

Cabinet

Wednesday 15 July 2020 at 4.00 p.m.

Meeting via Microsoft Teams: Public access: <https://youtu.be/pbnL2UD9Ffo>

Portfolios

Councillor M.A. Bird,
Leader of the Council



Councillor G. Perry,
Community, leisure and
culture



Councillor A. Andrew
Deputy Leader and
Regeneration



Councillor C. Towe,
Education and skills



Councillor R. Martin,
Adult social care



Councillor S. Craddock,
Health and wellbeing



Councillor T. Wilson,
Children's



Councillor B. Chattha
Personnel and
business support



Councillor O. Butler,
Clean and green



Democratic Services, The Council House, Walsall, WS1 1TW
Contact name: **Helen Owen** ☎ (01922) 654522 ✉ helen.owen@walsall.gov.uk
www.walsall.gov.uk

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

| Subject | Prescribed description |
|---|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

Agenda

Part I – Public session

1. Apologies
2. Minutes – 17 June 2020 7 -15
3. Declarations of interest

4. **Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

5. Petitions.

(Note: For advice on how to submit petitions, contact Democratic Services. Contact details on the front page of the agenda).

6. Questions

(Note: 30 minutes will be allowed for pre-submitted questions from non-executive members and the public. All questions will have been submitted at least 7 clear days before the meeting

Answers will be provided at the meeting - no supplementary questions will be allowed.)

7. Forward plan of decisions 16 - 20

Covid-19 pandemic related reports

8. Corporate financial performance 2020/21 and Covid-19 (Councillor Bird) (*Non key decision*) 21 - 56
9. Regional Temporary Mortuary Facility (Councillor Bird) (*Key decision*) 57 - 64

10. Mental wellbeing impact of Covid-19 (Councillor Craddock) *(Non key decision)* 65 - 87

11. Community response to Covid-19 (Councillor Perry) *(Non key decision)* 88 - 147

Adult Social Care: Councillor Martin

Key decisions

12. Occupancy of Hollybank House – stroke rehabilitation beds 148 - 187

Children’s: Councillor Wilson

Key decisions

13. Future of Stanleys Nursery Birchills 188 - 224

Community, leisure and culture

Non key decision

14. Surveillance and access to communications data 225 - 308

Education and skills: Councillor Towe

Key decision

15. Alternative Education Framework contract 309 - 316

Non key decisions

16. Special Educational Needs Disability Advice, Information and Support Service 317 - 321

Part II – Private session

Covid-19 pandemic related reports

17. Regional Temporary Mortuary Facility 322 - 367
(Councillor Bird) (*Key decision*)

[Exempt information under paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

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Cabinet minutes

Wednesday 17 June 2020 at 4.00 p.m.

Virtual meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Present

| | |
|---------------------|--------------------------------|
| Councillor Bird | Leader of the Council |
| Councillor Andrew | Deputy Leader and Regeneration |
| Councillor Martin | Adult Social Care |
| Councillor Butler | Clean and green |
| Councillor Perry | Community, leisure and culture |
| Councillor Towe | Education and skills |
| Councillor Craddock | Health and wellbeing |
| Councillor Chattha | Personnel and business support |

3554 Welcome

At this point, the Leader opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers which could be found on the Council's Committee Management Information system (CMIS) webpage.

3555 Minutes

Councillor Bird moved approval of the minutes of the meeting on 19 May 2020 which was put to the vote by way of a roll-call of Cabinet members

The motion subsequently declared carried and it was:

Resolved (unanimously)

That the minutes of the meeting held on 19 May 2020 copies having been sent to each member of the Cabinet be approved and signed as a correct record.

3556 Declarations of interest

There were no declarations of interest.

3557 Local Government (Access to Information) Act, 1985

Resolved (by assent)

That the public be excluded from the meeting during consideration of the items set out in the private part of the agenda for the reasons set out therein and Section 100A of the Local Government Act, 1972.

3558 Petitions

No petitions were received

3559 Questions

No questions from the public had been received

3560 Forward plan

The forward plan as at 8 June 2020 was submitted:

(see annexed)

Resolved (by assent)

That the forward plan be noted.

At this point, the Leader brought forward item 9, Emergency Personal Protective Clothing.

3561 Emergency personal protective clothing

Councillor Martin presented the report:

(see annexed)

Councillor Martin moved the approval of the recommendations which was seconded by Councillor Bird.

The motion was put to the vote by way of a roll-call of Cabinet members and subsequently declared carried and it was:

Resolved (unanimously)

That approval be given to the continuous ordering of urgent local supplies of PPE via the Council's Adult Social Care Provider Hub, continuing to work with the Corporate Procurement team within Walsall Council and its regional partners, to secure appropriate items for best value and to also support the introduction of schools back to their Business as usual status as well as to introduce the wider internal workforce of the Council as part of the Reset Priorities. The timescales for this are from the 17 June until the end of December 2020-or before should the urgent demands for PPE subside as the Coronavirus risks reduce.

At this point, Councillor Martin left the meeting.

3562 Walsall's Local Outbreak Plan governance and delivery

Councillor Craddock presented the report:

(see annexed)

In presenting the report, Councillor Craddock extended his thanks on behalf of the Cabinet to the Director of Public Health and the Public Health team for their work to prepare this complex document at short notice.

Councillor Craddock moved the approval of the recommendations which was seconded by Councillor Bird.

The motion was put to the vote by way of a roll-call of Cabinet members and subsequently declared carried and it was:

Resolved (unanimously)

- (1) That Cabinet notes the proposed arrangements for the Walsall Local Outbreak Plan Governance and Delivery methods as set out in the report and Appendix 2.
- (2) That Cabinet notes that the Health and Wellbeing Board would act as the "Local Outbreak Engagement Board" and that a revised Health Protection Forum (Appendix 1) has formal oversight of identification of actions to both prevent and manage outbreaks that will require continual and agile updating in light of further guidance and or national and local developments.
- (3) That authority for spend of the proposed national funding be delegated to the Director of Public Health, in consultation with the Portfolio Holder for Health and Wellbeing and the Leader of the Council following consideration by Gold Command emergency planning forum and the Health Protection Forum.

3563 Pre-Audit Outturn 2019/20

Councillor Bird presented the report:

(see annexed)

Councillor Bird moved the approval of the recommendations which was seconded by Councillor Wilson.

The motion was put to the vote by way of a roll-call of Cabinet members and subsequently declared carried and it was:

Resolved (unanimously)

That Cabinet:

- (1) Note the revenue carry forwards from 2019/20 to 2020/21 set out in table 2 of the report.
- (2) Note the capital re-profiling and carry forwards from 2019/20 to 2020/21 set out in Appendix 1 and 2.
- (3) Note the pre-audit revenue outturn underspend of £291k and the pre-audit capital outturn underspend of £2.51m, after carry forwards, for 2019/20.
- (4) Approve that the capital underspend be utilised to support the 2020/21 capital programme approved by Council in February 2020.
- (5) Approve a variation to the 2020/21 capital programme for the funding of archiving costs for One Source, up to the value of £300k, to be funded from uncommitted carry forwards and/or underspends that occur during 2020/21, as referred to in 4.12.
- (6) Note the financial health indicators for 2019/20 as summarised in Appendix 3.
- (7) Note the 2019/20 prudential indicators in Appendix 4 of this report and Walsall's compliance with these indicators.
- (8) Note that the opening balances will be £14.38m as at 1 April 2020. This is considered a prudent amount for 2020/21 and is within the parameters required within the current medium term financial strategy (MTFS).

3564 Corporate Plan 2018-21 – refresh of performance measures 2020/21

Councillor Bird presented the report:

(see annexed)

Councillor Bird moved approval of the recommendations which was seconded by Councillor Andrew and it was:

Resolved (by assent)

- (1) That Cabinet note the revised measures that will be used during 2020/21 to monitor delivery of corporate priorities as detailed in Corporate Plan 2018-21.
- (2) That Cabinet note the schedule for future reports to be presented during 2020/21.

3565 Disability facility lifts, hoists and associated works and services

Councillor Andrew presented the report:

(see annexed)

It was noted that the decision on this matter would be made in the private session following consideration of a report containing confidential information.

3566 New independent foster care contract for West Midlands authorities

Councillor Wilson presented the report:

(see annexed)

Councillor Wilson moved the approval of the recommendations which was seconded by Councillor Bird.

The motion was put to the vote by way of a roll-call of Cabinet members and subsequently declared carried and it was:

Resolved (unanimously)

- (1) That Cabinet authorise the Council to enter into the Access Agreement with Sandwell Children's Trust to join the new West Midlands Regional Foster Framework.

- (2) That Cabinet delegate authority to the Executive Director of Children's Services, in consultation with the Portfolio Holder for Children's, to enter into 'call off' contracts with Independent Fostering Agencies who are awarded 'Fostering Framework Agreement' contracts by Sandwell Children's Trust pursuant to the new West Midlands Regional Foster Care Framework for a period of 3 years from 1 April 2020 with the provision to extend the ability to call off for up to one further year.
- (3) That Cabinet delegate authority to the Executive Director for Children's Services, in consultation with the Portfolio Holder for Children's, to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services, as appropriate, including any agreement with Sandwell Children's Trust to facilitate these services.
- (4) That Cabinet delegate authority to the Executive Director for Children's Services, in consultation with the Portfolio Holder for Children's, to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the term of any contracts.
- (5) That Cabinet note that the Executive Director of Children's Services approved a waiver dated 29/05/2020 to enable placements to take place compliantly from the new West Midlands Regional Foster Framework from 1 April 2020 pending full Cabinet approval set out in the above recommendations to access and use that framework.

3567 Safer Walsall Partnership – governance update

Councillor Perry presented the report:

(see annexed)

The Leader thanked Councillor Perry and the Safer Walsall Partnership team on behalf of the Cabinet and residents of Walsall for their work during the current Covid-19 pandemic.

Resolved (by assent)

- (1) That Cabinet accepts the Terms of Reference for the Safer Walsall Partnership.
- (2) That Cabinet notes the progress made by the Safer Walsall Partnership in these difficult times.
- (3) That Cabinet requests the Safer Walsall Partnership to produce an annual report on progress against the SWP plan 2020 and presented to statutory partners of the SWP.

3568 Private session

Exclusion of public

Resolved (by assent)

That during consideration of the remaining items on the agenda, the Cabinet considers that the items for consideration are exempt information by virtue of the appropriate paragraph(s) of Part I of Schedule 12A of the Local Government Act, 1972, and accordingly resolves to consider the items in private.

Summary of items considered in private session

3569 Black Country Enterprise Zone – financial borrowing

The Cabinet received a report which sought to secure a number of approvals to enable the Enterprise Zone site delivery in support of the Black Country pipeline sites following a review by the Black Country Working Group.

Councillor Andrew moved approval of the recommendations which was put to the vote by way of a roll-call of Cabinet members.

The Cabinet approved that the Council provides grant funding and enters into a grant agreement to enable investment in the development of the site subject to a decision by the Black Country Joint Committee; and noted that any revenue costs for interest and minimum revenue provision associated with the capital investment set out in the report will be funded from existing resources until recovered from future business rates. The Cabinet also noted the proposed change in the direction of travel for the prioritisation of Black Country pipeline sites and the associated implications for the Enterprise Zone sites in Walsall.

[Exempt information under paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

3570 Phoenix 10 project

The Cabinet received a report which followed a series of previous reports setting out a project which aims to secure investment in the borough that will enable substantial new employment floor space and significant job creation through the development of a significant site adjacent to the M6 Motorway.

Councillor Andrew moved approval of the recommendations which was put to the vote by way of a roll-call of Cabinet members.

The Cabinet made a number of decisions in relation to the entering into of legal agreements and noted that the funding package of the scheme was already included within the Councils approved capital programme and that revenue costs are built into the Corporate Budget Plan.

[Exempt information under paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

3571 **Disability facility lifts, hoists and associated works and services**

Councillor Andrew presented the report:

(see annexed)

Councillor Andrew moved the approval of the recommendations which was seconded by Councillor Bird.

The motion was put to the vote by way of a roll-call of Cabinet members and subsequently declared carried and it was:

Resolved (unanimously)

- (1) That Cabinet approves the award of new contracts for the period 1 September 2020 to 31 May 2025 (based on an initial term of 3 years with an option to extend by two further periods of up to 12 months each) for the installation and associated works and services set out in Table 1, below:

Table 1

| | | | |
|-------|--------------------------------------|--------------------------------|------------------|
| Lot 1 | Straight stair lift | Dolphin Lifts Midlands Limited | Up to £529,600 |
| Lot 2 | Curved stair lift | Dolphin Lifts Midlands Limited | Up to £1,435,750 |
| Lot 3 | Through floor vertical lift | Dolphin Lifts Midlands Limited | Up to £1,814,977 |
| Lot 4 | Powered Lifting Platform / Step Lift | Terry Lifts | Up to £342,071 |
| Lot 5 | Ceiling Track Hoist | Prism Medical UK | Up to £273,319 |
| Lot 6 | Maintenance of lifts and hoists | Dolphin Lifts Midlands Limited | Up to £448,950 |

- (2) That authority be delegated to the Executive -Director of Economy and Environment, to enter into a new contract/s to deliver the 'Disabled Facility Lifts, Hoists and Associated Works' by using the most appropriate procedures and to subsequently authorise the sealing or signing of any contract, deeds or other related documents for such works and services.

[Exempt information under paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

The meeting terminated at 4.40 p.m.



