached at Appendix 2.

5.2 BGP is an integrated and comprehensive business support package strengthening supply chain companies, stimulating innovation and growing existing SMEs. It builds on successful delivery of previous business programmes and responds to new opportunities from the HS2 investment. BGP will operate across the GBSLEP, Stoke-on-Trent and Staffordshire LEP and The Marches LEP areas to provide revenue and capital grants of £0.010m - £0.200m. It will stimulate investment by offering grants subject to match-funding and the creation of jobs, in turn this will improve business confidence and accelerate economic growth. The programme will support growth of 576 SMEs, create 1,331 new jobs, generate £15m private sector investment and increase regional productivity/Gross Value Added.

5.3 The type of grants available (capital and revenue) are as follows:

5.3.1 HS2 Suppliers and green economy (grants of £0.020m - £0.200m (General Block Exemption Regulation) administered)

BGP will target established supply chain companies with investment plans to develop and grow including HS2 suppliers and companies operating in the green economy.

BGP will offer capital and revenue grant funding towards: capital expenditure: purchase of capital equipment; introduction of advance technologies; installation costs; improvements in systems/ processes; quantifiable green benefits (energy efficiency, waste management, recycling and renewables) ; new product development (concept development, prototyping, testing and market launch; process development and improvement in systems and material usage); logistics and IT; market development; mentoring and coaching support for management development and consultancy support.

5.3.2 Innovation and development (grants of £0.010m - £0.030m (De-minimis administered)

BGP will also target SMEs:

- requiring grant interventions in innovative production processes leading to new products and services, which are “close-to-market”
- looking to expand, relocate and improving access to markets.
- Creating jobs for people from within the Local Enterprise Partnership areas

BGP will offer capital and revenue grant funding to encourage investment in innovative production processes, relocation and expansion of SMEs: capital equipment, improvement of production processes and systems, new product development (concept development, prototyping, product testing and product launch), marketing costs, coaching and mentoring and development of new markets.

5.4 The BGP will be managed by the Business Development and Innovation team (BDI) within the Economy Directorate (Planning and Regeneration), who have a successful track record for the development, securing external funding and delivery of significant business development programmes both in Birmingham and on a wider regional and national basis (£75m Regional Growth Fund/ERDF funded Green Bridge Supply Chain Programme, £8m Business Development Programme, £9m Business Innovation Programme and £10m Business Support for Creative Industries Programme.

The Investment Board/Panel will be chaired by an independent chair from one of the LEPs. It will comprise 3 LEP partners, 4 industry experts, and 2 university representatives. It will be supported by BGP management team, and attended by BDI, DCLG and an accountable body representative. It will also be supported by appropriate technical, financial and legal advice, and will make recommendations on either approval or refusal of these grants. The process is shown in the flowchart attached at Appendix 4.

- 5.5 The City Council will manage the BGP and monitor outputs created as a result, to ensure businesses deliver upon expansion plans. Assistance will only be provided to those that meet the BGP programme criteria set out in the FBC at Appendix 1.
- 5.6 On the basis of the timescales set out below to commence the GBP in June/July 2016. Each application will be subject to detailed financial, project and state assessment. The BGP Investment Board Panel will recommend grant awards, which will be subject to approval by the Strategic Director of Economy.

Milestone	Start Date	Completion Date
Develop marketing plan and monitoring systems	Nov 15	Mar 16

All Partner agreements	Oct 15	Mar 16
Partner inductions and workshops	Sept 15	April 16
Procurement of marketing activity	May 16	June 16
Marketing of programme	June/July 16	Dec 18
Commence project delivery	June/July 16	Dec 18
Grant aid to SME's delivery starts and finishes	June/July 16	31 <sup>st</sup> Dec 18
Programme targets achieved		Dec 18
Evaluation	Jan-Nov 18	Dec 18

## **6. Evaluation of alternative option(s):**

- 6.1 To do nothing – Would lose the opportunity to secure the offered ERDF grant to support a Business Growth Programme for SME's across GBSLEP, Stoke-on-Trent and Staffordshire and The Marches LEP areas. Moreover, to decline the offer would damage the City Council's reputation as the lead partner and Accountable Body and undermine trust and relationships with key regional partners.

## **7. Reasons for Decision(s):**

- 7.1 To accept the ERDF funding and approve the FBC which will enable the City Council to start the programme as quickly as possible supporting the growth of existing businesses across GBSLEP, Stoke-on-Trent and Staffordshire and The Marches LEP areas.

Signatures	<u>Date</u>
Cabinet Member for Development, Transport and the Economy Cllr Tahir Ali <div>.....</div>	
Strategic Director of Economy Waheed Nazir <div>.....</div>	

List of Background Documents used to compile this Report:
1. European Regional Development Fund (ERDF), European social Fund (ESF) And Youth Employment Initiative (YEI) Grant Bid Submissions: Cabinet report dated 18 <sup>th</sup> May 2015

List of Appendices accompanying this Report (if any):
1. Full Business Case. 2. DCLG letter of offer of grant funding 3. Equality analysis initial assessment. 4. BGP Governance structure

## **PROTOCOL PUBLIC SECTOR EQUALITY DUTY**

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
  - (a) whether there is adverse impact upon persons within the protected categories
  - (b) what is the nature of this adverse impact
  - (c) whether the adverse impact can be avoided and at what cost – and if not –
  - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
  - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
  - the full equality impact assessment (as an appendix)
  - the equality duty – see page 9 (as an appendix).



## Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"><li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li><li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li><li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li></ul>
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"><li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li><li>(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;</li><li>(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.</li></ul>
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"><li>(a) tackle prejudice, and</li><li>(b) promote understanding.</li></ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"><li>(a) age</li><li>(b) disability</li><li>(c) gender reassignment</li><li>(d) pregnancy and maternity</li><li>(e) race</li><li>(f) religion or belief</li><li>(g) sex</li><li>(h) sexual orientation</li></ul>

## Appendix 1

Full Business Case (FBC)			
1. General Information			
Directorate	Economy Directorate	Portfolio/Committee	Development, Transport and the Economy
Project Title	ERDF Business Growth Programme (BGP)	Project Code	Capital CA-02046-3 Revenue TA-01831-01
Project Description	<p>Business Growth Programme (BGP) is a £33m programme ( funded by ERDF grant of £16.3m supplemented by an equal match of private/public sector match funding) operating across 3 LEPs (Greater Birmingham and Solihull, Stoke-on-Trent and Staffordshire and The Marches) areas.</p> <p>It is designed to encourage sustainable economic growth, by strengthening supply chain companies, stimulating innovation and growing existing SMEs. It builds on successful delivery of previous business programmes and responds to new opportunities from the HS2 investment. BGP offers SME's funding of £0.010m- £0.200m in the development of new markets, new products, coaching, mentoring and consultancy and capital investment.</p> <p>BGP is aimed at improving the competitiveness of SMEs by increasing the capacity and capability of SMEs. It contributes to the development of a competitive and sustainable supply chain: increasing productive capacity, management expertise, staff capability; adoption of innovative technology; anchoring high value-added work; creating better synergies and collaboration. Moreover, this programme seeks to increase growth capability of SMEs and provides solutions to market failures towards the disproportionate costs and risks of business development given the relatively small amounts of capital involved.</p> <p>Eligible applications include purchase of new plant and equipment, relocation into new premises, installation costs, new product development, improvement in production processes and systems application of innovative advance technology, development of new markets, marketing campaigns and coaching, mentoring and consultancy support (building Information Modelling), which will be matched by SMEs based on at least 50% private sector match contribution. The precise mix of projects (and private sector match funding) will depend upon the scale of individual projects.</p> <p>The total public and private sector investment in the proposed programme is anticipated to be in the region of £32.588m. The programme will be funded via an ERDF grant of £16.294m, which will be payable to the City Council in quarterly instalments against profile and monitoring claims. The balance will be from match funding from the private sector. The City Council is contributing existing staff resources totalling £1.221m over 3 years as ERDF match-funding.</p> <p>As the Accountable Body for the BGP, all expenditure will be incurred by the City Council, this will be in accordance with the conditions of the ERDF grant. It is estimated that £14.775m (capital grants- £8.865m and revenue grants- £5.910m) will be utilised in relation to grants to SMEs (the "beneficiaries") and the balance of £1.519m will cover expenditure in relation programme delivery costs</p>		

	<p>(staffing, marketing and evaluation). The delivery of the BGP will need to be completed by 31<sup>st</sup> December 2018.</p> <p>Public sector revenue match-funding totalling £1.519m is being provided by the City Council, Marches LEP, Cannock District Council, East Staffordshire Borough Council, Lichfield District Council, Tamworth Borough Council, North Worcestershire County Council, Solihull Borough Council, Birmingham Chamber Group, Birmingham City University and Midlands Environmental Business Company. The private sector match-funding of £14.775m will be their capital and revenue project expenditure.</p> <p>As the Accountable Body for the ERDF grant and to minimise the risk of claw back, the City Council will ensure that all grant conditions are enforced through partnership agreements with LEP partners and a Conditions of Grant Aid specifically for ERDF, where financial support to SMEs is provided. Given the time dated nature of funding for this programme, this will be managed so as to ensure that there are no ongoing capital/revenue implications for the City Council. Further details as to how such risks will be managed are provided in the attached Risk Register (Annex 1).</p> <p>The City Council will also be required to monitor the programme for a period of up to 31<sup>st</sup> December 2019 (i.e. a year after project completion).</p> <p>Marketing expenditure of up to £0.051m will be procured via quotations obtained from FinditinBirmingham in order to comply with ERDF grant conditions.</p>
<p><b>Links to Corporate and Service Outcomes</b></p>	<p>The objectives of the programme are consistent with the long term outcomes of the Council Business Plan and Budget 2016+, which confirms the City Council's support for GBSLEP. This programme has emerged from research evidence and intelligence from earlier bids supported by ERDF funding and reflects the Department of Communities and Local Government's priorities of supporting these 3 LEPs.</p> <p>The BGP will contribute towards the City Council's priority by helping local sustainable businesses grow and create new job opportunities. The proposal will also support strategic initiatives such as Enterprise Zone and Economic Zones by attracting investment and supporting the development and growth of businesses in the region.</p> <p>BGP is fully aligned to the aims of the Priority Axis 3d of the European Structural &amp; Investment Fund (ESIF) call, which seeks to improve the competitiveness of SMEs by increasing the capacity and capability of SMEs. It contributes to the development of a competitive and sustainable supply chain as described in the project description.</p> <p>BGP is aligned to the ESIF Growth Strategies of GBSLEP, Stoke-on-Trent and Staffordshire LEP and The Marches LEP areas; by stimulating business and enterprise activity by investing in evidence-based business support programme. It will address major barriers identified within this Priority of business growth, new market development, finance for business and business development support.</p>

	<p><b>GBSLEP:</b></p> <p>The programme is aligned to the agreed economic strategy for the GBSLEP that aims to create 100,000 new jobs by 2020 and growth in GVA of £8 billion by focusing on the three key areas of Business, People and Places.</p> <p>BGP is also fully aligned to the GBSLEP “The Midlands HS2 Growth Strategy”, which seeks to maximise the benefits of the largest infrastructure project in Europe and accelerate the UK’s engine of growth. ESIF funding for BGP is an integral part of the business support activities outlined in the above strategy.</p> <p><b>Stoke-on-Trent and Staffordshire LEP:</b></p> <p>Their Strategic Economic Plan is based upon a core city within a connected county prospering from urban growth through the business growth agenda based on advanced manufacturing including energy generation, auto-aero, medical technologies, agri-tech and applied materials.</p> <p><b>The Marches LEP:</b></p> <p>Their Strategic Plan is focussed on Inward Investment: Developing the business investment proposition within three key sectors of advanced manufacturing, food &amp; drink and defence &amp; securities, working with UKTI, capitalising on their unique selling points in local Centres of Excellence and industry expertise, unique business support offer, good quality supply chains and ready-to-go sites, particularly in Telford.</p> <p>GBSLEP, Stoke-on-Trent and Staffordshire and The Marches LEP partners are fully committed to BGP. BGP will build on the existing partnership and enhance collaborative working. BGP will build on the partnership and enhance the collaborative working.</p>		
<b>Project Definition Document Approved by</b>	Cabinet Report. Approving submission of ERDF,ESF and YEI Grant Bid Submissions	<b>Date of Approval</b>	18 <sup>th</sup> May 2015

<b>Benefits Quantification- Impact on Outcome</b>	<b>Measure</b>	<b>Impact</b>
	To assist 576 businesses with financial assistance to improve their performance across the 3 LEP areas by December 2018.	Will lead to up to an estimated £15m of public and private sector investment to help improve business competitiveness.
	Will generate 1,331 full time new jobs by December 2018.	An increase in Gross Value Added for the 3 LEP areas.
	Strengthen supply chain companies involved in the delivery of HS2 project.	Will ensure a competitive and sustainable supply chain with the capacity, capability and expertise to deliver HS2 initiative
	Carbon reduction	Will lead to reduction in CO2 emissions by encouraging investment in improved efficiency measures and introduction of new production processes

	Expanding the green economy	Will lead to the development and growth of businesses within this sector of industry.
<b>Project Deliverables</b>	<p><b>Programme Outcomes:</b></p> <p>The BGP will support development and growth of the supply chain (HS2 and Green Economy), stimulate innovation and grow existing SMEs.</p> <p>It will contribute to the GBSLEP, Stoke-on-Trent and Staffordshire LEP and The Marches LEPs overarching objectives to increase business growth, investment and job creation.</p> <p>GBP outcomes will be subject to regular (quarterly) monitoring reports to government (BIS).</p>	
<b>Scope</b>	<p><b>Programme scope</b></p> <p>The BGP will operate across GBSLEP, Stoke-on-Trent and Staffordshire LEP and The Marches LEP areas, with the City Council being the Accountable Body. . The City Council will deliver the programme through a network of partners across the 3 LEP areas.</p> <p>Marketing and promotion work can start in June/July 2016 as soon as the funding agreement is received, with actual business engagement following shortly after with the completion of partner agreements by March 2016.</p> <p>The participating LEP partners and Growth Hubs across GBSLEP, Stoke-on-Trent and Staffordshire LEP and The Marches LEP areas will be responsible for raising awareness of the programme amongst local business communities and for the marketing and promotion of this to suitable businesses in their locality.</p> <p>Organisation Involvement – the City Council will be the Accountable Body and the lead organisation for this programme. It will also undertake the engagement with all participating 3 LEP partners and ensure they are provided with all the necessary information in order to recruit suitable businesses from their area. This will include the provision of appropriate marketing materials and activities.</p> <p>A programme management team from the Business Development and Innovation (BDI) Team within the Economy Directorate has been established for this purpose. The City Council and the LEP partners will put full management and control procedures in place.</p> <p>Marketing and Engagement - of businesses and referrals will be carried out by the City Council, Growth Hubs and participating LEP Partners drawing upon local knowledge and experience. The City Council will oversee the development of the necessary marketing materials and literature to reflect the programme contact and geographical coverage. Growth Hubs and LEP partners will be responsible for market awareness and promotion, enquiry handling, initial screening of business suitability and ensuring local businesses understand the project criteria and application process in their respective areas. This is an SME based grant programme and excludes all other businesses, which fall outside this definition.</p> <p>Grants between £0.010m and £0.200m will be awarded to support approximately 576 SME projects matched by private sector funding.</p> <p>Eligible costs include purchase of new plant and equipment, relocation into new premises, installation costs, new product development, improvement in production processes and systems application of innovative advance technology, development of new</p>	

markets, marketing campaigns and coaching, mentoring and consultancy support (building Information modelling.

To be eligible, businesses have to:

- be an SME
- based within one of the 3 LEP areas
- existing SME supply chain companies businesses delivering elements of the HS2 project; SMEs operating within the green economy demonstrating quantifiable green benefits including energy efficiency, waste management, recycling and renewables; businesses involved with innovative production processes leading to new products and services close-to-market and Business to Business (B2B) businesses looking to expand, relocate and improve access to markets.
- demonstrate viability and financial need for assistance
- seeking to implement an investment plan to develop and grow the business
- create new jobs.

An investment Board/Panel comprising of a BGP management team, DCLG, LEP partners, private sector partners, universities, supported by appropriate technical, financial (City Finance) and legal advice, will recommend approval of these grants.

Grants to SMEs will be subject to GBER State Aid Regulations (HS2 Supply Chain and green projects) and de minimis (innovation and development). The grants to SME's will be paid retrospectively on satisfactory completion of the project and evidence of defrayal as set out in the funding agreement.

The City Council will manage the BGP and monitor outputs created as a result, to ensure businesses deliver upon expansion plans. Assistance will only be provided to those that meet the BGP criteria.

Written confirmation is required to DCLG from the City Council that ERDF funding will not be drawn down until both the End Beneficiary SME and the City Council have both defrayed the eligible expenditure. In addition, the City Council to confirm in writing DCLG that funding will not be provided to ineligible businesses or business sectors as detailed in the ERDF National Eligibility Rules.

As the Accountable Body, the City Council will ensure that grants paid to individual businesses will be in accordance with the City d Council's Standing Orders, ERDF conditions and financial regulations specifically completion of a Conditions of Grant Aid (COGA). The COGA will include the City Council and ERDF terms and conditions and the ability for the City Council to recover funds in the event of a breach of these terms. In the event of a company going into bankruptcy, DCLG have confirmed in writing that this is part of the normal business cycle and the City Council will not be subject to any liability for claw back.

The project will be managed by the Business Development and Innovation team (BDI) within the Economy Directorate and the delivery structure set out in Appendix 4 as well as governance and financial management arrangements will be established prior to programme start June/July 2016.

In order to expedite the grant programme efficiently, the Strategic Director of Economy will authorise the award of investment grants based upon the recommendations of the GBP Investment Panel.



<b>Scope exclusions</b>	<p>The City Council is not providing any cash match-funding towards this project.</p> <p>GBP will only support SME's across GBSLEP, Stoke-on-Trent and Staffordshire and The Marches LEP areas.</p> <p>Excludes all businesses transacting directly with the public</p> <p>Low value grants less than £10k</p>		
<b>Dependencies on other projects or activities</b>	<p>Staffing requirements will be fully met from within existing BDI Team resources supplemented by other appropriate financial, legal and technical support to deliver the programme.</p> <p>The Economy Directorate has a proven track record of managing time limited programmes and appropriate management controls will be put into place to ensure that there will be no ongoing capital or revenue implications for the City Council beyond the financial completion date of the Programme.</p> <p>The achievement of spend and output profiles is dependent on the predicted levels of uptake and in uncertain market conditions is a risk.</p> <p>Risks relating to lack of awareness, take up and number of good quality grant applications, scheme flexibility, compliance with the grant offer letter, resource management and programme overrun are set out in the attached Risk Register (see Annex 1) together with an action plan mitigating these risks.</p>		
<b>Achievability</b>	<p>The allocation of adequate and necessary staff resource and structured work plans will be essential to ensure the project proceeds according to the project management plan prepared.</p> <p>Full Engagement of the LEP partners will be important to ensure satisfactory cover across GBSLEP, Stoke-on-Trent and Staffordshire and The Marches LEP areas. LEP Partners are fully committed to participate and to see the programme operating across the 3 LEP areas.</p> <p>The City Council has a successful track record for the development, securing external funding and delivery of significant business development programmes both in Birmingham and on a wider regional and national basis ( £75m RGF and ERDF funded Green Bridge Supply Chain Programme, £9m Business Innovation Programme, £10m Business Support for Creative Industries Programme and £8m Business Development Programme).</p> <p>Marketing and promotion of activities through the use of Growth Hubs, LEP partners websites, launch event, websites, a series of competitions, supply chain network events, PR, programme literature will commence in June/July 2016.</p>		
<b>Project Manager</b>	Suresh Patel 0121 303 3091 <a href="mailto:suresh.patel@birmingham.gov.uk">suresh.patel@birmingham.gov.uk</a>		
<b>Budget Holder</b>	Mohammed Zahir 0121 303 2956 <a href="mailto:mohammed.zahir@birmingham.gov.uk">mohammed.zahir@birmingham.gov.uk</a>		

<b>Sponsor</b>	Shilpi Akbar 0121 303 3015 <a href="mailto:shilpi.akbar@birmingham.gov.uk">shilpi.akbar@birmingham.gov.uk</a>		
<b>Project Accountant</b>	Rob Pace 0121 303 3817 <a href="mailto:rob.pace@birmingham.gov.uk">rob.pace@birmingham.gov.uk</a>		
<b>Project Board Members</b>	N/A		
<b>Head of City Finance (HoCF)</b>	Alison Jarrett	<b>Date of HoCF Approval:</b>	03 <sup>rd</sup> May 2016

2. Budget Summary (Detailed workings should also be supplied)					
	Voyager Code	2016/17	2017/18	2017/18	Totals
		£000	£000	£000	£000
<b>Capital Costs &amp; Funding</b>					
<b><u>Expenditure:</u></b> Business capital investment (new plant/ equipment/ processes / systems) grants *		750	10,486	6,494	17,730
<b>Totals</b>		<b>750</b>	<b>10,486</b>	<b>6,494</b>	<b>17,730</b>
<b><u>Funding</u></b>					
ERDF capital funding		375	5,243	3,247	8,865
SME match funding		375	5,243	3,247	8,865
<b>Capital Totals</b>		<b>750</b>	<b>10,486</b>	<b>6,494</b>	<b>17,730</b>
<b>Revenue Expenditure:</b>					
Revenue grants Product and market development, coaching and mentoring \$		300	5,750	5,770	11,820
Programme Delivery: Salaries and evaluation		923	946	729	2,598
Overheads		138	142	109	389
Marketing		17	31	3	51
<b>Totals</b>		<b>1,378</b>	<b>6,869</b>	<b>6,611</b>	<b>14,858</b>
<b><u>Funding</u></b>					
ERDF revenue funding		689	3,434	<b>3,306</b>	<b>7,429</b>
City Council Match Funding		460	443	<b>318</b>	<b>1,221</b>
LEP Partner Match Funding		79	117	<b>102</b>	<b>298</b>
SME Match funding		150	2,875	<b>2,885</b>	<b>5,910</b>
<b>Revenue Totals</b>		<b>1,378</b>	<b>6,869</b>	<b>6,611</b>	<b>14,858</b>
<b>Grand Totals</b>		<b>2,128</b>	<b>17,355</b>	<b>13,105</b>	<b>32,588</b>
<b>Planned Start date for delivery of the project</b>	<b>1<sup>st</sup> June 2016</b>		<b>Planned Date of Technical completion</b>	<b>31<sup>st</sup> December 2018</b>	

\* This includes SME capital match funding of £8.865m which is a requirement of the ERDF approval, but is not City Council expenditure.

\$ This includes SME revenue match funding of £5.910m which a requirement of the ERDF approval, but is not City Council expenditure.



<b>3. Checklist of Documents Supporting the FBC</b>		
<b>Item</b>	<b>Mandatory attachment</b>	<b>Number attached</b>
<b>Financial Case and Plan</b>		
<ul style="list-style-type: none"> <li>Detailed workings in support of the above Budget Summary (as necessary)</li> </ul>	Mandatory	Contained within Application
<ul style="list-style-type: none"> <li>Statement of required resource (people, equipment, accommodation) – append a spreadsheet or other document</li> </ul>	Mandatory	Refer to Cabinet report
<ul style="list-style-type: none"> <li>Whole Lifecycle Costing analysis ( as necessary)</li> </ul>	Mandatory	N/A
<ul style="list-style-type: none"> <li>Milestone Dates/ Project Critical Path (set up in Voyager or attached in a spreadsheet)</li> </ul>	Mandatory	Refer to Cabinet report
<b>Project Development products</b>		
<ul style="list-style-type: none"> <li>Populated Issues and Risks register</li> </ul>	Mandatory	Annex 1
<ul style="list-style-type: none"> <li>Stakeholder Analysis</li> </ul>	Mandatory	Annex 2
<b>Other Attachments (list as appropriate)</b>		
Equalities Analysis	Mandatory	Appendix 3
Governance flow chart	Non-mandatory	Appendix 4

## ‘EQUALITY ANALYSIS’ TEMPLATE (Analysing the Effects on Equality)

### RELEVANCE TESTING - STAGE 1 (Steps 1 & 2) (Formerly Initial Screening)

STEP 1: WHAT SHOULD BE ANALYSED / RESPONSIBLE OFFICER		
Name of ‘policy’ (See Glossary section)	Adverse Impact	
Assessment Date	18th November 2015	
Analysis Reference No	EA000077	
Is this a new or existing Policy/Procedure:	<b>New</b>	<b>Existing</b>
	X	
Council strategic theme Policy linked to and how will it support its delivery?	Economic prosperity	
Is the <b>responsibility</b> for the proposed ‘policy’ shared with another department or organisation? If so who and how are responsibilities split or shared? Partners should be involved in the process.	Responsibility for delivery work under the programme will be shared with the partners of the greater Birmingham & Solihull Local Enterprise Partnership, Stoke-on-Trent and Staffordshire LEP and The Marches LEP. The City Council will be the sole accountable body for the ERDF grant that is awarded. The partners have been fully consulted in the development of this programme and have a shared commitment to deliver on equality and diversity.	
<b>Responsible Officer:</b>	<b>Role:</b>	<b>Directorate:</b>
Waheed Nazir	Director of Planning and Regeneration	Economy

**As a public authority we need to ensure that our ‘policies’ current and proposed give ‘due regard’ to the requirements of the Public Sector Equality Duty.**

<b>STEP 2: ESTABLISHING THE RELEVANCE OF YOUR POLICY TO EQUALITY</b> How do questions 1 – 5 meet your Policy Aims, Objectives and Projected Outcomes? Please provide a brief analysis of your findings to include: <ol style="list-style-type: none"> <li>1. <b>Purpose</b> of the ‘<b>policy</b>’? Who is it intended to <b>benefit</b> and the intended <b>outcomes</b>?</li> <li>2. Will the ‘<b>policy</b>’ have an impact on service users, employees or the wider community?</li> <li>3. Data collection methods employed as part of the review to determine any likely impact</li> <li>4. Policy options considered, including any alternative proposals</li> <li>5. Does the ‘<b>policy</b>’ relate to services which previous engagement has identified as being relevant to a protected characteristic or where there are known inequalities</li> </ol>
<b>Provide a clear analysis of what the relevant data tells you about the likely impact of your decision</b> <ol style="list-style-type: none"> <li>1. Birmingham &amp; Solihull Local Enterprise Partnership, Stoke-on-Trent and Staffordshire LEP and The Marches LEP will benefit from this programme. The direct beneficiaries will be eligible existing businesses across 3 LEPs areas, demonstrating growth potential that can create new job opportunities and add value to the local economy with an increase in GVA per head. The programme will be open to all businesses meeting the eligible criteria. It will seek to engage with all sections of the community opening up the opportunity to access the support available. The benefits will extend to businesses owned and managed by under represented sub groups, women, youth and those from BME communities. A key outcome of the project is to bring about a lasting change in the culture and approach by business and to stimulate enterprise, encourage investment, aid business growth, create new jobs</li> </ol>

and safeguard existing ones across the region.

2. The policy is likely to have a positive impact on service users and the wider community because it will provide tangible support to local SME businesses and many of these are owned and run by BME groups, women and young people. These are part of the business support target groups and they will be actively engaged and encouraged to access support services. The programme will be promoted to as wide an audience as possible across the 3 LEP areas in order to maximise the potential impact.
3. No new data is available at this time to ascertain the full potential impact of the programme. The partners through the business support sub-group have been fully consulted on the development of this proposal, have agreed to be partners and fully endorse the application. Letters of support have been received from the 3 LEPs. The programme will engage with as many local providers as possible. Partners will attend events targeting these groups to promote the project to a wider audience and make the link between opportunities, economic need and economic growth. During mobilisation and implementation monitoring procedures will be put in place to capture and record engagement data. The programme will be subject to evaluation and all participants will have the opportunity to provide feedback on the recruitment, delivery and impact of their programme participation.
4. A full options appraisal has been carried out as part of the process of applying for ERDF funding. This appraisal included the 'do nothing' option leaving businesses to find their own support in the market place, and one that did not engage fully with all partners thereby removing full access to local knowledge and experience for business engagement across all communities and sectors.
5. The policy relates to services that will have an impact on stakeholders, partners, service users, SME businesses and the wider community. It has been developed from the experience of delivering previous successful project activity in Birmingham funded through RGF and ERDF and the evaluation and output results generated from this activity. The programme aims to provide an impetus for more businesses to develop and to encourage more entrepreneurship and foster business growth over the longer term. A major benefit will be to bring about a lasting contribution to counter the decline in the regions economic standing and improve GVA compared to the national average as well as creating new jobs across the 3 LEPs to help improve the areas economy.

#### **Analysis of 'policy' in relation to its current potential effects on equality**

##### **Chair Person/Lead Officer**

Name:	Job Title & Directorate:	Signature	Sign-off Date:
Waheed Nazir	Strategic Director, Economy (interim)		December 2015

Chair's comment on analysis: :

Evidence from the previous programme delivery work across the 3 LEP areas demonstrates a demand for business support services of this nature.

The 3 LEP partners have been consulted and are fully engaged in the proposed programme delivery activity to ensure local businesses are given every opportunity to access the support available.

The proposed programme activity is consistent with the Strategic objectives of all 3 LEPs and will provide support to businesses from all communities and sectors in line with identified needs.

The programme will provide support to 635 SME businesses, lead to the creation and safeguarding of 1,732 jobs in SMEs throughout the 3 LEPs areas.

Quality check and review by the Directorate Representative (s):			
Name:	Job Title & Directorate:	Signature	Sign-off Date:
Relevance Test			No
The has been checked using the agreed audit arrangements in the Directorate			
Relevance review comments:			

## FULL EQUALITY ANALYSIS - STAGE 2 (Steps 3 to 4)

STEP 3: ASSESSING SPECIFIC IMPACT	
<p>Utilising your data sources information (Step 2). What are your findings in respect of the individual protected characteristics in relation to the three aims of the General Duty - <b>Eliminate unlawful discrimination</b>, harassment and victimisation, <b>Advance equality of opportunity</b>, <b>Foster good relations</b>. Please provide a brief analysis of your findings to include:</p> <ul style="list-style-type: none"> <li>Does the policy involve or focus on a particular equalities group, i.e. because they have particular needs?</li> <li>Details on potential for differential impact (negative or positive) / possibility of <b>discriminating unlawfully</b>, directly or indirectly, against people from any protected characteristics</li> <li>Is there any potential effect on <b>relations between certain groups</b>?</li> </ul>	
Please describe how you justify your answer	
Age	
Disability	
Gender reassignment	
Pregnancy and maternity	
Race	
Religion or belief	
Sex	
Sexual orientation	
Marriage and civil partnership (aims 1 & 2 not applicable)	

<b>DATA GAPS</b> - Have you identified any specific equality issues and data gaps that may need to be addressed through consultation and/or further research
<b>Please provide details</b>

<b>INVOLVING AND CONSULTING STAKEHOLDERS</b>
<ol style="list-style-type: none"> <li>Who has been approached to explore these issues e.g. staff groups, trade unions, student voluntary groups etc (Please give dates and details of contact)</li> <li>How have you gained the views of these experts/groups (e.g. letter, meetings, interviews, forums, workshops, questionnaires or any other method)?</li> </ol>
<b>Please provide details:</b>

<b>OVERALL SUMMARY OF YOUR ANALYSIS</b>
<b>Please provide a summary of your analysis to include:</b>

- How you intend to utilise the findings as part of your decision-making;
- How your policy will meet the city councils responsibilities in relation to equality;
- How you will engage service users, employees in implementation, monitoring and review;
- How you will include commissioning and procurement considerations (if applicable);
- What opportunities might have been missed for making changes to the policy which would have a positive impact on certain groups;
- What changes/modifications will now be made to the policy in the light of this Analysis;
- How will these changes/modifications be communicated to interested parties (i.e. the groups which were adversely affected) and those consulted?

**Quality check and review by the Directorate Representative (s):**

Name:	Job Title & Directorate:	Signature	Sign-off Date:

**Full Equality Analysis** has been checked using the agreed audit arrangements in the Directorate

**Summary** of strengths pertaining to the equality analysis. If further work needs to be done on the Analysis, you will need to state this

**STEPS 4: MONITORING AND REVIEW** Any actions identified as an outcome of going through Step 3, should be mapped against the headings within the Action Plan.

	<b>Actions</b>	<b>Ref No</b>	<b>Target Date</b>	<b>Outcomes</b>	<b>Responsible post holder/ directorate</b>
Scoping your Equality Analysis and Analysing the information					
How you will measure the effects of the policy					
How will you ensure your Actions are included within your Business Plans					

**STEP 5: DECISION MAKING, SIGN OFF PROCESS AND PUBLICATION** - At this stage we recommend that a senior manager/board member signs off the analysis

**The signature at each sign off stage below is based on the understanding that:**

- A Full Analysis gives “due regard” to the 3 aims of the General Duty
- Consultation and Engagement has been undertaken and has informed decision making
- Consideration has been given to take account of disabled persons’ disabilities, even where that involves treating disabled persons more favourably than other persons
- Relevant information (key findings of the analysis) have been documented

- Where an adverse impact is identified, consideration must be given on how to mitigate
- Considerations have been given to alternate options
- Adequate records detailing decisions made at relevant stages, have been documented
- Action plan completed

**Service Director or Senior Officer (sign-off)**

Name:	Job Title & Directorate:	Signature	Sign-off Date:

What decisions do you want the members to consider and what are the implications?

