

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: CABINET
Report of: CHIEF EXECUTIVE
Date of Decision: 31st July 2018
SUBJECT: BIRMINGHAM INDEPENDENT IMPROVEMENT PANEL

Key Decision:

If not in the Forward Plan:
(please "X" box)

Relevant Cabinet Member(s) or

Relevant Executive Member :

Relevant O&S Chair:

Wards affected:

Chief Executive approved ☐

O&S Chairman approved ☐

COUNCILLOR IAN WARD, LEADER

Cllr John Cotton

ALL

1. Purpose of report:

- 1.1 This report updates Cabinet on recent engagement with the Birmingham Independent Improvement Panel and Ministry of Housing, Communities and Local Government in relation to the Council's improvement journey.
- 1.2 Cabinet are asked to note the Improvement Stocktake Report, Corporate Governance improvement Plan and joint letter to the Secretary of State that were recently published in line with processes agreed with the Birmingham Independent Improvement Panel.

2. Decision(s) recommended:

That Cabinet:

- 2.1 Note the Improvement Stocktake Report, Corporate Governance improvement Plan and joint letter to the Secretary of State.

Lead Contact Officer(s):

Jonathan Tew, Assistant Chief Executive

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3. Consultation:

3.1 Internal

- 3.1.1 The Improvement Stocktake Report and joint letter to the Secretary of State has been agreed with the Leader and Deputy Leader for the City Council before submitting to the Secretary of State and publication.
- 3.1.2 The Corporate Governance Improvement plan has been debated at CMT and EMT prior to publication.
- 3.1.3 Opposition Group Leaders were briefed prior to publication of all documentation.

3.2 External

- 3.2.1 Since the publication of the Kerslake report in December 2014 there have been a series of partner consultations and engagements, both formal and informal, as the Council has refined its approach to improvement.
- 3.2.2 Prior to publication of this suite of documents, a meeting was held with officials from the Ministry of Housing and Local Government and all members of the Birmingham Independent Improvement Panel to review and edit the plans and draft letter to the Secretary of State.

4. **Compliance Issues:**

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

- 4.1.1 The Improvement Stocktake Report and associated Corporate Governance Improvement Plan will be consistent with the Council Plan and linked policies, plans and strategies and will recommend improvements to ways of working.

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

- 4.2.1 There are no direct financial implications arising from this report although the Improvement Stocktake Report and underpinning Corporate Governance Improvement Plan should result in improvements to resource allocation and spending decisions in the future. The reports highlight financial challenges facing the Council.

4.3 Legal Implications

- 4.3.1 There are no overt legal implications arising from this report. The Corporate Governance Improvement Plan does allude to changes to the way in which Council and political groups within the Council operate, with decisions relating to these matters to be considered separately.

4.4 Public Sector Equality Duty (see separate guidance note)

- 4.4.1 This Improvement Stocktake Report and associated Corporate Governance Improvement Plan will reinforce the Council Plan 2018-22 commitment for the Council to act to ensure that every child, citizen and place matters. Addressing governance issues for the City Council will enable it to will address the many challenges the city of Birmingham faces, such as higher than average levels of employment, homelessness and child poverty.

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

- 5.1.1 The Kerslake Report was published in December 2014 and the Birmingham Independent Improvement Panel (BIIP) was established in January 2015. Since then, the Council has undergone significant changes in the leadership of the organisation, and has provided regular update reports that have been published alongside the Birmingham Independent Improvement Panel's letters to the Secretary of State regarding Birmingham City Council's progress.

- 5.1.2 The Council wants to secure better outcomes for the citizens of Birmingham in a challenging and fast-moving financial, social and economic environment. The Council is therefore committed to addressing issues raised by the 2014 Kerslake Report and subsequently the Birmingham Independent Improvement Panel (BIIP).
- 5.1.3 The Council and the Panel have agreed that a collaborative approach provides us with the best opportunity to achieve the required Council improvements. Both the Council and Panel will therefore meet on a regular basis with the Ministry of Housing, Communities and Local Government (MHCLG) and co-operate together in order to drive progress against a clear set of improvement plans.
- 5.1.4 At the heart of the improvement agenda are elements of sound organisational governance as reflected in the Local Government Association's criteria for an effective organisation:
- Effective political leadership and managerial leadership, working as a constructive partnership;
 - A good understanding of the local context which informs a shared long-term vision and a clear set of priorities that is translated through a healthy organisational culture and understood by the workforce and partners;
 - Effective governance and decision-making arrangements that respond to challenges and manage performance, change, transformation and disinvestment;
 - Capacity and resources focused in the right areas in order to deliver the agreed priorities, supported by relevant organisational and workforce development; and
 - A financial plan in place to ensure its long-term viability and evidence it is being implemented successfully

This Improvement Stocktake Report represents the Council's self-assessment against these criteria which is underpinned by an associated and detailed Corporate Governance Improvement Plan. It provides a précis of the Council's position up to March 2018, and indicates some of the changes that are being made in this financial year and highlights priority areas for improvement.

6. Evaluation of alternative option(s):

- 6.1. Do nothing - The Council has been monitored by the Birmingham Independent Improvement Panel since the Kerslake report of 2014 and this Improvement Stocktake Report and associated Corporate Governance Improvement Plan represents the opportunity to move forwards as an organisation. Doing nothing is therefore not an option.

7. Reasons for Decision(s):

- 7.1 This Improvement Stocktake Report positions the Council's improvement challenges with a high degree of honesty and transparency to enable the Council to truly grasp the

scale and complexity of the improvement challenge. The associated Corporate Governance Improvement Plan provides a clear set of urgent and medium-to-long term actions to ensure sound organisational governance and guide activity at the heart of the City Council. It is therefore recommended the Cabinet note the contents of the report.

Signatures

	<u>Date</u>
Councillor Ian Ward, Leader	
.....
Dawn Baxendale Chief Executive	
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List of Background Documents used to compile this Report:

List of Appendices accompanying this Report (if any):

1. BIIP Stocktake report
2. Corporate Governance Improvement Plan
3. Joint Letter to the Secretary of State

Report Version

Dated

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 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 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:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (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;
 - (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.
- 3 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.
- 4 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:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) Marriage & civil partnership
 - (b) Age
 - (c) Disability
 - (d) Gender reassignment
 - (e) Pregnancy and maternity
 - (f) Race
 - (g) Religion or belief
 - (h) Sex
 - (i) Sexual orientation