Walsall Council

FORWARD PLAN OF KEY DECISIONS

**Council House,
Lichfield Street,
Walsall, WS1 1TW**
www.walsall.gov.uk

6 July 2020

FORWARD PLAN

The forward plan sets out decisions that are termed as “key decisions” at least 28 calendar days before they are due to be taken by the Executive (Cabinet). Also included on the plan are other decisions to be taken by the Cabinet (“non-key decisions”). Preparation of the forward plan helps the Council to programme its work. The purpose of the forward plan is to give plenty of notice and an opportunity for consultation on the issues to be discussed. The plan is updated each month with the period of the plan being rolled forward by one month and republished. Copies of the plan can be obtained from Democratic Services, Walsall MBC, Council House, Walsall, WS1 1TW helen.owen@walsall.gov.uk and can also be accessed from the Council’s website at www.walsall.gov.uk. The Cabinet is allowed to make urgent decisions which do not appear in the forward plan, however, a notice will be included on the agenda for the relevant Cabinet meeting which explains the reasons why.

Please note that the decision dates are indicative and are subject to change. Please contact the above addressee if you wish to check the date for a particular item.

Cabinet responsibilities are as follows

- Leader of the Council – Councillor Bird
- Deputy Leader and Regeneration – Councillor Andrew
- Adult social care – Councillor Martin
- Children’s – Councillor Wilson
- Clean and green – Councillor Butler
- Community, leisure and culture – Councillor Perry
- Education and skills – Councillor Towe
- Health and wellbeing – Councillor Craddock
- Personnel and business support – Councillor Chattha

The Cabinet agenda and reports are available for inspection by the public 7 days prior to the meeting of the Cabinet on the Council’s website. Background papers are listed on each report submitted to the Cabinet and members of the public are entitled to see these documents unless they are confidential. The report also contains the name and telephone number of a contact officer. These details can also be found in the forward plan.

Meetings of the Cabinet are open to the public. Occasionally there are items included on the agenda which are confidential and for those items the public will be asked to leave the meeting. The forward plan will show where this is intended and the reason why the reports are confidential. Enquiries regarding these reasons should be directed to Democratic Services (helen.owen@walsall.gov.uk).

“Key decisions” are those decisions which have a significant effect within the community or which involve considerable expenditure or savings. With regard to key decisions the Council’s Constitution states:

- (1) A key decision is:
 - (i) any decision in relation to an executive function which results in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council’s budget for the service or function to which the decision relates or
 - (ii) any decision that is likely to have significant impact on two or more wards within the borough.
- (2) The threshold for “significant” expenditure/savings is £250,000.
- (3) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

Dates of meetings

17 June 2020
15 July 2020
12 August 2020

FORWARD PLAN OF KEY DECISIONS

AUGUST TO NOVEMBER 2020 (6.7.20)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--|---|-----------------------------------|---|----------------------------------|---|----------------------------|
| Reference No./ Date first entered in Plan | Decision to be considered (to provide adequate details for those both in and outside the Council) | Decision maker | Background papers (if any) and Contact Officer | Main consultees | Contact Member (All Members can be written to at Civic Centre, Walsall) | Date item to be considered |
| 25/10 (6.7.20) | Learning Disability Pool Budget: To agree the Walsall Clinical Commissioning Group contribution towards the learning disability pooled budget for years 2016-2020. Private session: Reports contains commercially sensitive information | Cabinet (Key decision) | Kerrie Allward 07810 351657 kerrie.allward@walsall.gov.uk | Internal, Walsall CCG | Councillor Martin | 12 August 2020 |
| 21a/20 (6.4.20) | Oakwood Special School: To approve additional Basic Needs Funding for Oakwood expansions following identification of increased pupil numbers | Cabinet (Key decision) | Alex Groom 07920 500528 alex.groom@walsall.gov.uk | School staff, governors, schools | Councillor Towe | 12 August 2020 |
| 24/20 (6.7.20) | New Leaf Centre: To approve funding for the temporary education setting for the New Leaf Centre Pupil Referral Unit | Cabinet (Key decision) | Alex Groom 07920 500528 alex.groom@walsall.gov.uk | School staff | Councillor Towe | 12 August 2020 |
| 3/20 (6.1.20) | Strategic development at Moxley Road, Darlaston Private session: Report contains information relating to the financial or business affairs of any particular person | Cabinet (Key decision) | Joanne Nugent 01922 654752 joanne.nugent@walsall.gov.uk Joel Maybury 01922 654748 | Internal | Councillor Andrew | September 2020 |
| 8/20 (3.2.20) | Black Country Transport Team Collaboration Agreement: To approve the agreement to facilitate the delivery of a strategic transportation function across the four Black Country local authorities | Cabinet (Non key decision) | Matt Crowton 01922 654358 matt.crowton@walsall.gov.uk | Internal | Councillor Andrew | September 2020 |

| | | | | | | |
|--------------------|---|-------------------------------|---|--|----------------------|-------------------|
| 27/19 (8.7.9) | A34 Walsall to Birmingham SPRINT (Bus Rapid Transit) scheme: To approve the sprint scheme | Cabinet (Key decision) | Matt Crowton 01922 654358 matt.crowton@walsall.gov.uk | Internal | Councillor Andrew | September 2020 |
| 68/19 (2.12.19) | West Midlands Enhanced Partnership Scheme: To approve a plan to improve bus travel in the A34 Walsall to Birmingham corridor through delivery of a new SPRINT service. | Cabinet (Key decision) | Matt Crowton 01922 654358 matt.crowton@walsall.gov.uk | Internal | Councillor Andrew | September 2020 |
| 43/18 (8.10.18) | Lighting Invest to Save: To consider proposals for a major investment in the highway lighting infrastructure by replacing all existing lighting with energy efficient LED lighting | Cabinet (Key decision) | Paul Leighton 07831 120871 paul.leighton@walsall.gov.uk | Public, Walsall Public Lighting Ltd., industry companies, internal | Councillor Andrew | September 2020 |

Cabinet – 15 July 2020

Corporate Financial Performance 2020/21, Covid-19 update and Budget Framework 2021/22 to 2023/24

Portfolio: Councillor M Bird – Leader of the Council (Lead Portfolio)

Related Portfolios: All

Service: Finance – council wide

Wards: All

Key decision: No

Forward plan: Yes

1. Aim

- 1.1 To provide the budget monitoring position for 2020/21 including: an updated assessment of the impact of Covid-19 on the council's financial performance; Covid-19 Government funding to address cost pressures and income losses; and actions which may be required to address this position to ensure the council remains on a sound financial footing.
- 1.2 To set out the process and timeline for the 2021/22 to 2023/24 budget process and amendments to the Medium Term Financial Strategy and Tax Strategy.

2. Summary

- 2.1 The council continues to play an active role in the overall national response to Covid-19, including the administration of business rate reliefs and grants, supporting households through the council tax reduction scheme, supporting the care market and other initiatives. Government originally committed to fully compensating councils for the costs of authorities' responses to Covid-19 and has to date allocated £25.81m (£17.48m unringfenced S31 grant; £3.88m hardship funding ringfenced to council tax payers; £2.29m Infection Control funding for care home support; £1.65m Test and Trace services, £0.25m for reopening of high streets, £0.25m Emergency Travel Fund) of funding to help support those costs in Walsall. A further £500m Covid-19 support package was announced by the Government on 2 July 2020, along with a new scheme to help to reimburse some lost income during the pandemic, the full details of which have not been received. As well as the initial costs of funding the council's response, the impact of Covid-19 includes significant loss of income following closure of services and facilities (to which the new scheme is expected to partly address) and delays to the delivery of approved budget savings as the council has refocused its resources on its response to Covid-19.
- 2.2 This report provides a summary position on the financial impact of known pressures, including Covid-19, on the revenue position for 2020/21, based on best available data, including:

- (i) Additional costs / loss of income / delays in savings delivery due to Covid-19 of £11.18m to July 2020 (4 months) and between £2.5m and £4m per month thereafter beyond July 2020.
- (ii) Non Covid-19 revenue pressures of c£4m, after use of reserves and assuming successful delivery of corrective action plans identified to date. Any on-going pressures identified and not addressed in year will need to be considered as part of the 2021/22 budget process.
- (iii) Total pressures in 2020/21 ranging from c£35m to c£47m, which, after applying the known unringfenced Covid-19 Government grant and yet to be confirmed grant for loss of income, results in net pressures of between £11m to £23m.

2.3 In relation to the capital programme, the report includes a number of proposed amendments for approval as set out in section 4.35 of the report. The forecast for the council funded capital programme is currently expected to be a marginal overspend of £110k after rephasing of £1.79m into 2021/22.

2.4 There is considerable uncertainty at this point as to the impact on the national and local economy and on public finances once lockdown has eased and it is expected that this will have implications into the medium term, impacting the council's reserves and budgets into 2021/22 and potentially beyond. This will require Government to review the now delayed Fair Funding proposals (originally expected to be consulted upon over the summer) and in particular the quantum of funds made available to council's to ensure their continued financial stability.

2.5 In summary, the council is able to manage the financial impact in the short term, however should the crisis continue to have such a significant impact beyond July 2020, then additional actions will need to be taken should Government not fully recompense councils for their losses. During this evolving period, regular updates will be reported to Cabinet on the financial implications for Walsall council, including any recommendations for additional actions to be taken to manage the evolving situation. This report sets out what those actions may be required if further funding or other easements from Government are not forthcoming. A further report will be presented in September setting out actions proposed and requesting Cabinet approval of any further formal actions required

2.6 The Chancellor's Summer Economic Update on 8 July 2020 announced the Government's second phase economic response, which mainly centred around employment, infrastructure, and support measures for the hospitality sector. The Chancellor also confirmed that the next Budget and Spending Review is planned for Autumn 2020.

2.7 The report also sets out:

- Performance against an agreed set of financial health indicators, which are forecast to be achieved;
- Performance against statutory and local prudential indicators, which are forecast to be achieved;
- The process and timeline for the 2021/22 to 2023/24 budget process;
- An approval request for changes to the Medium Term Financial Strategy (MTFS) - the framework within which the council's financial planning and management is undertaken; and the Tax Strategy. It is good practice to regularly review and update key strategic documents and obtain formal Cabinet approval.

3. Recommendations

That Cabinet:

- 3.1 Note the additional funding allocated to Walsall as set out in sections 4.5 and 4.6 of this report, and that this will be insufficient to cover the additional costs of supporting the council's Covid-19 response beyond the short term.
- 3.2 Approve the passporting of £253,601 of Reopening of High Streets Safely funding to Economy, Environment and Communities, as set out in 4.6 VI.
- 3.3 Note the forecast impact of Covid-19 to July 2020 as set out in section 4.7 to 4.24, including:
 - I. The loss of income as set out in sections 4.13 to 4.16.
 - II. £3.46m of additional costs approved through Cabinet, Gold and Silver Control between 20 March and this report despatch date, and additional estimated costs to July 2020 of £1.03m, as set out at sections 4.17 to 4.21 and Appendix 1.
 - III. The estimated financial impact on the delivery of 2020/21 approved savings, as set out in sections 4.22 to 4.24.
- 3.4 Note the potential monthly cost of Covid-19 beyond July 2020 in section 4.9 to 4.11.
- 3.5 Approve the utilisation of Covid-19 grant to fund ICT business continuity as set out in 4.21.
- 3.6 Note a number of non Covid-19 related demand and other service pressures totalling c£4m as set out in 4.25 to 4.30, and actions being taken to address these.
- 3.7 Note, in summary, total pressures in 2020/21 ranging from c£35m to c£47m, which, after applying the known unringfenced Covid-19 Government grant and yet to be confirmed estimated grant for loss of income, results in net pressures of between £11m to £23m and that should no further Government funding be provided, then the council will be required to take action to address funding shortfalls. This is set out in sections 4.31 to 4.33.
- 3.8 Approve amendments to the capital programme as set out in section 4.35.
- 3.9 Note that the forecast council funded capital programme is expected to be a marginal overspend of £110k after re-phasing of £1.79m into 2021/22.
- 3.10 Note financial health indicator performance as set out in section 4.41 to 4.46 and Appendix 2.
- 3.11 Note the prudential indicators as set out in section 4.47 to 4.49 and Appendix 3.
- 3.12 Note the work underway to update to the Medium Term Financial outlook and approve the process for setting the 2021/22 to 2023/24 budget framework, as set out in section 4.50 to 4.60.
- 3.13 Note and approve the amendments to the Medium Term Financial Strategy, as set out in section 4.61.
- 3.14 Note that there are no amendments to the Tax Strategy and governance arrangements and that it remains fit for purpose.

4. Know – Context

- 4.1 Councils have been operating in an emergency response situation which is unprecedented. The lockdown and associated measures continue to have a significant impact on the services that the council provides to its residents and services users and how it provides them, and has required implementation of a number of new support measures. Whilst lockdown is now easing, there remains uncertainty as to the potential for a second spike in the R Rate and therefore a reintroduction of some lockdown measures. There are substantial known and unknown costs. Regular conversations are being held between Local Authority representative bodies and MHCLG officials to identify the issues facing council's and seeking further Government support to fund the full cost of the current and any future response required.
- 4.2 A national Covid-19 Response Fund, and further support package announced on 2 July 2020, has been made available, however initial allocations are insufficient to manage the costs beyond the short term. The initial advice from Government was to 'continue to spend', however this is now without any certainty that costs will be fully covered by Government.
- 4.3 In the meantime, the council is still legally required to operate within a balanced budget, to operate within financial controls and to deliver approved budget savings. Inevitably, in order to do this and if Government funding is not provided to fully cover Covid-19 shortfalls, then council's will need to consider other actions short of, and in some cases, including issuing of S114 notices. Whilst Walsall is not considered to be yet in S114 territory, it will need to take action to address funding shortfalls if further funding or other easements from Government are not forthcoming.