**Relevant Cabinet Member:**

**Portfolio:**

**Business Growth Programme ERDF FBC : Risk Register Report**

No	Description	Likelihood	Impact	Grade	Action	Managed by:
1	Failure of LEP partners to raise awareness of the programme in their area and to identify suitable businesses for assistance.	Medium	High	Material	Ensure comprehensive programme briefings to partners and adequate understanding before commencement. Put in place agreed detailed marketing arrangements, literature design and individual marketing strategies for each area together with good levels of support from City Council project team to implement local actions for awareness raising and programme promotion to suitable businesses.	Head of Business Enterprise & Innovation and programme lead officers
2	Unwillingness of sufficient number of eligible businesses coming forward to the application process for financial assistance and able to meet scheme criteria including match funding and job creation required.	Low	High	Material	The programme of assistance has been designed based upon previous programme delivery activity to meet the demand from SME for similar support in the past and with the support from LEP partners who welcome the type of support the programme offers for local SME's. The good induction of partners, strong programme marketing and targeting the right type of businesses, clear and straight forward application form and process for approval with good programme management and monitoring should attract sufficient businesses. Job creation and match funding will be measured and monitored on a quarterly basis as per funding agreement.	Programme lead officers and LEP partner authorities
3	Programme is too rigid and inflexible in meeting the needs of the businesses.	Low	Medium	Material	Monitoring and reviewing service provided to ensure its meets businesses needs and the result applications are up to standard required.	Programme lead officers
4	Poor quality of applications for financial assistance from businesses and or businesses failing to complete project expenditure in order to fully access financial assistance scheme funds allocated resulting in potential under spend.	Low	Medium	Material	Robust application procedure being established together with clear guidance and application process to assist businesses with the completion of applications that meet the standard required. With the correct development work and submission of sound applications the likely hood of none completion and under spend is less likely. Ability to award further grants until the funding has been fully utilised over the life of the programme should ensure any under spend is kept to a minimum.	Programme lead officers
5	ERDF regulations are not complied with leading to exclusion of eligible costs from claims.	Low	High	Material	The costs have been analysed and only eligible costs have been identified and included in the grant application. The offer of assistance to SMEs will include ERDF terms to be passed on to Grantees (including a period of claw back), to help ensure understanding and compliance, and enable the City Council to recover funds in the event of a default against the terms or a claw back relating to a particular SME. Expenditure will only be paid in arrears on provision of evidence and when the works have been completed.	Business Enterprise Manager and programme lead officers
6	Compliance with ERDF grant conditions so as to avoid clawback	Low	Medium	Material	Robust governance, operational management and programme delivery processes, systems and procedures will be embedded, implemented, monitored and evaluated. Any specific issues arising from compliance will be mitigated against checks and balances contained within the programme. DCLG will have an observer on the appraisal panel. The risk to the City Council is therefore minimised as long as it seeks recovery from businesses who default on grant conditions	Head of Business Enterprise & Innovation and programme lead officers

No	Description	Likelihood	Impact	Grade	Action	Managed by:
7	Operational management of Programme difficulties such as delays in processing necessary documentation	Low	Medium	Material	Use Steering Group to monitor, review and tackle any issues	Head of Business Enterprise & Innovation and programme lead officers
8	Delivery of costs so as to avoid overrun beyond 2018	Low	Medium	Material	Budget targets are negotiated with DCLG and have some flexibility of being carried forward or brought forward depending on actual performance of the programme. Grants can only be claimed quarterly in advance subject to a satisfactory submission of progress report. A regular pipeline of applications generating through marketing activities will ensure delivery remains on	Business Enterprise Manager and programme lead officers
9	Failure of businesses to complete investment plan and achieve outputs leading to a lack of drawdown of funding approved.	Medium	Low	Material	Maximum delivery period for project spend will be 3 months. Effective monitoring and client management to maximise spend to meet budgetary forecasts. Where appropriate	Business Enterprise Manager, programme lead officers and SME's
10	Applicant in breach of terms and conditions of funding offer letter	Medium	Low	Material	BCC will review the breach of terms, conditions and suggest a course of action. If considered to be material breach, the funding offer will be withdrawn or seek claw back. Reallocate funding to other applicants.	Business Enterprise Manager
11	SME fraudulent activity throughout the application and claims process	Medium	Medium	Material	Develop robust intelligence and monitoring systems with support from Legal Services and Audit to eliminate potential fraudulent activity. If fraud is detected then engage City Council Legal Services and Birmingham Audit to investigate and if required issue legal proceedings.	Business Enterprise Manager
12	Attempted bribery of BCC officers for financial or non-financial gain	Low	Low	Material	Awareness of BCC's bribery and corruption policy. Be vigilant against attempted bribery. Refer to senior management and seek advice from Legal Services and Audit.	Business Enterprise Manager
13	The role of consultants and third party advisors involved in the grant application and project delivery	Medium	Low	Material	BCC will only deal with the applicant who is the owner/director of the company.	Business Enterprise Manager
14	Lack of take up or lack of quality projects means contracted ERDF outputs and spend targets are not being achieved leading to underperformance and potentially leading to clawback	Medium	High	Material	Contracted output and spend targets are annualised on a calendar year basis. The quarterly claim cycle includes output reporting which enables continual monitoring. As well as the project performance being overseen by the BGP Programme Management Team, annual reviews will be set out to ensure that the programmes are on track and to review all projects progress. Should forecast progress against annualised spend or output targets be cause for concern (more than 10% variance forecast), actions will be set, and if needed, DCLG will be asked to reappraised the project based on the re-forecast measures, and a new agreement will be sought	Business Enterprise Manager



**BGP– STAKEHOLDER ANALYSIS****APPENDIX 1 (ANNEX 2)**

<b>Stakeholder</b>	<b>Stakeholder's Interest</b>	<b>Influence Impact</b>	<b>What does the project board expect from the stakeholder</b>	<b>Perceived attitudes and/or risks</b>	<b>Stakeholder management strategy</b>	<b>Responsible</b>
Leader	Endorses Full Business Case	High	Political support	Supportive	Consult during development stage and provide periodic progress reports during delivery	Head of Business Development and Innovation and Business Enterprise Manager
Deputy Leader	Endorses BGP Funding	High	Political support	Supportive	Consult during development and provide progress reports during delivery as required	Head of Business Development and Innovation and Business Enterprise Manager
Cabinet Members for Development, Transport and the Economy	Endorses BGP Funding	High	Political support	Supportive	Consult during development and provide progress reports during delivery as required	Head of Business Development and Innovation and Business Enterprise Manager
LEP Partners and other partners: Birmingham Chamber Group, Birmingham City University and Midlands Environmental Business Co.	Provision of support to Businesses across the LEP area Greater Birmingham and Solihull, Black Country, Coventry and Warwickshire, Worcestershire, Stoke-on-Trent and Staffordshire and Marches	High	General support, Endorsement of the Programme and participation in delivery active as partners	Supportive	Full consultation and engagement, regular progress updates, meetings and Project Board and Investment Board involvement.	Head of Business Development and Innovation and Business Enterprise Manager

**BGP– STAKEHOLDER ANALYSIS****APPENDIX 1 (ANNEX 2)**

DCLG	Approves ERDF funding, due diligence process, agrees offer letter, process claims and monitoring of programme.	High	Due Diligence, agreement of Offer letter and performance monitoring of project, payment of claims.	Supportive	Monthly claims, regular monitoring reports and contact as appropriate	Head of Business Development and Innovation, Business Enterprise Manager and lead project officers
Local SME businesses across the 3 LEP areas	Potential recipients of grant support.	Low	Applications for programme support element	Supportive based on past experience and research	Programme launch, development of an effective marketing strategy and materials to raise awareness and promote programme support	Project lead officers and LEP partners
Businesses agencies / networks in the Programme area	Identification and referral source of suitable business applications	Low as long as not sole route to market	Referrals of suitable businesses into the programme	Generally supportive	Formal launch of programme and development of marketing strategy to ensure agencies and networks are engaged effectively in each LEP area and fully understand programme offer / opportunities. Follow-up workshops as necessary.	Project lead officers and LEP partner authorities



Department for  
Communities and  
Local Government



**European Union**

European Regional  
Development Fund

Mohammed Zahir  
Head of Business Enterprise and Innovation  
Birmingham City Council  
1 Lancaster Circus,  
Queensway,  
Birmingham,  
B4 7DJ

29 April 2016

Dear Mohammed,

**Project: Business Growth Programme**

As requested this letter is to confirm that the European Regional Development Fund Managing Authority has completed the technical appraisal of the above Full Application, and in principle can confirm intent to award ERDF grant, subject to final input from the relevant ESIF Committees.

Attached to this letter are the financial tables setting out the funding sources for the project, and the outputs and results to be realised. These are extracted from your final application and appendices submitted to the Managing Authority on 8 March 2016.

Please note neither this letter nor the subsequent final approval of the Full Application constitutes a formal offer of funding, this is made only when a Funding Agreement has been validly executed by both parties. Any expenditure or activity undertaken prior to this date is entirely at the applicant's own risk.

We will contact you soon regarding the final approval and any remaining feedback regarding the local fit as advised by the relevant ESIF Committees and the issue of your Funding Agreement. Please note that the standard conditions of the Funding Agreement are not negotiable.

Should you require any further clarification, please do not hesitate to contact me.

Yours sincerely



Mark Foley

**Head of Local Growth Delivery**

**Useful Links:**

ERDF Guidance and Draft Funding Agreement:

<https://www.gov.uk/government/publications/european-structural-and-investment-funds-programme-guidance>

## Capital

Enter Pounds (£) only - do not include pence

Organisation	Funding Type	Private/Public/Other	2016	2017	2018	Total
SMEs	Private Sector	Private	£250,000	£7,750,000	£9,730,042	£17,730,042
						£0
						£0
						£0
						£0
						£0
						£0
						£0
						£0
						£0
						£0
						£0
						£0
<b>Total</b>			<b>£250,000</b>	<b>£7,750,000</b>	<b>£9,730,042</b>	<b>£17,730,042</b>

## Revenue

Enter Pounds (£) only - do not include pence

Organisation	Funding Type	Private/Public/Other	2016	2017	2018	Total
BCC	Local Authority	Public	£689,943	£885,752	£865,678	£2,441,373
Marches LEP	Local Enterprise Partnership	Public	£50,000	£100,000	£100,000	£250,000
Cannock	Local Authority	Public	£6,900	£13,800	£13,800	£34,500
East Staffordshire	Local Authority	Public	£6,900	£13,800	£13,800	£34,500
Lichfield / Tamworth	Local Authority	Public	£13,800	£27,600	£27,600	£69,000
North Worcestershire	Local Authority	Public	£6,900	£13,800	£13,800	£34,500
Solihull	Local Authority	Public	£6,900	£13,800	£13,800	£34,500
Birmingham Chamber Group	Private Sector	Public	£20,000	£40,000	£40,000	£100,000
BCU	University	Public			£40,000	£40,000
MEBC	Voluntary Sector	Public	£5,000	£10,000	£5,000	£20,000
						£0
SMEs	Private Sector	Private	£100,000	£3,950,000	£7,750,029	£11,800,029
						£0
						£0
<b>Total</b>			<b>£906,343</b>	<b>£5,068,552</b>	<b>£8,883,507</b>	<b>£14,858,402</b>

## ERDF Outputs

Please indicate which, and how many ERDF Outputs your project will deliver

Category of Region	% Split
Transition	29%
More Developed	71%

LEPs	% Split
Greater Birmingham and Solihull	70%
The Marches	17%
Stoke-on-Trent and Staffordshire	13%

Investment Priorities	% Split
3d - Supporting the capacity of SMEs to grow in regional, national	100%

Outputs	ER/C/O/01 Number of enterprises receiving support,				
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	10				10
2017	166	16	30	50	70
2018	400	100	100	200	
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	576	116	130	250	80

Outputs	ER/C/O/02 Number of enterprises receiving grants,				
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	10				10
2017	166	16	30	50	70
2018	400	100	100	200	
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	576	116	130	250	80

Outputs	ER/C/O/06 Private investment matching public support to enterprises (grants),				
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	175,000				175,000
2017	5,850,000	350,000	1,375,000	1,875,000	2,250,000
2018	8,750,035	2,618,121	3,057,076	3,074,838	
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	14,775,035	2,968,121	4,432,076	4,949,838	2,425,000

Outputs	ER/C/O/08 Employment increase in supported enterprises				
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	0				
2017	331	30	51	100	150
2018	1,000	250	250	250	250
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	1,331	280	301	350	400

Outputs					
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	0				
2017	0				
2018	0				
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	0	0	0	0	0

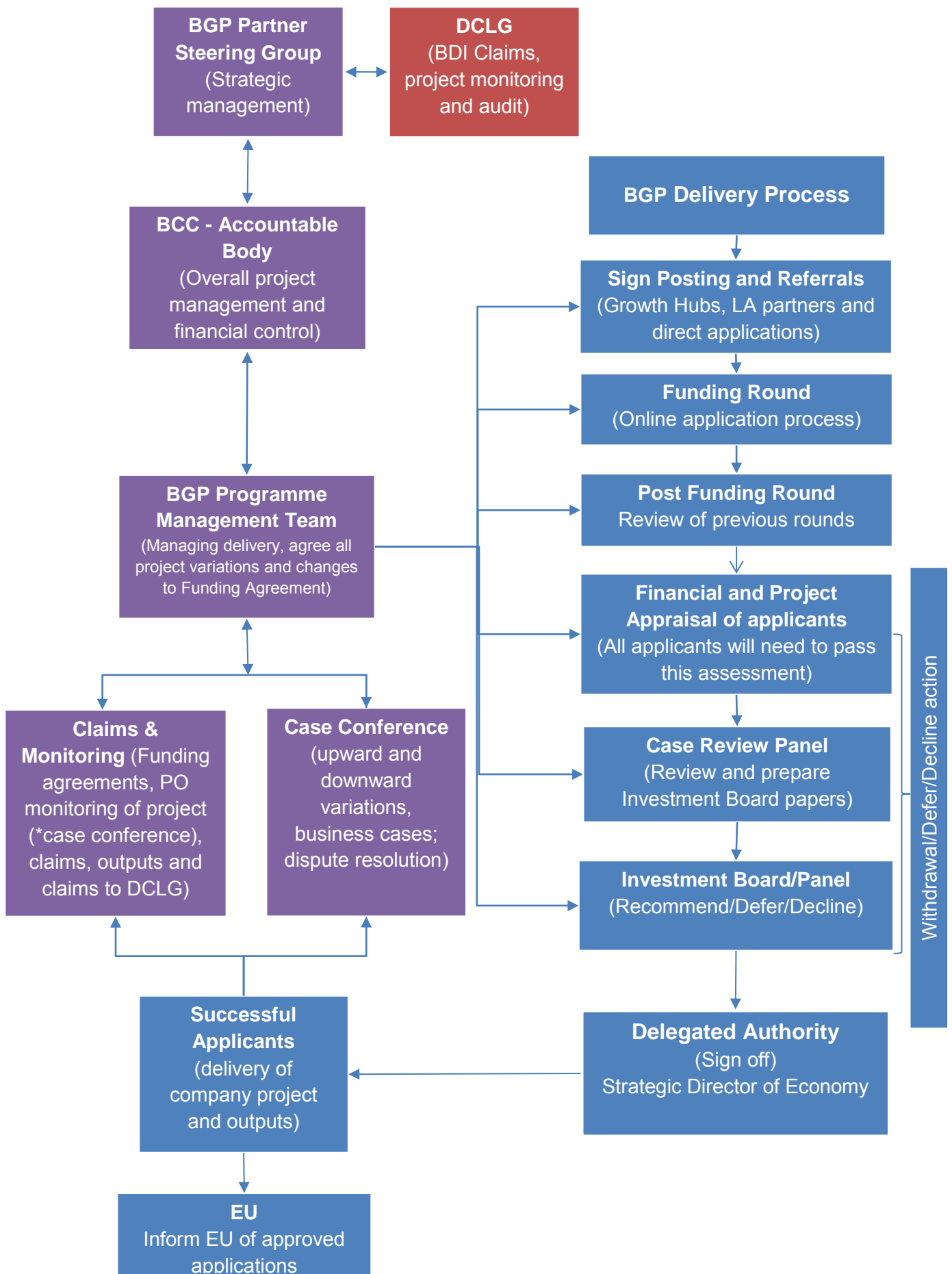
Outputs					
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	0				
2017	0				
2018	0				
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	0	0	0	0	0

Outputs					
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	0				
2017	0				
2018	0				
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	0	0	0	0	0

Outputs					
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	0				
2017	0				
2018	0				
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	0	0	0	0	0

Outputs					
	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
2014	0				
2015	0				
2016	0				
2017	0				
2018	0				
2019	0				
2020	0				
2021	0				
2022	0				
2023	0				
Total	0	0	0	0	0

## ERDF BGP- Governance Arrangements





<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>Strategic Director of Economy</b>	
<b>Date of Decision:</b>	<b>17 May 2016</b>	
<b>SUBJECT:</b>	<b>DRUIDS HEATH INVESTMENT OPTIONS STRATEGY</b>	
<b>Key Decision: NO</b>	<b>Forward Plan Ref: N/A</b>	
<b>Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:</b>	<b>Councillor Tahir Ali – Development, Transport and the Economy Councillor John Cotton - Neighbourhood Management and Homes</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Victoria Quinn, Economy, Skills and Sustainability, Councillor Zafar Iqbal, Neighbourhood and Community Services</b>	
<b>Wards affected:</b>	<b>Brandwood</b>	

<b>1. Purpose of report:</b>
<p>1.1 To set out a proposed approach to develop and undertake a high level investment options strategy and masterplan for the Druids Heath Estate (as illustrated in Appendix 1 attached to this report) to be funded by the Homes and Communities Agency.</p> <p>1.2 The investment options strategy and masterplan will identify the potential financial commitment required to deliver investment and regeneration of Druids Heath. A Project Definition Document (PDD) will be presented to Cabinet at a future date, to approve the preferred option and overall regeneration strategy for the estate.</p>

<b>2. Decision(s) recommended:</b>	
Cabinet is recommended to:-	
2.1	Approve the development of an investment options strategy as set out in section 5.
2.2	Authorise the Strategic Director of Economy in conjunction with the Strategic Director of Finance and Legal to accept any funding that may become available to help progress the Investment Options Strategy and supporting activities for Druids Heath.
2.3	Authorise the City Solicitor to prepare and negotiate, execute and complete all relevant legal documentation (including land referencing and service of notices) to give effect to the above recommendations.
<b>Lead Contact Officer(s):</b>	Claire Edwards, Development Project Manager Steve Dallaway, Development Manager
<b>Telephone No:</b>	0121 303 2088 / 0121 303 3344
<b>E-mail address:</b>	<a href="mailto:claire.edwards@birmingham.gov.uk">claire.edwards@birmingham.gov.uk</a> <a href="mailto:steve.dallaway@birmingham.gov.uk">steve.dallaway@birmingham.gov.uk</a>

### 3. Consultation

#### 3.1 Internal

- 3.1.1 The Cabinet Member for Commissioning, Contracting and Improvement and the Deputy Leader have been consulted and support the report proceeding to an Executive Decision.
- 3.1.2 A Project Management Team has been established to ensure a collaborative approach to The investment options strategy. The Project Management Team consists of representatives from Housing Development (BMHT), Planning, Intelligence, Strategy and Prioritisation, Housing Capital Investment Team, Education and Infrastructure, Service Managers Place, Birmingham Property Services, Transportation Services, Legal Services, City Finance, Landscape Practice Group and Parks.
- 3.1.3 The Assistant Chief Executive, the Strategic Director – Major Programmes and Projects, (Acting) Strategic Director Place, City Finance and other relevant Senior Officers from the Economy, People and Place Directorates have been consulted and are supportive of the report proceeding.
- 3.1.4 Brandwood Ward Members and the Executive Member for the Selly Oak District have been consulted and are in support of the report's recommendations.

#### 3.2 External

- 3.2.1 The Homes and Communities Agency (HCA) has been consulted and has agreed to fund the Investment options strategy and procure it in partnership with the Council (see para 5.12 below).
- 3.2.2 Consultation with relevant statutory agencies will take place to assist in the development of the Investment options strategy.
- 3.2.3 The wider community will be consulted as the identification of options for appraisal progresses. Further consultation will be undertaken as part of the project once a plan and PDD has been approved by Cabinet.

### 4. **Compliance Issues:**

#### 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

- 4.1.1 The development of new homes for a growing city is a key objective of the Council. The development of new affordable housing within the City is in accordance with the objectives of the Council Business Plan and Budget 2016+. The proposals also respond to the Leader's Policy Statement Implementation Priorities of:

**A fair city** - to tackle inequality and deprivation, promote social cohesion across all communities in Birmingham, and ensure dignity, in particular for our elderly and safeguarding for children – by providing new affordable homes, apprenticeships and bursary programme placements.

**A prosperous city** - to lay the foundations for a prosperous City, built on an inclusive economy – by stimulating the construction industry through the Council’s housing building programme.

**A democratic city** - to involve local people and communities in the future of their local area and their Public Services – by consulting communities about proposals for new development and ensure that new homes meet local needs and localised targeting of training, education and employment initiatives to complement the house-building programme.

- 4.1.2 The Investment options strategy will be prepared within the context of the emerging Birmingham Development Plan (BDP), Local Development Framework and the Birmingham Connected five core objectives;

**Efficient Birmingham** - Birmingham Connected will facilitate the city’s growth agenda in the most efficient and sustainable way possible, strengthening its economy and boosting jobs.

**Equitable Birmingham** - Birmingham Connected will facilitate a more equitable transport system; linking communities together and improving access to jobs and services.

**Sustainable Birmingham** - Birmingham Connected will specifically reduce the impacts of air and noise pollution, greenhouse gas emissions and energy consumption.

**Healthy Birmingham** - Birmingham Connected will contribute to a general raising of health standards across the city through the promotion of walking and cycling and the reduction of air pollution.

**Attractive Birmingham** - Birmingham Connected will contribute to enhancing the attractiveness and quality of the urban environment in local centres, key transport corridors and the city centre.

Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of this contract. Tenderers will be required to submit an action plan as part of their tender submission outlining their Social Value commitments and this will be assessed alongside other criteria in the evaluation of tenders for the Investment options strategy. Implementation and monitoring of action plan commitments will be agreed with the successful tenders prior to contract award.

## 4.2 Financial Implications

- 4.2.1 Following discussions with the HCA, it has been agreed that the Investment options strategy will be funded by the HCA as a part of their use of funds held under the Public Asset Accelerator. The operation of this funding stream was set out in a report to Cabinet in the “Driving Housing and Employment Growth” through the City Deal Public Asset Accelerator May 2014.
- 4.2.2 Apart from officer time, there are no direct financial implications to the Council at this stage. The estimated costs of delivery of the preferred option will be identified in the PDD, which it is anticipated will be presented to Cabinet by the end of 2017, prior to costs being directly incurred by the Council.
- 4.2.3 The full details are set out in the Project Initiation Document (PID) in appendix 2 of this report. The Outline Investment Options Strategy will consider Council owned land and property.

- 4.2.4 The approval of the Investment options strategy as informal planning guidance will be sought from Cabinet. The aligned Investment options strategy will set out the financial commitment required from the Council to deliver investment and regeneration of Druids Heath. Both will be presented in a PDD to Cabinet by the end of 2017.
- 4.3 Legal Implications
- 4.3.1 The power to reorganise and manage assets in land and property is contained in section 120 and 123 of the Local Government Act 1972 and Section 32 Housing Act 1985.
- 4.3.2 As the Housing Authority, the relevant legal powers relating to the discharge of the Council's statutory function to provide for its housing need are contained in Section 9 of the Housing Act 1985.
- 4.4 Public Sector Equality Duty (see separate guidance note)
- 4.4.1 The appended Equality Analysis (EA001190) concludes that the Investment Options Strategy has no identifiable adverse impact upon equality. A further Equality Analysis will be completed as part of the future report and PDD.
- 4.4.2 Any information management obligations will be managed as part of the relevant policies and procedures.

## **5. Relevant background/chronology of key events:**

- 5.1 Druids Heath is a purpose-built municipal housing estate that is located approximately six miles south of the city centre and lies on the periphery of Birmingham and Bromsgrove local authority boundaries. It is within the Selly Oak District and Brandwood Ward, and borders green belt land which is within the local authority of Bromsgrove District Council.
- 5.2 The area has good access to the motorway network and local bus services. Local rail services are 3 miles and 4.5 miles away at Cotteridge (Kings Norton) and Shirley.
- 5.3 Druids Heath is predominantly a residential area, primarily developed in the 1960's with smaller extensions in later decades to provide a mixture of low rise and high rise accommodation. The majority of homes and roads are a Radburn style layout, largely cul-du-sacs, and set within substantial areas of incidental open space, which are largely unused and have no identified recreational purpose. The area has remained largely unchanged since it was built. Druids Heath remains the only large municipal estate in Birmingham that has received no major regeneration and is an area that represents a significant housing market and regeneration opportunity.
- 5.4 The Investment options strategy will focus on developing options for the regeneration of the estate. These options are likely to include an element of demolition of some of the existing housing and the development of new homes on the estate. The Strategy will also pay close attention to ensuring the financial viability of the regeneration proposals. As illustrated in Plan No 1 attached to this report Druids Heath is identified in the BDP (TP31) as an area where the regeneration and renewal of existing housing areas should continue to be promoted to ensure that high quality accommodation and environments are provided in line with the principles of sustainable neighbourhoods. The Plan highlights a real need to improve the "quality of place" and address a number of issues in the area.

- 5.5 There are four key residential areas in Druids Heath, as described below and detailed in appendix 4 where building commenced in the mid to late 1960's and continued up to the 1980's. These areas will be the focus of the Investment options strategy.
- 5.5.1 Druids Heath East**  
There are approximately 1180 properties and of those 80% are Council tenants, 16% are owner occupiers and 4% are Registered Social Landlord. This area is seen as requiring major intervention due to the poor quality of the existing stock/layout compounded by high levels of anti-social behaviour.
- 5.5.2 Druids Heath South**  
There are approximately 1050 properties and of those 79% are Council tenants and 21% are owner occupiers. This area is also seen as requiring major intervention due to the poor quality of the existing stock/layout and high levels of anti-social behaviour.
- 5.5.3 Pennyacre**  
There are approximately 220 properties in Pennyacre and of those 45% are Council tenants and 55% owner occupiers. This is a stable, mainly owner-occupied area that requires little or no intervention, other than to address its interface with the rest of the estate and some potential development on under-used open space to improve security.
- 5.5.4 Bells Farm**  
There are 530 properties in Bells Farm and of those 61% are Council tenants and 38% are owner occupiers. This is a stable and popular area requiring little or no intervention.
- 5.6 As set out above, the East and South study areas are the places where the focus of the Investment options strategy will be concentrated. It is anticipated less intervention will be needed at Pennyacre and Bells Farm areas, which are mainly stable and popular with residents. However it is important to carry out an assessment of these areas to determine the level of intervention that may be necessary, particularly in the public realm, to ensure the areas are safe, secure, accessible, easy to navigate and connected with the wider area especially to local facilities and public transport.
- 5.7 To the north, east and west, Druids Heath adjoins the existing built up and popular areas of Kings Heath and Kings Norton. The boundary with Bromsgrove District Council to the south of Druids Heath also forms the boundary of the West Midlands Green Belt land in this area.
- 5.8 Some of the key issues and challenges presented by the estate that will need to be considered in more detail include;
- Properties that require capital investment and modernisation
  - A high concentration of Large Panel System Blocks (LPS) high rise blocks (15 out of 49 across the City are in Druids Heath).
  - Anti-social behaviour particularly around the high rise blocks
  - Low levels of owner occupation despite occupiers taking advantage of the "Right to Buy"
  - Overcrowding and under occupation in houses
  - Future provision of housing options for the large elderly community
  - Isolated poorly connected neighbourhoods and local facilities
  - Below average levels of economic activity

- Poor layout of the various residential neighbourhoods
- Poor quality of the public realm generally and public open space and play facilities
- Poor quality and overall character of Bells Lane
- Addressing fuel poverty which is particularly relevant in the un-improved LPS tower blocks
- Developing a complementary mix of existing and new uses across the estate tackling transport, housing, businesses and recreation
- Increasing connectivity both within the estate but also considering how this would be improved in the context of a growth agenda in the wider Maypole area

5.9 The following key statistics help to illustrate the inter-related issues that affect Druids Heath;

5.9.1 Unemployment in Druids Heath is 13% which exceeds the Birmingham average of 8%

5.9.2 The level of retired, long term sick and disabled residents in the estate is either at or above the average for the rest of Birmingham.

5.9.3 Average (mean) Earnings for Selly Oak District are £23,537 compared with £24,092 for Birmingham and £28,103 for England

5.9.4 Druids Heath is in the top 10% most deprived areas in England. (IMD 2015)

5.9.5 Residents on Druids Heath with no qualifications total 44% compared to the Birmingham average of 28%.

5.9.6 Cabinet approved the development of a Youth Promise Plus project under European Structural Investment Fund (Youth Employment Initiative-YEI) in February 2016, therefore any future work in Druids Heath will align itself with the project.

5.9.7 Around half of the children on the estate are deemed to be living in poverty.

5.9.8 The average property price across the estate is £75,000 compared to up to £250,000 in the wider Kings Heath postcode area, demonstrating the weakness of the housing market in this area.

5.10 The statistics in the preceding sections illustrate the complex and inter-related issues that need addressing as part of the Investment options strategy for Druids Heath and point to the fact that a piecemeal approach will not address the issues identified.

5.11 The HCA is the government's housing, land and regeneration agency, and the regulator of social housing providers in England. The HCA are responsible for increasing the number of new homes built across the country, increasing supply and enabling building. Furthermore they help stimulate local economic growth by using their land and investment, and attracting private sector development. The HCA Midlands, Public Asset Accelerator Board, has given full support to assisting the Council in producing a Investment options strategy for Druids Heath and has agreed to fund and procure this piece of work in partnership with the Council.

- 5.12 The HCA maintains a number of technical framework panels to assist with the delivery of its various programmes and will advertise the Investment options strategy via these panels in June 2016. These panels are available for use free of charge by a number of other public sector bodies including Local Authorities. The panels have been procured through fully compliant Official Journal of the European Community processes, and offer a quick and efficient means to procure high quality, good value development related technical services, such as property and project management, engineering, planning, and multidisciplinary services. The contractor to develop the Investment options strategy will be competitively procured from one of these panels under a Strategic Director officer delegation.

## **6. Evaluation of alternative option(s):**

### **6.1 Option 1 - Do Nothing**

- 6.1.1 This will not allow the Council to identify priorities and options for addressing them.

### **6.2 Option 2 – Council Funds the Investment options strategy**

- 6.2.1 The HCA have made appropriate funding available to allow this to be progressed without recourse to the Council's limited resources.

## **7. Reasons for Decision(s):**

- 7.1 Druids Heath has been identified through the BDP as an area where the city wishes to promote comprehensive regeneration and renewal.

- 7.2 Land availability remains scarce, therefore it's important to ensure any investment made within the estate maximises the Council's limited resources and meets the strategic priorities of growth and renewal, with particular emphasis on tackling worklessness and fuel poverty.

- 7.3 To ensure that viable options for any regeneration are approached in a collaborative way and deliver high quality sustainable homes and environment for the citizens of the City.

## Signatures

### Cabinet Members

### Date

Councillor Tahir Ali  
Cabinet Member for Development,  
Transport and the Economy ..... ..

Councillor John Cotton  
Cabinet Member for Neighbourhood  
Management and Homes ..... ..

### Chief Officer

Waheed Nazir  
Strategic Director of Economy ..... ..

## List of Background Documents used to compile this Report:

Birmingham Development Plan  
Council Business Plan and Budget 2016+  
Housing Prospectus 2015  
Intelligence, Strategy and Prioritisation Data

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

1. Druids Heath - strategic context map
2. Project Initiation Document (PID)
3. Equality Impact Analysis (EA001190)
4. Druids Heath Regeneration Area



## **Appendix 3**

### **PROTOCOL PUBLIC SECTOR EQUALITY DUTY**

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix 4; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
  - (a) whether there is adverse impact upon persons within the protected categories
  - (b) what is the nature of this adverse impact
  - (c) whether the adverse impact can be avoided and at what cost – and if not –
  - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
  - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
  - the full equality impact assessment (as an appendix)
  - the equality duty

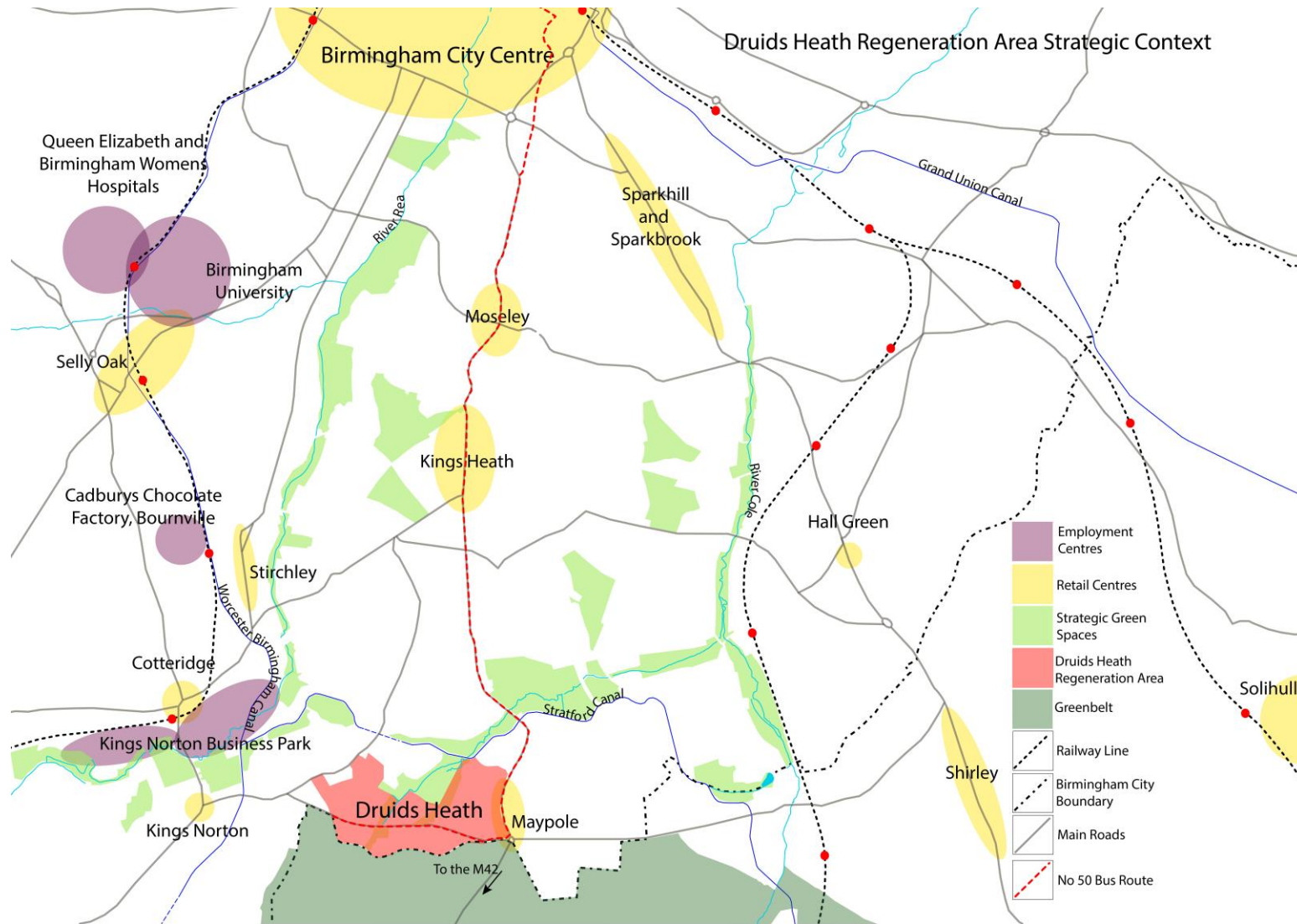
## Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"><li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li><li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li><li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li></ul>
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"><li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li><li>(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;</li><li>(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.</li></ul>
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"><li>(a) tackle prejudice, and</li><li>(b) promote understanding.</li></ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"><li>(a) age</li><li>(b) disability</li><li>(c) gender reassignment</li><li>(d) pregnancy and maternity</li><li>(e) race</li><li>(f) religion or belief</li><li>(g) sex</li><li>(h) sexual orientation</li></ul>

## Appendix 1 – Druids Heath Strategic Context



## Appendix 2

<b>PROJECT INITIATION DOCUMENT</b>			
<b>Project Title:</b>	Druids Heath Investment Options Strategy	<b>Project Code:</b>	Site ID 45
<b>Project Manager</b>	Claire Edwards	<b>Project Sponsor</b>	Clive Skidmore
<b>Links to Corporate Priorities</b>			
<ul style="list-style-type: none"> <li>• Birmingham Development Plan</li> <li>• Council Business Plan and Budget 2016+</li> <li>• Housing Prospectus 2015</li> <li>• Intelligence, Strategy and Prioritisation Data</li> </ul>			
<b>Project Background</b>	<p>Druids Heath has been identified in the Birmingham Development Plan as an area that requires significant investment. There is a real need to improve the “quality of place” and address a number of issues in the area;</p> <ul style="list-style-type: none"> <li>• Some properties that require capital investment</li> <li>• High concentration of Large Panel System Blocks (LPS) high rise blocks (15 out of 49 across the City are in Druids Heath).</li> <li>• Anti-social behaviour particularly around the high rise blocks</li> <li>• Low levels of owner occupation</li> <li>• Housing overcrowding and under occupation in houses</li> <li>• Future provision for the large elderly community</li> <li>• Isolated poorly connected neighbourhoods and local facilities</li> <li>• Below average levels of economic activity</li> <li>• Poor Layout of the various residential neighbourhoods</li> <li>• Poor quality of the public realm generally and public open space and play</li> <li>• Poor quality and overall character of Bells Lane</li> <li>• Addressing fuel poverty which is particularly relevant in the un-improved LPS tower blocks</li> <li>• Developing a complementary mix of existing and new uses across the estate tackling transport, housing, businesses and recreation</li> <li>• Increasing connectivity both within the estate but also considering how this would be improved in the context of a growth agenda in the wider Maypole area</li> </ul>		

This is a predominantly low density residential area, mostly developed in the 1960s by the City Council. It provides a mixture of low and high-rise accommodation; the original occupiers had been rehoused from inner city properties that were subject to clearance and redevelopment. Development of the area continued until the late 1980s, however since then there has been little change and this is the only large municipal estate that has not subsequently benefited from any significant investment. Druids Heath is often referred to as the “sister estate” to Castle Vale as the housing design and typologies were conceived at the same time and applied to both municipal estates.