Revenue Forecast 2020/21 - Summary

- 4.4 As well as Covid-19 pressures, there are a number of service pressures in the system. The table below shows a summary of Covid-19 and non Covid-19 pressures, the current Government funding available to support Covid-19 pressures, and the resulting funding shortfall. The table shows a range, given the current uncertainty in forecasting future impact. Further detail is provided within the report, including action which may be required to address the funding shortfall, should the Government provide no further funding or other easements.

| Table 1: Full Year 2020/21 Financial Summary | Reasonable Case £ | Reasonable Worse Case £ |
|--|--------------------------|--------------------------------|
| <i>Total Covid-19 estimated pressures to date</i> | 30,633,214 | 43,018,323 |
| <i>Unringfenced Government allocation less 2019/20 Covid-19 costs of £268,942</i> | (17,212,162) | (17,212,162) |
| <i>Additional estimated grant for loss of income - See 4.6 (ii)</i> | (3,352,065) | (4,191,788) |
| <i>Estimated share of £500m support package - See 4.6 (i)</i> | (£2.4m-£3m) | (£2.4m-£3m) |
| <i>Net Unfunded Covid-19 Shortfall</i> | c£7.1m-£7.7m | c£18.6m-£19.2m |
| <i>Non Covid-19 Service Pressures</i> | 3,936,112 | 3,936,112 |
| <i>Total Unfunded Pressures to Manage</i> | c£11m-£11.6m | c£22.5m-£23.1m |

Government's financial response to Covid-19

- 4.5 At Budget March 2020 the Chancellor announced a Covid-19 response grant to fund local authority actions to support social care services and vulnerable people; alongside the need for the NHS to treat Coronavirus patients including maintaining staffing levels; and funding to ensure other public services are prepared and protected. A number of ringfenced and unringfenced grants have been announced since that date. The details of these were set out in the report presented to Cabinet on 19 May 2020, see the following link. [Covid-19 Impact and Corporate Financial Performance](#)
- 4.6 This report provides detail on those grants announced since the May Cabinet report and table 2 provides a summary of all funding announced by the Government towards associated costs for Walsall in the management of Covid-19 to date.

| Table 2: Available Funding (as at 08/07/2020) | | |
|---|---------------------------|------------------------|
| Funding source | National share £bn | Walsall share £ |
| COVID-19 Response Fund – LA element (announced 19 March) confirmed and unringfenced | £1.6bn | 9,609,338 |
| COVID-19 Response Fund – LA element (announced 18 April) confirmed and unringfenced | £1.6bn | 7,871,766 |
| COVID-19 Support Package (announced 2 July) unconfirmed and unringfenced | £0.5bn | TBC |
| Scheme to cover council's lost income (announced 2 July) unconfirmed and unringfenced | TBC | TBC |
| COVID-19 Response Fund – NHS element (TBC) | £1.3bn | c7,500,000 |
| Hardship Fund | £0.5bn | 3,879,239 |
| Hardship Fund – additional allocation (announced 10 June) unconfirmed and ringfenced | £0.063bn | TBC |
| Emergency fund for rough sleepers to self isolate (£3.2m) | £0.0032bn | 4,501 |
| Infection Control Fund – care home support (announced 15 May) confirmed and ringfenced | £0.6bn | 2,288,564 |
| Test and trace services (announced 22 May) confirmed and ringfenced | £0.3bn | 1,650,559 |
| Reopening High Streets Safely Fund (announced 24 May) confirmed and ringfenced | £0.05bn | 253,601 |
| New Burdens Funding (announced 29 May) confirmed and ringfenced (£0.45m) | £0.00045bn | 2,152 |
| Emergency Action Travel Fund (announced 29 May) confirmed and ringfenced | £0.2bn | 255,000 |
| Rough sleepers (announced 24 June) unconfirmed and ringfenced | £0.1bn | TBC |
| <i>Total to date, of which:</i> | | 33,314,720 |
| Walsall Council Funds | | 25,814,720 |
| Grants to Businesses | | 53,554,000 |

- i. *Covid-19 Support Package* – On 2 July 2020, MHCLG announced a new £500m comprehensive package of support councils to address spending pressures in their local area. Allocations of this unringfenced grant are yet to be confirmed, we estimate that Walsall could receive between c£2.4m to c£3m dependent on the method of calculation.

- II. *Lost Income* - Further to the support package above, the announcement on 2 July 2020 also confirmed a new scheme to help to reimburse lost income during the pandemic. Where losses are more than 5% of a council's planned income from sales, fees and charges, the government will cover them for 75p in every pound lost. This specifically relates to loss of car parking and cultural related income. Based on current assumptions, we anticipate that between c£2.25m and £5.88m of current pressures on income are covered by this, and *assuming the grant covers a full 12 month period*, between c£1.67m and £4.19m will be recovered from this scheme. Further details of the scheme, including full guidance, the period of reimbursement and method of claiming, are yet to be received. Should the scheme cover a shorter period than 12 months, then this will increase the net pressure set out within this report. The government is also bringing in changes so council's can spread tax deficits over 3 years rather than the usual one.
- III. *Hardship Fund* - An initial £3.88m was allocated to Walsall. A further £63m of additional funding for councils in England was announced on 10 June to help those who are struggling financially due to the impact of coronavirus. The additional funding will allow councils to continue to provide discretionary support to those facing severe hardship to allow them to pay for food and other necessities. The funding is a one-off boost to councils and they will have discretion on how best to help those facing severe hardship. Allocations are not yet known.
- IV. *Infection Control Fund* – New funding announced by Department of Health and Social Care. 75% of initial funding is to be passed directly to care homes for use on infection control, the remaining 25% is also be used for infection control but LA's can allocate based on need. LA's must conduct a daily review of care homes to ensure they have sufficient staffing and PPE. Local authorities should also publish on their websites their rate uplifts and other extra funding they are making available to care providers e.g. cash flow support etc. A range of models are being used by local authorities and greater transparency is needed. Walsall's allocation is £2,288,564 and an urgent decision in relation to the distribution of Infection Control Fund ring-fenced funding 2020 was approved by the Leader of the Council on 05 June 2020.
- V. *Test and Trace Services* – On 22 May the Government announced £300m additional funding for local authorities to support them to develop and action their plans to reduce the spread of the virus in their area as part of the launch of the wider NHS Test and Trace Service. This funding is to enable local authorities to develop and implement tailored local Covid-19 outbreak plans through for example funding the recruitment of additional staff where required. Allocations were published on 10 June, based on 2020/21 Public Health grant allocations – Walsall's allocation has been confirmed as £1,650,559. Distribution of this funding is currently being assessed. Cabinet on 17 June delegated authority to the Director of Public Health to manage this as part of the Walsall Outbreak Plan.
- VI. *Reopening High Streets Safely fund* – On Sunday 24 May the government announced a Reopening High Streets Safely Fund. This will provide £50m of funding for English local authorities to prepare for the reopening of non-essential retail. This funding is intended to support a range of practical safety measures including new signs, street markings and temporary barriers. Local authorities will also be able to use this money to develop local marketing campaigns to explain the changes to the public and reassure them that their high streets and other commercial areas are safe. Expenditure for reimbursement under this ERDF grant will be eligible from 1 June, to be covered by a Funding Agreement. Once this agreement is in place then claims for reimbursement for expenditure incurred from 1 June can begin to be made. The grant

awards will be available to access up until the end of March 2021, payable in arrears, based on qualifying expenditure. This will be administered by the Highways and Environment team. Walsall's allocation has been confirmed as £253,601, and Cabinet are asked to passport this in full to Economy, Environment and Communities.

- VII. *New Burdens Funding* – On Friday, 29 May, the Ministry of Housing, Communities and Local Government published Housing Benefit Circular S7/2020, confirming the new burdens funding to meet the costs of implementing increased Local Housing Allowances (to the 30th percentile of local rents from April 2020) in 2020/21. The total funding is £0.45m, intended to cover additional postage costs, and distributed by number of claimants in each LA area affected by the change in rate. £2,152 is allocated to Walsall.
- VIII. *Emergency Action Travel fund* - On Friday 29 May the government issued allocations for local authorities of the Emergency Active Travel Fund across England - £17.234m to be allocated to West Midlands Combined Authority (£3.447m in tranche 1 and £13.787m in tranche 2). TfWM announced on 26 June that the West Midlands were successful in their application for Tranche 1, with an allocation of £3.85m being granted from DfT for our ambitious emergency active travel programme. The funding is being used on a wide range of rapid schemes, including pop-up cycle lanes and pavement widening, as well as on activation and communication activities. Walsall's element was confirmed in a funding offer letter on 7 July as £255k (capital £209k, revenue £46k), subject to s151 sign off within 7 days. Funding completion is required within 2 months, and declaration within 4 months of the letter date.
- IX. *Business rates Discretionary Scheme* – Walsall received £55m in its original allocation of which £41.4m (of an anticipated total of £45.4m) has been paid out in grants - £10k to businesses eligible for small business rates relief and up to £25k to retail and leisure business operating in premises with a rateable value between £15k to £51k. Any unused allocations is due to be returned to Government. A further discretionary scheme was announced on 13 May with Walsall receiving £2.3m.

Impact of Covid-19 on the Revenue Forecast 2020/21

- 4.7 Council on 27 March 2020 approved a balanced budget. This is predicated on a number of assumptions that Covid-19 has put at significant risk, including;
- Collection of £127.5m of council tax income, with a council tax base of 71,550 households, and collection of business rates income of £74.6m.
 - Receipt of £41.89m of fees and charges to directly offset the gross cost of services and reduce the cost of services to the council tax payer.
 - Delivery of £8.77m of savings through the Proud Programme.
 - A minimum level of reserves required of £13.55m.
- 4.8 Table 3 summaries the estimated financial impact of Covid-19 on the council to July 2020, prior to the allocation of known and estimated Government funding, based on best available data. Further detail is set out in the following sections.

| Table 3: Covid-19 pressures | April – July 2020 |
|---|--------------------------|
| Loss of income due to service closures / changes | 4,543,030 |
| Cabinet, Gold and Silver approvals for additional cost pressures – see Appendix 1 | 3,465,189 |
| Forecast additional costs - subject to Gold / Cabinet approval | 1,030,528 |
| Additional costs arising from Covid-19 delay in the achievement of 2020/21 approved savings | 2,145,998 |
| Total to date | 11,184,745 |

4.9 The impact of Covid-19 beyond July 2020 is very uncertain. Despite proposals to ease lockdown from 4 July, some facilities such as swimming pools, indoor gyms, etc will still be unavailable, as such the impact of income losses will continue in these areas. Even once these are open to the public, it is not clear when or if demand and therefore income will return to pre-Covid-19 numbers. The following table attempts to assess the financial impact of continued income losses and additional costs, based on a number of assumptions, with a reasonable case impact being in the region of £31m and a reasonable worst case being £43m. Both assume a current forecast of £11m to July 2020 and then a respective further £2.5m to £4m of additional monthly costs.

| Table 4: Covid-19 pressures - Full Year 2020/21 | Reasonable Case £ | Reasonable Worse Case £ |
|---|------------------------------|------------------------------------|
| Loss of income due to service closures / changes | 7,595,444 | 9,121,651 |
| Cabinet, Gold and Silver approvals for additional cost pressures | 3,465,189 | 3,465,189 |
| Forecast additional costs - subject to Gold / Cabinet approval | 13,297,219 | 13,297,219 |
| Additional costs arising from Covid-19 delay in the achievement of 2020/21 approved savings | 6,275,363 | 8,600,456 |
| Risks assessed as arising in a 'Worse Case' scenario | 0 | 8,533,809 |
| Total to date | 30,633,214 | 43,018,323 |

4.10 The assumptions in relation to each scenario is set out below.

Reasonable Case Assumptions

50% continued loss of fees and charges income on the basis that services resume fully from August, and that usage will not return back to normal pre Covid demand levels for some time. Further likely costs beyond July for the following:-

- Social Care – increased number of vacant (void) beds and additional PPE costs above those funded from grant
- Continued increase in disposal costs for co-mingled waste
- ICT costs to support home and agile working arrangements
- Increased pressure on the Hardship Fund
- Business rates – loss of income up to safety net level
- Council tax – loss of income due to a reduction in collection rates
- Further delays in the achievement of 2020/21 approved savings above that reported in May.

Reasonable Worst Case – based on scenario above plus the following assumptions

Further likely costs / risks for the following, subject to approval: -

- Further loss of income / income base
- Further support to the social care market - social worker resources to clear backlog of assessments / review of clients shielded; supplier relief; increased voids
- Children's - Increased LAC; further traded income loss; further extension of family safeguarding model;
- Money Home Job - loss of court income / overpayment income
- E,E&C – loss of investment income and planning application income
- Full £8.8m of approved savings delayed, resulting in savings being implemented and cashed in 2021/22 rather than 2020/21.

4.11 The Covid-19 response fund initial allocation, based on the 'reasonable case' set out in the table above, is expected to be sufficient to fund the impact of Covid-19 until around November/December (should no other pressures arise), however beyond that the council will need to take action. In addition, the council would need to replenish any utilised general reserves in year or during the 2021/22 budget setting process, putting finances under even more strain. As such Covid-19 funding requires careful management to ensure the council is not put under financial strain, leading to uncertainty about future financial stability.

4.12 Further detail on the pressures is set out in the following sections, followed by a summary of potential actions needed to address the situation.

Loss Of income

4.13 As reported to May Cabinet, the council is facing significant reductions in sources of income, for example from currently closed services such as leisure and car parking and traded services income from schools. Given councils' reliance on this income, the ability to balance the budget beyond the short term will be extremely challenging, as whilst Government has made a commitment to funding some of the income losses, it is not covering all of them.