Despite many occupiers taking advantage of the ‘right to buy’, many parts of the estate retain a high percentage (54.9%) of homes in Local Authority and Registered Social Landlord (RSL) ownership.

In addition, there are 750 high-rise flats in 15 blocks that dominate the estate; there is practically no owner occupation, with only 6 leaseholders in these blocks. These blocks are included in the 49 Large Panel System (LPS) blocks across the city that are subject to an on-going investment options appraisal.

The aging population and demographics in Druids Heath demonstrate a need for supported housing in the area (for example; currently there are 134 three and four bedroom properties under occupied by residents over the age of 55 in Druids heath). Housing Management will be required to manage the estate and their services in the event of any regeneration.

Druids Heath also has some locational advantages including the existing canal network, proximity to the motorway network and major local employers. There is good district shopping at Maypole and Kings Heath. Local primary schools are good and outstanding however, the local Secondary School is in special measures. Educational attainment is low within the Druids Heath area, therefore full education pathways should be provided for young people leaving school if there is to be sustainable housing growth in the area.

	<p>The residential offer within the Druids Heath estate is poor and property values are significantly less than the surrounding B14 postcode. It suffers from a poor development layout, lack of direct vehicular access to some properties, a proliferation of segregated often isolated public footpaths and large areas of underused or unusable public open space. So whilst the location is potentially excellent the immediate environment and character of the residential properties is poor, as is the quality, design and layout of many of the properties themselves.</p> <p>Unemployment in Druids Heath is 13% which exceeds the Birmingham average of 8%</p> <p>The level of retired, long term sick and disabled residents in the estate is either at or above the average for the rest of Birmingham.</p> <p>Average (mean) Earnings for Selly Oak District are £23,537 compared with £24,092 for Birmingham and £28,103 for England.</p> <p>Druids Heath is in the top 10% most deprived areas in England. (IMD 2015)</p> <p>Residents on Druids Heath with no qualifications total 44% compared to the Birmingham average of 28%.</p> <p>Cabinet approved the development of a Youth Promise Plus project under European Structural Investment Fund (Youth Employment Initiative-YEI) in February 2016, therefore any future work in Druids Heath will align itself with the project.</p> <p>Around half of the children on the estate are deemed to be living in poverty.</p> <p>The average property price across the estate is £75,000 compared to up to £250,000 in the wider Kings Heath postcode area.</p> <p>The statistics in the preceding sections illustrate the complex and inter-related issues that need addressing as part of the Investment options strategy for Druids Heath and point to the fact that a piecemeal approach will not address the issues identified.</p>
<b>Project Benefits</b>	<ul style="list-style-type: none"> <li>To enable the Council to plan and prioritise its future investment in the area and associated economic and social regeneration benefits.</li> </ul>
<b>Project</b>	<ul style="list-style-type: none"> <li>The production of Investment Options Strategy</li> </ul>

<b>Objectives</b>	<ul style="list-style-type: none"> <li>• Financial plan (overall financial implications for each option and financial Implications to the HRA and the rest of the Council).</li> <li>• To include timescales, phasing and programming of investment.</li> <li>• To identify key risks and provide mitigations financial and non-financial.</li> <li>• To enable the Council to plan and bid for funding to plan resources for Druids Heath</li> </ul>
<b>Method / Approach</b>	<p>A Project Management Team has been established to ensure a collaborative approach to the project delivery.</p> <p>The Project Management Team consists of representatives from Housing Development (BMHT), Planning, Intelligence, Strategy &amp; Prioritisation, Housing Capital Investment Team, Education and Infrastructure, Service Managers Place, Birmingham Property Services, Transportation Services, Legal Services, City Finance, Landscape Practice Group, Parks and the Homes and Communities Agency (HCA).</p> <p>The HCA is the government's housing, land and regeneration agency, and the regulator of social housing providers in England. The HCA are responsible for increasing the number of new homes built across the country, increasing supply and enabling building. Furthermore they help stimulate local economic growth by using their land and investment, and attracting private sector development. The HCA Midlands, Asset Accelerator Board, is in full support of the Council producing a Druids Heath Option Investment Strategy for Druids Heath and has agreed to fund and procure this piece of work in partnership with the Council.</p> <p>The HCA maintains a number of technical framework panels to assist with the delivery of its various programmes and will advertise the feasibility work via these. These panels are available for use free of charge by a number of other public sector bodies including Local Authorities. The panels have been procured through fully compliant OJEU processes, and offer a quick and efficient means to procure high quality, good value development related technical services, such as property and project management, engineering, planning, and multidisciplinary services.</p>

	<p>The Project Management Team will work to an agreed project plan with clear timescales to ensure effective delivery.</p> <p>The project will be delivered in a number of stages;</p> <ol style="list-style-type: none"> <li>1. Production of the Client (the Council) brief by the Project Management Team</li> <li>2. Procurement by the City Council using the HCA's frameworks</li> <li>3. Production of the Option Investment Strategy</li> <li>4. Selection of preferred regeneration approach (subject to Cabinet approval of PDD by the end of 2017)</li> <li>5. Progressing the future investment</li> </ol> <p>The Project Management Team will report to the; Housing Regeneration and Development Board and the Housing Transformation Board reporting to the Asset Accelerator Board.</p>
<b>Project Scope</b>	<ul style="list-style-type: none"> <li>• Land identified within the redline boundary attached</li> <li>• Cabinet PID, PDD and Full Business Case (FBC) approval</li> <li>• A review of the baseline information distilled into the key factors that will drive investment strategy. This will be set out in a report including the assessment of the strategic context of Druids Heath.</li> <li>• Option Appraisals providing a report outlining the benefits and disadvantages of each option identified including a cost plan and a delivery method statement.</li> <li>• A draft investment plan that is financially viable and affordable to both Birmingham City Council and prospective developers, and provides a basis against which Birmingham City Council can consult and apply for funding, this will be based on the preferred option.</li> <li>• Enable BCC to produce a PDD and FBC</li> </ul>



<b>List of Deliverables or Desired outcomes</b>	<ul style="list-style-type: none"> <li>A strategic Investment Options Strategy for Druids Heath Estate</li> </ul>		
<b>Constraints</b>	<ul style="list-style-type: none"> <li>Competing Council Priorities</li> <li>Finance available (HCA)</li> </ul>		
<b>Interfaces</b>	<ul style="list-style-type: none"> <li>Inception meeting with Birmingham City Council Project Management Team to review and agree the scope of work, tasks and timetable</li> <li>Inception Meeting with Brandwood Ward Members</li> <li>Regular focus group meetings with City Finance staff to ensure financial information is presented taking into account the impact on the Councils Housing Revenue Account and General Fund</li> <li>Regular focus group meetings with Housing Asset Management to ensure recommendations are aligned with the Councils Asset Management Model</li> <li>Regular meetings / presentations with / to the Project Management Team to ensure sign off at each stage of development</li> <li>Consultation with residents, stakeholders and service providers in the area.</li> </ul>		
<b>Key Assumptions</b>	The preferred option will be delivered subject to a PDD and subsequent FBC to be agreed by Cabinet.		
<b>Success Criteria</b>	The preferred option will be delivered subject to above agreed by Cabinet		
<b>Known Issues</b>	Housing stock condition, void turnover, data provided by Police on crime hotspots, strong support from elected Ward Members.		
<b>Budget</b>	£150,000 to be funded by HCA		
<b>Start Date</b>	May 2016	<b>Planned Completion</b>	end of 2017
<b>Attachments</b>	Regeneration Area Boundary Plan		

# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	Druids Heath Options Investment Strategy
<b>Directorate</b>	Economy
<b>Service Area</b>	P&R Planning And Development
<b>Type</b>	New/Proposed Function
<b>EA Summary</b>	This EA considers the the appointment of an organisation who, once appointed, will produce a report with an investment options strategy for the Druids Heath area of Birmingham. The report will then be presented to BCC Cabinet with a recommendation. The procurement will be funded by and commissioned using the established Homes and Communities Agency's (HCA) DPP2 framework. This is the basis of this EA.
<b>Reference Number</b>	EA001190
<b>Task Group Manager</b>	Shahid.S.Iqbal@birmingham.gov.uk
<b>Task Group Member</b>	
<b>Date Approved</b>	2016-03-22 00:00:00 +0000
<b>Senior Officer</b>	steve.dallaway@birmingham.gov.uk
<b>Quality Control Officer</b>	Richard.Woodland@birmingham.gov.uk

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### **Overall Purpose**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Function.

## 2 Overall Purpose

### 2.1 What the Activity is for

What is the purpose of this Function and expected outcomes?	This initial commission will result in the production of a report that will identify investment options for Druids Heath and the procurement will be commissioned and funded by the HCA. The HCA will use the DPP2 national framework. The options will be looked at strategically by the project Board, and a future report and PDD will be taken to BCC Cabinet with a recommendation for a preferred option.
---	--

For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence	No
A Fair City	No
A Prosperous City	No
A Democratic City	No

### 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	No
Will the policy have an impact on employees?	No
Will the policy have an impact on wider community?	No

### 2.3 Analysis on Initial Assessment

As already stated, this EA is looking at the procurement of an organisation to undertake an investment option strategy that will result in the production of a report to identify investment options for Druids Heath. The procurement will be done via the recognised and established HCA DPP2 framework in line with the HCA procurement protocols.

The report will identify options for Druids Heath and the project Board will recommend which option to move forward and a future report will be taken to BCC Cabinet.

Effectively, this is a piece of important research that will lay the foundations for the Druids Heath of the future - subject to Cabinet approval. It is likely that if, whatever option is approved by Cabinet, a further EA will be needed.

On the basis of the initial assessment, it is hoped that whichever option is recommended to proceed with, it will result in a positive outcome and provide great opportunities for all of the communities in Druids Heath.

### **3 Concluding Statement on Full Assessment**

On the basis of the initial assessment, it is hoped that whichever option is recommended to proceed with, it will result in a positive outcome and provide great opportunities for all of the communities in Druids Heath.

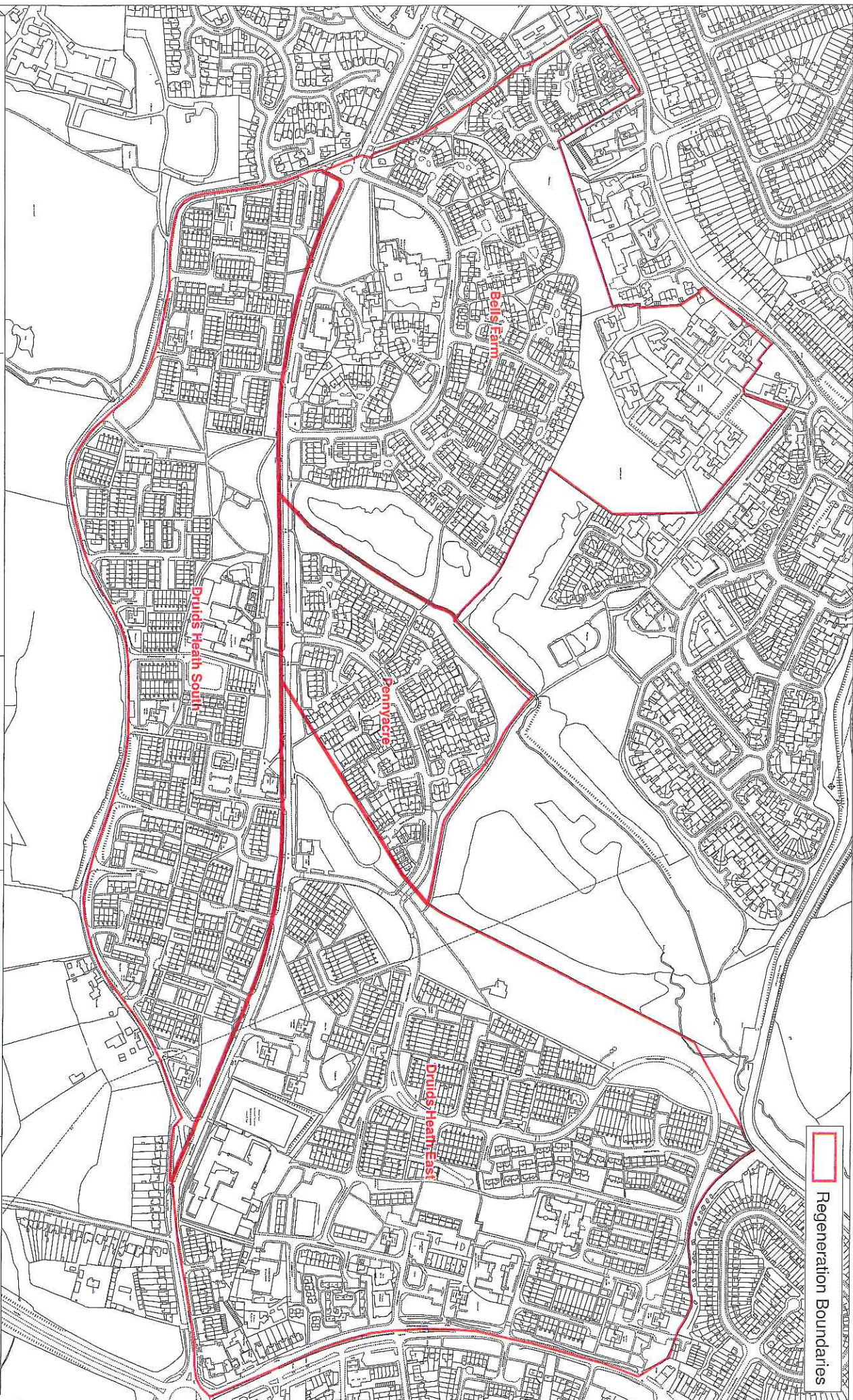
### **4 Review Date**

30/06/16

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.





Regeneration Boundaries

# **DRUIDS HEATH REGENERATION AREA**

AREA EDGED RED

88.57 HECTARES APPROX.

218.85 ACRES APPROX

Waheed Nazir  
Director of Planning and Regeneration  
1 Lancaster Circus  
Birmingham  
B2 2GL



Scale 1:1,600 @ A0

Drawn JW

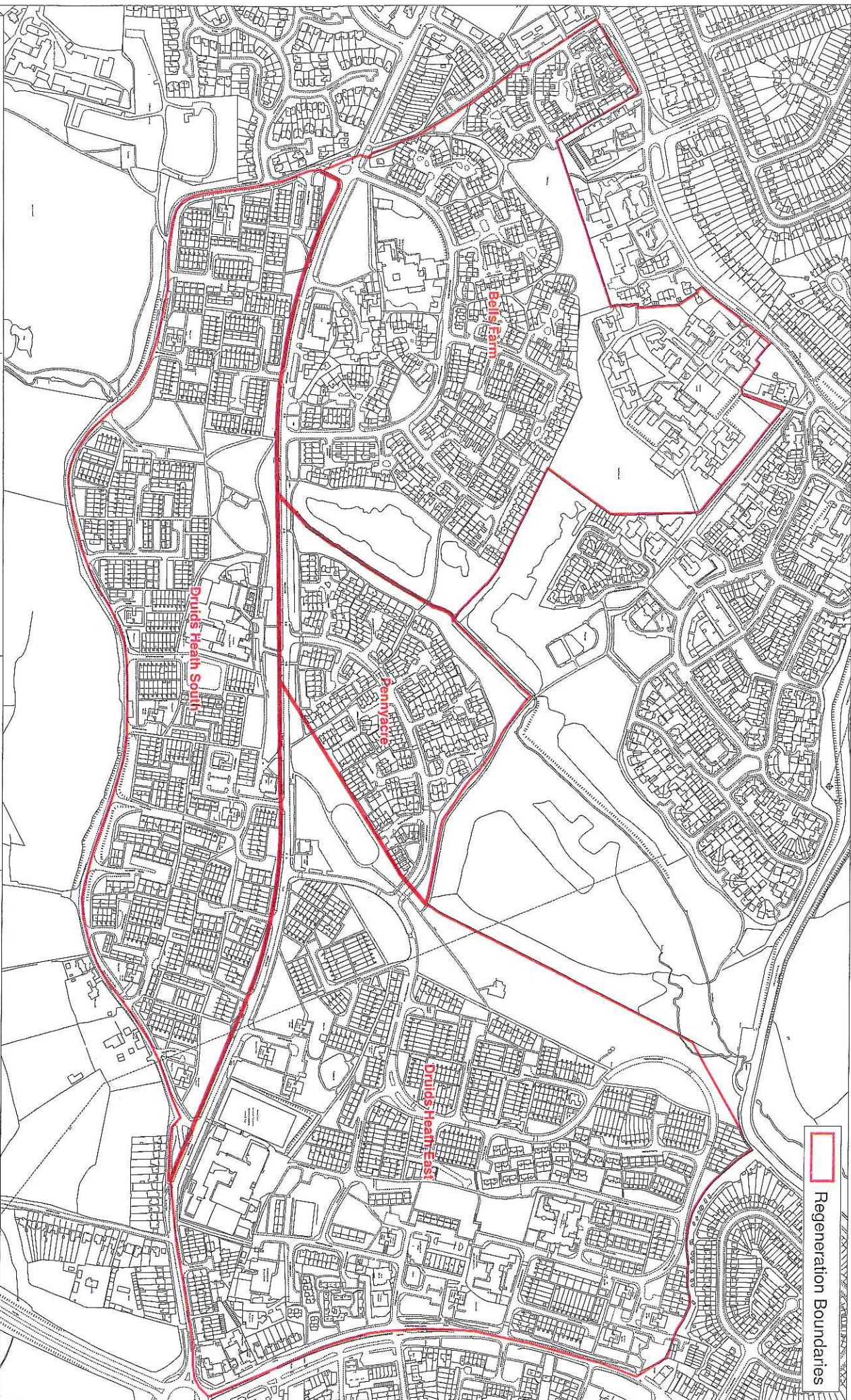
Date 14/04/2016



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Regeneration Boundaries

# DRUIDS HEATH REGENERATION AREA

AREA EDGED RED

88.57 HECTARES APPROX.

218.85 ACRES APPROX

Wahneed Nazir  
Director of Planning and Regeneration  
1 Lancaster Circus  
Birmingham  
B2 2GL



Scale 1:1,600 @ A0

Drawn JW

Date 14/04/2016



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<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Strategic Director for People</b>
<b>Date of Decision:</b>	<b>17th May 2016</b>
<b>SUBJECT:</b>	<b>TENDER STRATEGY FOR RE-PROCUREMENT OF INTEGRATED PREVENTION SERVICES (C0218(R))</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 001774</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	Cllr Stewart Stacey, Cabinet Member, Commissioning, Contracting & Improvement Cllr Paulette Hamilton, Cabinet Member Health and Social Care Cllr John Cotton, Cabinet Member, Neighbourhood Management and Homes
<b>Relevant O&amp;S Chairman:</b>	Cllr Majid Mahmood – Health & Social Care Cllr Waseem Zaffar – Corporate Resources Cllr Zaffar Iqbal – Neighbourhood and Community Services
<b>Wards affected:</b>	<b>ALL</b>

<b>1. Purpose of report:</b>
<p>1.1 Cabinet on the 20<sup>th</sup> October 2015 approved the strategy for commissioning of Integrated Prevention Services. The award report was approved by the Cabinet Member for Commissioning, Contracting, and Improvement, and the Strategic Director for People on 22<sup>nd</sup> April 2016 who agreed to seek approval from Cabinet to go back out to market for services under Lots 2, 3, 4 and 5. These would be commissioned under a single service specification.</p> <p>1.2 The proposed contract awards will be for a period of 2 years and seven months with an option to extend for an additional two years subject to satisfactory performance and budget availability.</p>

<b>2. Decision(s) recommended:</b>
That Cabinet:
<p>2.1 Approves the procurement strategy for Integrated Prevention Services as set out in this report.</p> <p>2.2 Delegates authority for the award of contracts to the Cabinet Member – Commissioning, Contracting &amp; Improvement together with the Strategic Director for People, following the procurement process. The contracts to be awarded for a period of two years and seven months commencing 1<sup>st</sup> January 2017.</p>

<b>Lead Contact Officer(s):</b>	Mark Roscoe – Commissioning Manager Commissioning Centre of Excellence, Directorate for People
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<b>Lead Contact Officer(s):</b>	Pat Merrick – Assistant Director of Universal and Prevention Commissioning Centre of Excellence, Directorate for People
<b>E-mail address:</b>	<a href="mailto:Pat.Merrick@birmingham.gov.uk">Pat.Merrick@birmingham.gov.uk</a>

### 3. Consultation

#### 3.1 Internal

- 3.1.1 The Integrated Commissioning Board has been consulted and is supportive of the proposed strategy.
- 3.1.2 Officers from Finance & Legal Services and Corporate Procurement Services have also been involved in the production of this report.

#### 3.2 External

- 3.2.1 Service users were involved in the development of the original service specifications and scoring of tenders. This included a facilitated workshop to co-design service specifications with service users and stakeholders, wider consultation events with potential providers and citizen panel briefings to ensure the proposal meets the needs of citizens.

Citizens remain fundamental to the future commissioning strategy and continue to support the final specification development and procurement. Following approval of this Cabinet report, it is our intention to work with the market and citizens to procure new services. This will include a number of facilitated workshops and briefing sessions to ensure that:

- the market understands the commissioning intention
- the market understands the reasons why the original procurement was unsuccessful
- the market is stimulated and tested appropriately
- new services and solutions are developed that reflect the needs of our stakeholders and citizens.

The Citizens Panel will continue to be consulted, having already contributed to the development of these commissioning intentions, the Social Value Framework and the Equality Analysis (EA). Specific responses from the Citizens Panel include the need to ensure that a diverse range of high quality services are commissioned that respond to the support needs of vulnerable groups. In particular, emphasis must be placed on ensuring that commissioned services promote independence and build community resilience. Furthermore, the commissioning approach will ensure those most in need have access to services and simplify the referral pathway.

### 4. Compliance Issues:

#### 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies

- 4.1.1 The Integrated Commissioning Programme reflects the priorities identified in the Council's Business Plan and Budget 2016+. It prioritises vulnerable individuals in the most need who overwhelmingly live in areas of significant deprivation. The services are designed to reduce vulnerability and promote resilience through prevention and early



intervention. Services will target those below the assessed care and support eligibility threshold who, without intervention, would be highly likely to progress into the assessed care and support needs category, resulting in greater costs to the public purse.

Future commissioning will expand capacity in the model further by enabling those with assessed care and support needs and promoting the uptake of a 'Direct Payment' to access services. This will help reduce dependency on services and equip the market to better manage demand. To support these objectives commissioned services will:

- Deliver highly effective housing support and universal prevention services which both reduce the need for higher cost statutory and emergency interventions, and enable people to sustain independent living in their communities.
- Assist vulnerable people furthest away from the labour market to succeed economically, through support to gain access to employment, training and volunteering opportunities. Also of importance is support to maximise the income of residents who may be adversely impacted by welfare reform.
- Promote the health and wellbeing of vulnerable people and their children by ensuring access to appropriate holistic health care services.
- Provide a brokerage role that will manage demand in the pathway, prevent blockage and develop community resilience.
- Increase uptake of 'direct payments' and ensure cost effective support is sustainable.
- Ensure that safeguards are in place, enabling vulnerable people to live independently within their communities free from harm and repeat incidents of violence.
- Help address deprivation and inequalities and support the super diversity agendas for the City.
- Support the City Council to deliver the prevention requirements of the Care Act 2014.
- Ensure citizens voice is at the heart of the services we commission and address the barriers that cause migration into the assessed care and support needs market; consequently increasing the burden on the local authority statutory budget.

Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of this contract. Tenderers will be required to submit an action plan as part of their tender submission and this will be evaluated in line with the criteria outlined in paragraphs 5.13 and 5.14 of this report. Implementation and monitoring of action plan commitments will be agreed with the successful tenders prior to contract award.

## 4.2 Financial Implications

4.2.1 The proposed fixed fee contracts will be for an initial period of two years and seven months from 1<sup>st</sup> January 2017 to 31<sup>st</sup> July 2019. This will mean that all lots included in the original integrated prevention services strategy end on the same date. There will be an option to extend for a further two years subject to satisfactory performance and future budget availability. All contracts will contain a break clause allowing contracts to be terminated by either party with three months' notice, should this be required because of reductions in future Council funding, under performance or for any other valid reason. In 2016/17 the award report for other areas of Prevention Services agreed to extend the existing contracts for the services covered by this report for 9 months. As set out in Appendix 1, the estimated cost in 2016/17 will be £2.628m. The maximum cost of the life of the new contract is estimated to be £2.400m per annum.

4.2.2 The total costs of the services included within this procurement will be contained within the budget for Universal Prevention Services totalling £4.200m. The £2.400m funding proposed within this procurement is consistent with the savings programme set out in Appendix 6 of the Council Business Plan and Budget 2016+.

#### 4.3 Legal Implications

- 4.3.1 The Council may exercise powers under the Care Act 2014 together with associated legislation and guidance relating to the provision of services to meet the need for care and support as well as prevention and services to promote wellbeing.
- 4.3.2 Under Section 111 of the Local Government Act 1972, a local authority has the power to take action which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions and therefore has a general power to enter into contracts for the discharge of any of its functions.
- 4.3.3 Consideration of how this project might contribute to achieving the Council's priorities and improve the economic, social and environmental well-being of the relevant area was discussed between Mark Roscoe, Commissioning Manager and the relevant stakeholders affected by Universal Prevention Services. This is reflected in the requirements, being relevant and proportionate to the overall contract. Additional stakeholder consultation was not required to achieve this.

#### 4.4 Public Sector Equality

- 4.4.1 A full Equalities Assessment (EA) was carried out in September, 2015 and highlighted minimal adverse impact. Under the original procurement exercise, the awards of Lots 1, 6 and 7 and the recommendation to extend those contracts that are affected by not awarding Lots 2, 3, 4 and 5 whilst we go back out to market, highlights some impact; which will be managed during mobilisation. The EA will continue to be a live document and will be supported by a risk register to monitor impact and mitigate against any risks.
- 4.4.2 If we do not procure services effectively that meet the current demand there would be a risk that there would be increased and unnecessary demand on adult social care. This is mitigated by firstly extending contracts in the interim period whilst we procure new services and secondly procuring an integrated universal offer that builds community resilience and promotes independence. The fundamental principles of future procurement include:
- An integrated pathway approach that will maximise the effectiveness of the available financial resources to achieve the best outcomes for vulnerable citizens
  - A new service will focus on relationship building of both citizens and their community to be able to do more for themselves
  - The alignment of 'Direct Payments' will ensure that future capacity in prevention services are not taken by those with a assessed care and support needs. Those commissioned to provide prevention services will also need to have the capacity to provide an enhanced service for those that have a 'Direct Payment', therefore helping to manage the demand in Adult Social Care.
- 4.4.2 All providers will be required to maintain minimum standards relating to fair access and exit as part of the Birmingham Standard (quality assurance framework). Contractual compliance with the standard will be tested by commissioners alongside accredited Lay Assessors (service user leads). Diversity data is also routinely collected by the Council in its contract monitoring role and this will continue for the new contracts.
- 4.4.3 The EA will be updated at the point of contract award and mobilisation, should there be specific issues that arise which require attention at that stage. However, at this stage it is not possible to predict these impacts. As part of the re-commissioning the relevant risk logs/action and ongoing monitoring plans will be put into place in order to identify any possible adverse impacts and any mitigation.

## **5. Relevant background/chronology of key events:**

- 5.1 Nationally, policy documents for a number of years, such as the Parliamentary Select Committee report on Supporting People in 2009, have supported the view around the benefits of continued investment in prevention and early intervention services. At a local level, prevention services currently support approximately 20,000 people in Birmingham to remain independent and continue to live in their homes. The provision of prevention services also directly supports the objectives of the Future Council Programme by offering the potential to reduce demand and expenditure on more costly Social Care and health interventions.

Prevention services costs less than residential care and a key objective is to reduce the number of older adults requiring residential care. The average cost of such care is £522 per week and £27,144 per year per citizen (Report on Adult Social Services Expenditure 2009/10, York Consulting). Whilst data is limited in terms of the number of citizens that transition into adult social care following the removal of prevention services, research suggests that the potential cost savings that can result from commissioning prevention services are centred on enabling independence among vulnerable adults with low support needs, which in turn reduces demand on residential care.

The current prevention services support over 20,000 citizens at the cost of £4.2m. Whilst the budget is being reduced to £2.4m it is expected that the future model would still support 15,000 citizens given the approach shifts from a dependency model to building community resilience and independence. This would reduce cost per head of population engaged in services. Additionally, even with a conservative estimate that the model would be preventing 100 Citizens accessing residential care, would realise savings associated with the costs of residential care which equate to £2.7m; this realises efficiencies of £0.5m per year alone.

- 5.2 It should also be borne in mind that in the context of the significant existing and ongoing reductions required of the City Council's budget, prevention services, such as those that are the subject of this report, provide one of a few, positive, opportunities to support a wide range of vulnerable service users to help increase their resilience, maintain or extend independence and to avoid or reduce the need for higher costing statutory services.
- 5.3 Therefore a key element of the proposed new commissioning intentions is the further development of accessible customer pathways into and out of a wide range of prevention services. The objective is to make the service user journey effective by developing pathways across the range of prevention services. This approach will assist citizens to access, as required, a range of related services and provide an opportunity to offer appropriate early intervention if the support requirements of individuals changes or escalates. It also enables the development of community resilience and removes dependency on more expensive social care in the long term as citizens are supported to manage their own health and wellbeing in their own home for as long as possible.
- 5.4 Cabinet on 20<sup>th</sup> October 2015 approved the strategy for commissioning of Integrated Prevention Services. The award report was approved by the Cabinet Member for Commissioning, Contracting, and Improvement, and the Strategic Director for People on 22<sup>nd</sup> April 2016.

- 5.5 There were a number of concerns that led to the recommendation to not award a contract under the existing procurement cycle and these were set out in the Integrated Prevention Services Awards report referred to in Paragraph 5.4. The Council is still committed to support the third sector and utilise their expertise to provide support for those below the assessed care and support eligibility threshold. The revised specification will incorporate the original priorities proposed for those Lots affected, and also develop links to the Council priority of increasing uptake of direct payments, whilst ensuring vulnerable adults who access primary prevention services are those just below the assessed care and support eligibility threshold and would urgently require more expensive care if these services were not provided. This will ensure value for money and more effective utilisation of the available budget.
- 5.6 The development of a revised single specification will deliver against the original priorities of reducing dependency and creating community resilience. Moving forward, it will also include a broader prevention focus across vulnerable citizens that are most at need and increase utilisation of direct payments for those with an assessed need. In turn, this will help reduce demand on adult social care in the long term and manage more immediate pressures by ensuring that the sector has an adequate range of resources to meet the needs in Birmingham for those below and above the assessed needs threshold.
- 5.7 The specification will enable Service Providers, who will work in partnership with the Council and other stakeholders to provide an intergraded hub. The hub will form the central element of the new prevention service and will be part of an integrated approach to provide a clearer and holistic pathway for citizens accessing prevention services. The hub will be managed and coordinated by a service provider(s) working with community and partner organisations providing an integrated approach to services for vulnerable groups of people who are identified as requiring prevention services. The hub may be positioned in a number of communities to meet local need by utilising existing community assets, but also may be telephone and online based. The hub will include a community brokerage service and access to a wide range of sub contracted providers who will meet the needs of the vulnerable adults.
- 5.8 Consultation will take place with the voluntary organisations to market test the new specification as part of a coproduction approach, ensuring that the organisations are clear around the aims of the approach and there is a focus upon the specific target groups. Organisations will be supported to understand the requirement for innovative services, providing clarity to the integrated approach and demonstrating value for money. This will increase the quality of bids and drive up the quality of tender returns. This will ensure we commission a model that addresses the financial pressures the Council faces by reducing the demand on services. It will also reduce the blockage in current services that is created by a dependency delivery model and provide the opportunity for those with the greatest need to gain support. The model will refocus on facilitating more resilient communities and promote independence. Consultation and community engagement through a coproduction approach will ensure these address the specific needs in local communities.
- 5.9 The model description is outlined in a single service specification (Appendix 2) to ensure we commission an integrated pathway that improves accessibility to support services through the multiple programmes that are offered within the integrated model. The specification outlines Lots a, b and c, which are described below. This means that providers tendering could potentially apply to deliver one or all Lots. This ensures we commission the best organisations to deliver support at a local level and not constrict the market by procuring one organisation. The preferential model would be a consortia approach.

## Vulnerable adults hubs (Lot a)

A single point of access and citizen centralised pathway that provides an integrated approach to services and timely support. It is expected that multiple Hubs will be established across local communities that include buildings (utilisation of community assets), telephone or online approaches, in order that vulnerable adults, carers and professionals have a referral point that meets the needs of the vulnerable adults in their own community. The hub would ensure a range of services are available locally for those with the greatest need, with a focus on protecting prevention services that build resilience and promote independence, which in turn stop them transitioning to more expensive adult social care.

### 5.10 Community Brokerage Service (Lot b)

The community brokerage service will manage demand and support citizens to move through the system with a focus on reducing dependency and ensure citizens have the appropriate level of intervention that enables them to remain in their own home with limited support and care; therefore providing an effective primary prevention offer. It will also identify those who have an assessed eligible need for care and support and have chosen to take their personal budget as a Direct payment to avoid taking capacity from prevention services and instead ensure they receive the appropriate level of care. The specification will be considered in the light of the Framework Agreement for Direct Payment Support Services.

### 5.11 Primary Prevention services (Lot c)

Primary Prevention Services will be accessed via the Hub and Brokerage which would support those citizens that without intervention now, would require longer term more expensive adult social care. These services would:

- Enable organisations to deliver new, innovative programmes that improve health and wellbeing. Funding will not be granted to offset previous loss in funding or existing models of delivery and instead should focus on facilitating innovation through seed funding that enables long term community improvements in health and wellbeing that are not solely reliant on Birmingham City Council funding.
- Capture innovative practices which promote early intervention and prevention utilising the assets of both communities and individuals.
- Deliver the Adult Social Care offer for vulnerable people; this includes a service offer for self - funders and people on direct payments.
- Include a proof of concept test for a third sector community based support planning and brokerage service to support and increase the take up of direct payments.
- Enable a model that facilitates Citizens to cluster purchasing of services at a local level where demand of activities is reflective of citizen interest. This will enable those purchasing activities via their direct payments to stimulate the market as appropriate and drive quality improvements.
- Develop and support the market to ensure a clear understanding is in place that meets the priorities set at the local authority.
- Be procured within the existing financial envelope already approved but include the additional six month extension of contracts of existing services to mitigate against increase demand that could be required if services were decommissioned whilst new services are commissioned.

### 5.12 The Council will undertake open market tendering activity in order to procure prevention and early intervention services specified above. The timelines are set out below:

Issue tender documents:	End May 2016
Tender returns:	Mid July 2016
Evaluation:	Mid July- August 2016
Clarifications:	End August 2016
Award Report to DPR:	September 2016
Mobilisation Meetings:	October - December 2017
Contracts start:	1st January 2017

- 5.13 It is proposed that these three Lots will be advertised in the Official Journal of the European Union, Contracts Finder and Findit in Birmingham using the “Open” route to attract a range of providers from within this limited market. Tenderers will be invited to indicate the amount of work which they would be able to deliver in each area and the number of successful providers appointed would be determined by this capacity and the scoring set out below. Evaluation of the award criteria will be carried out by officers from People Directorate and representatives from the Citizen panel with support from Corporate Procurement Services. Lot a – Centralised Hub and Lot b – Community Brokerage bids will be scored on a price / quality / social value ratio of 20%/60%/20%. The quality and social value elements will have a minimum 50% threshold for all questions; this means a minimum score of 2 out of 4 must be scored on all questions. The table below gives the indicative key criteria on which the Tenderer’s submission will be evaluated.

<b>Mandatory Criteria</b>	<b>Weighting %</b>	<b>Sub-Criteria</b>	<b>Weighting %</b>
Price	20%	N/A	N/A
Quality	60%	Method Statement Outcomes based delivery Diversity competence Performance Management & Validation Infrastructure Safeguarding	30% 10% 10% 20% 15% 15%
Social Value	20%	Local Employment Buy Birmingham First Partners in Communities Good Employer Green and Sustainable Ethical Procurement	25% 15% 35% 15% 5% 5%
	100%		

- 5.14 Lot c – Primary Prevention Services bids will be scored on a quality / social value ratio of 80%/20%. As bidders will be offering services based on broad outcomes rather than to a specific specification, it will not be possible to do a meaningful comparison on the specific value, but of the quality, 15% would be made up of value for money (VFM) questions in terms of management costs, profit margin, number of citizens supported etc. The quality and social value elements will have a minimum 50% threshold for all questions; this means a minimum score of 2 out of 4 must be scored on all questions. The table below gives the indicative key criteria on which the Tenderer’s submission will be evaluated.

<b>Mandatory Criteria</b>	<b>Weighting %</b>	<b>Sub-Criteria</b>	<b>Weighting %</b>
Quality	80%	Method Statement Outcomes based delivery Diversity competence Performance Management & Validation Infrastructure Safeguarding Value for money	25% 10% 10% 20% 10% 10% 15%
Social Value	20%	Local Employment Buy Birmingham First Partners in Communities Good Employer Green and Sustainable Ethical Procurement	25% 15% 35% 15% 5% 5%
	100%		

5.15 Contracts will be let for a period of two years and seven months with an option to extend for a further two years, subject to performance and compliance with the contract terms and conditions and budget availability. This will bring the commissioning process in line with the original procured services across Integrated Prevention Services.

## 5.16 Future Contracting Methodology

5.16.1 Contract management is the responsibility of the Service Director Commissioning Centre of Excellence. Monitoring will be quarterly and will focus on achieving contractual requirements and quality. A combined approach will be taken to the assessment of both quantitative data, which includes analysis of KPIs, contractual hours delivered, outcomes delivered, a quality assurance grading (for needs assessment and support planning, safeguarding, health and safety, user engagement and fair access) and also qualitative data i.e. service user feedback obtained via accredited lay assessors. Monitoring will also include adherence to the Business Charter Action Plans.

5.16.2 Payment will be made based on two factors :

- 1: Payment by utilisation, based on 90% of the contract value
- 2: Payment by outcomes based on remaining 10% of the contract value

1: Contract Utilisation - Ninety percent (90%) of the total contract value will be paid on a quarterly basis as defined by individual contracts. These payments will be made on the basis that the service is delivering a minimum level of 95% utilisation (actual achievement) of the agreed outcome thresholds outlined in each contract, for example the number of hours of prevention services offered.

Should the reported outcomes fall below this threshold at any performance quarter of the contract year, payment of the 90% element will be reduced by a factor reflecting the operational level being utilised compared to the contractual requirement of 95% as per the table below.

Utilisation	Payment
95%+	90%
94%	89%
93%	88%
92%	87%
91%	86%

If utilisation rates below the contractual requirement of 95% fluctuate between quarterly reporting periods, payment will be adjusted to reflect the overall utilisation achieved up to that period.

Utilisation	Payment
90%	85%
89%	84%
88%	83%
87%	82%
86%	81%

Should a provider have been operating below a 95% utilisation rate during the contract year but by the end of the contract year achieve the overall required utilisation rate of 95%, payment will be adjusted for the final appropriate payment period so that the full 90% annual contract value is paid. This recognises that citizens with complex needs will require variable levels of support throughout the year and the level of support that is required may vary dependent on the type of services that are offered.

- 2: Payment by outcomes - The ten percent (10%) balance due on the annual value of the contract will be paid in the first full payment period following the end of the contract year. This 10% payment will be based on the successful delivery and validation of outcomes within the payment by results process.

Full successful delivery on the set outcomes will lead to full payment of this 10% balance. This payment by outcomes element will reduce dependent upon the level of success reported and validated in achieving the set targets. Detailed below are the levels at which this final payment will be calculated and made:

- Outcomes achieved 80% or above full 10% of annual contract value is payable.
- Outcomes achieved 60% - 79% 7.5% of annual contract value is payable
- Outcomes achieved 40% - 59% 5.0% of annual contract value is payable.
- Outcomes achieved 20% - 39% 2.5% of annual contract value is payable.
- Outcomes achieved 19% or below no additional payment is payable.

Possible outcomes will vary dependent on the services provided but must be able to demonstrate the overall outcomes set in the commissioning intentions of reducing dependence and preventing citizens from needing access to adult social care.

#### **Example outcome:**

Number of service users who have established or maintained independent living as a percentage of the total number of service users who have accessed the service. Indicative target 98% i.e. only a maximum of 2% going into complex care.



## **5.17 Contract Mobilisation**

Previous experience of the contract mobilisation period demonstrates that this can be a complex process and may be unsettling for service users; learning from previous experience will be called on to minimise disruption and to ensure contracts are mobilised efficiently and with minimum distress to citizens.

## **6. Evaluation of alternative option(s):**

- 6.1 Doing nothing, allowing contracts to expire is not a viable option as it will have a negative impact on vulnerable people and the demands on adult social care. Both Supporting People and Universal Preventative Service models are an effective prevention programme and have been shown to help reduce crime, and other higher cost statutory responses e.g. homelessness and hospital admissions, help delay or prevent referrals into long term residential care, Public Health and Children's Services.
- 6.2 The extension or retention of existing services without any change is also not a viable option. This is not a closed market and there are other potential providers. There are also new services to be commissioned which must be subject to tendering and must be delivered within the available resources. It is also not a viable option as it may breach the Public Contract Regulations 2015.
- 6.3 One lead contractor with a supply chain may affect the diversity of the marketplace by reducing the number of suppliers within the chain, which may also result in cherry picking of clients, affect client choice and the innovation that is currently offered through bespoke service delivery.
- 6.4 Framework Agreements with each individual support plan being put out to competition would be difficult and resource intensive as an individual assessment by the Council will need to be carried out. In addition emergency and immediate access requirements will come from a range of sources including self-referrals, voluntary agencies etc.
- 6.5 Re-procurement of a new model under a single service specification would enable a simplified referral pathway, brokerage that address dependency and ensures the most appropriate care packages are offered together with more effective primary prevention programmes. These prevention programmes would focus on increasing capacity in the system, reduce demand for more expensive adult social care and reduce dependency.
- 6.6 Restructuring the Lots in tendering the services will develop a coordinated approach of provision for vulnerable adults that removes the commissioning of silo services and bringing together partner organisations to provide an integrated and clear pathway for vulnerable adults.

## **7. Reasons for Decisions (s):**

- 7.1 To give approval to re-procure under a single service specification, services previously associated with Lots 2, 3, 4 and 5 of the Integrated Prevention Services pathway that will better address the Council's priorities. This would ensure that we maintain appropriate levels of support in the community to reduce the burden on more expensive adult social care that those accessing these services are likely to require in the long term if these services are not available. A single specification would also facilitate the introduction of a more innovative, cost effective model that better manages demand for prevention services and adult social care.

<b><u>Signatures</u></b>	<b><u>Date</u></b>
Peter Hay ..... Strategic Director for People	.....
Cllr Stewart Stacey ..... Cabinet Member Commissioning, Contracting and Improvement	.....
Cllr Paulette Hamilton ..... Cabinet Member Health and Social Care	.....
Cllr John Cotton ..... Cabinet Member Neighbourhood Management and Homes	.....

<b>List of Background Documents used to compile this Report:</b>
1. Integrated Prevention Services Strategy Report Cabinet Report 20 <sup>th</sup> October 2015
2. Integrated Prevention Services Awards Report Cabinet Member report 25 <sup>th</sup> April 2016

<b>List of Appendices accompanying this Report (if any):</b>
Appendix 1 Summary of costs
Appendix 2 Draft service specification

<b>Report Version</b>	<b>20</b>	<b>Dated</b>	<b>06.05.16</b>
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## Appendix 1 Summary of Costs

Summary of costs for a new 2 year 7 months contract award and the original extensions granted on 22<sup>nd</sup> April Award report.

Client Group	9 month extension cost (Existing contracts) 01/04/16 – 31/12/16	3 month award cost (New Contracts) 01/01/17 – 31/03/17	Total 2016/17 cost	Full Year Award Value (New Contracts) – (2017/18 & 2018/19)	4 month cost (New Contracts) 01/04/19- 31/07/19
Procurement of the original Lots 2, 3, 4 and 5 under one service specification	£2,028,738	£600,000	£2,628,738	£2,400,000	800,000

\*This does not include contracts awarded for Lots 1, 6 and 7 which are contained in the Award report approved on 22<sup>nd</sup> April

<b>Service Specification No.</b>	
<b>Service</b>	Integrated Prevention Services
<b>Commissioner Lead</b>	Mark Roscoe, Commissioning Manager, Commissioning Centre of Excellence
<b>Provider Lead</b>	TBC
<b>Period</b>	1 <sup>st</sup> January 2017 to 30 <sup>th</sup> June 2019

## 1. National Context and local Need

The need to invest in preventative services to delay people's need for social care and health services and to promote the wellbeing of our community is widely recognised. A shared preventative approach across organisations in the public, voluntary, community and private sector to deliver services to a changing and ageing population is required if health and social care services are to be sustainable

Universal prevention services are targeted towards citizens who fall below the eligibility threshold for assessed care and support. The aim is to provide support to enable citizens to live independently for as long as possible within their own homes and reduce the demand on more expensive adult social care by managing health and wellbeing through early intervention. The Care Act 2014 places a new duty on Local authorities to ensure the provision of preventative services that help prevent, delay or reduce the development of care and support needs.

Older Adults – Primary prevention services offering community based day opportunities to reduce isolation and keep citizens engaged in their community. 6000 people per year have access to a service. A high percentage of these citizens will become isolated as these services provide their only contact on a regular basis. There is also potential for an even greater percentage to develop critical/substantial needs sooner than necessary due to their isolation. The centres provide services at a significantly subsidised rate to people with assessed eligible care and support needs in most cases due to personal choice, and others who could be deemed to have high care needs but have not yet been identified.

The Care Act 2014 brings a significant reform in care and support, putting those with care needs and their carers in control and at the heart of their care to improve independence and wellbeing. The Care Act introduces new responsibilities for local authorities. It also has major implications for adult care and support providers, people who use services, carers and advocates.

The Act defines the primary responsibility of local authorities as the promotion of individual wellbeing. There is a shift from the duty to provide services to meeting needs. A key part of the Act is a focus on preventing or delaying the need for more complex adult social care. This requires investment in preventative services and fully utilising any existing community resources, facilities and assets to prevent people's needs escalating unnecessarily. The focus should be building community resilience and providing flexible support that does not create long term dependency.

It also states that Local authorities must:

- Establish and maintain an information and advice service.
- Facilitate a diverse, vibrant and sustainable market for care and support services that benefit the whole population.
- Focus on wellbeing, workforce development, pay and appropriate pricing of services when commissioning.
- Promote integration with the NHS and other key partners.

The Local Authority also has a commitment to provide provision that addresses the Public Services (Social Value) Act 2012.

The Act gained Royal Assent in March 2012 and was implemented in January 2013. It requires local authorities at the pre-procurement phase of commissioning services to consider how what is being procured might improve the economic, social and environmental wellbeing of an area and how the authority might secure that improvement in the procurement process itself. There is also a requirement that authorities consider whether to consult on these matters. In essence it is about factoring in 'social value'. Social Value is imbedded into all contracts.

A series of local policies have been developed in support of the Social Value Act 2012:

- Birmingham Business Charter for Social Responsibility 2013;
- Social Value Policy 2013; and
- Living Wage Policy 2013.

All areas of the public sector, particularly health and social care, face significant budget pressures, alongside pressures on existing services from an increasing, ageing population.

### **Citizen pathway**

This service has been commissioned as part of the pathway (see appendix A), which aims to ensure that vulnerable people are able to access, pass through and exit services at the right points in their journey towards achieving or maintaining independence. Therefore, providers will maintain and retain effective working relationships with other providers at the relevant parts of the pathway and create a holistic package of care, so that citizens are able to access services without difficulty. The ultimate aim is to ensure that there is the best use of services available within the universal space (see appendix A), which in turn avoids unnecessary dependences elsewhere within the pathway and avoid duplication.

### **Support Services**

Outside of the statutory requirement enshrined in the Care Act 2014, the Council is committed to supporting preventative and early intervention services, given their contribution to the Future Council's Vision of a sustainable model of demand management which not only improves the quality of life for citizens, but also reduces the escalation of need into more expensive statutory interventions. The services being procured through this process will support this future vision by making prevention an integral part of the Council's offer to all citizens; We will continue to measure this against the outcomes defined in the Adult Social Care Framework (ASCOF) and the locally derived prevention outcomes.

Given the climate of reducing resources it is essential that projects work to deliver effective services along the pathway model (Appendix A), so that vulnerable citizens, access, pass

through and exit the commissioned services in an appropriate and timely manner so as not to generate unintended demand elsewhere within the pathway or create long term dependency.

This approach will require multi agency collaboration across the sector to ensure appropriate expertise available to support the most vulnerable citizens.

The commissioning of universal services will help some of the most vulnerable and sometimes most excluded people to remain independent with choices over how much they contribute to their community and wider society. The primary target audience for this specification is vulnerable adults. For the purpose of this specification a vulnerable adult has been defined as a person over the age of 18 who is or may be in need of community care services by reason of mental or other disability, age or illness; and/or who is or may be unable to protect him or herself against significant harm or exploitation in any care setting. This includes individuals not in receipt of social care services, but may include those in receipt of other services such as health care (Department of Health and Home Office, 2000).

Through this specification we will continue with our commitment to purchase universal services that improve and maintain the health and wellbeing of citizens, with a clear focus on activities that will deliver measurable benefits to vulnerable adults across the City. We want to do this through an outcome based approach that delivers on the priorities in:

- the Leaders Statement: For a fair, prosperous and democratic city ;
- The Health and Wellbeing Strategy: Improve Health and wellbeing of most vulnerable adults; Improve the resilience of our health and care system; and
- the Adult Social Care Market Position Statement: SAFEGUARDING – Protect most vulnerable in the city; QUALITY LIFE – Enhancing quality of life for people with care and support needs; RESIDENTIAL CARE - Delaying and reducing need for residential care and support and through the procurement of services that can deliver results against the outcomes listed below.

The aim of preventative services is to promote independence by reducing negative dependency and empowering citizens to do as much as they can for themselves for as long as possible. One way of doing this is to keep them active and engaged within their own communities and neighbourhoods.

This could include but is not limited to:

- a) Activities/events organised, led and run by users that help them to feel valued appreciated and enable them to re-engage with the community within which they live.
- b) Befriending services that allow for development of community and peer networks.
- c) Activities that support citizens in their home for example through the provision of volunteer floating support services that are not housing related.
- d) Services/activities that will build on new and existing community hubs and groups to leave a lasting impact or legacy for the community
- e) Day opportunities that provide access to a range of activities and services for individuals that they are able to actively engage with as users and/or organisers.

Through this process we aim to commission services that facilitate access and support vulnerable adults into preventative services as and when they feel the need too.

In developing universal provision, providers need to be conscious of the diverse needs of citizens who access services and ensure the support is flexible in a way that it manages the demand, builds resilience and does not create dependency. There is an acceptance that the level of support and interventions for citizens will vary as a person centred approach is applied. For some citizens, prevention may mean maintenance to stop their condition or situation from deteriorating further; it is therefore reasonable for citizens to have an individual agreement in place when they join a service that details their expectations and outcomes.

**The delivery of such services must adopt a Asset Based Community Development (ABCD) approach.**

Asset Based Community Development (ABCD) is a *strategy* for sustainable community-driven development. Beyond the mobilization of a particular community, ABCD is concerned with how to link micro-assets to the macro-environment. The appeal of ABCD lies in its premise that communities can drive the development process themselves by identifying and mobilising existing, but often unrecognised assets, and thereby responding to and creating local economic opportunity.

ABCD builds on the assets that are already found in the community and mobilizes individuals, associations, and institutions to come together to build on their assets. Such assets should be matched with those in need to build resilience in the community. The key is to begin to use what is already in the community and not parachute in expertise that is no longer sustainable under the existing financial pressures.

In the past when a person had a need they went to their neighbour for assistance. But this has shifted today to the belief that the neighbour does not have the skills to help them, therefore we must go to a professional for assistance.

This leads to isolation, lack of community integration and reliance on more expensive care. Those less affluent begin to see themselves as people with special needs that can only be met by professionals; this can be changed through the ABCD process.

Secondly, ABCD is found in the local associations who drive effective community development and leverage additional support and entitlements. These associations are the vehicles through which a community's assets can be identified and then connected to another in ways that multiply their power and effectiveness. ABCD draws out strengths and successes in a community. Among all the assets that exist in the community, ABCD pays particular attention to the assets inherent in social relationships, as evident in formal and informal associations and networks.

It is a strategy directed towards sustainable, economic development that is community-driven. Most communities address social and economic problems with only a small amount of their total capacity. Much of the community capacity is not used and is needed. This is the challenge and opportunity of community engagement. Everyone in a community has something to offer.

Five Key Assets in ABCD

Communities can no longer be thought of as complex masses of needs and problems, but rather diverse range of assets. Each community has a unique set of skills and capacities to channel for community development. ABCD categorises asset inventories into five groups:

- **Individuals:** At the centre of ABCD are residents of the community that have gifts and skills. Everyone has assets and gifts. Individual gifts and assets need to be recognised and identified. In community development you cannot do anything with people's needs, only their assets. Deficits or needs are only useful to institutions.
- **Associations:** Small informal groups of people, such as clubs, working with a common interest as volunteers are called associations in ABCD and are critical to community mobilisation. They don't control anything; they are just coming together around a common interest by their individual choice.
- **Institutions:** Paid groups of people who generally are professionals who are structurally organised are called institutions. They include government agencies and private business, as well as schools, etc. They can all be valuable resources. The assets of these institutions help the community capture valuable resources and establish a sense of civic responsibility.
- **Physical Assets:** Physical assets such as land, buildings, space, and funds are other assets that can be used.
- **Connections:** There must be an exchange between people sharing their assets by bartering, etc. These connections are made by people who are connectors. It takes time to find out about individuals; this is normally done through building relationships with individuals by individuals.

## Outcomes

All elements of the service must deliver in line with the strategic objectives of the Council Business Plan and Budget 2016+ and the Health and Wellbeing Strategy. **ASCOF outcomes see Appendix B**

Each outcome is stand alone and it is expected that providers will demonstrate how their service provision achieves a positive impact. In addition all should demonstrate and provide evidence of how their service will deliver against **Safeguarding adults whose circumstances make them vulnerable and protecting them from avoidable harm**. The provider should deliver against the following:

1. Enhancing the quality of life for people that are just below the assessed care and support needs eligibility threshold;
2. Delaying and reducing the need for care and support
3. Ensuring that people have a positive experience of care and support;
4. Safeguarding adults whose circumstances make them vulnerable and protecting them from avoidable harm;
5. Support Citizens to Self-manage and maintain Independence;
6. Reducing Social Isolation;
7. Health and Wellbeing (including the five ways to wellbeing);
8. Living Safely at Home;
9. Remaining Independent;



10. Reduce demand on Carers;
11. Build community resilience;

### **Social Value**

In relation to this service, the service provider will deliver the following “social value requirements” through an agreed Action Plan

1. Payment of the Birmingham Living Wage
2. Adherence to the Birmingham Business Charter for social responsibility including:
  - a. Local Employment
  - b. Buy Birmingham First
  - c. Partners in Communities
  - d. Good Employer
  - e. Green and Sustainable
  - f. Ethical Procurement
3. Supplier innovation relevant to and proportionate to the contact value.
4. A robust evidencing and evaluation methodology

### **3. Scope and service description**

#### **Aims**

This prevention model aims to provide an integrated prevention service that offers flexible support that reflects the individual needs of vulnerable adults with a goal to build community resilience and promote independence. This would result in citizens living independently in their own home over the long term and reducing the demand on adult social care. This will be in line with the Care Act (2014) and Council and CCG priorities, to provide a shift in service provision, with an increasing focus upon preventative services with the aim of preventing, reducing and delaying the need for care. This should allow us to reach our goal of providing people with adequate information and advice, thus enabling them to access high-quality services at an early stage to aid their independence for as long as possible in their community and own homes.

It has been decided that we will not be commissioning information and advice services as discreet stand-alone provision. However there is a requirement for all services to offer access to high quality information and advice that supports and empowers citizens to know their rights and responsibilities. This is integral to all service provision.

Access to this high quality information and advice must be a fair and equitable service for all citizens. To meet the requirements for the provision of information and advice at the required level, providers can choose to develop partnership/consortia or sub-contracting

arrangements with advice agencies or resource centres.

The service offered should be delivered flexibly to address the needs of the following vulnerable adults:

1. Those at risk of entering adult social care
2. Mental health
3. Learning disabilities
4. Poor health and wellbeing
5. older adults,
6. adults with autism,
7. adults with Sickle cell
8. adults with learning disabilities

**The specification is broken down into three Lots. A provider may wish to tender for one or more Lots. The Lots are as follows:**

- 1. Centralised Hub**
- 2. Community Brokerage**
- 3. Primary Prevention services** (applicants must clearly indicate which vulnerable groups the service will support and how it is tailored to address their needs)

All providers, including all consortia with nominated lead or single providers should be able to deliver a simple package of care that meets the varied needs of the population. Whether the lots are awarded to a single provider or a separate providers, they will be required to work together to deliver an integrated system to vulnerable adults.

**The Centralised Hub Overview:**

- Create an information platform that will ensure that both the public and professionals are aware of the services available to support their needs to improve their health.
- To provide information and advice service
- Signposting or referral to support services
- Access to training
- Access to day opportunities
- Support and manage the co ordination of service provision
- to support vulnerable adults and professionals throughout the citizen pathway and ensure that the customer journey, choice and options is easy to understand, access

and use, with key information in one place.

- Establish and develop a wide network of sub-contracted community organisations across Birmingham to provide support planning and related practical support to vulnerable adults
- Provide support and guidance to community organisations within the network to ensure they understand their role and how it fits within the wider Citizen Pathway

Provide and deliver training/support opportunities to community organisations within the network to ensure they have the necessary knowledge, skills and abilities to provide any sub-contracted support to vulnerable adults. The Service Provider will work in partnership with the Council and other stakeholders to provide an intergraded hub, the hub will form the central element of the new prevention service and will be part of an integrated approach that provides clearer and holistic pathway for citizens accessing prevention services. The hub should not be one individual centre that is accessible from across the city and instead should form a multitude of access points within local communities as well as virtually, that is coordinated centrally to deliver a city wide holistic package of care for vulnerable adults that are at risk of entering adult social care.

The hub will be managed and coordinated by a service provider(s) that will work with all community and partner organisations locally that offer support to ensure:

1. The needs of citizens are met and communicated within vulnerable communities
2. A simple referral pathway is maintained to access services
3. Communication of how citizens exit support that would instil independence, develop community resilience and reduce risk of relapse
4. Provide onward referral to specialist services where necessary

The service will enable vulnerable adults to access services within the universal space and therefore facilitating their independence longer term.

#### **Community Brokerage Overview:**

- The provider will support vulnerable adults to move through the system- citizen pathway thus avoiding blocking the system
- The provider will assist citizens assessed by the Council as eligible for Direct Payment to develop their own Support Plan.
- The Provider will assist self funders to develop their own Support Plan
- Actively promote the Community Brokerage model to Personal Budget Holders/self funders, their families, friends and the wider community.
- Develop and co-produce effective IT e market approaches that enables those with a Direct Payment and self funders to make informed choices about which community organisation within the network they would wish to choose for the provision of

support.

- Develop effective governance arrangements, processes, information transfer and management arrangements, and communication interfaces to manage and deliver Community Brokerage services.
- Develop peer support networks to support Personal Budget Holders and self-funders to both undertake their own support planning activity and manage their Personal Budgets.

Community brokerage will manage demand and support citizens to move through the citizen pathway with a focus on providing flexible care that moves citizens through the pathway as effectively and efficiently as possible, whilst focusing on building independence and community resilience. The priority is to instil the necessary skills, support and expertise where necessary to enable citizens to live independently in their own homes for as long as possible.

The community brokerage service will manage demand and support citizens to move through the system with a focus on reducing dependency and ensure citizens have the appropriate level of intervention that enables them to remain in their own home with limited support and care; therefore providing an effective primary prevention offer. It will also identify those who have an assessed eligible need for care and support and have chosen to take their personal budget as a Direct payment to avoid taking capacity from prevention services and instead ensure they receive the appropriate level of care.

This will be supported by the need to commission prevention services that have the ability to deliver a more flexible model of care that maintains a primary prevention model, but also has the capacity to increase resources and opportunities for other adults that may have more complex needs. This would in turn enable providers to draw on additional resources (i.e. direct payments) to develop a more sustainable business model that meets the demands for those that sit above and below the assessed care and support need eligibility threshold.

The service will provide access to a brokerage service to develop support plans for adults with an assessed eligible care and support need and self-funders. It will also facilitate access to a range of community based services to provide support for Vulnerable Adults. This element of the service will be linked to the Framework Agreement for Direct Payment Support.

The aim is to promote independence by providing support when needed and shifting towards independence as appropriate for the individual.

The approach should be flexible and reduce the support at the right time to ensure the need of the whole population is met. It should also provide high quality information and support for people about the range of services available, enabling them to manage their own care where appropriate.

Utilisation of new technologies and approaches to enable people to have more control and choice in their care is important and the focus across any support package should be more joined up to embed independence, community resilience and prevention in the need for

more expensive complex care.

Any approach should utilise community, environmental and individuals assets to promote and maintain independence and a healthy lifestyle.

Brokerage should develop partnerships to facilitate effective community resilience.

### **Primary Prevention Services**

Prevention services will be delivered by a multitude of community and 3<sup>rd</sup> sector organisations that will be supported by the Community Hub and Brokerage roles. The intention is to ensure the approach delivered to enable citizens to maintain independence is coordinated and accessible to those with the greatest needs. The commissioning of these services will focus upon enabling organisations to deliver new, innovative programmes that improve health and wellbeing to instil long term community improvements in health and wellbeing

This will be a range of community services that will work as part of a consortium of delivery. The services may be managed by the lead agency as sub contracted organisations/partners.

Voluntary and community sector services are key to enabling people to live independently, be active in their community, create a local support network and help navigate the health and social care system should they need to.

These prevention service will :

1. Work towards increasing capacity in the system.
2. Work towards reducing demand for more expensive adult social care and reduce dependency.
3. Engage the local 3<sup>rd</sup> sector to support people to live as independently as possible in their local community and maintain their good health and wellbeing.

Prevention services will provide an innovative, person centred and cost effective support service, that utilises an asset- based approach to provide flexible care and support specific to the needs of different vulnerable adults. The prevention offer should only focus on providing support for those just below the assessed care and support needs eligibility threshold, that if a package of support was not offered, the citizens would progress to more expensive adult social care interventions.

Providers are also encouraged to develop a model that also has the capacity to increase the resources they have by utilising other funding streams i.e. direct payments. This would enable providers to maintain a primary prevention model funded by this contract that is not taken by those with more complex needs, whilst developing their individual support services that will enable citizens to utilise their direct payments to access the support they need; this would be supported by the brokerage role. This helps to reduce the increasing demand on adult social care in the long term whilst ensuring the resources are available to support those with more complex needs.

The model will develop community assets, whilst facilitating co-production and community

capacity building are therefore of paramount importance.

The provider will make the customer journey effective by developing pathways across the range of prevention services. This approach will assist service users to access, as required, a range of related services and provide an opportunity to offer appropriate early intervention if the support requirements of individuals changes or escalates.

It will enable the development of community resilience and remove independence on more expensive social care in the long term as citizens are supported to manage their own health and wellbeing for as long as possible.

It will facilitate the introduction of a more innovative, cost effective model that better manages demand for prevention services and adult social care.

Support the priorities of reducing dependency and creating community resilience.

Develop services that focus upon vulnerable citizens and are reflective of the local need and increased uptake of direct payments which will, in turn, help reduce demand on adult social care in the long term and manage more immediate pressures.

Provide a central resource for vulnerable adults at risk of entering adult social care, autism, Sickle cell, Thalassaemia, poor mental health and learning disabilities

Promote a no wrong door policy and act as a signpost to other local service, organisations, working with partners to identify and meet the needs of the vulnerable adults, building individual and community resilience and identifying /developing local assets to effectively meet need.

Demonstrate collaborative and coordinated working with a range of partner agencies (third sector, community, statutory) in order to achieve a support plan for individuals

Demonstrate effective engagement with the vulnerable communities through footfall, partnerships with organisations, community engagement

Develop and support the market to ensure a clear understanding is in place that meets the priorities set by the Council.

Seeks to capture innovative practices which address early intervention and prevention utilising the assets of both communities and individuals.

Promote independence for vulnerable people to reduce negative dependency and empower people to do as much as they can for themselves.

Support vulnerable people to exit or reduce their reliance upon statutory interventions and reduce the likelihood of re-entry into statutory services.

Enable vulnerable people to access universal services thus maintaining their independence.

To empower vulnerable people to do as much as they can for themselves

The following applies to the three elements of the service

1. Centralised Hub
2. Community Brokerage
3. Primary Prevention services

### **Capacity**

The providers should state the numbers of people they propose to work with over the life of the contract and the numbers of staff to be deployed (FTE) to the service and their working hours.

It is expected that the numbers will vary throughout the period as people move out and new ones join. Prevention services are intended to empower and enable individuals to access services as and when needed. It is therefore, reasonable to expect citizens to have agreements in place upon joining a service with a clear exit expectation. On occasion there may be a need to re-engage with the service at a later date, each intervention should be clearly outcome focused

### **Management of Sub-Contracted Services**

Develop and co-produce effective governance arrangements for organisations and all activity undertaken, including quality standards, measures and best practice guide lines for all key activity within the services

The lead organisation will take responsibility for the management, coordination of the hub brokerage service and prevention services

Financial and performance monitoring forms:

- Coordinate the collection/submissions of monitoring forms
- Monitor compliance and address performance to sub-contracted organisations
- Check and sign off forms submitted

### **Duration**

It is intended that contracts will be available for up to two years and seven months subject to finance being available. This may be extended in exceptional circumstances but only with agreement of the authority;

Providers are required to state:

### **Networking/ Partnership working**

The provider is required to demonstrate how he proposes to work in partnership/consortia with stakeholders, citizens, and other providers across the city.

Operational protocols must be agreed and implemented for the partnership/consortia, these should include but are not exclusive to:

- Data Security/sharing/retention and storage
- Compliance with safeguarding requirements and legislation to include appropriate

DBS clearance for staff and volunteers within all partner organisations

- Sub-contractor agreements that ensure their ability to comply with BCC contract requirements;

### **Monitoring and Data collection**

Providers must ensure their policies comply with the requirements of the Equality Act 2010, and do not discriminate against people with protected characteristics, this should include monitoring delivery against the requirements of that Act and that Data collection must be sufficient to allow local authorities to meet their duties under the Equality Act 2010.

Providers will be required to provide quarterly reports to demonstrate the availability and impact of their service against each of the protected characteristics of the Equality Act 2010. The provider must therefore be able to demonstrate and evidence in their application robust data collection systems that will enable them to produce information as determined by the authority against all 9 of the protected characteristics within the Equality Act 2010 and to proactively address and resolve any issues.

### **Confidentiality and Data Sharing**

The Provider will be required to have a Confidentiality Policy that complies with the Data Protection Act 1998.

The Provider will be required to have written policies on information sharing, data protection and record retention that facilitate effective multi-agency working within the clear boundaries set by the *Data Protection Act 1998*.

The provider will be required to produce policies and procedures for making and maintaining records of contact with service users. The policies and procedures will be expected to detail standards for recording service users' information, internal audit, quality monitoring, storage, cataloguing, archiving, and destruction. There must also be a procedure for handling and storage of third party information.

The provider will be required to sign a data ownership and sharing agreement.