4.14 An initial 4 month impact is contained within this report, estimated at £4.54m. A summary is provided below. It is proposed to increase cash limited budgets through the use of the Covid-19 response fund / loss of income scheme to manage these, once figures are finalised.

| Table 5: Source of income | April to July Forecast |
|---|------------------------|
| | £ |
| Economy, Environment and Communities | |
| Active living | 1,339,057 |
| Leisure Culture & Operations Arts and Events | 321,452 |
| Art Gallery | 36,158 |
| Leather Museum reduction in shop income | 13,545 |
| Libraries | 28,807 |
| Markets | 145,667 |
| MOT income | 57,500 |
| Litter enforcement income, waste | 59,088 |
| Arboretum visitor centre, Grounds, Parks | 10,000 |
| Loss of licensing income due to trading restrictions | 12,163 |
| Car parking income – off street | 44,000 |
| Car parking income – on street | 168,000 |
| Staff parking permit | 72,000 |
| Parking penalty notice income | 200,000 |
| Various services provided - such as drop kerbs, scaffolding, licences, skip permits etc | 118,527 |
| Bus lane penalty notice income | 86,000 |
| Blue badges | 10,806 |
| HWRC | 49,500 |
| Bulky collections | 10,082 |
| Trade waste | 120,000 |
| New taxi vehicle registration / renewals | 97,140 |
| Registrars – ceremonies | 131,436 |
| Resources and Transformation | |
| Box Office Events | 23,119 |

| | |
|---|------------------|
| Paid school meals and curatorial services | 149,383 |
| Civic Centre bistro | 60,000 |
| Centrally Held and Capital Financing | |
| Other losses - investment interest | 1,179,600 |
| Total loss of income to date | 4,543,030 |

- 4.15 Further to the above, additional income losses are expected beyond July 2020. The reasonable case scenario models total income losses for the year of £7.6m, with a possible worst case of £9.1m, of which some will be recovered through the new scheme recently announced.
- 4.16 There is a potential risk that the Hardship Fund of £3.88m will be insufficient to fund the full loss of income from council tax. Walsall currently anticipates this funding being fully exhausted, with a further £600k being required, which is contained within the 'reasonable case' scenario in the tables above. Additionally, we are currently assessing the impact on the collection fund in respect of both council tax and business rates and the need to provide for a reduction in collection rates and bad or doubtful debts.

Additional Cost Pressures

- 4.17 On the expenditure side, most costs will remain. For example, the Government's Coronavirus Job Retention Scheme enabling employees to be furloughed, does not in the majority apply to council's as they receive "public funds" which are expected to be used to continue to pay staff. Indeed, there are significant additional costs associated with our Covid-19, including staffing, support to residents and council tax payers and businesses and support to the elderly and vulnerable particularly in relation to adult social care and children's.
- 4.18 Unbudgeted costs incurred or committed to date total £3.46m and are set out in Appendix 1. A reasonable cost assumption of a further £1.03m of costs has been forecast until July 2020. This includes:
- ✓ Costs in relation to adult social care, including the cost of maintaining market sustainability in residential and nursing and domiciliary care, as these are likely to fall on the council;
 - ✓ Placement costs for looked after children;
 - ✓ Increased disposal costs for co-mingled waste;
 - ✓ Continued support to our staff to work from home;
 - ✓ Supplies and services, including PPE, cleaning materials, deep cleans in readiness for reopening of council buildings.
- 4.19 The additional costs of discharging and keeping people out of hospital are not included within this figure as these costs will be recharged to Walsall CCG and funded from their allocation of the £1.3bn fund to be provided by the Government.
- 4.20 Further to the above, additional costs are expected beyond July 2020 as set out in the table below, with a reasonable cost of £16.8m and a reasonable worst case of £25.3m, the latter assuming that a number of identified high risks turn into actual pressures.

| Table 6: Covid-19 Additional Costs Full Year 2020/21 | Reasonable Case £ | Reasonable Worse Case £ |
|--|------------------------------|------------------------------------|
| Cabinet, Gold and Silver approvals for additional cost pressures | 3,465,189 | 3,465,189 |
| Forecast additional costs - subject to Gold / Cabinet approval | 13,297,219 | 13,297,219 |
| Risks assessed as having a high likelihood of arising | 0 | 8,533,809 |
| Total forecast pressures to date | 16,762,408 | 25,296,217 |

4.21 During March 2020 in response to the Covid pandemic ICT enabled all users of IT to work from home to ensure business continuity. Work has been carried out to upgrade infrastructure to increase the capacity of remote connections and software upgrades to introduce technology such as Microsoft Teams. Since 16 March 2020 a total of 180 tablets, 21 docks, 91 monitors, 275 mobile phones and 83 Smartphones have been deployed to enable services to continue to operate without needing to occupy a council building. Further work is being carried out to ensure the council is protected from Cyber-attacks and to support services to safely resume business as usual activities.

Costs incurred from Mid-March to September 2020 are forecast to be £551k, of which we have funded £154k from existing budgets. £40k will be charged to the test and trace grant that has been received, leaving a balance of £357k for which Cabinet approval is required for the allocation of Covid-19 funds.

Walsall Proud Programme Savings

4.22 The 2020/21 budget is predicated on delivery of £8.77m from the Proud Programme to be delivered from adopting new ways of working across the council, significantly enhancing our enabling technology capabilities, and improving our service efficiency and performance. Planned activities within the Walsall Proud Programme (WPP) have been reviewed in order to determine those activities which can continue and those which should be delayed as the council responds to the Covid-19 situation.

4.23 As part of this review, an assessment of the financial impact has also been undertaken in relation to those work streams due to deliver savings in 2020/21 alone. The overall impact reported in the May Cabinet report was at minimum, a delay in delivering £2.15m of savings into 2021/22 rather than 2020/1. The current assessment is that up to £6.28m of savings will now be delivered in 2021/22, however action is currently in hand to prioritise those savings which may be able to be delivered earlier. This is in the main due to: a refocus of programme resource into managing the council's Covid-19 response: inability to generate fee and charge increases due to facility closures, and an inability to commence consultation on a number of organisational redesigns. In the worst case scenario, the full savings would be delivered in 2021/22.

4.24 Additionally, there may be further one-off costs as parts of the programme are paused and then reset, particularly in relation to any specialist resource required to deliver aspects of the programme. Further to this, there is a high likelihood of a knock on impact to 2021/22, as resource, once the programme is reset, will be focussed on both delivery of 2020/21 savings and implementation planning in relation to the c£20m savings to set a balanced budget for 2021/22. This is currently being assessed and a further update will be included in a report to Cabinet in September 2020.

Revenue Forecast 2020/21 - Service Pressures

- 4.25 Walsall Council has a track record of managing financial pressures and action has been taken to mitigate current and future cost pressures, however demand pressures in an authority of this size will always arise. The current council wide forecast of non – Covid-19 pressures shows a variance of c£4m to budget. Any on-going pressures identified and not addressed in year will need to be considered as part of the 2021/22 budget process. Work continues to address these areas of pressure by year-end.
- 4.26 The following sections provide more detail on these pressures and actions being taken to address these.

Adult Social Care - £2.04m of Pressures

- 4.27 The pressures arise from delayed delivery of a 2019/20 saving brought forward into 2020/21 and areas of spend increases as a result of demand as follows:
- £1m – additional adult social care costs. Perform Plus has been deployed within adult social care, delivering improved productivity and a resulting reduction of care assessments in the system. One consequence of this has been an increase in care costs. Action is being taken to ensure that savings in productivity are used to offset these costs;
 - £646k – partial non-delivery of the Procure to Pay saving (from a total of £1.294m), which was carried forward from 2019/20. Plans were in place to deliver this, however Covid-19 has meant these actions require review and potentially alternative action to deliver;
 - £1.4m – non-delivery of the joint funding with partners saving proposal (including the saving carried forward from 2019/20). Mitigation is subject to ongoing discussions;
 - The above is currently offset by a number of actions including £1m of one-off funding to offset complex care packages. Further work is underway to identify actions to address these areas of pressure.

Children's Services - £1m of Pressure

- 4.28 The pressures arise from:
- £693k - home to school transport pressure, primarily resulting from an increase in out of borough demand;
 - £281k - due to an increase in the number/mix of young people placed in care;
 - £50k - overspend within the Regional Adoption Agency (RAA), due to a historic interagency fee invoice and an increase in contributions payable to the RAA;
 - (£21k) Under spend on short breaks, and across Early Help 0-19 services;
 - Further work is underway to identify actions to address these areas of pressure.

Economy, Environment and Communities - £0.63m of Pressures

- 4.29 The pressures arise from:
- Agency staff costs within waste collection, grounds, trees & street cleansing - £59k;
 - £375k un-achievement of planning income (non Covid-19 related);
 - A pressure due to the cessation of shared emergency planning service with Sandwell MBC - £30k;
 - Ongoing shortfall of £124k in active living income and £28k in libraries from previous year's savings, which have been exacerbated by closures due to Covid-19;

- The above is offset by underspends within programme management – Directorate Support and at the New Art gallery, resulting in net pressures of £0.63m;
- Further work is underway to identify actions to address these areas of pressure.

Resources and Transformation - £0.28m of Pressures

4.30 The pressures arise from:

- £203k Soft IFM – additional costs on Cleaning, Caretaking and Catering as well as under recovery of income;
- £82k Hard IFM – additional costs on redundant buildings;
- Offset by vacant posts held within the service area, resulting in a net pressure of £0.28m. Further work is underway to identify actions to address these areas of pressure.

Revenue Forecast 2020/21 – Action to Address

4.31 As set out in previous sections and table below, net of confirmed and estimated government grant, there still remains significant pressures of between £11m to £23m.

| Table 7: Full Year 2020/21 Financial Summary | Reasonable Case £ | Reasonable Worse Case £ |
|---|------------------------------|------------------------------------|
| Total to date | 30,633,214 | 43,018,323 |
| Unringfenced Government allocation less 2019/20 Covid-19 costs of £268,942 | (17,212,162) | (17,212,162) |
| Additional estimated grant for loss of income - See 4.6 (ii) | (3,352,065) | (4,191,788) |
| Estimated share of £500m support package - See 4.6 (i) | (£2.4m-£3m) | (£2.4m-£3m) |
| Net Unfunded Covid-19 Shortfall | c£7.1m-£7.7m | c£18.6m-£19.2m |
| Non Covid-19 Service Pressures | 3,936,112 | 3,936,112 |
| Total Unfunded Pressures to Manage | c£11m-£11.6m | c£22.5m-£23.1m |

4.32 Should no further funding be made available, or funding is insufficient to cover the minimum shortfall of c£11m, then action will need to be taken to address this shortfall. Actions include the following, of which a number (*italics*) are in train:

- *Lobby for further funding and flexibilities;*
- *Prioritise delivery of approved Proud savings;*
- *Identify and deliver corrective all actions required to balance the position and manage the £4m of non-Covid-19 pressures outlined in the report;*
- *Embed impact of Proud and Reset opportunities into budget monitoring, service and transformation plans;*
- Identify quick wins including non-essential spend, non-essential recruitment freeze;
- Identify further savings opportunities for delivery in 2020/21;
- Review potential for capturing Proud Headroom (do more to get to the high range of benefits in 2020/21);
- *Review Covid-19 impact on core assumptions for both 2020/21 and 2021/22 - changes in demand;*
- *Centralise relevant budgets e.g. printing, travel;*
- *Use of Flexible Capital Receipts Strategy;*

- Remove any non-committed earmarked reserves;
- Undertake a balance sheet review;
- Capitalisation of revenue (at margin).

4.33 Current general reserves are in the region of £14m. The above actions will need to be prioritised to ensure only a minimum, if any call on general reserves, is required. The MTFS requires a minimum level of reserves is maintained at all times – this being set at £6m – as such, wherever possible, alternative actions should be taken to ensure that at least this level is maintained in year and where possible, general reserves are maintained at their current levels. This avoids having to take even further action to replenish reserves in year or as part of the 2021/22 budget setting process, putting further pressure on council services. Clearly in the ‘worst case’ scenario of a £23m shortfall, an increased number of actions will need to be taken, with an increased risk that in totality, this will not deliver a balanced budget, and therefore more significant actions may be required. A further report will be presented in September setting out actions proposed and requesting Cabinet approval of any further formal actions required.

4.34 The Chancellor’s Summer Economic Update on 8 July 2020 announced the Government’s second phase economic response. The following is a summary of key announcements. There were no additional funding announcements in relation to Covid-19 funding for local authorities.

- The next Budget and Spending Review is planned for Autumn 2020, to include challenges impacting on public finances;
- Winding down of the Job Retention Scheme in October with incentives for employers for retention of staff;
- A new £2bn ‘Kickstart scheme’ for employment incentives for 16-24 year olds - It will cover 100% of minimum wage for a maximum of 25 hours a week with employers able to top up wages for six months. Employers to apply to be part of scheme from next month with no cap on the number of places available;
- Pay employers to create new apprenticeships - £2,000 per apprentice & £1,500 for those over 25 years of age;
- £1bn for DWP to encourage people back to work, and double the number of staff in job centres;
- £1,000 bonus to employers for every 18-24 year old new trainee taken on from September 2020, with £100m to create places on level 2 and 3 courses;
- Infrastructure improvements as previously announced;
- £1bn for energy efficiency of public sector buildings;
- Support to the hospitality sector with temporary decrease in VAT and meal vouchers for August.

Capital Programme 2020/21

4.35 The capital programme for 2020/21, as approved by Council on 27 February 2020 was £98.36m. **Table 8** summarises amendments made to date, resulting in a revised programme of £186.44m, requiring approval of Cabinet.

| Table 8 : Amendments to Capital Programme 2020/21 | |
|--|--------------|
| Project | £m |
| Capital programme 2020/21 per Council 27 February 2020 | 98.36 |
| Council Funded | |
| Carry forwards from 2019/20 as approved by Cabinet on 17 June 2020 | 18.89 |
| Aids and Adaptations – budget used in 2019/20 | (0.12) |

| | |
|--|---------------|
| Microsoft Azure Cloud - Use of 2019/20 underspend | 0.57 |
| Externally Funded | |
| Carry forwards from 2019/20 as approved by Cabinet on 17 June 2020 | 43.34 |
| Land and Property Investment Fund | 7.21 |
| M6 Junction 10 | 18.46 |
| Integrated Transport Block | 0.01 |
| Basic Need | 0.22 |
| Disabled Facilities Grant - budget used in 2019/20 | (0.50) |
| Revised capital programme 2020/21 | 186.44 |

4.36 The Government announced on 30 June 2020 that they are bringing forward £5bn of capital investment projects, supporting jobs and the economic recovery. This was referred to in the Chancellor's Summer Economic Update on 8 July 2020. As part of this, we have received confirmation of an offer of £750,000 for Bloxwich and £750,000 for Walsall from the Towns Fund, to fund capital projects that can be delivered this financial year. The council is required to submit a letter by 18 August 2020 on what we intend to do with the grant, with confirmation from our s151 officer that this spending is in line with the Towns Fund intervention framework, will achieve good value for money and that the project can be delivered this financial year. Once confirmed, this grant will be added as a variation to the approved capital programme for Cabinet approval. This grant is for encouraging projects that will support towns in responding to immediate challenges including: –

- Improvements to or new parks and green spaces and sustainable transport links;
- Improvement to town centres including repurposing empty commercial properties;
- Demolition or site remediation where this will have an immediate benefit.