#### The following applies to

1. Centralised Hub and Community Brokerage

### **Management of Sub-Contracted Services**

Develop and co-produce effective governance arrangements for organisations and all activity undertaken, including quality standards, measures and best practice guide lines for all key activity within the services

The lead organisation will take responsibility for the management, coordination of the hub brokerage service and prevention services

Financial and performance monitoring forms:



- Coordinate the collection/submissions of monitoring forms
- Monitor compliance and address performance to sub-contracted organisations
- Check and sign off forms submitted

## **Population covered**

### **Older adults**

There are a number of definitions of older people; the Census method of classification is any person age 50 years or more. Over 50 years there are separate classifications for older people and these classifications are as follows:

1. 50 – 65 years - new entrants to later life
2. 66 – 75 years - the 'young old'
3. 75 or more years - the old
4. 85 years and over - older old

Support services that are specifically designed for older people will primarily be accessible for people of 50 years and over. However the ethos driving the support agenda for older people is applicable across all client groups and the social care agenda.

Older people comprise a diverse group from all walks of life with a range of needs represented across vulnerable groups including disability, learning disability, mental health, sensory impairment, homelessness, offending and substance misuse. Services will be commissioned on the basis of old age being the primary indicator of vulnerability. The key to supporting older people successfully is to procure flexible, creative services. Service delivery will need to respond to each individual and their given circumstances such as income, culture, religion, gender and ethnicity.

### **Birmingham population**

- Sum of population 1,1014000
- Population 65+ 140000
- Approx. 9% of population is 65+

### **Learning Disabilities**

Disabilities Department of Health estimates for people with a learning disability suggest that 2.57% of adults in Birmingham were learning disabled in 2009. Approximately 29,000 people are recognised as having a learning disability with 4,000 being severe. The risk of dying under the age of 50 for someone with a learning disability is 58 times greater than the general population. Table eleven shows the number of people by age in Birmingham estimated to have a learning disability.

**Table eleven – predicted learning disability**

<b>Predicted LD</b>	<b>2012</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>
18 to 24 years	3,643	3,601	3,412	3,530
25 to 34 years	4,273	4,624	4,848	4,738
35 to 44 years	3,226	3,166	3,524	4,037
45 to 54 years	2,899	3,019	2,948	2,794
55 to 64 years	2,101	2,170	2,411	2,618

65 to 74 years	1,509	1,555	1,633	1,694
75 to 84 years	959	973	995	1,088
85+ years	388	414	460	531
<b>Total</b>	<b>18,998</b>	<b>19,522</b>	<b>20,231</b>	<b>21,030</b>

*Data source: PANSI & POPPI data 2012.*

- 2.5% of the population were estimated to have a learning disability and numbers are predicted to increase
- *“13.8% of these people are recognised as having a severe learning disability”*  
Approximately 29,000 people are recognised as having a learning disability with 4,000 being severe
- Learning disabilities represents 69% of the disabilities client group

Disabilities client group expected to increase circa 7% by 2021

### **Sickle Cell**

Specific data was unavailable for this group

Citizens suffering from Sickle Cell Anaemia and Thalassaemia suffer discrimination and stigma due to cultural perceptions based on the belief that the illness is caused by faulty genes. The impact of social stigma means that sufferers often experience difficulties in disclosing their diagnosis within their communities leading to mental illness, depression and levels of vulnerability that require help and assistance to maintain independent living.

Due to the nature of the disease many sufferers have severe anaemia episodes: acute chest syndrome blocked blood vessels in the lungs, pain episodes due to blocked blood vessels in bones and are susceptible to certain types of bacteria which can cause pneumonia, meningitis and septicaemia. This creates life threatening illnesses including strokes or brain injuries; this affects not only adults but 1 in 10 children.

Our focus is to ensure that citizens suffering from Sickle Cell Anaemia and Thalassaemia are enabled to live as independently as possible and to maintain quality of life irrespective of where they live – in supported accommodation or own their own home. This means securing services or activities with a focus on the promotion of inclusion and personalisation that allow individuals to do more for themselves, and enable their families and carers to support them to regain their independence.

### **Autism**

Autism is a lifelong developmental disability and although some people can live relatively independently, others will have high dependency needs requiring a lifetime of specialist care. There are approximately 400,000 adults with autistic spectrum disorders in England, around half who have a learning disability.

Birmingham's Joint Strategic Needs Assessment (JSNA) suggested an autism population of between 1 to 2% of the total population. This would suggest there are between 10,000 and 20,000 people with Autism living in the city. The adult population (18 to 64 years of age) estimated to have an autistic disorder is 6,482 and is expected to increase to 6,965 by 2025. The ratio for male to female is 2:1. Table 13 shows the estimate for the city.

**Table 13**

Age range	Autism	General population	%
0 to 15	2,278	227,763	1%
16+	8,091	809,115	1%
Total	10,369	1,036,878	1%

*Data source: JSNA*

## Applicable local standards

### Standards of staff behaviours

The service provider must make sure that systems are in place to ensure that all staff (whether full-time, part-time or voluntary):

- Always introduce themselves to the service user;
- Always give their name to the service user;
- Treat the service user with courtesy and respect;
- Are friendly, welcoming and helpful (rather than treating the service user as a nuisance or a disruption);
- Deal with the service user quickly, rather than keeping them waiting;
- Deal with the service user's problems patiently, understandingly and sensitively;
- Do not judge the service user in any way; and
- Behave properly and professionally at all times whilst in the presence of service users (this includes not smoking, drinking, taking illegal substances or using bad language).

Service providers are expected carry out any monitoring activities that are necessary to make sure that staff and subcontractors are to comply with the standards outlined above.

## 6. Service Provider

The following applies to all three elements of the service

1. Centralised Hub
2. Community Brokerage
3. Primary Prevention services

The provider will need to:

- Deliver a service that is proactive, and responsive to the needs of the individual,
- Provide a service that is relevant and appropriate to support the individual to regain or retain their independence.
- Identify, appropriately manage and secure services for a diverse range of vulnerable people with Sickle Cell Anaemia with a range of presenting needs.
- Have proper governance and management systems in place to include policies and procedures that comply with various legislative requirements; e.g.: safeguarding policies that comply with Making Safeguarding Personal; Equal opportunities policies that comply with the Equalities Act 2010

## 7. Key Performance indicators

### The following applies to

#### 1. Centralised Hub and Community Brokerage

Number of adults accessing information and support

Number of cases referred to partners and other agencies

Number of organisations delivery of support and training

Number of volunteering opportunities created

Number of vocational opportunities created

Analysis of trends ,issues: service development

Evidence of positive journey throughout the citizen pathway

Number of budget holders setting up a support plan

Number of self funders setting up a support plan

### The following applies to all three elements of the service

1. Centralised Hub
2. Community Brokerage
3. Primary Prevention services

Number and positive evidence of adults accessing support groups

Number of adults referred and accessing services

Evidence of positive journey throughout the citizen pathway

Evidence of plans supporting adults to maintain independence

Evidence of opportunities for employment training , volunteering and education

Numbers of adults accessing services to improve access to services social inclusion and social support

Numbers and evidence supporting transitions from childhood to adulthood

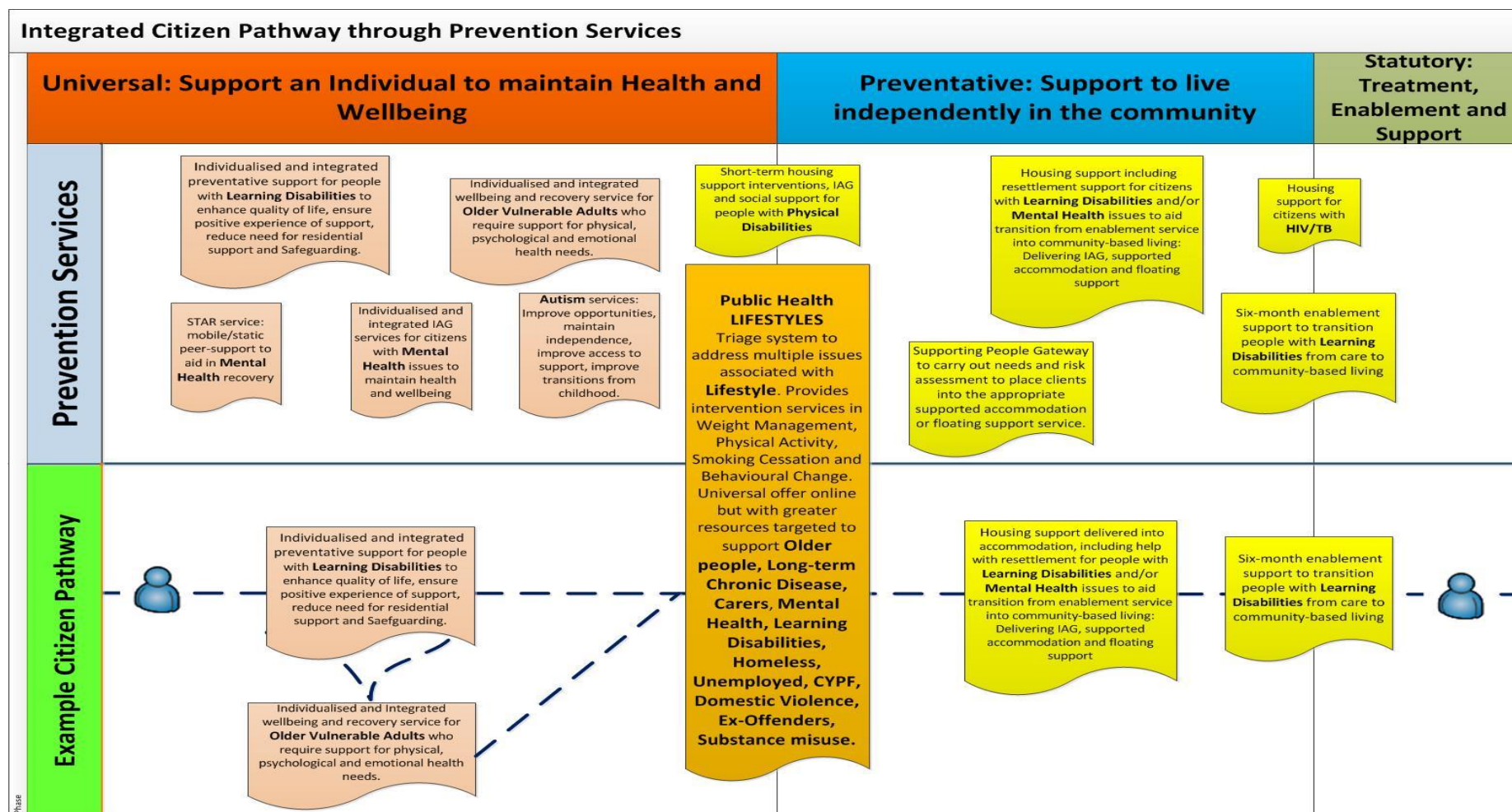
Evidence of Enhancing/improving the quality of life for people with care and support needs

Evidence of plans delaying and reducing the need for residential care and support

Evidence of people sharing positive experiences of care and support

Additional KPI will be identified with providers , this will be dependent upon the model of service delivery, and target group

## Appendix A –Integrated Citizen Pathway through Prevention Services



## Appendix B-ASCOF outcomes

### Outcomes

#### **ASCOF OUTCOME 1: Enhancing the quality of life for people with care and support needs:**

A key objective of the drive to make care and support more personalized is that services should more closely match the needs and wishes of the individual, putting users of services in control of their care and support. Therefore, asking users of care and support about the extent to which they feel in control of their daily lives is one means of measuring whether this outcome is being achieved. There is a clear link between loneliness and poor mental and physical health. A key element of the Government's vision for social care is to tackle loneliness and social isolation, supporting people to remain connected to their communities and to develop and maintain connections to their friends and family.

##### **Measures to include the following:**

- People manage their own support as much as they wish, so that they are in control of what, how and when support is delivered to meet their needs:
- Carers can balance their caring roles and maintain their desired quality of life
- People are able to find employment when they want, maintain a family and social life and contribute to community life and avoid loneliness or isolation

#### **PREVENTION OUTCOME 1: Support to Self-Manage**

Providers must demonstrate and be able to provide evidence that the service will help citizens gain knowledge and understanding that enables them to self-care and self-manage independently thus reducing demand for high cost statutory services. Evidence of income maximisation, support to continue to work, development of coping skills and support to access other universal or mainstream services would all be relevant.

##### **Measures to include the following:**

- Individuals using the service report they are supported to actively manage their condition and support their own needs.
- Users receive support to access range of financial advice and support services.
- Individuals using the service feel confident that they can cope with everyday tasks and remain independent.
- Individuals using the service report they feel confident to self-manage
- Individuals are effectively signposted to other services
- Monitoring of customer journey
- Individuals are supported to access appropriate advice services of a quality sufficient to meet their requirements

## **PREVENTION OUTCOME 2: Reducing Social isolation**

Providers must demonstrate that the service maximises community links and social interaction, and reduces social isolation resulting in less stress and anxiety and improved opportunities to engage in activities that encourage physical and mental wellbeing.

### **Measures to include the following:**

- Individuals using the service report that they feel they have adequate social contact
- Individuals using the service report that they feel less lonely and depressed
- Individuals using the service report that their lifestyle has improved for the better
- Individuals are effectively signposted to other services
- Monitoring of citizen journey
- Individuals are supported to access appropriate advice services of a quality sufficient to meet their requirements

### **Examples of the type of activities and services could include :**

- projects that build on and support community networks to develop services / activities that are delivered by individuals within the community; e.g. shared transport scheme; walking bus service; home visiting or floating support service
- Activities that promote/encourage the retention or regaining of skills, confidence and independence; e.g. introduction to or update use of Information Technology; intergenerational activities; peer mentoring/buddying schemes
- Activities that support inclusion in person centred care planning in developing a range of age appropriate activities that enable choice and control; e.g. peer support activities
- Activities that promote healthier and safer lifestyles; e.g. creating links and better access to Public Health lifestyles services

## **ASCOF OUTCOME 2: Delaying and reducing the need for residential care and support**

Avoiding permanent placements in residential and nursing care homes is a good measure of delaying dependency. Research suggests that, where possible, people prefer to stay in their own home rather than move into residential care.

### **Measures to include the following**

- Individuals had the opportunity to have the best health and wellbeing throughout their life, and can access support and information to help them manage their care needs
- Earlier diagnosis, intervention and rehabilitation means that people and their carers are less dependent on intensive services
- When people develop care needs, the support they receive takes place in the most appropriate setting, and enables them to regain their independence

## **PREVENTION OUTCOME 3: Health and Wellbeing**

Providers must demonstrate that the service contributes to the Health and Wellbeing of citizens, and supports the improvement of in health and wellbeing in communities.

### **Measures to include the following:**

- Individuals using the service feel they are supported to manage their health condition
- Individuals report that their lifestyle has improved for the better
- Carers report that they feel that they are supported to continue providing care.
- Individuals are effectively signposted to other services
- Monitoring of citizen journey
- Individuals are supported to access appropriate advice services of a quality sufficient to meet their requirements

## **PREVENTION OUTCOME 4: Living Safely at Home**

Providers must demonstrate how the service will ensure personal safety and security, improve mental and emotional health, resilience and wellbeing and help citizens to remain safely in their own homes. Services should be targeted at citizens who may find it hard to manage at home and improvements should prevent or delay the need for social or health care intervention.

### **Measures to include the following:**

- Individuals using the service feel safe and confident living in their own home
- Individuals report an improvement in their living conditions
- Percentage of users who have had reduced need for health or social care services since using the prevention service



- Individuals are effectively signposted to other services
- Monitoring of citizen journey
- Individuals are supported to access appropriate advice services of a quality sufficient to meet their requirements

## **PREVENTION OUTCOME 5: Remaining Independent**

Providers must demonstrate that the service can reduce health and social care interventions, enable citizens to live as independently as possible as full and equal citizens of Birmingham and their local communities, and ensure equal access to universal services.

### **Measures to include the following:**

- Individuals using the service report that they feel supported to stay healthy and well
- Percentage of users have had reduced need for health or social care services since using the prevention service
- Individuals using the service feel confident that they can cope with everyday tasks and remain independent.
- Individuals are effectively signposted to other services
- Monitoring of citizen journey
- Individuals are supported to access appropriate advice services of a quality sufficient to meet their requirements

### **Examples of the type of activities and services could include :**

- Activities that support people to move towards independent living with greater choice and control over their support and care needs;
- Activities that support people leaving hospital to return to their own home and remain independent.
- Activities that reduce isolation and support individuals to develop social interactions and become active members of their communities.
- the development of community befriending schemes with a volunteer co-ordinator who has responsibility for a group of residents and provides a regular contact service through phone calls and visits; signposting to events and activities that are being run locally; or supporting users to organise activities in their locality and neighbourhood.

#### **ASCOF OUTCOME 4: Safeguarding adults whose circumstances make them vulnerable and protecting them from avoidable harm**

A high-quality service must be one which keeps people safe from harm. The area of safeguarding is one of the core priorities of adult social care. This area remains one of the critical developmental priorities for the future of the ASCOF.

##### **Measures to include the following:**

- Everyone enjoys physical safety
- People are free from physical and emotional abuse, harassment, neglect and self-harm
- People are protected as far as possible from harm, disease and injuries
- People are supported to plan ahead and have the freedom to manage risks in the way that they wish
- Individuals are supported to access appropriate advice services of a quality sufficient to meet their requirements
- Monitoring of the citizen journey
- Volunteers and staff have basic level awareness training –(understand the forms/types of abuse and are able to recognise/respond within the principles of Making Safeguarding personal
- Individuals report that they understand the risks to themselves within their communities
- Individuals report they understand what to do if they are worried and feel empowered on how to respond
- Safeguarding policy is in place that is compliant with the WM Policies and Procedures as on the Birmingham Safeguarding Adults Board website,

##### **Examples of the type of activities and services could include :**

- Support services that meet specific or unique needs of people from diverse communities and backgrounds.
- Activities that enable people who use services and their carers to make contact with appropriate service providers when they need to.
- Activities that support people to make and resolve complaints that are well managed.
- Activities that assist people to achieve recovery and maintain abstinence from alcohol and drug misuse
- Activities that support people who are socially isolated and excluded, often in what have traditionally been perceived as hard to reach groups or as hard to reach individuals
- Activities that support people without capacity to remain independent

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Strategic Director for People</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> May 2016</b>
<b>SUBJECT:</b>	<b>PROPOSAL TO REMOVE SIXTH FORM PROVISION AT ST JOHN WALL RC SCHOOL</b>
<b>Key Decision:</b>	<b>Relevant Forward Plan Ref: N/A</b>
<b>If not in the Forward Plan: (please "tick" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member:</b>	<b>Councillor Brigid Jones, Cabinet Member Children's Services</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Susan Barnett, Education and Vulnerable Children</b>
<b>Wards affected:</b>	<b>Handsworth Wood</b>

<b>1. Purpose of report:</b>
To seek determination of the statutory proposal by the Governing Body to close the sixth form provision at St John Wall RC School.

<b>2. Decision(s) recommended:</b>
<p>2.1 Cabinet is recommended to:-</p> <p>Approve, having taken account of the statutory guidance, the statutory proposal to close the sixth form provision at St John Wall RC School with effect from 1 September 2016.</p>

<b>Lead Contact Officer(s):</b>	Mary Lowe, School Organisation Manager
<b>Telephone No:</b> <b>E-mail address:</b>	0121 464 3423 <a href="mailto:mary.lowe@birmingham.gov.uk">mary.lowe@birmingham.gov.uk</a>

### **3. Consultation**

#### **3.1 Internal**

Information about the proposal was sent to the MP for Perry Barr and the Ward Councillors for Handsworth Wood together with relevant Local Authority officers, local primary and secondary schools, and The Archdiocese of Birmingham. No objections were received during the representation period. A copy of the full consultation document can be found in Appendix 2.

#### **3.2 External**

The Governing Body of St John Wall School carried out the consultation on the closure of the sixth form. These proposals have been fully consulted upon in line with the requirements set out by the Department for Education (DfE) in January 2014, since updated in April 2016. Copies of the proposal were sent to parents, staff and pupils at the school as well as to the neighbouring schools and colleges. A public notice was published in the Great Barr Observer on 11<sup>th</sup> March 2016. In addition, the school held open surgeries at the school on Tuesday 1<sup>st</sup> March 2016 with staff and Governors available to answer questions. There were no attendees at these meetings. Eight responses were received to the consultation, five were from parents, two were from students and one did not specify. All responders expressed their sadness and disappointment that the Sixth form was closing down. Please see Appendix 3 for the responses.

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies**

This proposal would result in the closure of post-16 provision at St John Wall Catholic School. The City Council has accepted the findings of the recent Post 16 Area Review, of which under recommendation 11, it is proposed that:

"Birmingham and Solihull Councils and the Regional Schools Commissioner recognise the need for school sixth forms to be viable in the future. Birmingham City Council is already working with schools to consider options for rationalisation."

The Council has published 'Guiding Principles for School Sixth Forms' which sets out that the school sixth forms must demonstrate quality, choice, progression and viability. St John Wall sixth form is not viable with only a total of 23 students in the sixth form in year 13, and since establishment in 2014 has never had more than 25 per year.

#### **4.2 Financial Implications. (Will decisions be carried out within existing finances and Resources?)**

There is no building work or capital expenditure involved in the proposals to close the sixth form. It has been recognised that sixth forms with fewer than 200 students are unviable particularly in light of recent funding changes where sixth form provision is

now funded per student instead of per qualification. Changing the age range of the school from 11-18 to 11-16 by closing the sixth form will allow existing resources to be focused on years 7-11.

#### 4.3 Legal Implications

The governing body of a voluntary aided school has the power under section 19 of the Education and Inspections Act 2006 (the “2006 Act”) and regulation 4 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the “Prescribed Alterations Regulations”) to propose that prescribed alterations be made to the school, including (pursuant to paragraph 4 of Schedule 2 to the Prescribed Alterations Regulations) altering the upper age limit of the school so as to remove sixth form education at the school. Pursuant to section 21(2)(f) of the 2006 Act and paragraph 3 of Schedule 3 to the Prescribed Alterations Regulations, the final decision on such matters is for the Local Authority to make.

#### 4.4 Public Sector Equality Duty. (see separate guidance note)

An updated Equality Assessment initial screening was carried out in December 2013 against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening In respect of these recommendations.

### **5. Relevant background/chronology of key events:**

- 5.1 Saint John Wall opened their sixth form provision in September 2014.
- 5.2 The School offered 80 places in the sixth form across years 12 & 13.
- 5.3 The school currently has a total of 23 students in year 13 of the sixth form and since it was established it has never had more than 25 students. There are no pupils in Year 12.
- 5.4 The low intake has meant that the school is unable to provide the breadth of courses, including a wide range of vocational and A-level subjects that sixth form students need.
- 5.5 There has been recent changes in the way sixth form provision is funded that has meant that provision is now funded per student and not per qualifications, the current numbers are too small to produce courses that are viable educationally and economically.
- 5.6 The school feels that utilising specialist teachers in sixth form takes them away from the fundamental needs of Key Stage 4 and the need to raise the attainment therein. Closing the sixth form will allow the school to focus resources on improving outcomes for year 7 – 11 and help the school achieve their aim to become an outstanding school.

- 5.7 The Governing Body with the support of the Senior Leadership Team of Saint John Wall Catholic School decided to consult on a proposal not to recruit new sixth form pupils from September 2016. The school have communicated with current and prospective parents to clarify the position during this term.
- 5.8 The School commenced their consultation on 24<sup>th</sup> February 2016. A public notice was published in the Great Barr Observer on Friday March 11<sup>th</sup> 2016. This consultation period ran for four weeks from 24<sup>th</sup> February 2016 and ended on Wednesday 23<sup>rd</sup> March 2016. Please see Appendix 1 & 2.
- 5.9 Eight responses were received during this period. Five were from parents/carers of existing pupils, 2 were from existing pupils and 1 respondent did not specify. All eight responses expressed sadness and disappointment that the sixth form was closing. See Appendix 3.
- 5.10 Regulation 8(b) of the Prescribed Alterations Regulations provides that the local authority is required to have regard to guidance issued by the Secretary of State when taking a decision on such proposals. An extract of the relevant statutory guidance is attached as Appendix 4.

## **6. Evaluation of alternative option(s):**

- 6.1 The recommendation of this report is for the proposal to be approved; alternatively, in line with the statutory guidance, the proposal may be approved with modification, approved subject to meeting a specific condition or rejected.
- 6.2 Failure to give approval to this statutory proposal will mean that the sixth form at St John Wall RC School which is both economically and educationally unviable will remain and will cause financial and educational issues at the school.

## **7. Reasons for Decision(s):**

- 7.1 To enable St John Wall RC School to close their sixth form provision from September 2016.

**Signatures (or relevant Cabinet Member approval to adopt the Decisions recommended):**

Cabinet Member,  
Children's Services

Cllr Brigid Jones: .....Dated: .....

Strategic Director,

People Peter Hay .....Dated: .....

**List of Background Documents used to compile this Report:**

Education and Inspections Act 2006

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

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

1. Public Notice
2. Copy of Consultation on Proposed Closure of Sixth Form
3. Responses to Consultation
4. Relevant Extracts from "Making 'prescribed alterations' to maintained schools – statutory guidance for proposers and decision-makers" (April 2016) and "Guidance for decision-makers – statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals" (April 2016)

<b>Report Version</b>	<b>5</b>	<b>Dated</b>	<b>27<sup>th</sup> April 2016</b>
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# SAINT JOHN WALL CATHOLIC SCHOOL

## *A Catholic School For All*



### STATUTORY NOTICE

#### **Proposal by the Governing Body of Saint John Wall Catholic School**

Notice is given in accordance with section 19 (3) of the Education and Inspections Act 2006 and The Governing Body of Saint John Wall Catholic School intends to make a prescribed alteration to Saint John Wall Catholic School - Voluntary Aided; Oxhill Road, Handsworth, Birmingham, B21 8HH from 1 September 2016.

The Governing Body of Saint John Wall Catholic School is proposing to close the Sixth Form with effect from 1 September 2016.

The current capacity of the school is 680 and the proposed capacity will be 600. The current admission number for the school is 120 and the proposed admission number will be 120.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Mrs Angela Quirke, Headteacher's PA, Saint John Wall Catholic School, Oxhill Road, Birmingham, B21 8HH. Telephone: 0121 554 1825.

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Lucy Dumbleton, Birmingham City Council, 1 Lancaster Circus, Birmingham, B4 7JD.

Pamela Lake (Mrs)  
Chair of Governors

*Publication Date: 24 February 2016*



# **Saint John Wall Catholic School**

## ***A Catholic School For All***



### **Mission Statement**

**'To educate each and every unique child in our care to hear and respond to what God calls them to be'**



## **Consultation on Proposed Closure of the Sixth Form at Saint John Wall Catholic School, Handsworth, Birmingham**



## **Introduction by the Governing Body and Executive Principal of Saint John Wall Catholic School.**

The Governing Body with the support of the Senior Leadership Team of Saint John Wall Catholic School, following much discussion, has decided to consult on the proposal not to recruit new sixth form students from September 2016. If agreed, the proposal would mean that the sixth form at Saint John Wall Catholic School would close at the end of August 2016. It would only affect the sixth form and not mean any changes to the rest of the school.

The future of school sixth forms has been highlighted in the media for some time, particularly in the light of recent changes in the way post-16 students are funded in schools and colleges. The funding has gradually declined over the last two years and this had particular impact on small sixth forms, which we are.

The average sixth form college has around 1,700 students, while the average school sixth form has over 200. Economies of scale apply, so it is more expensive per student for schools to provide a sixth form and they may have to subsidise sixth form students from other funding, such as that for 11 to 16-year-old students. The Department of Education recognises that sixth forms with less than 200 students are at risk of not being viable financially. Saint John Wall Catholic School currently has a total of 23 students in the sixth form (in Year 13) and, since it was established as an independent and self-funding centre in September 2014, has never had more than 25

Given these numbers, we have regretfully come to the conclusion that we are unable to provide the breadth of courses, including a wide range of vocational and A level subjects, that sixth form students need. The current numbers are too small to produce courses that are viable educationally and economically at Saint John Wall Catholic School. Also, a small sixth form does not provide as broad a social experience, nor is it as easy to prepare students for the wider environment of higher education or the work place. Over the last few years most of our students in Year 11 choose to go elsewhere for post-16 provision. Each student has unique needs but overall these factors have affected the demand for sixth form places at our school. In reaching the decision to consult on the future of the sixth form, governors want the best options and learning experiences for our students and have concluded that closure is the right option. In addition, disappointing GCSE outcomes in 2014 (23%) and 2015 (32%) have limited students choices as following academic A levels requires high grades at GCSE. Moreover, utilising specialist teachers in the Sixth Form takes them away from the fundamental needs at Key Stage 4, and the need for raising students' attainment and achievement in Year 11. This is a moral responsibility of the school to establish sound educational standards for all students.

Changing the age range from 11-18 to 11-16 will allow resources to be focused on improving the learning experiences and outcomes for Years 7 to 11 in the main school. Our aim is to become an outstanding 11-16 school and to do so we believe that we must concentrate our energies and expertise on that age range.



This consultation will run from Wednesday 24<sup>th</sup> February 2016 to Wednesday 23<sup>rd</sup> March 2016 at 12 Noon and will give parents, students, staff and other local stakeholders the opportunity to let us know what they think. We will be holding open surgeries at the school on Tuesday 1<sup>st</sup> March 2016 between 3.15pm and 4.15pm and 4.20pm and 5.20pm and representatives from the Governing Body and the staff of Saint John Wall Catholic School will be available to answer individual concerns on a one to one basis. **Your views are important to us, so please either complete and return the attached form by Wednesday 23<sup>rd</sup> March 2016 (12 Noon) or email the school at [enquiry@sjw.bham.sch.uk](mailto:enquiry@sjw.bham.sch.uk) by this deadline date.**

In their planning for the future strategic direction of the school, the Governing Body of Saint John Wall Catholic School will consider all responses in their final decision about whether or not to close the sixth form.

Mr A F Quinn  
Executive Principal

Mrs P Lake  
Chair of Governors

# **Saint John Wall Catholic School**

## **Consultation on Possible Closure of the Sixth Form - Some Facts and Figures**

### **How large is a viable sixth form?**

A school or college sixth form has to be large enough to be viable and sustainable in order to be able to provide a wide enough range of high quality courses. It has been recognised that sixth forms with fewer than 200 students are unviable, particularly in the light of the more recent funding changes where sixth form provision is now funded per student, instead of per qualification. The implications of these reforms over the last two years have meant that some providers have been forced to cut courses whilst others have been forced to close.

Saint John Wall Catholic School, has a provision for all students in Year 11 and a maximum of 30 external students but, in reality, never having had more than 25 in is not a viable sixth form and would have to be funded from other funding streams such as that for the 11-16 students.

### **How many students choose the sixth form at Saint John Wall Catholic School?**

Saint John Wall Catholic School has always had a small sixth form.

Number of Sixth Form Students at Saint John Wall Catholic School:

2014-15 25 students (Year 12)

2015 -16 23 students (Year 13)

For a number of years, the majority of our Year 11 students have chosen to pursue post-16 education at a college or school other than Saint John Wall Catholic School. The school is unable to offer the breadth of subjects or types of qualification that students would like to follow. This means that students must either go elsewhere or pick from a limited range offered, rather than choose what they would either like to do, or would be more suited to, in preparation for Higher Education or employment.

### **What would this mean for the current Sixth Form students?**

There are currently no Year 12 students at Saint John Wall Catholic School although a number of Year 13 students are currently completing Y12 modules or re-sitting GCSE English and Mathematics as a statutory passage into Higher Education. The School worked with twenty six students who briefly entered Y12 in September 2015 individually to ensure that they had access to the best provision for their particular needs and preferences. This resulted in all of these students taking up courses in other establishments. The current Y13 students have continued their studies without interruption. This has included those students in Y13 who are currently completing Y12 modules or re-sitting GCSEs as mentioned above.

### **What would this mean for Year 11 students?**

Students in Year 11 would no longer be able to continue their post-16 education at Saint John Wall Catholic School. They would be given support and guidance to choose another school or college best suited to their needs and preferences.

The strong post-16 provision in the Birmingham area, delivered by schools and colleges, has the economy of scale to offer a wide range of qualifications, at varying levels. Such diversity within different institutions offers courses suited to all abilities and learner needs.

Saint John Wall Catholic School at the moment only offers a limited range of level 3 vocational courses and GCSE English and mathematics resit and selected A Levels.

The growth of other school sixth forms, sixth form colleges and further education has led to good quality, accessible programmes of learning in the wider area, with an increase in curricular choices and a good range of excellent facilities to support leavers. Across Birmingham and Sandwell, pathways for all students are catered for which will give our students those experiences needed.

Future post-16 provision for Year 11 students at Saint John Wall Catholic School is being provided in consultation with a number of post-16 providers to ensure that there is good curriculum provision for current and subsequent Year 11 students.

### **Implications for school staff**

The closure of the sixth form provision at Saint John Wall Catholic School could lead to a reduction in the number of staff and this would be part of an on-going process of staff re-structuring which the Governing Body and Diocese support.



## **Saint John Wall Catholic School's Statement of Action Proposal**

Saint John Wall Catholic School is proposing to close the sixth form to new students from August 2016 onwards by changing the upper age limit from 18 to 16 years. Provision for the current sixth form students would be maintained and protected. All courses for the current students would be continued through to their completion in June/July 2016. The school would continue to work with individual students leaving Year 11 in June/July 2016 to identify suitable establishments to meet their needs and preferences. This means that the sixth form would finally close in August 2016 and Saint John Wall Catholic School would be a school for secondary students aged 11-16 years.

The Governing Body of Saint John Wall Catholic School would welcome your views during the consultation period which runs from February 24<sup>th</sup> 2016 – March 23<sup>rd</sup> 2016

You may respond to the consultation by either completing the Response Form on the next two pages, by letter to the school, or by emailing [enquiry@sjw.bham.sch.uk](mailto:enquiry@sjw.bham.sch.uk). All responses should be sent, or handed in to Mrs Quirke at Saint John Wall Catholic School by 23<sup>rd</sup> March 2016 at 12 Noon.

# Saint John Wall Catholic School

## Consultation on Possible Closure of the Sixth Form - Response Sheet

Your views about the proposed closure of the Sixth Form at Saint John Wall Catholic School.

Please use this space to tell us your views about the proposed closure of the Sixth Form at Saint John Wall Catholic School.

This section asks you for some information that will help us analyse the results of the responses and to see who has taken part. Your response will be anonymous and you will not be identified by any of the information you provide.

I am a: (Please tick and complete all those that apply to you)

Parent/carer. Your child's/children's school(s):

.....

.....

Student. Your school/college:

.....

.....

Governor. Your school/college:

.....

.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

.....

Other. Please tell us:

.....

.....

PLEASE RETURN TO MRS QUIRKE BY WEDNESDAY 23<sup>RD</sup> MARCH 2016 AT 12 NOON



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I am a: (Please tick and complete all those that apply to you)

Parent/carer. ~~Your child's~~/children's school(s):

.....it was nice have six form.....

.....it is sad to close down.....

Student. Your school/college:

.....

.....

Governor. Your school/college:

.....

.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

.....

Other. Please tell us:

.....

.....

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I am a: (Please tick and complete all those that apply to you)

Parent/carer. Your child's/children's school(s):

The sixth form is a  
wonderful institution that offers  
support

Student. Your school/college:

.....  
.....

Governor. Your school/college:

.....  
.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

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Other. Please tell us:

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This section asks you for some information that will help us analyse the results of the responses and to see who has taken part. Your response will be anonymous and you will not be identified by any of the information you provide.

I am a: (Please tick and complete all those that apply to you)

Parent/carers. Your child's/children's school(s):

.....

.....

Student. Your school/college:

The sixth form should have stayed open. Miss Shingles & Mr Downey

Motivates and pushes us students. Its small and everyone helps each other.

Governor. Your school/college:

.....

.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

.....

Other. Please tell us:

.....

.....

PLEASE RETURN TO MRS QUIRKE BY WEDNESDAY 23<sup>RD</sup> MARCH 2016 AT 12 NOON

# Saint John Wall Catholic School

## Consultation on Possible Closure of the Sixth Form - Response Sheet

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I am a: (Please tick and complete all those that apply to you)

☒ Parent/carer. Your child's/children's school(s):

I find it very sad that you are

contemplating closure of the sixth form. It has  
serve my child a great deal, providing a close work  
environment.

Student. Your school/college:

.....

.....

Governor. Your school/college:

.....

.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

.....

Other. Please tell us:

.....

.....

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I am a: (Please tick and complete all those that apply to you)

Parent/carer. Your child's/children's school(s):

.....

.....

Student. Your school/college:

I think the sixth form experience was good,.....  
.....and shouldn't have closed down so soon.....

Governor. Your school/college:

.....

.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

.....

Other. Please tell us:

.....

.....

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I am a: (Please tick and complete all those that apply to you)

Parent/carers. Your child's/children's school(s):

familiar with the school

Sad to see school close sixth form

Student. Your school/college:

.....

.....

Governor. Your school/college:

.....

.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

.....

Other. Please tell us:

.....

.....

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I am a: (Please tick and complete all those that apply to you)

Parent/carer. Your child's/children's school(s):

.....

.....

Student. Your school/college:

I am disapointed that the 6th form  
is closing because it help me feel confident  
about the future.

Governor. Your school/college:

.....

.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

.....

Other. Please tell us:

.....

.....

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I am a: (Please tick and complete all those that apply to you)

☒ Parent/carer. Your child's/children's school(s):

I am not happy about the closure  
of the Sixth Form because my daughter  
love ~~the~~ going to the school and she  
gain a lots of confidence there.

Student. Your school/college:

.....

.....

Governor. Your school/college:

.....

.....

Staff member. Your school/college:

.....

.....

Local Resident. The area of Handsworth in which you live:

.....

.....

Other. Please tell us:

.....

.....

PLEASE RETURN TO MRS QUIRKE BY WEDNESDAY 23<sup>RD</sup> MARCH 2016 AT 12 NOON





Department  
for Education

Cabinet report: St John Wall: Appendix 4:  
[Complete] DFE guidance for decision makers;  
[Extract] DFE guidance, opening and closing a  
sixth form.

# **Guidance for decision-makers**

**Statutory guidance for decision-makers  
deciding prescribed alteration and  
establishment and discontinuance  
proposals**

**April 2016**

# Contents

1: Summary	4
About this guidance	4
Review date	4
Who is this guidance for?	4
Main points	4
2: Factors relevant to all types of proposals	6
Related proposals	6
Conditional approval	6
Publishing decisions	6
Consideration of consultation and representation period	7
Education standards and diversity of provision	7
A school-led system with every school an academy,	7
Demand v need	7
School size	8
Proposed admission arrangements	8
National Curriculum	8
Equal opportunity issues	8
Community cohesion	9
Travel and accessibility	9
Funding	9
School premises and playing fields	10
3: Factors relevant to prescribed alteration proposals:	11
Enlargement of premises	11
Expansion of existing grammar schools	12
Changes to boarding provision	12

Addition of post-16 provision	12
Changes of category to voluntary-aided	13
Changes to special educational need provision	13
4: Factors relevant to establishment proposals	15
Suitability	15
The free school presumption	15
New schools through a competition	15
New schools outside competition	16
Independent faith schools joining the maintained sector	16
5: Factors relevant to discontinuance (closure) proposals	17
Closure proposals (under s15 EIA 2006)	17
Schools to be replaced by a more successful/popular school	17
Schools causing concern	17
Rural schools and the presumption against closure	17
Early years provision	18
Nursery schools and the presumption against closure	18
Balance of denominational provision	18
Community Services	19
6: Factors relevant to proposals to change category to foundation	20
Standards	20
Community Cohesion	21
New Trust schools Acquiring a Trust	21
Adding or removing a Trust	21
Suitability of partners	22
Removing a Trust / foundation majority	22
Annex A: Further Information	24

# 1: Summary

## About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out duties relating to making decisions about prescribed alteration proposals and establishment (opening) and discontinuance (closure) proposals.

This guidance should be read in conjunction with; the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011; the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations (2007).

## Review date

This guidance will be reviewed in April 2017.

## Who is this guidance for?

This guidance is for those making decisions about prescribed alteration proposals (LAs, the Schools Adjudicator and governing bodies), and opening and closing maintained schools (LAs, the Schools Adjudicator) and for information purposes for those affected by such proposals (dioceses, trustees, parents etc.)

It is the responsibility of LAs and governing bodies to ensure that they act in accordance with the relevant legislation when making changes to or opening or closing a maintained school and they are advised to seek independent legal advice where appropriate.

## Main points

- The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. The decision-maker must consider the views of those affected by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).

- If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider **ALL** the views submitted, including all support for, objections to and comments on the proposal.
- When deciding on a proposal, decision-makers will need to consider whether the new provision is genuinely a change to an existing school or is in effect a new school which should have triggered the free school presumption.
- The 2016 White Paper [\*Education Excellence Everywhere\*](#), sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.
- In determining proposals decision-makers must ensure that the guidance on [schools causing concern](#) (Intervening in falling, underperforming and coasting schools) has been followed where necessary.
- All decisions in relation to the opening and closing of a maintained school should be copied to the Secretary of State, within one week of the decision being made. The notification must be sent to [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk). The necessary amendments will then be made to the EduBase system.

## 2: Factors relevant to all types of proposals

### Related proposals

Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Decisions for 'related' proposals should be compatible.

Where a proposal is 'related' to another proposal to be decided by the [Regional Schools Commissioner](#) (RSC) (e.g. for the [establishment of a new free school established under the presumption route](#)) the decision-maker should defer taking a decision until the RSC has taken a decision on the proposal, or where appropriate, grant a conditional approval for the proposal.

### Conditional approval

Decision-makers may give conditional approval for a proposal subject to certain prescribed events<sup>1</sup>. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker (and the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) for school opening or closure cases) when a condition is modified or met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

### Publishing decisions

All decisions (rejected and approved – with or without modifications) must give reasons for such a decision being made. **Within one week** of making a decision the decision-maker should arrange (via the proposer as necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the organisations below to be notified of the decision and reasons<sup>2</sup>:

- the LA (where the [Schools Adjudicator](#) or governing body is the decision-maker);
- the governing body/proposers (as appropriate);

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<sup>1</sup> under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations (for prescribed alterations), regulation 16 of the Establishment and Discontinuance Regulations (for closures and new schools) and paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations (for foundation and trust proposals).

<sup>2</sup> In the case of proposals to change category to foundation, acquire / remove a Trust and / or acquire / remove a Foundation majority the only bodies the decision-maker must notify are the LA and the governing body (where the Schools Adjudicator is the decision-maker).

- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- for a special school, the parents of every registered pupil at the school;
- any other organisation that they think is appropriate; and
- the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) (in school opening and closure cases only).

## Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider **ALL** the views submitted, including all support for, objections to and comments on the proposal.

## Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.

## A school-led system with every school an academy,

The 2016 White Paper [Education Excellence Everywhere](#), sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.

## Demand v need

Where a LA identifies the need for a new school, to meet basic need, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish a free school via the '[free school presumption](#)'. However it is still possible to publish proposals for new maintained school outside of the competitive arrangements, at any time, in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith.

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned

housing developments) and any new provision opening in the area (including free schools).

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

## **School size**

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

## **Proposed admission arrangements**

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the [School Admissions Code](#). Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

## **National Curriculum**

All maintained schools must follow the [National Curriculum](#) unless they have secured an exemption for groups of pupils or the school community<sup>3</sup>.

## **Equal opportunity issues**

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

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<sup>3</sup> Under sections: 90, 91, 92 and 93 of the Education Act 2002.



- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

## Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

## Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

## Funding

The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital

funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

## **School premises and playing fields**

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

### 3: Factors relevant to prescribed alteration proposals:

#### Enlargement of premises

When deciding on a proposal for an expansion on to an additional site (a ‘satellite school’), decision-makers will need to consider whether the new provision is genuinely a change to an existing school or is in effect a new school (which would trigger the free school presumption in circumstances where there is a need for a new school in the area<sup>4</sup>).

Decisions will need to be taken on a case-by-case basis, but decision-makers will need to consider the following non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and to ensure that it will serve the same community as the existing site:

- **The reasons for the expansion**
  - What is the rationale for this approach and this particular site?
- **Admission and curriculum arrangements**
  - How will the new site be used (e.g. which age groups/pupils will it serve)?
  - What will the admission arrangements be?
  - Will there be movement of pupils between sites?
- **Governance and administration**
  - How will whole school activities be managed?
  - Will staff be employed on contracts to work on both sites? How frequently will they do so?
  - What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?
- **Physical characteristics of the school**
  - How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
  - Is the new site in an area that is easily accessible to the community that the current school serves?

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<sup>4</sup> Or require an proposal under section 11 of the EIA 2006 for a new maintained school.

## Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools<sup>5</sup>. Expansion of any existing grammar school onto a satellite site can only happen if it is a genuine continuance of the same school. Decision-makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

## Changes to boarding provision

In making a decision on a proposal to close a school that has boarding provision, or to remove boarding provision from a school that is not closing, the decision-maker should consider whether there is a state maintained boarding school within reasonable distance from the school. The decision-maker should consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

## Addition of post-16 provision

The department expects that only schools that are rated as 'good' or 'outstanding' will seek to add a sixth form.

In assessing a proposal to add post-16 provision, decision-makers should look for evidence that the proposal will improve, extend the range, and increase participation in high quality educational or training opportunities for post-16 pupils within the LA or local area.

The decision-maker should look for evidence on how new places will fit within the 16-19 organisation in an area and that schools have collaborated with other local providers in drawing up a proposal.

The decision-maker may turn down a proposal to add post-16 provision if there is compelling and objective evidence that the expansion would undermine the viability, given the lagged funding arrangements, of an existing high quality post-16 provider.

Decision-makers should consider the viability of a proposal bearing in mind the formulaic approach to funding; that the school will have to bear any potential diseconomies of scale; and the impact of future demographic trends.

A proposal should take account of the timeline for agreeing 16-19 funding which will be available in the most recent guidance on the department's website. Decision-makers should note that post-16 funding runs on an August – July academic year cycle.

In deciding whether new sixth-form provision would be appropriate, proposers and decision makers should also consider the following guidelines:

---

<sup>5</sup> Except where a grammar school is replacing one of more existing grammar schools.

- the quality of pre-16 education must be good or outstanding;
- the proposed sixth-form will provide places for a minimum of 200 students;
- the proposed sixth-form will, either directly or through partnership, offer a minimum of 15 A level subjects:
- there is a clear demand for the new sixth-form (including evidence of a shortage of post-16 places and a consideration of the quality of L3 provision in the area);
- the proposed sixth-form is financially viable (there is evidence of financial resilience should student numbers fall and the proposal will not impact negatively on 11-16 education or cross subsidisation of funding).

## **Changes of category to voluntary-aided**

For a proposal to change the category of a school to voluntary-aided, the decision-maker must be satisfied that the governing body and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

## **Changes to special educational need provision**

In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability. Decision-makers should ensure that proposals:

- take account of parental preferences for particular styles of provision or education settings;
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;
- offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;

- take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe;
- support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- ensure appropriate provision for 14-19 year-olds; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.

When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that this SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

## 4: Factors relevant to establishment proposals

### Suitability

When considering a proposal for a new maintained school, the decision-maker should consider each proposal on its merits, and take into account all matters relevant to the proposal. Any proposals put forward by organisations which advocate violence or other illegal activity must be rejected. In order to be approved, a proposal should demonstrate that, as part of a broad and balanced curriculum, they would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance on [Promoting fundamental British values through SMSC](#).

### The free school presumption

Where a LA considers that there is a need for a new school in its area, to address basic need, it must first seek proposals to [establish a free school](#) under section 6A of EIA 2006. In such cases the Regional Schools Commissioner (RSC) is the decision-maker.

### New schools through a competition

Where no academy/free school proposals are received (or are received but are deemed unsuitable) a statutory competition under section 7 of EIA 2006 may be held.

Where two or more proposals are complementary, and together meet the requirements for the new school, the decision-maker may approve all the proposals.

The specification for the new school is only the minimum requirement; a proposal may go beyond this. Where a proposal is not in line with the specification, the decision-maker must consider the potential impact of the difference to the specification.

Where additional provision is proposed (e.g. early years or a sixth-form) the decision-maker should first judge the merits of the main proposal against the others. If the proposal is judged to be superior, the decision-maker should consider the additional elements and whether they should be approved. If the decision-maker considers they cannot be approved, they may consider a modification to the proposal, but will need to first consult the proposers and - if the proposal includes provision for 14-19 year olds - the Education Funding Agency (EFA).

For competitions, the LA will be expected to provide premises and meet the capital costs of implementing the winning proposal, and must include a statement to this effect in the notice inviting proposals. Where the estimated premises requirements and/or capital costs of a proposal submitted in response to a competition exceed the initial cost estimate made by the LA, the decision-maker should consider the reasons for the

additional requirements and/or costs, as set out in the proposal and whether there is agreement to their provision.

## **New schools outside competition**

Section's 10 and 11 of the EIA 2006 permits proposals to establish new schools under certain conditions either with the Secretary of States consent (section 10 cases) or without (section 11 cases).

In all cases proposals must have followed the required statutory process and may be for a school with or without a designated religious character.

## **Independent faith schools joining the maintained sector**

The department expects that independent schools wishing to join the maintained sector will do so through the new free schools route.

However if a proposal is made, through the statutory process to establish a new voluntary school, , decision-makers must ensure that the decision to proceed with such a proposal is clearly based on value for money and that the school is able to meet the high standards expected of state-funded educational provision. The department would expect the decision-maker to consider the following points:

- that there is genuine demand/need for this type of school place in the local community;
- that the current and projected financial health of the proposer is strong;
- that the proposal represents long term value for money for the taxpayer;
- that the school will be able to deliver the whole of the national curriculum to the expected high standard;
- that all aspects of due diligence have been considered and undertaken; and
- that the school building is appropriate for the delivery of a high standard of education and in good condition throughout, or can easily be improved to meet such standards.
- In the case of a new VC school the independent school must have existed for at least two years and must close before the new maintained school opens.

If the proposal is approved a separate [application for religious designation](#) would need to be made to the department.



## 5: Factors relevant to discontinuance (closure) proposals

### Closure proposals (under s15 EIA 2006)

The decision-maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall quality of provision, the likely supply and future demand for places. The decision-maker should consider the popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

### Schools to be replaced by a more successful/popular school

Such proposals should normally be approved, subject to evidence provided.

### Schools causing concern

In determining proposals decision-makers must ensure that the guidance on [schools causing concern](#) (Intervening in falling, underperforming and coasting schools) has been followed where necessary.

### Rural schools and the presumption against closure

There is a [presumption against the closure of rural schools](#). This does not mean that a rural school will never close, but the case for closure should be strong and the proposal clearly in the best interests of educational provision in the area<sup>6</sup>. Those proposing closure should provide evidence to show that they have carefully considered the following:

- alternatives to closure including the potential for federation with another local school or conversion to academy status and joining a multi-academy trust or umbrella trust to increase the school's viability;
- the scope for an extended school to provide local community services; and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc.;
- the transport implications; and
- the overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

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<sup>6</sup> Not applicable where a rural infant and junior school on the same site are closing to establish a new primary school on the same site(s).

When deciding a proposal for the closure of a rural primary school the decision-maker must refer to the [Designation of Rural Primary Schools Order](#) to confirm that the school is a rural school.

For *secondary schools*, the decision-maker must decide whether a school is to be regarded as rural for the purpose of considering a proposal. In doing so the decision-maker should have regard to the department's register of schools – EduBase<sup>7</sup> which includes a rural/urban indicator for each school in England. Where a school is not recorded as rural on Edubase, the decision-maker can consider evidence provided by interested parties, that a particular school should be regarded as rural.

## Early years provision

In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.

The decision-maker should also consider whether the new, alternative/extended early year's provision will maintain or enhance the standard of educational provision for early years and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

## Nursery schools and the presumption against closure

There is a presumption against the closure of nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong and the proposal must demonstrate that:

- plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity as the provision provided by the nursery school with no loss of expertise and specialism; and
- replacement provision is more accessible and more convenient for local parents.

## Balance of denominational provision

In deciding a proposal to close a school that has been designated with a religious character, decision-makers should consider the effect that this will have on the balance of denominational provision in the area.

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<sup>7</sup> Any school classed as urban will have a rural/urban indicator of either 'Urban>10K – less sparse' or 'Urban>10K – sparse' – all other descriptions refer to rural schools.

The decision-maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area. However, this guidance does not apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or both of the predecessor schools.

## **Community Services**

Some schools may be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social consequences. The effect on families and the community should be considered when considering proposals about the closure of such schools. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

## 6: Factors relevant to proposals to change category to foundation

This section includes proposals to change category to foundation, acquire/remove a Trust and acquire/remove a foundation majority governing body.

It is the department's view that governing bodies should convert to academy status rather than change category to a foundation. Governing bodies wishing to discuss this issue should email [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) and a member of the school organisation team will contact them to discuss the proposed change of category.

### Standards

Decision Makers should consider the impact of changing category to foundation and acquiring or removing a Trust on educational standards at the school. Factors to consider include:

- the impact of the proposals on the quality, range and diversity of educational provision in the school;
- the impact of the proposals on the curriculum offered by the school, including, if appropriate, the development of the school's specialism;
- the experience and track record of the Trust members, including any educational experience and expertise of the proposed trustees;
- how the Trust might raise / has raised pupils' aspirations and contributes to the ethos and culture of the school;
- whether and how the proposals advance / have advanced national and local transformation strategies;
- the particular expertise and background of Trust members. For example, a school seeking to better prepare its pupils for higher education might have a higher education institution as a partner.

In assessing standards at the school, the decision-maker should take account of recent reports from Ofsted or other inspectorates and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

if a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal.

## Community Cohesion

Trusts have a duty<sup>8</sup> to promote [community cohesion](#), and decision-maker should carefully consider the Trust's plans for partnership working with other schools, agencies or voluntary bodies.

## New Trust schools Acquiring a Trust

For new Trust schools (foundation schools with a charitable foundation) the decision-maker must be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking for a school to alter, acquire or lose a designated religious character. These alterations cannot be made simply by acquiring a Trust;
- the necessary work is underway to establish the Trust as a charity and as a corporate body; and
- that none of the trustees are disqualified from exercising the function of trustee, either by virtue of:
  - disqualifications under company or charity law;
  - disqualifications from working with children or young people;
  - not having obtained a criminal record check certificate<sup>9</sup>; or
  - the Requirements Regulations which disqualify certain persons from acting as charity trustees.

## Adding or removing a Trust

Decision-makers should consider the following factors for proposals to add or remove a Trust:

- whether the Trust acts as the Trust for any other schools and / or any of the members are already part of an existing Trust;
- if the proposed Trust partners already have a relationship with the school or other schools, how those schools perform (although the absence of a track record should not in itself be grounds for regarding proposals less favourably);
- how the partners propose to identify and appoint governors. What, if any, support would the Trust/foundation give to governors?

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<sup>8</sup> Under section 23(A)6 of the EIA 2006

<sup>9</sup> Under section 113A of the Police Act 1997

- to what extent the proposed Trust partners have knowledge of the local community and the specific needs of the school/area and to what extent the proposal addresses these; and
- the particular expertise and background of Trust members.

If a proposal is for the removal of a Trust, the governing body should consider the proposal in the context of the original proposal to acquire the Trust, and consider whether the Trust has fulfilled its expectations. Where new information has come to light regarding the suitability of Trust partners, this should be considered.

## Suitability of partners

Decision-makers will need to be satisfied of the suitability of Trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis what circumstances might prevent the reputation of a Trust partner being in keeping with the charitable objectives of a Trust, or could bring the school into disrepute. However, the decision-maker should seek to come to a balanced judgement, considering the suitability and reputation of the current/potential Trust. Decision-makers should seek to assure themselves that:

- the Trust members and proposed trustees (where the trustees are specified in the proposals) are not involved in illegal activities and/or activities which could bring the school into disrepute;
- the Trust partners are not involved in activities that may be considered inappropriate for children and young people (e.g. tobacco, gambling, adult entertainment, alcohol).

The following sources may provide information on the history of potential Trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)<sup>10</sup>;
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).

## Removing a Trust / foundation majority

### Land and Assets

When removing a Trust, the governing body is required to resolve all issues relating to land and assets before the publication of proposals, including any consideration or

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<sup>10</sup> Appearance on this database should not automatically disqualify a potential Trust member; decision-makers will wish to consider each case on its merits

compensation that may be due to any of the parties. Where the parties cannot agree, the issues may be referred to the Schools Adjudicator to determine.

The Schools Adjudicator will take account of a governing body's ability to pay when determining any compensation. Therefore, all of these issues must be resolved by the point at which the decision is made and the amount of compensation due to either party may be a factor in deciding proposals to remove a Trust.

## **Finance**

Trusts are under no obligation to provide financial assistance to a school, but there may be instances where the Trust does provide investment. The well-being and educational opportunities of pupils at the school should be paramount, and no governing body should feel financial obligations prevent the removal of a Trust where this is in the best interests of pupils and parents.

## **Other services provided by the Trust**

Trusts may offer a variety of services to the school, such as careers advice, work experience placements, strategic partnerships with other schools, access to higher education resources and so on. The damage to relationships and/or loss of any of these advantages should be weighed up against the improvements envisaged by a change in governance or the removal of the Trust.

## Annex A: Further Information

- [The Education and Inspections Act 2006](#), as amended by the [Education Act 2011](#)
- [The School Standards and Framework Act 1998](#), as amended by the [Education Act 2002](#)
- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#)
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#)
- [Academy/Free School Presumption – departmental advice \(2013\)](#)
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers \(2013\)](#).
- [The Schools Admissions Code](#)
- [Education Excellence Everywhere](#)
- [White paper - Education Excellence Everywhere](#)
- [Schools Adjudicator](#)
- [Free school presumption](#)
- [School Admissions Code](#)
- [National Curriculum](#)
- [Home to school travel and transport guidance](#)
- [School land and property: protection, transfer and disposal](#)
- [Promoting fundamental British values through SMSC](#).
- [Religious designation](#)
- [Schools causing concern](#)
- [Presumption against the closure of rural schools](#).
- [The Health and Safety Executive Public Register of Convictions](#);
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).





Department  
for Education

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Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB community special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese
LA for community	Alteration of upper age range so as to add or remove sixth-form provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Alteration of upper age range so as to add sixth-form provision.	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees
GB of voluntary and foundation	Alteration of upper age range so as to add sixth-form provision	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees
GB of community	Alteration of upper age range so as to add sixth-form provision	Statutory process	LA	CofE Diocese RC Diocese
GB of voluntary and foundation	Alteration of upper age range so as to remove sixth-form provision	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees

NB: the LA must make a decision within a period of two months of the end of the representation period or they must be referred to the [Schools Adjudicator](#).

## Adding or removing a sixth-form

The department wants to ensure that all new provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth-form provision will only be put forward for secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the proposal.

In deciding whether new sixth-form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- the quality of pre-16 education must be good or outstanding;
- the proposed sixth-form will provide places for a minimum of 200 students;
- the proposed sixth-form will, either directly or through partnership, offer a minimum of 15 A level subjects:
- there is a clear demand for the new sixth-form (including evidence of a shortage of post-16 places and a consideration of the quality of L3 provision in the area);
- the proposed sixth-form is financially viable (there is evidence of financial resilience should student numbers fall and the proposal will not impact negatively on 11-16 education or cross subsidisation of funding).

To admit external pupils to the sixth-form a request for a variation to admission arrangements, in line with the [Schools Admissions Code](#) will be needed.

## Closing an additional site

For foundation and voluntary schools that are already operating on a satellite site, governing bodies must follow the statutory process in [part 5](#), if they are proposing the closure of one or more sites where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed. The LA may make such a proposal for a community school following the statutory process in [part 5](#).

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary or foundation	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>Strategic Director for People</b>	
<b>Date of Decision:</b>	<b>17<sup>th</sup> May 2016</b>	
<b>SUBJECT:</b>	<b>UPDATE REPORT ON ACADEMY CONVERSIONS FOR PERIOD – JANUARY – APRIL 2016</b>	
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref: 000768/2016</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b>	<input type="checkbox"/>
	<b>O&amp;S Chairman approved</b>	<input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Brigid Jones, Children's Services</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Susan Barnett, Education and Vulnerable Children</b>	
<b>Wards affected:</b>	<b>Aston, Bartley Green, Nechells and Washwood Heath</b>	

**1. Purpose of report:**

- 1.1 To provide an update to Cabinet to ensure that Members are fully aware of all of the schools that have converted to Academy status during the period January – April 2016 and advise Cabinet on the number of schools that are in the process of conversion and the proposed target conversion dates for those schools.

**2. Decision(s) recommended:**

Cabinet is recommended to:

- 2.1 Note that individual Academy Conversion Reports will no longer be received by Cabinet and that this report will be received quarterly.
- 2.2 To approve the proposed increase in the Academy Conversion charges from 1<sup>st</sup> June 2016 as identified in Appendix 4.
- 2.3 Note that the following schools have converted to Academy status between January and April 2016: Nonsuch Primary School, Manor Park Primary School, Aston Tower Primary School and Highfield Junior & Infant School – for full details see Appendix 1.
- 2.4 Note that 125 year leases and Commercial Transfer Agreements (CTAs) are now in place for each of the above schools with the exception of Manor Park Primary School.
- 2.5 Note that Manor Park School was a Foundation School so the land and buildings were already vested with the Governing Body of the school however; as there was an Interim Executive Board in place at the point of conversion a form of CTA was agreed between BCC and Reach2 Academy Trust to ensure all liabilities transferred to the Academy Trust.
- 2.6 There are currently 9 other schools in the process of conversion and these are: Gossey Lane Junior & Infant School, Yew Tree Community Junior and Infant School, Cockshut Hill Technology College, Cottesbrooke Junior School, Harper Bell Seventh day Adventist Primary School, St Francis CE Primary School, Conway Primary School, Greet Primary School and Topcliffe Primary School – for full details see attached as Appendix 2.

<b>Lead Contact Officer(s):</b>	Jaswinder Didially Head of Education & Skills Infrastructure
<b>Telephone No:</b> <b>E-mail address:</b>	0121 303 8847 <a href="mailto:Jaswinder.didially@birmingham.gov.uk">Jaswinder.didially@birmingham.gov.uk</a>

<b>3. Consultation</b>
<p>Consultation should include those that have an interest in the decisions recommended:</p> <p>3.1 <u>Internal</u> The Deputy Leader and the Executive Director for Education have been consulted on this report and agree that this report may go forward to Cabinet for information purposes.</p> <p>The Deputy Leader, Chair of the Education &amp; Vulnerable Children Overview &amp; Scrutiny Committee and relevant Ward Councillors were consulted on all of the individual Academy conversion reports and any comments were recorded in those reports.</p> <p>3.2 <u>External</u> The Secretary of State issued Academy Orders (see Appendix 3) requiring the conversion of these schools.</p>

<b>4. Compliance Issues:</b>
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u> The Academies Conversion Programme is a Central Government Policy.</p> <p>4.2 <u>Financial Implications</u> The corporate legal costs and potential external legal costs associated with the conversion of these schools will be met from individual school contributions and earmarked resources within the Education &amp; Skills Infrastructure Budget (total gross budget of £2,698k) for the purposes of the Academy conversion process.</p> <p>In line with the Charging Policy which was implemented on 1<sup>st</sup> October 2013 schools will pay a contribution towards the costs associated with conversion, for Community Schools the charge is £5,000, for Community PFI Schools the charge is £10,000 and for transfers associated with VA, VC or Foundation Schools individual charges are applied dependent on work required.</p> <p>All of the schools that have converted were in surplus at the point of conversion. Any surplus budget remaining at the point of conversion will transfer to the Academy. There are no other financial implications for the City Council associated with these conversions.</p> <p>4.3 <u>Legal Implications</u> The Secretary of State for Education has issued the Orders under the Academies Act 2010, which requires all concerned parties to facilitate the creation of the Academies. The Council has power under Sections 120 – 123 of the Local Government Act 1972 to hold and dispose of land, including the use of General Disposals Consent 2003.</p> <p>4.4 <u>Public Sector Equality Duty</u> The Academies Conversion Programme is a Central Government Policy.</p> <p>An initial Equality Analysis was undertaken in February 2014 (EA000046) and the outcome indicated that a Full Equality Analysis was not required.</p>

<b>5.</b>	<b>Relevant background / chronology of key events:</b>
5.1	The Academies Act 2010 empowered the Secretary of State for Education to create Academies through Academy Orders.
5.2	Academy Orders were received for the schools identified in Section 2.3 (see Appendix 3) and the relevant processes were completed to enable the schools to convert.
5.3	In light of the resource commitments the authority has to employ to facilitate and support the conversion of schools to academies (for which it receives no funding from the DfE), the current Academy Conversion Charges have been reviewed and the proposed charges from 1st June 2016 are shown in Appendix 4.
5.4	The land and assets were transferred to the Academies via a lease in the form prescribed by the DfE for 125 years at a peppercorn rent. The terms of the lease state that the land must be used for educational purposes.
5.5	Where an Academy is failing or the Funding Agreement has been terminated there is now an option contained in the Funding Agreement in favour of the Secretary of State to acquire land at nil consideration without Local Authority (landlord) consent. The purpose of this option is to ensure the Secretary of State is able to arrange for the continuing education of the pupils between the period where the existing trust has failed and handover to another Academy Trust has not been affected. There is an expectation that another Academy Trust may take over the running of the Academy but if there is no alternative trust, then the Secretary of State may decide the land reverts back to the Local Authority
5.6	In addition, members of staff employed by the City Council transferred under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) to the Academy Trust as well as the assets of the school via a CTA. The statutory TUPE consultation process with Staff and the Unions took place for all of the schools listed in Section 2.2.
5.7	In the case of some Academy conversions scheduled maintenance works, funded from the DfE grant, may take place after the school has converted. However, no works were identified on these schools in the Capital Maintenance Programme 15 / 16.
<b>6.</b>	<b>Evaluation of alternative option(s):</b>
6.1	A do nothing option is not available, as the Secretary of State has reserved powers in the Academies Act 2010 which enable them to make directions to override any ability of the City Council to make executive decisions with regard to land.
<b>7.</b>	<b>Reasons for Decision(s):</b>
7.1	The reason for the report is to ensure Members are aware of all of the schools that have converted to or are in the process of converting to Academies within the 3 month period.

**Signatures****Date**

Cabinet Member Children's  
Services: Cllr Brigid Jones

.....

.....

Strategic Director for  
People: Peter Hay

.....

.....

**List of Background Documents used to compile this Report:**

Relevant Officer's file(s).

**List of Appendices accompanying this Report :**

1. Schools converted to Academy status between January – April 2016
2. Schools in the process of conversion post April 2016
3. Various Academy Orders
4. Academy Conversion Charges

**Report Version****V7****Dated****27/04/16**

**APPENDIX 1 – SCHOOLS CONVERTED BETWEEN JANUARY AND APRIL 2016**

<b>SCHOOL</b>	<b>CATEGORY</b>	<b>WARD</b>	<b>SPONSOR</b>	<b>CONVERSION DATE</b>
Nonsuch Primary School	Community	Bartley Green	Barchelai Academy Trust	1 <sup>st</sup> January 2016
Manor Park Primary School	Foundation	Nechells	ReaCH2 Academy Trust	1st February 2016
Aston Tower Community Primary School	Community	Aston	N / A	1st April 2016
Highfield Junior & Infant School	Community	Washwood Heath	Prince Albert Community Trust	1st April 2016



## APPENDIX 2 – SCHOOLS IN THE PROCESS OF CONVERSION

SCHOOL	CATEGORY	WARD	SPONSOR	TARGET CONVERSION DATE
Gossey Lane Junior & Infant School	Community	Shard End	Washwood Heath Academy Trust	1 <sup>st</sup> May 2016
Yew Tree Community Primary School	Community	Perry Barr	N / A	1 <sup>st</sup> June 2016
Cockshut Hill Technology College	Community PFI	Stechford & Yardley North	Ninestiles Academy Trust	1st September 2016
Cottesbrooke Junior School	Community	Acocks Green	Joining Robin Hood Academy Trust	1st September 2016
Harper Bell School	Voluntary Aided	Nechells	Diocese of Birmingham	1st September 2016
St Francis CE Primary School	Voluntary Aided	Bournville	Diocese of Birmingham	1 <sup>st</sup> September 2016

SCHOOL	CATEGORY	WARD	SPONSOR	TARGET CONVERSION DATE
Conway Primary School	Community	Sparkbrook	TBC	1 <sup>st</sup> September 2016
Greet Primary School	Community	Springfield	TBC	1 <sup>st</sup> September 2016
Topcliffe Primary School	Community	Tyburn	TBC	1 <sup>st</sup> September 2016



**Rt Hon Nicky Morgan MP**  
**Secretary of State for Education**

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0370 000 2288 [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

**To: The Chair of Governors of Nonsuch Primary School**

**Birmingham City Council**

**ACADEMY ORDER**

1. This is an Academy Order made further to section 4 of the Academies Act 2010.
2. I hereby order that on the conversion date Nonsuch Primary School shall be converted into an Academy.
3. The conversion date shall be the date that the school opens as an Academy further to and as provided for in Academy arrangements made further to section 1 of the Academies Act 2010.
4. On the conversion date Birmingham City Council shall cease to maintain Nonsuch Primary School.
5. The independent school standards (as defined in section 157(2) of the Education Act 2002) are to be treated as met in relation to the Academy on the conversion date.

Signed on behalf of the Secretary of State for Education by:

Signed:.....