4.37 **Table 9** summarises the 2020/20 capital programme and forecast outturn after the re-phasing of projects into 2021/22.

| Directorate | Budget £m | Predicted year end forecast £m | Variance before Carry forward £m | Carry Forward £m | Variance Over / (Under) £m |
|-------------------|---------------|---|--|------------------------|-------------------------------------|
| Council funded | 50.66 | 48.98 | (1.68) | 1.79 | 0.11 |
| Externally funded | 135.78 | 135.78 | 0 | 0 | 0 |
| Total | 186.44 | 184.76 | (1.68) | 1.79 | 0.11 |

4.38 The council funded element of the capital programme currently shows predicted re-phasing of £1.79m from 2020/21 to 2021/22 as shown in **table 10**. Re-phasing occurs for a number of reasons such as late confirmation of grant approvals, timing of projects that may fall over more than one financial year, contract delays out of our control as awaiting funding or Government approval, etc.

| Project | £m |
|--|------|
| Essential Microsoft upgrades & foundation for Office 365 | 0.06 |
| ICT-Safe and Secure Environment | 0.73 |
| ICT-Safe and Secure Environment Wyse | 0.49 |

| | |
|--------------------------------|-------------|
| Proud – ICT | 0.07 |
| Telephony - Cloud Based System | 0.44 |
| Total | 1.79 |

4.39 We are currently assessing the potential implications of Covid-19 on the programme, and will bring further updates once we have fully assessed these, including the impact upon;

- Potential delays in regional and national funding decisions such as the Future High Streets Fund, where decisions on funding approvals have been put back until after the summer, which may result in risk to the authority in undertaking the required land acquisitions;
- Impacts on funding conditions for example for growth deal and ERF;
- Impact on planned school expansions;
- Contractual obligations impacting on the delivery of agreed programme of works e.g. for example payment of any contractual compensation claims, which may result in reduced funding to deliver programmes of work – some contractual compensation payments have been made but these have been limited and accommodated from existing budgets, the impact of which is being assessed in terms of programme of works.
- Revisions to the ICT programme to accommodate home working – cost assumptions are currently inbuilt into the Covid-19 reported position above;
- A potential impact on the delay in assessing statutory disabled facilities grants and aids and adaptations – including a potential reduction in requests, our ability to deliver requests, and risks around associated grant conditions.

4.40 In addition to the above, further impacts are likely to include:

- Borrowing implications, with interest rates reductions, the authority is reviewing its investment assumptions and corresponding borrowing decisions, which are also affected by cash flow requirements from supporting the Covid-19 response.
- Capital receipts - ability to bring assets to market and uncertainty around valuations.

Financial Health Indicators

4.41 **Appendix 2** contains financial health indicator performance as at 31 May 2020. The primary purpose of these is to advise Cabinet of the current financial health of the authority in order to provide assurance to them in their role. The indicators cover a number of areas as follows:

Treasury Management

4.42 The indicators show the actual borrowing and investment rates for 2019/20 and the forecast for 2020/21 against set targets. Proactive and robust management of the council's debt and investment portfolios is forecast to result in positive variances against the financial health indicator targets for 2020/21.

Average interest rates on borrowing show an improvement against targets as a result of the council taking out new borrowing at favourable rates, whilst repaying older loans at maturity at higher interest rates. An exception to this is the average borrowing rate excluding other local authority debt which is currently showing as 0.02% above target, but this will reduce to below the target once planned borrowing for capital expenditure is taken out in the 3rd quarter.

The bank of England base rate was cut twice in March 2020 due to the Coronavirus crisis, which has had a significant impact on interest rates for the foreseeable future. The council is currently achieving an average investment rate across all investments of 0.78% against a target of 1.11%. This has resulted mostly from holding higher balances in “At Call” accounts than usual, where investment returns are particularly low at the moment. Short term and long term investment performance is still above target due to investments which were placed before the interest rate cuts. The treasury service seeks to minimise the impact of low rates through negotiations to secure favourable rates when considering investment options, and through the review and identification of new and appropriate opportunities for investment.

Balance Sheet

- 4.43 This details ratios for the last 4 financial years 2015/16, 2016/17, 2017/18, 2018/19 and pre-audit figures for 2019/20 which show the liquidity of the authority.

Revenue performance

- 4.44 This section shows collection rates for council tax and business rates, the average number of days to collect sundry debt and the number of days to process creditor payments for 2019/20 and the performance against profile for 2020/21. Sundry debt collection is better than the target by 5 days with performance in relation to the processing of creditor payments also better by 9 days. Council tax collection is just short of the target with business rates down mainly due to the impact of Covid-19.

Management of Resources

- 4.45 This section details the outturn position for 2019/20 (pre audit) and 2020/21 year-end forecast for revenue and capital, which is based on the financial position as at 31 May 2020. The revenue forecast for 2020/21 shown is an overspend of £4.31m after successful delivery of corrective action plans.
- 4.46 Mainstream capital (funded from the council’s own resources) as at 31 May 2020 is forecast to be a marginal overspend of £110k after rephasing of £1.79m into 2021/22. Capital receipts are currently forecast to achieve the target as set out, but this is dependent on timing and market conditions.

Prudential Indicators

- 4.47 **Appendix 3** contains the prudential indicators as at May 2020. The primary purpose of these is to provide assurance to Cabinet that the authority is borrowing and investing in a sound and prudent manner. Indicators are approved by Council on an annual basis.

National Indicators

- 4.48 These indicators are nationally set and provide an indication of the council’s exposure to interest rate risks, the proportion of the council’s budget used to finance capital expenditure and the borrowing limits for the current year.

All of these indicators were met in 2019/20 and are forecast to be met in 2020/21.

Local Indicators

4.49 These indicators have been set in consultation with the Treasury Management Panel which is chaired by the s151 Officer, to provide further assurances to the authority that borrowing and investment is being undertaken in a sound and prudent manner.

Specific variances to highlight are:

- L2 – Average length of debt – The target acceptable limit is within 15-20 years. The authority's current position is 16.32 years, which is within the target range.
- L3a - Net borrowing costs as % of net council tax requirement (variance of -62.91%). The target figure of 20.00% represents an upper limit of affordable net borrowing costs as a percentage of the net council tax requirement for the authority. The actual level of net borrowing costs is currently less than the upper limit, which in the main is linked to the work undertaken by the service to seek to secure favourable rates on investments and reduced costs on borrowing, thus reducing the overall net borrowing costs.
- L3b - Net borrowing costs as % of Tax Revenue (variance of -62.48%). The target figure of 12.50% represents an upper limit of affordable net borrowing costs as a percentage of tax revenues for the authority. The actual level of net borrowing costs is currently less than the upper limit, which in the main is linked to the work undertaken by the service to seek to secure favourable rates on investments and reduced costs on borrowing, thus reducing the overall net borrowing costs.
- L8 – Average rate achieved on Short Term Interest vs At Call Rate – The target is to achieve a 50% better rate on short term investments vs the current At Call rate (i.e. do nothing other than leave all cash in overnight At Call accounts). In May the At Call rate was 0.21%, creating a 50% above target of 0.32%. The short term interest rate achieved was actually 1.21%, which results in a 476.19% favourable variance above the At Call rate.
- L9a –At Call investment rate – This is currently 0.21% against a target of 0.60%. The bank of England base rate was cut twice in March due to the Coronavirus crisis, which has had a significant impact on At Call rates for the foreseeable future. The Treasury service do seek to minimise this impact by securing favourable rates on Short term and long term investments, which are both currently exceeding the set target.
- L10 – Average interest rate on all ST investments (ST & At Call) – The authority's short term investment rate is above target due to a number of investments being placed before the interest rate cuts, but overall the combined rate is below target due to the At Call rate variance. Rate achieved is 0.65% vs a target of 1.04%.
- L11a & b – These two average rate indicators across all investments are currently below target due to the same reason as above.

The Medium Term Financial Outlook (MTFO)

4.50 Council on 27 February 2020 approved the 2020/21 budget, which included the draft plan for the period 2020/21 to 2022/23. Savings of £8.77m were published for 2020/21. Directorate cash limits were issued for 2021/22 and 2022/23 to meet the overall funding envelope, including indicative savings requirements of £21.06m in 2021/22 and £17.30m in 2022/23, as follows.

| | 2020/21 £m | 2021/22 £m | 2022/23 £m | Total £m |
|--|---------------|---------------|---------------|--------------|
| Savings required per Council February 2020 | 8.77 | 21.06 | 17.30 | 47.13 |
| Savings identified | (8.77) | | | (8.77) |
| Savings to be identified | 0.00 | 21.06 | 17.30 | 38.36 |

4.51 The MTFO reflects a rolling four year period and since the budget was set in February, a further year, 2023/24, has been added to the MTFO. Further work is in hand to refresh the MTFO and the outcome will be reported back to Cabinet in September 2020 alongside plans to deliver Proud programme savings. This work includes:

- A review of investment currently assumed each year, in particular demand growth and one off investment to deliver the Proud Programme;
- Review of pay and pension assumptions;
- Review of contractual inflation assumptions;
- Impact of Covid-19 on cost and income assumptions;
- Business rates and council tax collection rates, council tax reduction scheme claimants, and provision for bad and doubtful debts;
- Review of core funding assumptions in light of the delayed CSR, Fair Funding and Business Rates reforms.
- Impact of proposed Reset Service Plans.

Budget Framework and Timetable

4.52 Resources are allocated and budgets set within a framework of protocols and guidelines, in particular the council's Corporate Plan and Medium Term Financial Strategy (MTFS). Decisions will need to be made about how to achieve a balanced budget, in the context of the needs of the Borough and also to ensure that we continue to care for the most vulnerable in our communities. Whilst it is recognised that Full Council will only set the council tax bands for 2021/22 in February 2021, the budget will continue to take a four year view (current year plus three), allowing for a more strategic focus to service re-design and savings aligned to the longer term priorities of the council.

4.53 The council is committed to adopting a holistic and collaborative approach, and there is strong consensus that this approach will produce better results than taking a traditional perspective on the financial challenges facing the council. By taking this collaborative approach, using knowledge and understanding of our communities and evidence about the impact of service delivery, proposals will be developed that will be designed to make best use of all of our resources and to make the optimum impact that we can for the residents and businesses of Walsall.

4.54 The Budget Framework is intended to:

- Provide a framework to ensure successful delivery of the council's corporate vision and priorities.
- Maintain a financially sustainable position over the 4-year planning period and set a legally balanced 2021/22 budget.
- Allocate limited and reducing resources to those activities that contribute most to improved outcomes.
- Continue the focus on the need to deliver ongoing efficiency savings.

4.55 In considering resource allocation, funding for the development of services will need to be met from the redirection of existing resources and the identification of new or revised income sources. The council will need to be a leaner, more focussed organisation. The process needs to consider:

- The council's priorities and outcomes – what does it want to do, to what standard and what results does it want to achieve and at what cost;
- The methods of service delivery that will deliver value for money (e.g.: in-house, partnerships, outsourcing);
- The organisational structure that is needed to support the above;
- The level of council tax increases (subject to Government direction and referendum levels) and what this means for the council's overall budget;
- Income that can be generated (through the charging policy, increased charges, new charges, new grants, etc.);
- The levels of reserves and contingencies required for financial prudence and to proactively manage the council's risks (set out by the S151 Officer);
- The use of unringfenced grant – it is assumed that all unringfenced grant will be pooled to support the corporate good, unless Cabinet approve otherwise during the budget process;
- Stakeholder consultation and lobbying;
- The impact of Covid-19 / Post Covid-19 and developing Reset plans going forwards on our services and residents and on our financial assumptions and the continued need to be able to respond quickly and flexibly to changes in circumstances.

4.56 Our approach to resource allocation will:

- I. Be first and foremost focussed on purpose and objectives – the Corporate Plan. This will drive service delivery.
- II. Follow a minimum four-year (current year plus three) approach;
- III. Fit the financial envelope available and allow for a strategic focus to cross organisational as well as service redesigns as part of the Walsall Proud Programme, for how the council will change the way it delivers its services in the future as part of an integrated approach to planning. This will involve redirection of existing resources through the implementation and rollout of organisational and service transformations; identification of third part spend reductions and efficiencies; and the identification of new or revised income sources;
- IV. Include early and effective engagement, consultation and impact assessment, with our staff, partners, and stakeholders;
- V. Seek to use knowledge and understanding of our communities and evidence about the impact of service delivery and revisions to that delivery;
- VI. Make best use of all of our resources (including partner resources) and to make the optimum impact that we can for the residents and businesses of Walsall;
- VII. Be aware of and take account of external drivers and be flexible enough to adapt to changes in these;
- VIII. Identify key change required as part of the Walsall Proud Programme, and ensure this is adequately resourced and supported by the council's workforce strategy and appropriate performance systems.