Date: 8 October 2014

**Pank Patel,**  
**Regional Schools Commissioner**



Rt Hon Nicky Morgan MP  
Secretary of State for Education

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0370 000 2288 [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

To: The Chair of Governors of Manor Park Primary School  
Birmingham City Council

### ACADEMY ORDER

1. This is an Academy Order made further to section 4 of the Academies Act 2010.
2. I hereby order that on the conversion date Manor Park Primary School shall be converted into an Academy.
3. The conversion date shall be the date that the school opens as an Academy further to and as provided for in Academy arrangements made further to section 1 of the Academies Act 2010.
4. On the conversion date Birmingham City Council shall cease to maintain Manor Park Primary School.
5. The independent school standards (as defined in section 157(2) of the Education Act 2002) are to be treated as met in relation to the Academy on the conversion date.

Signed on behalf of the Secretary of State for Education by:

Signed: C. Menashe-Jones Date: 25 March 2015

Claudine Menashe-Jones,  
Director, Academies Group



Rt Hon Nicky Morgan MP  
Secretary of State for Education

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0370 000 2288 [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

**To: The Chair of Governors of Aston Tower Community Primary School**  
**Birmingham City Council**

**ACADEMY ORDER**

1. This is an Academy Order made further to section 4 of the Academies Act 2010.
2. I hereby order that on the conversion date Aston Tower Community Primary School shall be converted into an Academy.
3. The conversion date shall be the date that the school opens as an Academy further to and as provided for in Academy arrangements made further to section 1 of the Academies Act 2010.
4. On the conversion date Birmingham City Council shall cease to maintain Aston Tower Community Primary School.
5. The independent school standards (as defined in section 157(2) of the Education Act 2002) are to be treated as met in relation to the Academy on the conversion date.

Signed on behalf of the Secretary of State for Education by:

Signed:.....

Date: 21 December 2015

**Pank Patel,**  
**Regional Schools Commissioner**



**Rt Hon Nicky Morgan MP**  
Secretary of State for Education

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0370 000 2288 [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

**To: The Chair of Governors of Highfield Junior and Infant School**

**Birmingham City Council**

**ACADEMY ORDER**

1. This is an Academy Order made further to section 4 of the Academies Act 2010.
2. I hereby order that on the conversion date Highfield Junior and Infant School shall be converted into an Academy.
3. The conversion date shall be the date that the school opens as an Academy further to and as provided for in Academy arrangements made further to section 1 of the Academies Act 2010.
4. On the conversion date Birmingham City Council shall cease to maintain Highfield Junior and Infant School.
5. The independent school standards (as defined in section 157(2) of the Education Act 2002) are to be treated as met in relation to the Academy on the conversion date.

Signed on behalf of the Secretary of State for Education by:

Signed:.....

Date: 9 November 2015

**Pank Patel,**  
**Regional Schools Commissioner**



### Academy Conversion Charges (Updated – effective 1<sup>st</sup> June 2016)

Contributions to BCC costs incurred as part of the Academy Conversion Process will be requested as follows:

#### Community Schools:

Activity	Charges
<b>Governance:</b>	
<ul style="list-style-type: none"> <li>Process guidance, financial support, Cabinet Report and associated consultation process and asset and site related diligence.</li> </ul>	<b>£2,000</b>
<b>Costs associated with legal processes:</b>	
<ul style="list-style-type: none"> <li>Formulation, Agreement and Execution of Commercial Transfer Agreement and 125 year lease.</li> </ul>	<b>CTA - £2,500 Lease - £3,000</b>
<b>TOTAL</b>	<b>£7,500</b>

In addition where a school is part of a PFI and / or BSF FM and / or ICT Contracts, the following charges will apply:

Activity	Charges
<ul style="list-style-type: none"> <li>Formulation, population, agreement and execution of School Agreement (SA), recovery of external legal costs associated with development of a Deed of Variation (DoV) to the PFI / FM / ICT Contracts and development of a Shared Use Agreement (SUA) / Community Use Agreement (CUA) if applicable and any additional documents required for conversion.</li> </ul>	<b>SA - £2,500 DoV - £5,000</b>
<b>TOTAL including charges above for Community Schools +</b>	<b>£15,000</b>

#### Foundation / Voluntary Aided (VA) Schools:

For Foundation or VA Schools it is not necessary to enter into a standard 125 year lease arrangement for the school buildings or a CTA in respect of staff transfer so therefore no charge will apply.

Activity	Charges
<ul style="list-style-type: none"> <li>Transfer additional areas of the site (playing fields etc) under a lease to ensure continuation of education on sites; a Cabinet Report and associated consultation process is required.</li> <li>Formulation, Agreement and Execution of 125 year lease (playing fields etc).</li> </ul>	<b>Governance - £2,000 Lease - £3,000</b>
<b>TOTAL</b>	<b>£5,000</b>

#### Voluntary Controlled (VC) Schools:

Activity	Charges
<b>Governance:</b>	
<ul style="list-style-type: none"> <li>Process guidance, financial support, Cabinet Report and associated consultation process.</li> </ul>	<b>£2000</b>
<b>Costs associated with legal processes:</b>	
<ul style="list-style-type: none"> <li>Formulation, Agreement and Execution of Commercial Transfer Agreement.</li> </ul>	<b>CTA - £2,500</b>
<b>TOTAL</b>	<b>£4,500</b>

Sometimes with VC Schools it is necessary for additional areas of the site (playing fields etc) to be leased to ensure continuation of education on sites.

Activity	Charges
<ul style="list-style-type: none"> <li>Formulation, Agreement and Execution of 125 year lease (playing fields etc).</li> </ul>	<b>Lease £3,000</b>
<b>TOTAL including charges above for VC Schools</b>	<b>£7,500</b>

NB: The contributions to costs incurred by the Local Authority as outlined above will be recovered by Schools Financial Services as part of the 3 month closedown of accounts period.

## BIRMINGHAM CITY COUNCIL

PUBLIC

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Acting Strategic Director Place</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> May 2016</b>
<b>SUBJECT:</b>	<b>WASTE DEPOTS MODERNISATION PROGRAMME PHASE 1: PROJECT DEFINITION DOCUMENT</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref: n/a</b>
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved <input type="checkbox"/></b> <b>O&amp;S Chairman approved <input type="checkbox"/></b>
<b>Relevant Cabinet Member(s):</b>	<b>Councillor Ian Ward, Deputy Leader</b> <b>Councillor Stewart Stacey, Cabinet Member</b> <b>Commissioning, Contracting and Improvement</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Waseem Zaffar, Corporate Resources, and</b> <b>Councillor Victoria Quinn, Economy, Skills and</b> <b>Sustainability</b>
<b>Wards affected:</b>	<b>Perry Barr and Kings Norton</b>

**1. Purpose of report:**

- 1.1 To seek approval to the Project Definition Document (appendix 1) to deliver Phase 1 of the Depot Modernisation Programme to refurbish/extend and replace the welfare and office facilities at Perry Barr and Lifford Lane Waste Depots.
- 1.2 This proposed investment will ensure that the office accommodation and welfare buildings are fit for purpose with a life of 20 years plus, and that Health and Safety and Equality requirements are addressed at the two sites.
- 1.3 To seek the release of £139,000 of development funding to progress the project to Full Business Case stage.
- 1.4 To negotiate with Veolia ES Birmingham (VESB) the use of land earmarked as shared responsibility under the terms of the current lease arrangement.
- 1.5 To appoint, in principle, a Constructing West Midlands (CWM) Lot 7 Framework contractor to work at risk pending approval of a target cost.
- 1.6 The accompanying Private report contains commercially confidential information.

**2. Decision(s) recommended:**

- That Cabinet
- 2.1 Note this report.

<b>Lead Contact Officer(s):</b>	Lesley Steele, Birmingham Property Services
<b>Telephone No:</b>	0121 303 8857
<b>E-mail address:</b>	<a href="mailto:Lesley.Steele@birmingham.gov.uk">Lesley.Steele@birmingham.gov.uk</a>



### **3. Consultation**

#### **3.1 Internal**

The Cabinet Member for Sustainability together with the Perry Barr and Kings Norton Ward Councillors have been consulted and support this proposal coming forward for executive decision. The initial consultation process with staff and the unions has commenced and a dialogue will be maintained throughout the development and delivery of this proposal. Legal and Democratic Services and City Finance have been involved in the preparation of this report.

#### **3.2 External**

Veolia Environmental Services Birmingham (VESB), Birmingham City Council's waste management partner and site tenant has been included in the consultation process and will be kept informed as the project develops.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

4.1.1 This proposal supports the delivery of a new draft Municipal Waste Strategy 2016 - 2026 currently under development. It also upholds the Council Business Plan and Budget 2016+ key strategic outcomes: a strong economy, a great future for young people, thriving local communities, a healthy and a modern council.

The proposal supports the Council's strategic approach to managing assets, ensuring they are fit for purpose in terms of suitability, sufficiency, condition, cost, environmental impact and affordability.

4.1.2 The project supports the commitment to the Future Council Programme, establishing an environment in which officers, residents, external partners and stakeholders can effectively and visibly work together. This will aim to make best use of the resources available and attract external funding to achieve a shared vision.

4.1.3 The contract is to be administered by Acivico and procured via the Constructing West Midlands (CWM) Framework (Lot 7). The proposed contractor allocated for this project was determined on the basis of an 80:20 price: quality ratio matrix. The pricing model is based on the percentages which were accepted as part of the CWM Framework (Lot 7).

The proposed contractor signed up to the Birmingham Business Charter for Social Responsibility on the 19th June 2014, committing to the six principles and will as a Charter signatory provide an Annual Charter statement of how they have implemented the Charter and what they plan to do in the future. They will be required to submit a project specific action plan proportionate to the contract sum as part of the Full Business Case.

#### 4.2 Financial Implications

(Will decisions be carried out within existing finance and Resources?)

- 4.2.1 The currently estimated capital cost of the Phase 1 modernisation programme will be funded by service supported prudential borrowing over a period of 20 years. There is provision within the Waste Management Services revenue budget to meet the estimated prudential borrowing charges for this project. There should be a reduction in revenue running costs for the new and refurbished buildings. This is difficult to quantify at this stage and further details will be provided at FBC stage.
- 4.2.2 In addition to the chief officer approval on the 11<sup>th</sup> January 2016 to release £75,600 of funding to develop a feasibility study for this proposal, further resources of £139,000 are required to develop the project to FBC stage. These costs will initially be funded from the Waste Management revenue budget. On approval of the FBC these costs, along with the remaining costs of the scheme, will be capitalised and funded via prudential borrowing.
- 4.2.3 The Property Asset Link reference for the two depots are; Lifford Waste Depot PAL ref 00147 and Perry Barr Waste Depot PAL ref 00195. This is a unique asset reference reflected on the city's mapping and property systems.

#### 4.3 Legal Implications

- 4.3.1 Section 51 Environmental Protection Act 1990 (EPA) requires the Council, as a Waste Disposal Authority, to arrange for places to be provided at which persons resident in its area may deposit their household waste. Section 45 EPA also requires the Council, acting as Waste Collection Authority, to arrange for the collection of household waste. To meet this requirement the collection service currently operates from 4 depots and 5 Household Recycling Centres (HRCs) inclusive of Perry Barr and Lifford Lane but to ensure a waste collection service is delivered to a good standard it is imperative that the back of house facilities support the operations.
- 4.3.2 Section 1 of the Local Government Act 2003 authorises the Council to use prudential borrowing powers.

#### 4.4 Public Sector Equality Duty

A copy of the Equality Act 2010 –Public Sector Duty Statement and a Stage 1 Equality Assessment is included (ref EA001282) as Appendix 2.

## **5. Relevant background/chronology of key events:**

- 5.1 Since the approval of the original Project Definition Document (PDD) by Cabinet Committee (Property) on the 12th January 2012 there have been a number of significant changes to Waste Management Services (WMS). In particular, a service redesign has taken place following the introduction of wheelie bins across the City. WMS has continued to develop its long term Depot redevelopment programme for service delivery as part of its overarching Future Operating Model (FOM). The original PDD focused on 3 depots (Lifford Lane, Perry Barr and Montague St) and included works to the vehicle washes at all 3 depots, the demolition of the Transfer Station, a new garage at Perry Barr and refurbishing the weighbridge at Lifford Lane. These items are outside of the scope for this phase of works and will be reviewed as part of the new waste disposal contract. The key strategic drivers of this Phase 1 programme are to provide a safe environment to work and to meet relevant health and safety and equalities requirements for Council staff.
- 5.2 Originally, the overall aim of WMS's Asset Management Plan was to reduce from four to three Depots - Lifford Lane, Montague Street and Perry Barr to be redeveloped as part of this programme with the remaining depot, Redfern Road, the subject of a full evaluation about its future involvement in service delivery. As part of the funding from the DCLG to maintain a weekly collection service a full review will still be undertaken regarding the future of Redfern Road but currently a decision has been reached by the Service that this depot will need to be retained by WMS for the foreseeable future in order to achieve the required operational capacity. In recognition of this a phased approach is to be taken on the delivery of the improvements. Lifford Lane and Perry Barr Depots make up phase 1 of the Depot Modernisation Programme. Future phases of work will be reviewed on securing a new waste contract in 2018/19 thereafter when the current contract ends.
- 5.3 The main deliverables of the Waste Depots Modernisation Programme Phase 1 proposal is to provide fit for purpose back of house accommodation and facilities for the City Council's workforce at Lifford Lane and Perry Barr Depots. This will include addressing the potential increase of female operatives joining the Service since the introduction of wheelie bins. In order for the Council to meet its statutory obligations it must also meet current health and safety related requirements and provide a safe place for its employees to work. It also needs to ensure the public have safe access to the Household Recycling Centres (HRC) and Green Waste Recycling at both Perry Barr and Lifford Lane Depots. Currently there is a lack of clarity separating the operational traffic from that of the public accessing the recycling centres. This will be reviewed as part of this proposal.

5.4 Waste Management Services are responsible for the collection and disposal of domestic waste, and also commercial waste upon request. The Council's waste disposal contractor since 1994 is Veolia ES Birmingham (VESB), an international recycling and waste management company. The current 25 year contract will terminate in January 2019. On both the Perry Barr and Lifford Lane sites there are designated parts which are shared and designated parts which are the individual responsibility of either the City Council or VESB. This improvement project will deliver improvements on both shared and designated responsibilities. Appropriate legal agreements will be put in place with VESB as necessary. Authority is sought to develop appropriate agreements to inform the development of this project and will be confirmed at FBC stage. It should be noted that all the assets on these sites currently managed by VESB revert back to the Council when the contract terminates in January 2019. Work has commenced to establish a new waste contract. WMS are considering procurement options for the new contract which will include information on any recently upgraded/ new assets. The use of these assets will be considered in the evaluation process of the new contract to ensure recent financial investments do not become a financial liability for the Council.

In line with establishing a new contract the Council recognises the need to introduce a more ambitious approach to waste management to include reducing waste arising; increasing the recycling rate and delivering value for money and social benefit from waste collection and disposal. It is therefore a high priority that in order to work towards successfully achieving these goals WMS makes better use of existing assets, inclusive of property.

5.5 Depot Modernisation Programme Phase 1 proposals:

Perry Barr Depot -This will include the reconfiguration and refurbishment of the existing offices, welfare and ablution block at Perry Barr Depot.

Lifford Lane Depot – This will include the installation of a new two storey prefabricated building to be sited on part of the existing staff car park.

Other areas of work on both sites will also be carried out to ensure compliance with current legislation including a review of the electrical and mechanical installations, installation of CCTV and Wi-Fi procured through Service Birmingham and new furniture and equipment in the offices, canteen and changing areas. The detail of the proposal is included in the Project Definition Document (Appendix 1).

- 5.6 The works proposed at both depots will require planning approval. This is expected by early August 2016. Dependent upon the satisfactory outcome of stakeholder consultation and the confirmation of a final target cost within the resources available, a Full Business Case and Contract Award will be presented to Cabinet for approval in September 2016, with works programmed to commence on site at the end of October/early November 2016. The works will be arranged so that they cause minimal disruption to service delivery for both BCC and Veolia. This will also reduce the risk of Veolia entering into contract dispute during the works due to disruption. The full contractual position will be investigated and clarified in the FBC. The waste depots are less busy during the period November to the end of February due to no green waste collections hence the main areas of work are programmed to be delivered during this period. Both sites will be refurbished in parallel and will remain operational during the contract period. Careful attention will be given to the contractor's site set up and the separation of contractor traffic and operational waste and public traffic. In order to minimise disruption some tasks may have to be carried out at weekends and during the evenings when the sites have closed.

## **6. Evaluation of alternative option(s):**

- 6.1 Do nothing – to continue to operate out of the existing facilities at Lifford Lane and Perry Barr. Birmingham City Council would not be meeting their statutory obligations to provide a safe and fit for purpose work environment nor meet relevant health & safety and equalities requirements.
- 6.2 Refurbishment of both sites in their entirety – a feasibility study was carried out in November 2013 which established a master plan for the redevelopment of Lifford Lane and Perry Barr Depots but also included Montague Street Depot. The cost to take this proposal forward was prohibitive. It was agreed that the refurbishment of both Lifford Lane and Perry Barr Depots could be introduced by prioritising and phasing the works.

## **7. Reasons for Decision(s):**

- 7.1 To approve the PDD and development funding to progress the detailed design to FBC and target cost.
- 7.2 To support the Council's strategic outcomes – "A Fair, Prosperous and Democratic City".
- 7.3 To ensure BCC meets its statutory obligations at both Lifford Lane and Perry Barr Depots.

Signatures		<u>Date</u>
Cabinet Members	..... Cllr Ian Ward, Deputy Leader	.....
	..... Cllr Stewart Stacey, Commissioning, Contracting and Improvement	.....
Chief Officer	..... Jacqui Kennedy Acting Strategic Director of Place	.....

<b>List of Background Documents used to compile this Report:</b>
Waste Depot Modernisation Programme Phase 1 Delegated Authority 11 <sup>th</sup> January 2016
Cabinet Committee(Property) Waste Management Depot Modernisation Programme – Project Definition Document 12th January 2012

<b>List of Appendices accompanying this Report (if any):</b>
1. Project Definition Document
2. Equality Analysis

<b>Report Version</b>		<b>Date</b>	
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## PROJECT DEFINITION DOCUMENT (PDD) APPENDIX 1

### 1. General Information

<b>Directorate</b>	<i>Place</i>	<b>Portfolio/Committee</b>	<i>Sustainability</i>
<b>Project Title</b>	<i>Waste Depot Modernisation Programme Phase 1 (Lifford Lane and Perry Barr)</i>	<b>Project Code</b>	CA-01941
<b>Project Description</b>	<p>The main deliverables of the Waste Depots Modernisation Programme Phase 1 proposal is to provide fit for purpose back of house accommodation and facilities for the Council's operational and administration workforce at Lifford Lane and Perry Barr Depots. This includes addressing the potential increase of female operatives joining the Service since the introduction of wheelie bins. In order for the Council to meet its statutory obligations it must also meet current health and safety related legislation and provide a safe place for its employees to work. There are currently 220 operatives and 20 office staff based at Lifford Lane Depot and 250 operatives and 14 office staff based at Perry Barr Depot employed by the Council. This proposal will provide improved working conditions and support opportunities for women to enter the waste industry.</p> <p>There is also the need to ensure the public have safe access to the Household Recycling Centres (HRC) and Green Waste Recycling at both Perry Barr and Lifford Lane Depots. Currently there is a lack of clarity separating the operational traffic from that of the public accessing the recycling centres. The proposal will investigate the feasibility of clear demarcation separating operational and public vehicles. Other areas of work on both sites will also be carried out to ensure compliance with current legislation including a review of the electrical and mechanical installations, installation of CCTV and Wi-Fi and new furniture and equipment in the offices, canteen and changing areas.</p> <p>Waste Management Services (WMS) are responsible for collection and disposal of domestic waste, and some trade waste in Birmingham. The waste disposal contract was contracted out for 25 years in 1994 to Veolia ES Birmingham (VESB), an international recycling and waste management company. The two depots at Perry Barr and Lifford Lane currently accommodate both BCC and VESB staff. Both sites are owned by BCC but leased to VESB. Approval will be required from VESB for the proposed new build at Lifford Lane which will be sited on land that has designated shared use between the Council and VESB. The responsibility for the buildings currently occupied by VESB will revert back to either BCC or a provider of a new waste contract on termination of the current contract on the 16<sup>th</sup> January 2019.</p> <p>Waste Management have historically struggled to recruit and retain suitably qualified drivers for their refuse and recycling services. Part of the issue has been the perception of the role as a 'dirty job' and the facilities available to employees as being below industry standard. This makes it difficult to recruit a workforce that reflects the community that it serves, particularly female applicants who perceive it as not the type of role a woman would want to undertake. The introduction of wheelie bins has meant that there are more opportunities for employing women in what used to be a very physical role. Open days were held in December 2015 to support a recruitment process for new drivers. Overall it was well attended; however unfortunately none of those women who attended saw the process through to the application stage. The current inadequate facilities do not support the engagement of new employees into the industry especially women. Modernising and updating the welfare facilities for staff will make a significant contribution to improving the City Council's offer as an employer of choice.</p> <p>In order to achieve the deliverables of the Phase 1 Waste Depots Modernisation Programme the following areas of work are proposed at Perry Barr and Lifford Lane depots;</p>		

**Perry Barr Depot** -This will include the reconfiguration and refurbishment of the existing offices, welfare and ablution block at Perry Barr Depot. The BCC offices on the ground floor will be relocated to the first floor. Currently much of the first floor accommodation is used as storage. This will be reconfigured and refurbished to accommodate the BCC office accommodation and supporting facilities e.g. meeting rooms, kitchenette, stores and toilets. The canteen area for the operatives will also be relocated to the first floor. The ground floor which currently houses the male ablutions, changing/ locker room, drying rooms and the operational booking in office will be refurbished and the building extended to incorporate fit for purpose female ablutions and associated facilities which are insufficient at present.

**Lifford Lane Depot** – This will include the procurement and installation of a new two storey prefabricated building to be sited on part of the existing staff car park. The building will accommodate the male and female ablutions, changing and drying facilities and operational booking in office on the ground floor and BCC office accommodation and operatives' canteen on the first floor. The building will also benefit from a lift to facilitate disabled users accessing the first floor accommodation. The existing ablutions and canteen building will be demolished as major structural failings have been identified effecting the floor slab and structural walls. The area will be reinstated for vehicle parking. Other areas of work on both sites will also be carried out to ensure compliance with current legislation including upgrading the electrical and mechanical installations, installation of CCTV and Wi-Fi and new furniture and equipment. A review of the traffic management system will also be carried out to ascertain improved separation of the public visiting the HRC from operational traffic.

These proposed capital works are to be financed by prudential borrowing over a 20 year period. The approval for this prudential borrowing over a 20 year period will be sought at FBC stage when the final target cost is known. There is provision within the Waste Management revenue budget to meet the estimated prudential borrowing charges for this project.

There should be a reduction in revenue running costs for the new and refurbished buildings. This is difficult to quantify at this stage and further details will be provided at FBC stage.

The construction contract will be administered by Acivico. A contractor has been appointed,, in principle pending receipt of a target cost, through the Constructing West Midlands (CWM) Framework (Lot 7). The contractor will work at risk prior to approval of the Full Business Case and Contract Award. All four CWM Contractors tendered percentages were assessed as part of the direct allocation price / quality evaluation. Social Value did not form part of the evaluation for Direct Allocations which is the standard procedure agreed with Corporate Procurement Services. The contractor allocation was determined from an 80:20 price: quality ratio matrix. The pricing model is based on the percentages which were accepted as part of the CWM Framework (Lot 7). The allocation is based on an assessment of their tendered rates combined with their ongoing performance measure using prescribed KPIs. The KPIs measure Client satisfaction, cost predictability, programme performance and health and safety performance. The selected contractor will be required to adhere to the principles of the BBC4SR and prior to contract award an action plan proportionate to the contract sum will be agreed with the contractor on how the charters principles will be implemented and monitored throughout the contract period.

A Full Business Case will be presented to Cabinet in September 2016 with a start on site proposed for early November 2016. Works will commence on both sites in parallel although completion and handovers will be site specific. Final completion is proposed for the summer of 2017.



<b>Links to Corporate and Service Outcomes</b>	<p>Upholding the priorities of 'Prosperity, Fairness and Democracy' as set out in the Council's Business Plan and Budget 2016+. The objective is to reduce waste and where possible treat it as a resource rather than rubbish. To also encourage females into employment for this business area. The proposal supports the key strategic outcomes of 'A strong economy'; 'A great future for young people'; 'Thriving local communities' and 'A modern council'</p> <p>The aim of 'The Future Council' is to create a sustainable future proof model of public services- focused on supporting the needs of people, partnering working, empowered staff and community engagement. This proposal will support this framework.</p> <p>The proposal is in line with the new draft Municipal Waste Strategy 20016 - 2026 currently under development; in order for BCC to manage waste efficiently and effectively the back of house facilities must be fit for purpose in order to support the staff in delivering the service.</p>
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<b>Project Benefits</b>	<ul style="list-style-type: none"> <li>• Compliance with health and safety and equalities requirements will be addressed as part of this proposal.</li> <li>• Council office and operational staff accommodation is fit for purpose and offers a sound working environment that supports staff morale.</li> <li>• The life of the depots is extended for another 20 years + if maintained appropriately.</li> <li>• The refurbished and new accommodation can facilitate the potential future growth of female operatives into the workforce.</li> <li>• Clear segregation of the public visiting the HRC's and operational traffic with new improved signage.</li> <li>• Release the Council from ongoing high maintenance requirements on the existing building at Lifford Lane Depot which is no longer fit for purpose.</li> </ul>
<b>Project Deliverables</b>	<ul style="list-style-type: none"> <li>• A mix of new and refurbished fit for purpose accommodation allowing the staff to deliver the service more efficiently and effectively.</li> <li>• Buildings which will require less frequent repairs with an extended life of 20 years +</li> <li>• Potential reduction in revenue costs with the introduction of more energy efficient heating/lighting/water consumption.</li> <li>• Improved traffic management.</li> <li>• New CCTV to enhance security.</li> </ul>

<b>Key Project Milestones</b>	<b>Planned Delivery Dates</b>
Cabinet Approval for Project Definition Document	17 <sup>th</sup> May 2016
Receipt of target cost	July 2016
Planning Approval	August 2016
Cabinet Approval for Full Business Case	September 2016
Start on Site	Early November 2016
Completion	August 2017
Furniture and Equipment fit out	June – August 2017
Project Post Implementation Review	August 2018

<b>Dependencies on other projects or activities</b>	<ul style="list-style-type: none"> <li>• Planning permission</li> <li>• Union/Veolia/staff consultation</li> <li>• Green Waste Recycling season end. This will enable the contractor to utilise space for site compound.</li> <li>• Outcome of the proposed surveys and target cost.</li> <li>• Finalisation of funding package</li> <li>• Approval of Full Business Case</li> <li>• Legal Agreements with VESB contract</li> <li>• Placing orders with contractors</li> </ul>
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<b>Achievability</b>	Birmingham Property Services (Operational Projects), Acivico (Contract Administration) have all got extensive experience and knowledge of working on large successful refurbishment projects The project team will include and involve the Depot Managers in the delivery of this project.		
<b>Project Manager</b>	Lesley Steele; Birmingham Property Service, Business Centre Manager – Operational Projects, 0121 303 8857; Lesley.Steele@birmingham.gov.uk		
<b>Project Accountant</b>	Russell Gatfield; 0121 303 6909; Russell.Gatfield@birmingham.gov.uk		
<b>Project Sponsor</b>	Stuart Jackson, Director Waste Management Services, Place Directorate, 0121 303 6171, Stuart.Jackson@birmingham.gov.uk		
<b>Proposed Project Board Members</b>	Lesley Steele (details as above), Sara Smith, Acivico PM, 0121 303 6704, <a href="mailto:Sara.Smith@Acivico.co.uk">Sara.Smith@Acivico.co.uk</a> , Ian Keenan, Acivico Quantity Surveyor, 0121 303 7080, <a href="mailto:Ian.Keena@Acivico.co.uk">Ian.Keena@Acivico.co.uk</a> , Lot 7 Contractor, John Burke, Lifford Lane Depot Manager, 0121 303 1924 <a href="mailto:John.Burke@birmingham.gov.uk">John.Burke@birmingham.gov.uk</a> , Nick Reid, Perry Barr Operations Manager, 0121 303 1975 <a href="mailto:Nick.Reid@birmingham.gov.uk">Nick.Reid@birmingham.gov.uk</a>		
<b>Head of City Finance (HoCF)</b>	<b>Paul Quinney</b>	<b>Date of HoCF Approval</b>	04/05/2016
<i>Other Mandatory Information</i>			
• <b>Has project budget been set up on Voyager?</b>			yes
• <b>Issues and Risks</b>			yes

## 2. Options Appraisal Records

The following sections are evidence of the different options that have been considered in arriving at the Project Definition. All options should be documented individually.

<b>Option 1</b>	Do nothing
<b>Information Considered</b>	The condition of the existing buildings that the service is delivered from. The cost of retaining/replacing the existing buildings. A joined up service delivery approach. Site safety. Capital and revenue funding. Legislation requirements. Future Operating Model.
<b>Pros and Cons of Option</b>	<p><b>Advantages:</b> No long term financial commitment on the Waste Management Services revenue budget in respect of prudential borrowing.</p> <p><b>Disadvantages:</b> Legislative requirements are not addressed and therefore the Council is not meeting their statutory duties as employer and landlord. No investment in the existing assets will impact on service delivery as the buildings are no longer fit for purpose. Financial pressure on the repairs and maintenance budget to keep the buildings operational. No incentive for women to take up a career in Waste Management. Site safety issues not addressed</p>
<b>People Consulted</b>	Acting Strategic Director Place, Waste Management Services staff, Unions, Veolia, Cabinet Member for Sustainability, other BCC officers.
<b>Recommendation</b>	Abandon
<b>Principal Reason for Decision</b>	It does not address the outstanding health, safety and equality issues impacting on Council employees and service delivery.

<b>Option 2</b>	Refurbish both sites in their entirety as per the master plan
<b>Information Considered</b>	<p>The condition of the existing buildings that the service is delivered from.</p> <p>The cost of retaining/replacing the existing buildings.</p> <p>A joined up service delivery approach.</p> <p>Site Safety.</p> <p>Capital and revenue funding.</p> <p>Legislation requirements.</p> <p>Future Operating Model.</p>
<b>Pros and Cons of Option</b>	<p><b>Advantages:</b></p> <p>The delivery of the master plan as one phase of works means no further disruption from construction works to the 2 sites for the next 20 years plus.</p> <p>Future proofs service delivery and builds in capacity for growth in the workforce in line with increased demand e.g. the new homes agenda.</p> <p>Reduced revenue maintenance on both sites.</p> <p>Maximises the use of the depots as assets.</p> <p>The introduction of fit for purpose facilities would be more attractive to recruiting female operatives.</p> <p>Site safety addressed.</p> <p><b>Disadvantages:</b></p> <p>This option is unaffordable. The prudential borrowing would exceed the revenue resources available within the Waste Management Services Budget.</p> <p>Some works could be deemed excessive in the current climate and may be abortive depending on the outcome of the establishment of the waste contract in 2017/18.</p> <p>Delivery of the works for this option would create a high level of disruption to service delivery. Consideration would have to be given to doing one site at a time and temporarily transferring some services to other sites or closing in the interim.</p>
<b>People Consulted</b>	Acting Strategic Director Place, Waste Management Services staff, Unions, Veolia, Cabinet Member for Sustainability, other BCC officers.
<b>Recommendation</b>	Abandon
<b>Principal Reason for Decision</b>	Unaffordable.

<b>Option 3</b>	To address health and safety and equality issues and carry out works to extend the life of the office accommodation and ablutions/changing facilities occupied by Council staff, and infrastructure for a minimum of 20 years
<b>Information Considered</b>	<p>The condition of the existing buildings that the service is delivered from.</p> <p>The cost of retaining/replacing the existing buildings.</p> <p>A joined up service delivery approach.</p> <p>Site Safety.</p> <p>Capital and revenue funding.</p> <p>Legislation requirements.</p> <p>Future Operating Model.</p>
<b>Pros and Cons of Option</b>	<p><b>Advantages</b></p> <p>Provides office accommodation and ablutions/changing facilities with a life of 20 year plus.</p> <p>Future proofs service delivery and builds in capacity for growth in the workforce in line with increased demand e.g. the new homes agenda.</p> <p>Ensures the Council meets its statutory obligations.</p> <p>Delivers a proposal that is affordable.</p> <p>Potential reduction in revenue costs with the introduction of more energy efficient heating/lighting/water consumption.</p> <p>Addresses Site Safety issues.</p> <p><b>Disadvantages</b></p> <p>Creates a long term financial commitment for Waste Management Services as the revenue pay back for the prudential borrowing is over a 20 year period.</p> <p>Limited service transformation.</p>

<b>People Consulted</b>	Acting Strategic Director Place, Waste Management Services staff, Unions, Veolia, Cabinet Member for Sustainability, other BCC officers.
<b>Recommendation</b>	Proceed
<b>Principal Reason for Decision</b>	This delivers the first phase of works that addresses BCC's statutory obligations whilst also addressing the equality and health and safety issues.

<b>3. Summary of Options Appraisal – Price/Quality Matrix</b>							
Criteria	Options			Weighting	Weighted Score		
	1	2	3		1	2	3
Total Capital Cost	9	0	6	10	0.9	0.0	0.6
Rev Consequences/Affordability	4	0	8	10	0.4	0.0	0.8
Quality Evaluation Criteria							
1)Health & Safety	1	9	8	20	0.2	1.8	1.6
2) Statutory Obligations	1	9	8	20	0.2	1.8	1.6
3) Council Business Plan 2016+	1	8	8	20	0.2	1.6	1.6
4) Impact on services	1	9	8	20	0.2	1.8	1.6
<b>Total</b>				<b>100</b>	2.1	7.0	<b>7.8</b>

<b>4. Option Recommended</b>	Option 3 is the preferred way forward. It offers an affordable solution to address all the legislative/health and safety and equality issues associated with the staff accommodation whilst extending the life of the assets by 20 years plus.
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## **5. Budget information (see Private Report)**

<b>6. Project Development Requirements/Information</b>	
<b>Products required to produce Full Business Case</b>	<ul style="list-style-type: none"> <li>• Detailed technical design</li> <li>• Environmental impact assessment</li> <li>• Risk assessments/register</li> <li>• Stakeholder analysis</li> <li>• Resource implications</li> <li>• Surveys</li> <li>• Planning application</li> <li>• Programme of activities</li> <li>• Consultation</li> </ul>
<b>Estimated time to complete project development</b>	3 months
<b>Estimated cost to complete project development</b>	£139,000
<b>Funding of development costs</b>	Initially Waste Management Services Revenue Budget.