4.57 Since March 2020, the council has been impacted greatly by the emergency response to Covid-19, and is now reviewing its plans on how we need to organise ourselves going forward within our new ways of working. Our Reset principles will be planned around the council's Walsall Proud Programme (WPP) key promises:

- **Improve service efficiency and performance**
 - To promote and push remote working as far as possible to minimise our estate footprint (within reasonable parameters e.g. not adopt hot-desking policy whilst covid-19 remains a risk);
 - To focus on achieving financial sustainability for the organisation through cost reduction;
 - To promote an outcome focussed culture.
- **Improve outcomes and customer experience**
 - To minimise the need for physical interactions with citizens through the use of digital / virtual technologies leading to more inclusive and flexible service access (i.e. 24 hour self-service);
 - To consider the closure of services that don't contribute well to delivering outcomes or reducing inequality;
 - To build in and embed resilience to future waves of COVID 19 or shocks.
- **Improve employee satisfaction and engagement**
 - To maintain the health and wellbeing of employees
 - To enable employees to work in the most flexible ways e.g. use new technologies, acknowledge presenteeism as an old way of working, review policies and procedures where needed

4.58 The Proud Programme covers all council services and consists of eight key work streams:

- **Outcomes, Service Levels and Delivery Models**
This work stream is supporting the alignment of council services, to better achieve the outcomes of our Corporate Plan. The Corporate Plan 2018-2021 defines ten outcomes that the council is working to deliver. To achieve these outcomes, the council's services have been collated into 11 components, based on common themes. For each component, the work stream will support services to review their current policies, processes and technology to identify areas for improvement and, as a result, deliver more effective and efficient services to local residents and businesses. Transition plans will then be developed with services to deliver the required changes.
- **Commissioning, Procurement & Contract Management (Third Party Spend)**
To identify opportunities that will enable us to financially support our current and future services, especially those developed by the Walsall Proud Programme. It will do this by reviewing and reducing third party spend and improving the 'Procure to Pay' process and systems.
- **Culture & Behaviours**
All organisations, services and staff have cultures and behaviours, good and bad. This work stream will look at how individuals make decisions, initially in the context of staff undertaking and supporting the Walsall Proud Programme. It will then implement approaches and processes that will encourage and boost the good, and challenge and change the bad.
- **Customer Access and Management**
CAM will address the mechanisms available to us to manage and streamline services we provide to our customers and improve their experience. We will equip our employees with the correct technology and tools to perform their jobs. The new approach will introduce efficiencies in our ways of interacting with them. This work

stream has developed a blueprint for the new customer operations centre which was approved by Board and Cabinet in December 2019. The team is now in implementation phase and working with services to implement.

- ***Designing the Ways of Working***

This will consider how our 'Hub', including 'Communications, Marketing and Brand', 'Business Intelligence' and 'Commissioning, Procurement and Contract Management', will work to support services. The detailed design it will produce will change the Hub services' 'Ways of Working' to make them more effective. Blueprints have been developed and preparation for transition and implementation has begun.

- ***Enabling Technology***

This will underpin and enable technology benefits envisaged throughout the Walsall Proud Programme, as well as the overall technology and digital offer for our customers. We are producing a roadmap for our future technology, translating our business strategy into a technological strategy. We are building and testing will roll out the initial processes for the customer relationship management platform. The telephony platform specification has been produced. The dashboard is being built in the business intelligence platform.

- ***Income Generation & Cost Recovery***

This is focusing on finding ways of boosting our income through the recovery of expenditure across services. Doing this will lead to a greater and more sustainable income for these services and the organisation. Cabinet in September 2019 approved the council's income and commercial policy and corporate debt policy.

- ***Service Productivity and Performance (Perform+)***

This is looking at how we work, as teams and as individuals. 'Perform+' has been rolled out in Money, Home, Job, and Adult Social Care. Diagnostics for wave2 have commenced and setting up the Perform Academy for sustainable future roll out. This people-centred approach uses one-on-one coaching of managers and team leaders and the introduction of new workplace tools and techniques to make sure employees have the skills, support and resources needed to deliver against aspirations.

4.59 Our approach to budget setting will set the overall financial savings expected to be delivered via the Proud Programme. Proud work streams will deliver the required savings for 2021/22 and beyond – the extent of savings will of course be dependent on the pace of change and the level of ambition. It is expected that a Programme Implementation Plan, identifying key delivery milestones, will be presented to Cabinet in September 2020, along with high level Service Transformation Plans, with saving delivery plans to follow from October onwards to allow stakeholder consultation to take place prior to the setting of the 2021/22 budget in February 2021.

4.60 The process and key dates to come include:

- Finalise review on the MTFO and report to Cabinet / CMT;
- Proud Implementation Plan with key milestones by September 2020;
- Delivery options developed over the Summer and Autumn, in consultation with portfolio holders;
- Review of the draft capital programme;
- Draft revenue budget options to Cabinet 21 October 2020*;

- Scrutiny of the first draft budget proposals, by overview and scrutiny committees from in October / November 2020, and feedback to Cabinet on 16 December 2020*;
- Cabinet consider recommendations of overview and scrutiny committees on first draft budget and make any amendments;
- Budget briefings for political groups and independent members through the year;
- Consultation with the public on proposals for future service delivery, and formal employee and trade union consultation;
- Receipt of the draft 2021/22 settlement estimated to be in December 2020, and the final in late January / early February 2021;
- Recommendation of the revenue budget and council tax bands, capital programme and Treasury Management Strategy by Cabinet on 10 February 2021* for consideration by Council on 25 February 2021*.

**Provisional Cabinet/Council dates to be confirmed.*

Changes to the Medium Term Financial Strategy (MTFS)

4.61 Best practice financial management requires an MTFS that is regularly updated to take into account the changing environment within which we work. The MTFS has been updated to reflect the following:

- Reference to the refreshed Corporate Plan 2018-21 as approved by Council on 27 February 2020.
- Updates to the national policy, financial context and the medium term financial outlook, following approval of the 2020/21 budget by Council on 27 February 2020.
- Reference to the Income and Commercial Policy approved by Cabinet on 4 September 2019, including approved principles in relation to income at Section 5c, and a new section in relation to Commercial at 5k.

The revised MTFS is included on the Council's Committee Management Information System webpage (underneath the electronic link to this report) should members of the public and elected members wish to refer to the full document.

Changes to the Tax Strategy and governance arrangements

4.62 It is best practice to regularly review and update the Tax Strategy and governance arrangements to account for both internal changes and legislative changes. The Tax Strategy and governance arrangements has been reviewed, and there are no changes required to be approved.

The following is the link to the current Tax Strategy and governance arrangements should members of the public and elected members wish to refer to the full document.

[Tax Strategy approved by Cabinet July 2019](#)

Council Corporate Plan Priorities

4.63 The councils financial strategy and annual budget process is designed to ensure that resources follow council priorities as set out in the Corporate Plan. Covid-19 creates risk, in that resources may need to be redirected to support the council's response, if Government funding is insufficient to fully cover both the direct (additional costs pressures, loss of income) and indirect costs (cost of reset and costs arising from delays in savings delivery due to the need to refocus on our Covid-19 response. Regular dialogue is being held with [Page 43 of 37](#) officials to seek full recovery of costs.

- 4.64 The Budget Framework ensures that the allocation of resources is aligned to the council's priorities as set out in the Corporate Plan. The Corporate Plan is the driver for all service activity.

Risk Management

- 4.65 The council is having to make decisions that have a significant financial impact without a guarantee that the costs will be fully compensated for by the Government. The most obvious financial risk is therefore that the council will, if it is not fully reimbursed for all of its direct and indirect costs, overspend its 2020/21 budget, and deplete its general reserves.
- 4.66 The 2020/21 budget and level of operating reserves were set following a robust financial risk assessment. The level of reserves can only be set based on a set of realistically foreseeable or predicted parameters, and was judged to be sufficient for all but the most unusual of events. Due regard is made to the strategic and operational risks facing the council. Some of these relate to the current economic condition, others to potential regulatory or national issues, which may have a local impact. A global pandemic was clearly not part of that assessment and therefore our reserves, should Government not fully recompense the council for all the direct and indirect costs of Covid-19, would be insufficient to provide a sufficient cushion to avoid an overspend situation.
- 4.67 The short term risk of this is being managed through close management and reporting of costs, loss of income, and indirect impacts such as the delay in delivery of approved budget savings through Cabinet/Gold/Silver Control meetings as appropriate and as reported to Cabinet in May.
- 4.68 As well as financial risk, the council maintains a register that highlights key themes of organisational risk (this is not risks to the community from Covid-19 or Reset) which is reported to Audit Committee as part of their annual work programme. The Strategic Risk Register (SRR) has been reviewed and amended to reflect the impact of Covid-19. The SRR has been reported to CMT and oversight in relation to this rests with Audit Committee, which will receive a SRR report in July. Risks to the organisation and forecast were set out in the May Cabinet report in further detail.
- 4.69 Managers are required to deliver service and improvement targets on time, to standard and within budget. The resource allocation process is governed by the overarching Medium Term Financial Strategy. Risk management is an integral part of this activity and is embedded in budget preparation, monitoring and forecasting to enable potential variances and risks to be identified early and addressed.

Financial Implications

- 4.70 The financial implications are as set out in the main body of this report. The total final cost of Covid-19 is unknown at this stage, although a range has been identified and is contained within this report. It is expected that costs up to November/December may be accommodated within the initial Covid-19 Response Funds, however should all of the identified risks arise then costs would greatly surpass these funds. The implications of that are set out in the main report and within the legal implications section of the report. Monthly returns are being provided to MHCLG of high-level projections of costs, however it is unclear whether and how further funding will be made

available and how this will be designed to reflect the individual circumstances and financial losses at an individual authority level.

- 4.71 In addition to the implications for the 2020/21 budget, Covid-19 may significantly impact on the council's reserve levels, with knock-on implications on the council's ability to set budgets for 2021/22 and future years. This remains under review. A specific assurance on the Government's plans to compensate for such losses would be welcomed by council's to ease this burden.
- 4.72 Inevitably, if funding is not provided to fully cover shortfalls, then council's will need to consider other actions short of S114 notices, including identifying further alternative savings options as set out in the main text of this report, and potentially emergency budgets.
- 4.73 The council has a statutory responsibility to set a balanced budget and to ensure it has an adequate level of reserves. The council will take a medium term policy led approach to all decisions on resource allocation.

Legal implications

- 4.74 The council is required to set and operate within a balanced budget. Section 114 of the Local Government Finance Act 1988 requires the chief finance officer (CFO), in consultation with the council's monitoring officer, to make a report under this section if it appears to him or her that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure. In practice, this is most likely to be required in a situation in which reserves have become depleted and it is forecast that the council will not have the resources to meet its expenditure in a particular financial year.
- 4.75 This mechanism, however is impractical and should be avoided, as issuing a S114 notice requires all non statutory spend to cease immediately, a situation which would just exacerbate the current situation. Assurance from Government that it will cover all direct and indirect costs of Covid-19 is therefore essential to allow council's to manage their legal obligations and maintain financial stability going forwards.
- 4.76 CIPFA's guidance to CFO's has been modified to allow councils under budgetary pressure due to Covid-19 the time and space to explore alternatives to freezing spending via a S114 notice. The temporary modifications to guidance proposed by CIPFA would mean that it should not normally be necessary for S.114 notices to be issued while informal discussions with government are in progress. The institute is proposing two specific modifications:
- At the earliest possible stage a CFO should make informal confidential contact with MHCLG to advise of financial concerns and a possible forthcoming S114 requirement.
 - The CFO should communicate the potential unbalanced budget position due to Covid-19 to MHCLG at the same time as providing a potential S114 scenario report to the council executive (cabinet) and the external auditor.
- 4.77 The council will have due regard to its statutory responsibilities in proposing any changes to service provision and its statutory responsibilities in relation to setting a balanced budget.

Procurement Implications / Social Value

- 4.78 A number of goods and services, such as PPE, are currently being procured and procurement colleagues are working closely with services to ensure this is done in an agile, but compliant manner.

Property implications

- 4.79 Many council premises are currently either closed or open with restricted access to essential workers.

Health and wellbeing implications

- 4.80 This report is prepared with consideration of health and wellbeing implications.

Staffing Implications

- 4.81 There have been significant implications for staff and how they support delivery of services. Many are having to adapt to new ways of working, particularly home working. There are opportunities to review our future ways of working as part of 'reset'.

Reducing Inequalities

- 4.82 The 2010 Equality Act lays a requirement to have due regard to the equality impact when exercising its function. As a public body, the council is required to comply with the Public Sector Equality Duty (PSED), as set out in the Equality Act, 2010. The PSED requires the council to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Failure to meet these requirements may result in the council being exposed to costly, time-consuming and reputation-damaging legal challenges.

Consultation

- 4.83 The report is prepared in consultation with the s151 Officer, relevant managers and directors. Comprehensive consultation will be undertaken during the budget process and feedback used to inform final decisions.

5. Decide

- 5.1 To approve the recommendations as set out in this report.

6. Respond

- 6.1 Following Cabinet's consideration and approval, the S151 Officer will ensure implementation of the recommendations.

7. Review

- 7.1 Regular monitoring reports will be presented to Cabinet to inform them of the impact of Covid-19 and the forecast for 2020/21, including an update on risks and impact on the budget for 2021/22 and beyond.

7.2 Budget proposals will be presented to Cabinet, and implemented following approval of the budget by Full Council in February 2021.

Background papers: Various financial working papers.