<b>Planned FBC Date</b>	<i>September 2016</i>	<b>Planned Date for Technical Completion</b>	<i>August 2017</i>
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## Risk Register

Description of risk	Impact	Probability	Existing controls	Action Required	Lead responsibility
Programme of work is delayed	High	Low	A draft programme will be compiled in line with the schedule of activities	Work activity schedules will be revisited and amended as is appropriate.	Acivico and Contractor
Unforeseen additional works are identified that are outside the programme	Medium	Low	Intrusive surveys and extensive consultation is being carried out as part of the feasibility study to identify all unknowns where possible. Unknown risks are costed and included as contingency sums as part of the overall target cost.	The project will be designed to ensure value for money is achieved and kept within the available budget. Appropriate contingencies will be included to mitigate unknowns where appropriate. If necessary value re-engineering exercises will be undertaken to ensure costs remain within budget.	Acivico.& Contractor
User expectations are insufficiently managed.	Low	Low	Extensive consultation has commenced with the client, unions, Veolia and BCC representatives to ensure expectations are realistic.	Regular progress updates will be held and shared with stakeholders.	BPS and Waste Management Services
Departure of key staff members	Low	Low	Much work is done on a team basis so cover is in place	Recruit and replace	All
Proposal does not get Building Regulations/Planning approval	High	Low	Acivico have commenced consultation with Building Control and the Planning Officer to ensure the proposals meet legislation	An ongoing dialogue will be maintained with Building Control /planning throughout the delivery of the project and issues addressed as they arise.	Acivico
Resistance from Veolia (VESB) over the access to site during construction	High	Medium	A programme of works will be agreed prior to start and a BCC project manager will monitor progress and quality against project plan and attend regular on site meetings.	The majority of works will not impact on VESB as the focus is on buildings occupied by BCC. VESB will be invited to meetings with the contractor to discuss construction site set up to ensure it does not impact on the day to day	Waste Management Services

				operations of the site. Any operations which could impact on the day to day operations will be carried out after working hours or at weekends.	
Resistance of VESB to sign a variation agreement in relation to asset responsibility to allow works to be undertaken	High	Medium	Early consultation has commenced which includes representation from VESB and the unions to ensure they are supportive of the proposed works. Also to start a dialogue with VESB to look at changes in asset responsibilities.	To have an ongoing dialogue with VESB throughout the planning and delivery stages of the proposal to ensure they are fully informed of progress and scope of works.	Waste Management Services
New contractor provider does not want to use Lifford Lane and Perry Barr Depots as part of their operations	High	Low	The location of both sites strategically lends itself to being optimally placed for the north and south of the city. The works in this proposal will allow the depots to be handed over with fit for purpose facilities for staff.	The proposed new contract will endeavor to ensure the 20 year payback period for the prudential borrowing funding is not a financial liability for the city.	Waste Management Services

# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	Waste Depot Modernisation Phase 1 (Lifford Lane And Perry Barr)
<b>Directorate</b>	Place
<b>Service Area</b>	Fleet & Waste Management
<b>Type</b>	New/Proposed Function
<b>EA Summary</b>	The proposal is to make substantial improvements to the working environment for two of the biggest decentralised workplaces in the City. The biggest improvements will be for staff welfare and office accommodation, but some longstanding structural and health and safety issues will also be addressed, including safe public access to the two Household Recycling Centres (HRCs).
<b>Reference Number</b>	EA001282
<b>Task Group Manager</b>	mandy.jackson@birmingham.gov.uk
<b>Task Group Member</b>	
<b>Date Approved</b>	2016-04-18 01:00:00 +0100
<b>Senior Officer</b>	darren.share@birmingham.gov.uk
<b>Quality Control Officer</b>	PlaceEAQualityControl@birmingham.gov.uk

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### **Overall Purpose**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Function.

## 2 Overall Purpose

### 2.1 What the Activity is for

What is the purpose of this Function and expected outcomes?	To address deficiencies in the current level of accommodation. Specifically:-  1. To reduce Health and Safety concerns. 2. To ensure suitable toilet facilities and female accommodation for changing. 3. Satisfactory office accommodation.
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For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence	Yes
A Fair City	Yes
A Prosperous City	Yes
A Democratic City	Yes

### 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
<u>Comment</u> A number of structural defects will be addressed, along with some health and safety concerns, including safe public access to the two Household Recycling Centres.	
Will the policy have an impact on employees?	Yes
<u>Comment</u> Implementing these depot improvements will have a significant impact on the workforce, the service they deliver and the public who visit the HRCs at the two depots.  The biggest improvement, however, will be the working conditions of the staff. The extremely poor changing facilities, toilets and shower block will receive a major overhaul and the facilities for female employees will be changed out of all recognition. This will help improve our overall offer to potential female job applicants who are significantly under-represented in the workforce.	
Will the policy have an impact on wider community?	Yes
<u>Comment</u> Access to the Household Recycling Centre will be improved for the public and local community.	

### 2.3 Analysis on Initial Assessment

Implementing these depot improvements will have a significant impact on the workforce, the service they deliver and the public who visit the HRCs at the two depots.

A number of structural defects will be addressed along with some health and safety concerns. Access to the HRCs, whilst not ideal, will be significantly improved.

The biggest improvement, however, will be for the working conditions of the staff. The extremely poor changing facilities, toilets and shower block will receive a major overhaul and the facilities for female employees will be changed out of all recognition. This will help improve our overall offer to potential female job applicants who are significantly under-represented in the workforce.

Office accommodation will also be brought up to the standards expected of a twenty first century workplace.





### **3 Concluding Statement on Full Assessment**

We have analysed the impact of these proposed changes to both sites, Lifford Lane and Perry Barr, and considered whether there will be a disproportionate impact on people with protected characteristics. As we have found the changes do not disproportionately impact on any such group, we do not feel that a full equality assessment is required.

### **4 Review Date**

18/07/16

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>ASSISTANT DIRECTOR PROCUREMENT</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> MAY 2016</b>
<b>SUBJECT:</b>	<b>PLANNED PROCUREMENT ACTIVITIES (JULY 2016 – SEPTEMBER 2016) AND QUARTERLY CONTRACT AWARD SCHEDULE (JANUARY 2016 – MARCH 2016)</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref: n/a</b>
<b>If not in the Forward Plan: (please "tick" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cabinet Member, Commissioning, Contracting &amp; Improvement</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
1.1 This report provides details of the planned procurement activity for the period July 2016 – September 2016 and all contract award decisions made under Chief Officer's delegation during the previous quarter. Planned procurement activities reported previously are not repeated in this report.

<b>2. Decision(s) recommended:</b>
That Cabinet
2.1 Notes the planned procurement activities under officer delegations set out in the Constitution for the period July 2016 – September 2016 as detailed in Appendix 1.
2.2 Notes the contract award decisions made under Chief Officers delegation during the period January 2016 – March 2016 as detailed in Appendix 2.

<b>Lead Contact Officer (s):</b>	
<b>Telephone No:</b> <b>E-mail address:</b>	Nigel Kletz Corporate Procurement Services Corporate Resources 0121 303 6610 Nigel.kletz@birmingham.gov.uk

### **3. Consultation**

#### **3.1 Internal**

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

#### **3.2 External**

None

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies**

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

#### **4.2 Financial Implications**

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

#### **4.3 Legal Implications**

Details of all relevant implications will be included in individual reports.

#### **4.4 Public Sector Equality Duty**

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

## **5. Relevant background/chronology of key events:**

- 5.1 At the 1 March 2016 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £10m over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.
- 5.2 In line with the Procurement Governance Arrangements that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Corporate Resources Overview & Scrutiny Committee. It also informs members of the contracts awarded under Chief Officers delegation between the period January 2016 – March 2016.
- 5.3 This report sets out the planned procurement activity over the next few months where the contract value is between the EU threshold (£164,176) and £10m. This will give members visibility of all procurement activity and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the delegation threshold.
- 5.4 Individual contracts can be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Corporate Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 5.5 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.
- 5.6 A briefing note including financial information is appended to the Private report for each item on the schedule.

## **6. Evaluation of alternative option(s):**

- 6.1 The report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process. The alternative option is that individual procurements are referred to Cabinet for decision.

## **7. Reasons for Decision(s):**

- 7.1 To enable Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision, otherwise they will be dealt with under Chief Officer delegations up to the value of £10m, unless TUPE applies to current Council staff.
- 7.2 To inform Cabinet of contract award decisions made under Chief Officers delegation during the period January 2016 – March 2016 as detailed in Appendix 2.

**Signatures:****Date:**

Name of Officer: .....

Nigel Kletz – Assistant Director (Procurement)

.....  
Councillor Stewart Stacey, Commissioning, Contracting & Improvement**List of Background Documents used to compile this Report:****List of Appendices accompanying this Report (if any):**

1. Appendix 1 - Planned Procurement Activity July 2016 – September 2016
2. Appendix 2 – Quarterly Award Schedule January 2016 – March 2016

<b>Report Version</b>	1	<b>Dated</b>	28/04/2016
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**APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (JULY 2016 – SEPTEMBER 2016)**

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Planned CO Decision Date	Comments - including any request from Cabinet Members for more details	Living Wage apply Y / N
Approval To Tender (SCN)	Supply of Fuel	U0063	Supply of Fuel - Ultra Low Sulphur Diesel, Petrol and Heating Oils . ULSD, petrol and heating oils are used by Waste Management Services, Parks and Schools for the refueling of fleet vehicles, plant & machinery operated by Parks and for the heating of buildings. It should be noted that drivers of other Council vehicles purchase fuel from petrol stations using procurement or fuel cards.	6 months	Place	Deputy Leader	John Barr	Marion Jacobs	28/06/2016		Y
Delegated Contract Award	Highway Maintenance and Management PFI Contract: Dispute Support	TBC	To provide advisory and advocacy services in relation to the Project Network Model dispute and the completion of a settlement agreement under the Highway Maintenance and Management PFI Contract.	2 years	Place	Development, Transport and the Economy	Sukvinder Kalsi	Domenic De Bechi	30/05/2016		Y
Strategy / Award	Contract Hire of Small Mechanical Sweepers	TBC	Providing a statutory Street Cleansing Service for all 40 of the Council's wards. The current fleet of street sweepers owned by the Council is aging and reaching the end of their useful life. Service delivery is being compromised as there is a requirement that the vehicles are operational 7 days a week.	3 years	Place	Sustainability	Paul Quinney	Charlie Short	30/05/2016		Y
Approval To Tender Strategy	The Provision of an Associates Framework Agreement	TBC	To provide bespoke one-off work to be completed without the requirement to recruit to a permanent position. This proposed Associates Framework Agreement offers flexibility in the engagement process, supports managers to address peaks in workload and reduces long term demands on directorate budgets.	4 years	Economy	Deputy Leader	Jayne Bench	Michelle Duckett	17/06/2016		Y
Approval To Tender Strategy	Provision of Cleaning Services for Temporary Accommodation and Communal Areas of Sheltered and Low Rise Accommodation	P0254	Sheltered accommodation that have a requirement for general, routine and deep cleaning covering the cleaning of common rooms, kitchens, offices, toilets and other general areas. Low rise accommodation, communal areas that require routine and emergency/reactive cleaning and the homeless service requires the general, routine and deep cleaning at temporary accommodation and the removal of rubbish once the properties have been vacated.	2 years plus 1 year option to extend	Place	Neighbourhood Management and Homes	Guy Olivant	Stephanie Prutton	28/06/2016		Y
Strategy / Award	Framework Agreement for the Purchase, Set Up, Maintenance and Servicing of Bicycles	P0312	This framework agreement is for the purchase, set up, maintenance and servicing of new and refurbished bicycles and accessories for the Birmingham Cycle Revolution for either a give-away or hire or rental subject to securing the necessary funding.	2 years plus 2 years option to extend	Place	Development, Transport and the Economy	Simon Ansell	Mohammed Yahiah	28/06/2016		Y
Approval To Tender Strategy	Litter Bin Sensors	TBC	Waste Management Services is responsible for providing a statutory Street Cleansing Service for all 40 of the Council's wards. The frequency of collection of waste from the 8000 litter bins varies depending on local crew knowledge and records of the rounds.	4 years	Place	Sustainability	Paul Quinney	Charlie Short	17/06/2016		Y

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Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Planned CO Decision Date	Comments - including any request from Cabinet Members for more details	Living Wage apply Y / N
Approval To Tender (SCN)	Postal Ballot Pack Production and Electronic Verification of Returned Postal Votes	F0168	This requirement covers the printing and production of postal ballot paper packs, and processing of returned postal votes for all City Council Elections (CCE), European Elections (EE), Parliamentary Elections (PGE), West Midlands Police and Crime Commissioner Elections (PCCE) and By-Elections (BE), (usually caused by a death or resignation so which may be held at any time).	1 year, 8 months	Economy	Deputy Leader	Jayne Bench	Marie Hadley	08/07/2016		Y
Approval To Tender (SCN)	Early Years Service Review	TBC	Seek approval to extend contracts for 2 Children's Centres to enable continuity of services whilst the completion of relevant redesign, decommissioning and/or recommissioning activity is undertaken.	Up to 15 months	People	Children's Services	Peter Woodhall	Tajinder Bharj	28/05/2016		Y
Approval To Tender Strategy	MOT services for Private Hire and Hackney Carriages	P0326	The contract will be for the appointment of approved garages to provide MOT services and supplementary testing of vehicles required by BCC Licensing for all Private Hire and Hackney Carriage vehicles registered in Birmingham	4 years	Place	Sustainability	Parmjeet Jassal	Nel Planas	01/07/2016		Y
Approval To Tender Strategy	Recruitment Search Services for Children's Social Workers	TBC	Recruitment search services to support Children's Services and Corporate HR with the recruitment of permanent Social Workers. The services that will be undertaken will include developing an advertising strategy, advertising of the roles, dealing with queries from potential candidates, collating responses to advertised roles, managing first stage assessments and presenting suitable candidates for interview.	3 years plus 1 year option to extend	Economy	Deputy Leader	Jayne Bench	Nicola Handley	17/06/2016		Y
Approval To Tender Strategy	Composite Doors	P0339	Shelforce receive orders for composite doors from commercial and private customers. This contract is to purchase standard blank door slabs for Shelforce to modify these to meet the specific order requirements.	3 years	Economy	Deputy Leader	Simon Ansell	Nicola Handley	08/07/2016		Y



## Appendix 2 – Quarterly Contract Award Schedule (JANUARY 2016 – MARCH 2016)

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Chief Officer	Actual Go Live date
Delegated Contract Award	Provision of an Associates Framework Agreement (P165 - Tranche 2, 3 and 4)	P165	Details of the procurement process carried out for tranche 2, 3 and 4 for the provision of the Associates Framework Agreement.	2 years	Economy	Deputy Leader	Jayne Bench	Charlie Short / Michelle Duckett	Cabinet approved the Approval to Tender Strategy on <b>21/10/2013</b> and delegated award to CO. Delegated Award Report signed <b>05/01/2016</b> . This estimate includes the original contract plus all subsequently approved Tranches 1 to 6. The framework agreement does not commit the Council to any particular level of spend until work is actually commissioned.	<b>Tranche 2 - Lot 3 - HR</b> 1) Compendium Learning Ltd 2) George Small Ltd 3) HR Professionals Ltd 4) RP Consultants Ltd  <b>Tranche 3 - Lot 3 - HR</b> 1) Jayne Mallon Ltd  <b>Tranche 4 - Lot 1 - Strategy</b> 1) Clockwork City Ltd 2) RG Development Ltd  <b>Tranche 4 - Lot 3 - HR</b> 1) Best Practice HR Ltd 2) Derek Burn 3) HR Professionals Ltd 4) Jayne Mallon Ltd  <b>Tranche 4 - Lot 10 - Safeguarding &amp; Development Customer Relations Services</b> 1) Andrew Carson 2) Debra Johnson 3) Dineshchandra Chauhan 4) DV Thomas (Vaughan Thomas) 5) Elaine Pedley 6) Stephen Galloway (Galloway Training Consultancy Ltd) 7) Trish Amesbury (Hand Drawn Studio Ltd) 8) Howard Saunders 9) Isata Kanneh 10) Janet Ternent 11) Jasvinder Hewitt 12) John Ryder 13) Mary Cashmore 14) Regina Duggan 15) Rhiannon Kadiatu Kanneh 16) Sue Galloway 17) Suzanne Gibbon 18) Michael Bradley	Nigel Kletz	04/01/2016
Delegated Contract Award	Multi Functional Devices (MFDs), Print Room Devices and Print Management Software	F0139	To extend the current City Council Framework to supply MFDs to Council sites and schools for printing, copying, scanning and faxing and a number of call off contracts to be awarded under the current City Council Framework to supply MFDs to Council sites and schools for printing, copying, scanning and faxing.	Up to 5 years	Economy	Deputy Leader	Jayne Bench	Adele Rawlins / Andrea Webster	Presented to Cabinet for info 20/10/2015. SCN signed <b>16/11/2015</b> . Delegated Contract Award Report signed <b>18/01/2016</b> .	1) Altdigital 2) Canon	Nigel Kletz	01/12/2015
Delegated Extension Award	Repair and Maintenance of Physical Disability Lifts	C0110	Repair and maintenance of physical disability (PD) lifts and hoists for citizens with mobility issues, within their own home.	1 year	People	Health and Social Care	Shabir Ladak	Afsaneh Sabouri / Robert Cummins	Presented to CCP for info 08/12/2011. Approval to Tender Strategy Report signed <b>14/09/2012</b> and delegated award to CO. Delegated Contract Award Report signed <b>08/02/2013</b> . Delegated Extension Award Report <b>25/01/2016</b> .	Dolphinlifts Midlands Ltd	Nigel Kletz / Peter Hay	01/04/2016

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Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Chief Officer	Actual Go Live date
Delegated Contract Award	Tame Valley Viaduct Phases 2 and 3 – Professional Services	TBC	Engineering professional services for Phases 2 and 3 of the A38(M) Tame Valley viaduct for: additional investigation, design and works to ensure completion of the trail span works for this phase.	1 year	Economy	Development, Transport and the Economy	Paul Quinney	Charlie Short	Presented to Cabinet for info 16/02/2015. SCN signed <b>04/12/2015</b> . Delegated Contract Award Report signed <b>26/01/2016</b> .	Atkins Limited	Nigel Kletz / John Blakemore	26/01/2016
Strategy / Award	Consultancy to Support the Future Council Programme	TBC	Provision of Consultancy Support for the Future Council Programme as a direct award called off the Crown Commercial Services (CCS) ConsultancyOne Framework Agreement.	6 months	Economy	Development, Transport and the Economy	Jayne Bench	Gillian Connelly	Cabinet approved the Future Cabinet Programme Report approved <b>20/04/2015</b> and delegated the award to CO. Strategy / Award Report signed <b>25/01/2016</b> .	Impower Consulting Services	Angela Probert / Nigel Kletz	01/01/2016
Delegated Extension Award	Intensive Family Support and Home Visiting Schemes	TBC	Undertaken for a range of services for vulnerable children and families. The services comprise of two Intensive Family Support Services and Six Home Visiting Schemes.	3 months	People	Children's Services	David Waller	John Freeman	Report to Cabinet Members for Children's Services for Commissioning and Contracting and Improvement Jointly with the Strategic Director for People approved <b>21/12/2015</b> . Delegated Extension Award Report signed <b>25/01/2016</b> .	1) Family Action - Intensive Family Support 2) Action for Children - Intensive Family Support 3) Six Local Home Start Projects - Home-Start Bartley Green and Quinton - Home-Start Castle Vale - Home-Start Cole Valley - Home-Start Northfield - Home-Start Stockland Green - Home-Start Birmingham North West	Peter Hay / Nigel Kletz	01/01/2016
Delegated Contract Award	Servicing, Supply of Spare Parts and Maintenance and Repair of Grounds Maintenance Equipment (GM)	F0127	Servicing, repair and spare parts for the mowing machinery used by Birmingham Parks & Nurseries (BPN) in delivering their grounds maintenance services to the Council.	2 years, 11 months	Place / Economy	Sustainability	Simon Hunt	Andrea Webster	SCN Report signed <b>05/02/2016</b> . Delegated Contract Award Report signed <b>05/02/2016</b> .	1) TH White Ltd for the provision of service, repair and spare parts for lawn mowing equipment and tractors (GM equipment)  2) Westcon Equipment (UK) Ltd for the provision of service, repair and spare parts for timber/green waste processing equipment (green waste equipment)	Jacqui Kennedy / Nigel Kletz	21/04/2016
Delegated Contract Award	Insurance Renewals for: Cash & FG, Members PA, Grand Central & Leasehold Flats	P318	Grand Central Insurance – property insurance in respect of fire and perils for the Grand Central shopping complex where premiums are recharged to tenants of the premises and cover is subject to minimum levels of claim deductible.	3 years	Economy	Deputy Leader	Sukvinder Kalsi	Dave Evans / Mohammed Yahiah	Presented to Cabinet for info 17/11/2015. Approval to Tender Strategy Report signed <b>14/12/2015</b> and delegated the award to CO. Delegated Contract Award Report signed <b>19/02/2016</b> .	1) Alford Burton & Company Limited 2) Zurich Municipal	Nigel Kletz	01/04/2016
Delegated Contract Award	Provision and Fitment of Key Safes	C0233	The provision of key safes where the citizen has mobility issues in order to allow access to properties in an emergency or to provide a vital service like enablement and nursing care etc	2 years plus 2 years option to extend	People	Health and Social Care	Shabir Ladak	Robert Cummins	Presented to Cabinet for info 20/10/2015. Approval to Tender Strategy Report signed <b>16/11/2015</b> and delegated the award to CO. Delegated Contract Award Report signed <b>23/02/2016</b> .	Black Country Housing Group Ltd	Peter Hay / Nigel Kletz	01/04/2016
Delegated Contract Award	Employers Agent	P0265	Provide project management support for the construction of up to 800 affordable family homes. The services to be provided include; Management of Professional Services Team, Pre and Post Contract Management, Practical Completion, Defects Management and to provide an optional service of Clerk of Works.	4 years	Economy	Development, Transport and Economy & Neighbourhood Management & Homes	Guy Olivant	Debbie Husler	Presented to Cabinet for info 27/07/2015. Approval to Tender Strategy Report signed <b>29/10/2015</b> and delegated the award to CO. Delegated Contract Award Report signed <b>24/02/2016</b> .	1) Capita Property & Infrastructure Ltd 2) Arcadis Ltd	Nigel Kletz / Waheed Nazir	01/04/2016

continued > .....

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Chief Officer	Actual Go Live date
Delegated Contract Award	Legal Entitlement Advice Services: Welfare Benefit & Debt - Management and Employment	C0224	Legal entitlement advice service for welfare benefits, debt management and employment. This is to tackle the huge issue of inequality and promote social cohesion.	1 year with option to extend for a further 1 year	People	Health and Social Care	Parmjeet Jassal	Chris Jordan / Robert Cummins	Presented to Cabinet for info 22/09/2015. Approval to Tender Strategy (C0224) Report signed <b>22/10/2015</b> and delegated the award to CO. Delegated Contract Award Report signed <b>23/02/2016</b> .	Birmingham Citizen Advice Bureau Services Ltd	Jacqui Kennedy / Nigel Kletz	01/04/2016
Delegated Contract Award	Streetwise Missing Service	TBC	To enable the Council in partnership with the Children's Society and Big Lottery to undertake return interviews to all young people who go missing or run away from home or care and missing young people who are most at risk of Child Sexual Exploitation. Safeguarding children therefore includes protecting them from this risk.	2 years, 8 months	People	Children's Services	Denise Wilson	Rita Adams	Presented to Cabinet for info 29/06/2015. SCN signed <b>23/10/2015</b> . Delegated Contract Award Report signed <b>10/03/2016</b> .	The Children's Society (TCS)	Peter Hay / Nigel Kletz	01/04/2016
Delegated Extension Award	Extension of Integrated Specialist Advocacy Service (C0142) and Additional Independent Mental Capacity Advocacy Service (C0210)	C0142 & C0210	Advocacy services for vulnerable citizens in terms of mental health, mental capacity and who need to make important decisions about serious medical treatment, a care review, changes of accommodation, or an adult protection case.	1 year	People	Health and Social Care	Shabir Ladak	Osaf Ahmed	Presented to Cabinet for Info 29/07/2013. Approval to Tender Strategy Report signed <b>29/10/2013</b> . Delegated Contract Award Report signed <b>31/03/2014</b> . For C0210 Presented to Cabinet for info 01/09/2014. Tender Strategy Report signed <b>29/09/2014</b> and delegated the award to CO. Delegated Award Report signed <b>19/02/2015</b> . Delegated Extension Report including both contracts signed <b>10/03/2016</b> .	<b>C0142 Lot 1 and C0210 - Independent Mental Capacity Advocate (IMCA)</b> Pohwer / Advocacy Matters <b>C0142 Lot 2 - Independent Complaints Advocate Services (ICAS)</b> Voiceability <b>C0142 Lot 3 - Independent Mental Health Advocate (IMHA)</b>	Peter Hay / Nigel Kletz	01/07/2016
Strategy / Award	Direct Payments Card	P0282	Tender for a pre –payment card provider in order to improve the process of Direct Payments and remove barriers for both Citizens taking up Direct Payments and Staff promoting Direct Payments.	3 years plus 1 year option to extend	People	Health and Social Care	Peter Woodall	Chris MacAdams / Lisa Haycock	Cabinet approved the Direct Payments in Birmingham – Consultation Findings and Contract Strategy Report on <b>08/12/2015</b> . Strategy / Award Report signed <b>22/03/2016</b> .	Allpay Limited	Peter Hay / Nigel Kletz	01/05/2016
Delegated Contract Award	Homelessness Prevention - Welfare Services	C0237	Provide a range of specialist advice services aimed at meeting the housing and wider needs of persons who are homeless or at risk of homelessness.	2 years	People	Health and Social Care	Peter Woodall	Michael Walsh / John Hardy / Lisa Haycock	Presented to Cabinet for info 15/09/2014. Approval to Tender Strategy Report signed <b>16/11/2015</b> and delegated the award to CO. Delegated Contract Award signed <b>22/03/2016</b> . This award is for the 2nd part of the services as presented to Cabinet on 15/9/2014. The award for the 1st part was awarded 22/12/2015 (P0286) which was reported in the previous Quarterly Award Schedule to Cabinet on 16/02/2016.	The National Campaign	Peter Hay / Nigel Kletz	01/05/2016
Delegated Contract Award	Direct Payments Support Service	C0227	Provides details of the procurement process undertaken for the provision of a Direct Payments Support Service.	3 years plus 1 year option to extend	People	Health and Social Care and Children's Services	Peter Woodall	Chris MacAdams / Robert Cummins	Cabinet approved the Approval to Tender Strategy Report <b>08/12/2015</b> and delegated the award to CO. Delegated Contract Award Report signed <b>22/03/2016</b> .	1) Compass Disabilities Service 2) Ideal for All Ltd 3) The Penderels Trust Ltd	Peter Hay / Nigel Kletz	01/07/2016
Delegated Contract Award	Specialist Parenting Assessments Framework	TBC	Assessment of parents of children in care or on child protection plans, including cases in care proceedings.	2 years plus 2 years option to extend	People	Children's Services	Denise Wilson	John Freeman	Cabinet approved the Approval to Tender Strategy Report <b>20/10/2015</b> and delegated the award to CO. Delegated Contract Award Report signed <b>22/03/2016</b> .	<b>Residential Assessments</b> 1) Dudley Lodge 2) Living Spring 3) Malvern Achievements Services Ltd  <b>Psychological Assessments</b> 1) Phoenix Psychological Services Ltd 2) Malvern Achievements Services Ltd 3) Core Assets Expert Services  <b>Community Bases Assessments</b> 1) Dudley Lodge 2) Core Assets Expert Services Ltd 3) Living Springs	Peter Hay / Nigel Kletz	01/04/2016

continued > .....

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Chief Officer	Actual Go Live date
Delegated Contract Award	Deprivation of Liberty Safeguards (DoLS) Assessment	C0232	Provision of a framework of providers to deliver Direct Payments Support in Birmingham.	2 years plus 2 years option to extend	People	Children's Services	Denise Wilson	Carl Griffiths	Cabinet approved the Approval to Tender Strategy Report <b>20/10/2015</b> and delegated the award to CO. Delegated Contract Award Report signed <b>16/03/2016</b> .	Liquid Personnel Ltd	Peter Hay / Nigel Kletz	01/03/2016
Delegated Contract Award	Repair and Maintenance of Lifts Communication System	P0241	Seeking approval to enter into single contractor negotiation with Thames Valley Controls Ltd (TVCL) for the repair and maintenance of the lifts communication system to award a contract for a period of 5 years.	5 years	Place / Economy	Deputy Leader	Guy Olivant / Jayne Bench	Nel Planas	Presented to Cabinet for info 20/10/2014. SCN signed <b>21/05/2015</b> . Delegated Contract Award signed <b>24/03/2016</b> .	Thames Valley Controls Ltd	Jacqui Kennedy / Nigel Kletz	01/04/2016
Delegated Extension Award	MOT Provision for Private Hire and Hackney Carriages	T033	MOT testing of Hackney Carriage & Private Hire Vehicles for the licensing office.	1 year	Place	Sustainability	Parmjeet Jassal	Janine Weetman / Pete Watson	Presented to CCP for info 08/09/2011. Approval to Tender Report signed by CO's on <b>01/12/2011</b> . Delegated Contract Award signed <b>07/04/2014</b> . Delegated Extension Award signed <b>24/03/2016</b> .	1) Aston Cross Accident Repair Centre Ltd 2) Lodge Tyres Company Limited 3) Haden Birmingham 4) Central England Municipal Limited 5) Dryden Limited 6) Rooyal Unicorn MOT Centre 7) Auto-Moto 8) Swift Repairs Limited 9) MSL Centre Limited 10) Saki's Auto Centre	Jacqui Kennedy / Nigel Kletz	01/05/2016
Strategy / Award	Consultancy to support the Future Council Programme - Integration of Health and Care Services Development of the first part of an outline business case	TBC	Provision of Consultancy Support for the Future Council Programme as a direct award called off the Crown Commercial Services (CCS) ConsultancyOne Framework Agreement.	4 months	Economy	Development, Transport and the Economy	Jayne Bench	Gillian Connelly	Cabinet approved the Future Cabinet Programme Report approved <b>20/04/2015</b> and delegated the award to CO. Strategy / Award Report signed <b>24/03/2016</b> .	Impower Consulting Services	Angela Probert / Nigel Kletz	Feb 2016
Delegated Contract Award	Design and Support Services for Snow Hill Public Realm Project	P0270	The commission is for consultancy support to update the options appraisal on public realm and highway measures in the area, prepare detailed designs for the proposed schemes coming out of the options appraisal to help secure Full Business Case approval and to support the delivery phase of the project.	4 years, 6 months	Economy	Development, Transport and the Economy	Rob Pace	Charlie Short / Craig Rowbottom	Presented to Cabinet for info 20/04/2015. Approval to Tender Strategy signed <b>04/09/2015</b> and delegated the award to CO. Delegated Contract Award Report signed <b>30/03/2016</b> .	Broadway Malyan Ltd for Tranche 2	Paul Dransfield / Nigel Kletz	01/04/2016
Delegated Contract Award	Home Sales & Marketing Services	P0320	Sales and Marketing Services to manage the sale of 89 private new homes at Perry Common and 25 at Lyndhurst Estates.	2 years, 5 months	Economy	Development, Transport & Economy and Neighbourhood Management & Homes	Guy Olivant	Debbie Husler	Presented to Cabinet for info 08/12/2015. Approval to Tender Strategy Report signed <b>22/03/2016</b> and delegated the award to CO. Delegated Contract Award Report signed <b>31/03/2016</b> .	Connells Ltd	Nigel Kletz / Waheed Nazir	04/04/2016

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>City Solicitor</b>
<b>Date of Decision:</b>	<b>17 May 2016</b>
<b>SUBJECT:</b>	<b>APPOINTMENTS TO OUTSIDE BODIES</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:</b>
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/>
	<b>O&amp;S Chairman approved</b> <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr John Clancy</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources O &amp; S Committee</b>
<b>Wards affected:</b>	<b>City Wide</b>

<b>1. Purpose of report:</b>
The report seeks the approval of the Cabinet to the appointment of representatives to serve on outside bodies detailed in the appendix to this report.

<b>2. Decision(s) recommended:</b>
That representatives be appointed to serve on the Outside Bodies detailed in the appendix to this report.

<b>Lead Contact Officer(s):</b>	Celia Janney
<b>Telephone No:</b>	Committee Services
<b>E-mail address:</b>	Tel: 0121 303 7034
	e-mail: celia.janney@birmingham.gov.uk

### **3. Consultation**

#### **3.1 Internal**

Councillor John Clancy, Leader of the Council.

For appropriate items, the Secretaries to the Political Groups represented on the Council.

#### **3.2 External**

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The appointments are consistent with the legal and constitutional requirements of the City Council.

#### **4.2 Financial Implications (Will decisions be carried out within existing finances and Resources?)**

There are no additional resource implications.

#### **4.3 Legal Implications**

See paragraph 4.1.

#### **4.4 Public Sector Equality Duty**

The main risk of not making appointments might lead to the City Council not being represented at meetings of the bodies concerned. It is always important in making appointments to have regard to the City Council's equal opportunities policies.

**5. Relevant background/chronology of key events:**

At the Annual General Meeting on 22 May, 2012, the City Council approved changes to the Constitution and Article 11 sets out those appointments that are reserved to the full City Council to determine. All other appointments of Members and officers to outside bodies shall be within the remit of Cabinet to determine and the proportionality rules will not automatically apply.

**6. Evaluation of alternative option(s):**

Not applicable, as these appointments are a matter for the Cabinet to determine.

**7. Reasons for Decision(s):**

To approve the appointment of representatives to serve on Outside Bodies

**Signatures****Date**

Cabinet Member .....

Chief Officer .....

**List of Background Documents used to compile this Report:**

1. Report of the Council Business Management Committee to City Council on 24 May 2005 "Annual Review of the City Council's Constitution"; along with relevant e-mails/ file(s)/correspondence on such appointments.

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

1. Appendix to Report to Cabinet 17 May 2016 – Appointments to Outside Bodies

**APPENDIX TO REPORT TO CABINET 17 May 2016**  
**APPOINTMENTS TO OUTSIDE BODIES**

**1. Summary of Decisions**

With reference to those bodies included in this report where the terms of office of City Council representatives expire, the Cabinet is asked to note that, where appropriate, the representatives have been contacted and in accordance with the practice agreed by Resolution No. 2769, of the former General Purposes Committee unless indicated, are not willing to be re-appointed. Accordingly, unless indicated in this report, such representatives are not willing to be re-appointed.

**2. Sutton Coldfield Charitable Trust**

To re-appoint Councillor Margaret Waddington (Conservative) to serve as Nominative Trustee for a Four year term of office. Need not be members of the Council. Trustees shall be persons residing in or having special knowledge of Sutton Coldfield. Councillor Waddington has confirmed that she wishes to continue.

The other Nominative Trustees are Hon Ald David Roy (Conservative) who started 3 April 2013 and ends 2 April 2017, Mr Malcolm Cornish (Conservative) who started 1 October 2014 and ends 30 September 2018 and Mr Sanjay Sharma (Labour) who started 22 March 2016 and ends 21 March 2020.

**RECOMMENDED:-**

That Cllr Margaret Waddington (Conservative) be re-appointed to serve as a Nominative Trustee on Sutton Coldfield Charitable Trust from 17 May 2016 until 16 May 2020.