Author:

Vicky Buckley – Interim Director of Finance, Corporate Performance Management and Corporate Landlord,

☎ 07983 604698,

✉ Vicky.Buckley@walsall.gov.uk

Signed:



Deborah Hindson
Interim Executive Director of Resources
and Transformation (S151 Officer)
09 July 2020



Councillor M Bird
Leader of the Council
09 July 2020

Cabinet, Gold and Silver Control Approvals

| Date | Approval | Additional Costs Approved £ |
|--|--|-----------------------------|
| Cabinet approvals | | |
| 19/05/20 | Shielding and support to voluntary sector hubs to support vulnerable people and families at risk of harm of Covid-19. Total £1.033m approved, but £11k spent in 2019/20. Approved by Gold 11/05/20. | 1,022,000 |
| 19/05/20 | Adult Social Care provider payments, and additional supplier relief for contracted and non-contracted providers. | 318,900 |
| 04/06/20 | Infection Control Fund – Urgent decision taken by Leader to delegate authority to the Interim Director of Adult Social Care for allocation of the full £2,288,564 – 75% (£1,715,930) to residential and nursing providers, and 25% (£572,634) to share across domiciliary care providers based on their number of packages at a given point, both in accordance with the relevant Grant conditions. | 0 |
| 17/06/20 | Emergency Personal Protective Equipment. There are currently 164 different Care Providers that the local Hub at Goscote is supporting - 58 of those are Residential/Nursing homes in Walsall, and 107 are providers delivering a selection of extra care, supported living and domiciliary care provision. In addition to this the hub supports volunteers requiring PPE, internal workforce delivering a range of personal care and front facing work with vulnerable people, direct payment recipients and carers who may require PPE to support people at home. Following approved by Gold 22/04/20, and Cabinet report approved by the Leader 23/4/20, a rolling monthly sum of no more than £660k over 3 months (£1.98m) was agreed – <i>permission has been given by NHS England to charge PPE costs to Walsall CCG - this is assumed to be net nil cost to the councils as at despatch date. Cabinet approved for the continuous ordering of urgent local supplies of PPE via the council's Adult Social Care Provider Hub, continuing to work with the Corporate Procurement team.</i> | 0 |
| 17/06/20 | Walsall Local Outbreak Plan – Governance and Delivery Arrangements, established to provide political ownership and public-facing engagement and communications for outbreak response. It is proposed that the Health and Wellbeing Board (or subcommittee) act as the “Local Outbreak Engagement Board” and revised Health protection Forum act as the local operational oversight and is responsible for the production of the Outbreak Plan. Funding by way of the £1,650,559 ringfenced Test and Trace allocation with delegated authority to the Director of Public Health | 0 |
| Total Cabinet approvals to date | | 1,340,900 |
| Gold Control approvals >£50k | | |
| 06/04/20 | Use of Computerised Tomography (CT) equipment for digital autopsies – to be reviewed after initial 6 month period (April– Sept) | 95,200 |
| 17/04/20 | Provision of a temporary site to accommodate people from Gypsy, Roma and Travelling communities (20 April – 17 May 2020) | 30,000 |
| Page 48 of 321 | | Additional |

| Date | Approval | Costs Approved £ |
|---|---|-----------------------------|
| 22/04/20 | ICT to enable business continuity – issue of approx.100 tablets, 52 monitors, 20 docking stations and 225 mobile phones to enable staff to work remotely. £339k approved (£155k relates to 2019/20) | 184,975 |
| 24/04/20 | Temporary mortuary at Birmingham Airport. | 1,200,000 |
| 04/05/20 | Support for rough sleepers, victims of domestic abuse and complex young people requiring rehousing (13 weeks) | 136,485 |
| 22/05/20 | Extension of Family Safeguarding delay in implementation of the Social Care locality model to 31 August (further to Silver approval on 20/04/20 below) | 61,619 |
| 29/05/20 | Delay in FDAC programme grant – funding of 6 months of contract April – Sept 2020. | 77,119 |
| 23/06/20 | Co-mingled waste – additional costs to landfill following restrictions on number of caseloads that can be delivered from May 2020 – May only (further requests may be required from June onwards) | 87,073 |
| Total Gold approvals to date | | 1,872,471 |
| Silver Control approvals <£50k | | |
| 15/04/20 | Cemeteries – increase in burial standby payments, additional diggers and call out payments – April to June 2020 (13 weeks) | 27,143 |
| 20/04/20 | Family Safeguarding – delay in the implementation of the Social Care locality model over 2 months (04/05/20 – 01/07/20) | 30,150 |
| 15/05/20 | Delayed closure of Birchills Children’s Centre by 4 months (Sept – Dec 2020). Further £53k funded from Children’s action plan. | 42,667 |
| 20/05/20 | Garden waste – resources required for first 2 weeks of resuming collections (15-26 June) | 12,283 |
| 22/05/20 | Increased take up of free school meals as more meet low income eligibility criteria. Based on 100 eligible children for 10 wks from 18 May to 21 July. | 15,000 |
| 22/05/20 | One Source Programme Management Support to support implementation as a result of home working – Sept to Dec 2020. | 36,900 |
| 29/05/20 | Foster care – one off £200 to 189 fostering households for additional expenses for the period April – Sept 2020. | 37,800 |
| 03/06/20 | Mental Health first aid training and support to 130 schools and 10 providers for the period 15 June – 31 August 2020 | 21,000 |
| 19/06/20 | Interpreter costs in Children’s Services to engage with vulnerable families – April to Sept 2020 | 20,000 |
| 24/06/20 | Legal - One off costs for the provision of external legal support (specifically on safe reopening of schools inc health and safety, risk assessments, liability – both civil and criminal, PPE requirements, business closure regulations and advice generally on the Covid Act 2020) March-June 2020 | 8,875 |
| Total Silver approvals to date | | 251,818 |
| Total Cabinet / Gold / Silver approval for additional cost pressures | | 3,465,189 |

APPENDIX 2: FINANCIAL HEALTH INDICATORS – MAY 2020

| Treasury Management | 2019/20 Actual | 2020/21 Target | 2020/21 Actual |
|---|-----------------------|-----------------------|-----------------------|
| Average Interest Rate (Borrowing) | 3.74% | 3.35% | 3.37% |
| - Excluding OLA | 3.86% | 3.53% | 3.48% |
| - Including OLA | | | |
| Gearing Effect on Capital Financing Estimates | 3.92% | 5.00% | 3.52% |
| Net Borrowing Costs / Council Tax Requirement and NNDR contribution | 3.78% | 12.50% | 4.69% |
| Capital Financing Requirement (£m) | 381.564 | 380.886 | 380.886 |
| Authorised limit for external Debt (£m) | 458.391 | 472.173 | 472.173 |
| Investment Rate Average (excl Property fund) | 1.20% | 1.11% | 0.78% |

| Balance Sheet Ratios | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 (draft) |
|---|----------------|----------------|----------------|----------------|------------------------|
| Current Assets : Current Liabilities | 1.77 | 1.86 | 1.03 | 1.68 | 2.24 |
| Useable Reserves : General Revenue Expenditure | 0.57 | 0.63 | 0.65 | 0.72 | 0.73 |
| Long Term Borrowing : Tax Revenue (Using both council tax and NNDR for tax revenue) | 1.45 | 1.41 | 1.20 | 1.36 | 1.57 |
| Long Term Assets : Long Term Borrowing | 2.29 | 2.29 | 2.34 | 2.05 | 1.70 |
| Total School Reserves : Dedicated School Grant | 0.07 | 0.05 | 0.05 | 0.06 | 0.05 |

| Revenues Performance % collected for financial year | 2018/19 Actual Collected in total @ 31.05.20 | 2019/20 Actual Collected in total @ 31.05.20 | 2020/21 | |
|---|---|---|-------------------------|-----------------------|
| | | | Profiled 2020/21 | Actual 2020/21 |
| Council tax % | 96.7% | 94.5% | 18.0% | 17.0% |
| Total Council Tax collected (£m) | £127,258,304 | £131,814,502 | £25,450,000 | £24,056,917 |
| National Non Domestic Rate % | 98.5% | 97.3% | 19.1% | 15.0% |
| Total NNDR collected (£m) | £71,812,932 | £72,684,723 | £9,875,000 | £7,755,096 |

| Debtors and Creditors Performance | 2019/20 Actual | 2020/21 | |
|--|-----------------------|----------------|---------------|
| | | Target | Actual |
| Sundry Debtors Collection – Average number of days to collect debt | 25 days | 30 days | 25 days |
| Average number of days to process creditor payments* | 10 days | 14 days | 5 days |

| Management of Resources | 2020/21 | | |
|--------------------------------------|---|--------------------|--------------------|
| Service Analysis | Target | Actual | Variance |
| Children's Services | 61,465,591 | 62,469,102 | 1,003,511 |
| Economy, Environment & Communities | 35,907,793 | 36,902,389 | 994,596 |
| Adult Social Care | 64,923,993 | 66,963,998 | 2,040,005 |
| Resources and Transformation | 33,641,544 | 33,914,544 | 273,000 |
| Council Wide | 23,795,292 | 23,795,292 | 0 |
| NNDR/Top Up | (92,168,077) | (92,168,077) | 0 |
| Total Net Revenue Expenditure | 127,566,136 | 131,877,248 | 4,311,112 |
| General Reserves | Minimum £6.2m Maximum £15.5m | N/A | N/A |
| Council Funded Capital Expenditure | 50,662,572 | 48,979,996 | (1,682,576) |
| External Funded Capital Expenditure | 135,778,800 | 135,778,800 | 0 |
| Total Capital Expenditure | 186,441,372 | 184,758,796 | (1,682,576) |
| Capital Receipts | 3,412,622 | 3,412,622 | 0 |

| Management of Resources | 2019/20 | | |
|--------------------------------------|---|---------------------|---------------------|
| Service Analysis | Target | Actual | Variance |
| Children's Services | 74,413,853 | 75,564,514 | 1,150,661 |
| Economy and Environment | 59,391,898 | 59,513,597 | 121,699 |
| Adult Social Care | 63,323,488 | 63,500,820 | 177,332 |
| Resources and Transformation | 20,325,485 | 19,813,516 | (511,969) |
| Council Wide | (6,188,857) | (7,417,927) | (1,229,070) |
| NNDR/Top Up | (89,892,422) | -89,892,422 | 0 |
| Total Net Revenue Expenditure | 121,373,443 | 121,082,098 | (291,347) |
| General Reserves | Minimum £6.2m Maximum £15.5m | (14,410,205) | N/A |
| Council Funded Capital Expenditure | 36,143,094 | 14,739,594 | (21,403,500) |
| External Funded Capital Expenditure | 96,525,661 | 53,174,730 | (43,350,931) |
| Total Capital Expenditure | 132,668,755 | 67,914,324 | (64,754,431) |
| Capital Receipts | 1,869,868 | 107,246 | (1,762,622) |

Notes to Management of Resources

The figures for 2019/20 represent the actual budget and spend for each area within the authority. This will include all internal recharges such as office accommodation, central support services, and accounting adjustments for pension liability in line with FRS17 and capital charges. Capital charges and pension liability year end transactions can change substantially at year end as this is when revaluations of assets and figures from the actuary are received and budgets updated to reflect any changes.

What this tells us

| Treasury Management | |
|---|---|
| Average Interest Rate (Borrowing) | The average interest rate we are paying on the money we have borrowed compared to our target. |
| Gearing Effect on Capital Financing Estimates | Shows how a 1% increase in interest rates would affect the total interest cost to the council. |
| Net Borrowing Costs / Tax Requirement | Borrowing not financed by a grant from government, as a proportion of our Net Revenue Expenditure |
| Capital Financing Requirement (£m) | How much money we currently borrow to finance our capital programme. |
| Authorised limit for external Debt (£m) | The maximum amount of debt we should have at any one time |
| Investment Rate Average | The average interest rate we are receiving on the money we have invested. |

| Balance Sheet Ratios | |
|--|---|
| Current Assets : Current Liabilities | Our ability to meet our liabilities |
| Useable Reserves : General Revenue Expenditure | If our reserves are adequate to meet potential future variations. |
| Long Term Borrowing : Tax Revenue Using only council tax for tax revenue Using both council tax and NNDR for tax revenue | The effect of long term borrowing on our budget. |
| Long Term Borrowing : Long Term Assets | This allows us to understand the relationship between the money we borrow and the assets we have as they both change over time. |
| Total School Reserves : Dedicated School Grant | If schools reserves are at an appropriate level. |

| Revenues Performance | |
|---|---|
| % Collected for Financial Year Council Tax (%) | As a percentage the amount of council tax we collected during the financial year that runs from 1 April – 31 March. We collect council tax after the year that its related to, but this won't be included in this figure |
| National Non Domestic Rate (%) | As a percentage the amount of Business rates we collected during the financial year that runs from 1 April – 31 March. We collect council tax after the year that it related to. |
| Total Council Tax Collected (£m) | This tells us the amount of council tax we collected during the financial year that runs from 1 April – 31 March. We collect council tax after the year that it relates to, but this won't be included in this figure. |
| Total NNDR Collected (£m) | This tells us the amount of Business Rates we collected during the financial year that runs from 1 April – 31 March. We collect council tax after the year that it relates to, but this won't be included in this figure. |
| Sundry Debtors Collection Average number of days to collect debt | How long on average it takes us to collect money owed to us. |
| Average number of days to process creditors payments | How long on average it takes to pay our bills. |

| Management of Resources | |
|---|---|
| Service Analysis | |
| Children's Services Economy and Environment Adult Social Care Resources and Transformation Council Wide | Shows our forecast for how much we will spend on these services compared to what we planned and compared to how much we spent in the previous year. |
| General Reserves | Our forecast year end position on reserves against our opening balance. |
| Contingency | How much we have set aside and for unplanned expenditure, and how much we have left to spend. |
| Capital Expenditure | Forecast of our spend on capital programmes against our target |
| Capital Receipts | Forecast of how much money we expect to receive from selling some of our assets, against our target. |

APPENDIX 3: PRUDENTIAL INDICATORS - MAY 2020

National Indicators – as per CIPFA Prudential Code

| Ref | Prudential Indicator Description | 2019/20 Actual £m | 2020/21 Target £m | 2020/21 Actual £m | Variance to Target | |
|-------|--|-------------------|-------------------|-------------------|--------------------|-----|
| Pr1 1 | Capital Expenditure | 69.780 | 186.220 | 184.540 | -1.680 | -1% |
| Pr1 2 | Ratio of financing costs to net revenue stream | 4.31% | 3.78% | 3.70% | -0.08% | -2% |
| Pr1 3 | Estimates of the incremental impact of new capital investment decisions on Council Tax | £15.36 | £28.49 | £28.49 | 0.000 | 0% |
| Pr1 4 | Capital Financing Requirement | 381.564 | 380.886 | 380.886 | 0.000 | 0% |
| Pr1 5 | Authorised Limit for external debt | 458.391 | 472.173 | 472.173 | 0.000 | 0% |
| Pr1 6 | Operational Limit for external debt | 416.719 | 429.248 | 429.248 | 0.000 | 0% |

| Ref | Prudential Indicator Description | 2019/20 | 2020/21 |
|-------|--|---------|---------|
| Pr1 7 | Gross Borrowing exceeds capital financing requirement | No | No |
| Pr1 8 | Authority has adopted CIPFA Code of Practice for Treasury Management | Yes | Yes |

| Ref | Prudential Indicator Description | 2019/20 Actual £m | 2020/21 Target £m | 2020/21 Actual £m |
|-------|--|-------------------|-------------------|-------------------|
| Pr1 9 | Total principle sums invested for longer than 365 days must not exceed | 14.0 | 25.0 | 12.0 |

| Ref | Prudential Indicator Description | Upper Limit | Lower Limit | Actual 2019/20 | Actual 2020/21 |
|--------|---|-------------|-------------|----------------|----------------|
| Pr1 10 | Fixed Interest Rate Exposure | 95.00% | 40.00% | 95.20% | 95.91% |
| Pr1 11 | Variable Interest Rate Exposure | 45.00% | 0.00% | 4.80% | 4.09% |
| Pr1 12 | Maturity Structure of Borrowing: | | | | |
| | Under 12 months | 25.00% | 0.00% | 6.51% | 13.59% |
| | 12 months and within 24 months | 25.00% | 0.00% | 6.55% | 17.07% |
| | 24 months and within 5 years | 40.00% | 0.00% | 31.69% | 23.32% |
| | 5 years and within 10 years | 50.00% | 5.00% | 1.89% | 0.52% |
| | 10 years and above | 85.00% | 30.00% | 53.36% | 45.49% |

Local Indicators – As recommended by Treasury Management Panel

| Ref | Prudential Indicator Description | 2019/20 Actual | 2020/21 Target | 2020/21 Actual | Numerical Variance to Target | % Variance to Target | Met |
|------|---|----------------|----------------|----------------|------------------------------|----------------------|-----|
| L1 | Full compliance with Prudential Code. | Yes | Yes | Yes | N/A | N/A | Y |
| L2 | Average length of debt (years) | 19.05 | 25.00 | 16.32 | -8.68% | -34.72% | Y |
| L3a | Net borrowing costs as % of net council tax requirement. | 6.06% | 20.00% | 7.42% | -12.58% | -62.91% | Y |
| L3b | Net borrowing costs as % of Tax Revenue. | 3.78% | 12.50% | 4.69% | -7.81% | -62.48% | Y |
| L4 | Actual debt vs. operational debt. | 73.82% | 85.00% | 84.24% | -0.76% | -0.89% | Y |
| L5 | Average interest rate of external debt outstanding excluding former WMCC debt | 3.74% | 3.35% | 3.37% | 0.02% | 0.46% | N |
| L6 | Average interest rate of external debt outstanding including former WMCC debt | 3.86% | 3.53% | 3.48% | -0.05% | -1.53% | Y |
| L7 | Gearing effect of 1% increase in interest rate (expressed as the potential increase to the rate shown in L6 i.e. shows what the rate included in L6 would change to). | 3.92% | 5.00% | 3.52% | -1.48% | -29.6% | Y |
| L8 | Average interest rate received on STI vs. At Call rate. | n/a | 50.00% | 476.19% | 426.19% | 852.38% | Y |
| L9 | | | | | | | |
| L9a | AT call investments. | 0.63% | 0.60% | 0.21% | -0.39% | -65.00% | N |
| L9b | Short Term Investments. | 1.24% | 1.10% | 1.21% | 0.11% | 10.00% | Y |
| L9c | Long Term Investments. | 1.65% | 1.65% | 1.70% | 0.05% | 3.03% | Y |
| L9d | Property Fund Investments | 4.16% | 3.90% | 4.06% | 0.16% | 4.23% | Y |
| L10 | Average interest rate on all ST investments (ST and AT call) | 1.11% | 1.04% | 0.65% | -0.39% | -37.50% | N |
| L11 | Average rate on all investments (excluding property fund) | 1.20% | 1.11% | 0.78% | -0.33% | -29.46% | Y |
| L11a | Average rate on all investments (including property fund) | 1.50% | 1.45% | 1.19% | -0.26% | -17.93% | Y |
| L12 | % daily bank balances within target range. | 100% | 99% | 100% | 1.00% | 1.01% | Y |

Cabinet – 15 July 2020

Regional Temporary Mortuary Facility

Portfolio: Councillor Bird, Leader of the Council

Related portfolios: Councillor Perry, Communities, leisure and culture

Service: Resilience Unit

Wards: All

Key decision: Yes

Forward plan: No

1. Aim

- 1.1 To consider the future of the regional temporary mortuary facility (the 'Temporary Regional Mortuary') located at Birmingham Airport and recommend an option to Cabinet to align the Council with the six local authorities within the West Midlands conurbation and Warwickshire County Council (the 'Partner Councils') to extend the operation of the facility beyond its current end date of 4 September 2020. This option will ensure that all Partner Councils are in agreement with its future use in readiness for any further waves of Covid-19.

2. Summary

- 2.1 Covid-19 presented potential extreme excess death pressures across the country. The Partner Councils agreed in March 2020 to activate a regional mortuary located at Birmingham Airport, to support their managing this pressure.
- 2.2 Due the urgency of the requirements, approval was sought from Helen Paterson, Chief Executive and Councillor Mike Bird, Leader of the Council, on 25 March 2020, to enter into a Memorandum of Understanding with the Partner Councils to contract with Kenyon International Emergency Services, for the provision of the Temporary Regional Mortuary. Sandwell MBC led on contractual arrangements.
- 2.3 The Temporary Regional Mortuary was commissioned in March 2020. After approximately 4 weeks of operation it became apparent that the number of deaths across the region were not at the level anticipated. Therefore, to address concerns over the level of use and costs of operating the facility, a Regional Mortuary Working Group was commissioned to evaluate future options, in particular a more cost-effective approach that maximises the investment made. The Council had representation on this group.

- 2.4 The Regional Mortuary Working Group, which had representation from Birmingham City Council, City of Wolverhampton Council and Walsall Council, drew upon its own expertise and long experience dealing with death management and in resilience to review options, maximise the purchased assets and ensure the region remains able to manage any future pandemic waves.
- 2.5 This report should be read and considered in conjunction with the 'Regional Temporary Mortuary Facility' Private Session Agenda report to be presented to Cabinet on the same date as this report.
- 2.6 This is a Key Decision because it exceeds the significant threshold for expenditure.

3. Recommendations

That Cabinet:

- 3.1 Note the urgent action waiver taken on 25 March 2020, by the Chief Executive, in consultation with the Leader, to enter into a Memorandum of Understanding with the six other West Midlands councils and Warwickshire County Council to contract with Kenyon International Emergency Services, for the provision of a temporary mortuary facility to manage excess death planning, for an initial period of up to 20 weeks from 26 March 2020.
- 3.2 Approve the award of a contract to Kenyon International Emergency Services to continue delivery of the temporary regional mortuary with a reduced operation for up to the end of February 2021, in accordance with Option 5, as set out in this report and the attached private paper, which is the West Midlands Chief Executives' preferred option.
- 3.3 Note that the costs of Option 5, as set out in the private paper, can be accommodated from the original financial envelope set aside, noting that this cost is being set against the Government's unringfenced Covid-19 response fund.
- 3.4 That the Executive Director, Economy, Environment and Communities, in consultation with the Leader, be authorised to sign contracts or contract variations and any other related documents for the continued operation of the temporary regional mortuary and to agree any minor variations to the contractual arrangements or other related documents should this be required throughout the duration of provision.

4. Report detail – know

- 4.1 In March 2020 the World Health Organisation declared a pandemic in relation to a coronavirus infection (Covid-19). At the time cases were beginning to emerge in the UK, while across the European continent cases and deaths were being reported daily, particularly in Spain and Italy.
- 4.2 Both locally and nationally the number of cases of Covid-19 were being modelled as to the likely impact on the Region. The Regional Excess Deaths Working Group based forecasts of deaths on national data produced by SAGE and recommended

that a regional facility be constructed consisting of a triage/ mortuary facility, chilled storage and freezer storage. This was agreed and funded by the Partner Councils. The funding covered a lease with Birmingham Airport for two hangars and adjacent land, the construction of the facility, facilities management services the leasing of a temporary structure for a period of 20 weeks ending on 4 September 2020, and the purchase of insulation materials for lining the hangars, freezer and chiller units, racking and body boards.

- 4.3 On 25 March 2020 an urgent action waiver was approved by the Council's Chief Executive in consultation with the Leader of the Council to enter into an agreement for the setting up of the Temporary Regional Mortuary.
- 4.4 Partner Councils entered into Memorandum of Understanding on 26 March 2020, with Sandwell MBC leading on all contractual matters and construction issues.
- 4.5 The site became operational on 18 April 2020, with resourcing being provided by Sandwell MBC, the West Midlands Police, Warwickshire Police, the NHS and Birmingham CC, with support from the seconded Military Planners.

Context

- 4.6 Due to the approaching contract expiry date, 4 September 2020, the Partner Councils considered it appropriate to review and consider the future of the facility. One of the areas taken into consideration was the use of the facility over the intervening months up to early September 2020.
- 4.7 Planning assumptions were based upon the figures being reported at the time provided by Public Health England. As the facility had not been required to be used to its fullest extent it was considered appropriate to review its future use.
- 4.8 The West Midlands Chief Executives Group asked the Regional Mortuary Working Group to look at the various options available.
- 4.9 On 12 June 2020 the Regional Mortuary Working Group submitted a report, 'The Future Strategy for Temporary Regional Mortuary' outlining the eight options to the Chief Executives Group for consideration. This report is contained within the private section of the agenda because it contains information regarding the financial and business affairs of others.
- 4.10 Chief Executives of the Partner Councils met, on 17 June 2020, to discuss the following eight proposed options for the future of the facility:

Option 1: The Temporary Regional Mortuary is taken over by another party/ other parties and becomes a National Facility;

Option 2: The Temporary Regional Mortuary reduces its services and closes, selling off any equipment owned by the Local Authorities by 4 September 2020;

Option 3: The Temporary Regional Mortuary closes, storing equipment somewhere within the West Midlands/Warwickshire area, by 4 September 2020;

Option 4: The Temporary Regional Mortuary is closed, with equipment being redeployed into Business as Usual activity, to allow for any future shared mortuary facility, support across the wider West Midlands death pathway and allow potential short term enhanced freezing capacity supporting any future COVID-19 waves;

Option 5: The Temporary Regional Mortuary continues with a reduced operation for a defined longer term (maximum one year from end March 2020 due to the rental of the hangars at the Airport.) The operational side of the site would have to cease in February 2021 for the dismantlement of the equipment to ensure everything is off site by the 26 March 2021. Funding for beyond 4 September is identified, allowing for necessary response to any future waves;

Option 6: The Temporary Regional Mortuary reduces its service to freezer storage (mode shift) only until 4 September 2020, with temporary escalation capability in the event there is a second or third wave prior to that date;

Option 7: Full and immediate cessation of the regional facility forthwith, either selling or reusing owned assets; and

Option 8: West Midlands Police indicated there is an additional option, which is to include a freezer left in situ and working with minimum staffing. It is turned off and left in situ for the duration of the 12-month lease.

- 4.11 The West Midlands and Warwickshire Chief Executives considered all eight options and having consulted with their Leaders, proposed option 5 as their preferred option. As the Lead Authority on this matter, it is proposed that Sandwell MBC will take this forward through to March 2021.

Council Corporate Plan priorities

- 4.12 As a local authority, Walsall Council has a statutory duty to deliver specific services within the borough boundaries for all people and communities in Walsall. The Council fully adopted the Marmot principles in the development of the Corporate Plan, Vision, Purpose and Priorities. COVID-19 presents additional challenges to the delivery of our vision that “inequalities are reduced and all potential is maximised”. It is integral to the delivery of our vision and purpose in the service of the borough that all aspects of the management of the impact of COVID-19 on individuals and communities is efficiently, effectively and sensitively managed.

Risk management

- 4.13 As part of the review of the mortuary a SWOT (strengths, weaknesses, opportunities, threats) analysis has been undertaken by the Regional Mortuary Working Group. A key aim in making a decision is to manage the risk of any future waves of the virus. The provision of existing (business as usual) freezer capacity is insufficient to meet the demands posed by a pandemic. Option 5 was collectively considered the most appropriate option to take forward. Not entering into such an arrangement could have significant risk to the region and the Council, including public health risks and reputational risks. This option ensures that there is sufficient capacity regionally should there be a second wave.

Financial implications

- 4.14 The initial contract costs and Walsall's share are based on population. Costs to date are under the original budget envelope set aside as services have been scaled down, as demand for use of the facility has diminished.
- 4.15 The Future Strategy for Temporary Regional Mortuary report sets out 8 options and cost estimates for each, is contained within the private section of this agenda. The preferred option from a collective regional perspective was agreed as option 5, which is the most costly option. Walsall's share is, however, less than Walsall's original cost estimate share.
- 4.16 Additional to the above, storage costs will apply unless there is a decision to sell all the assets in the facility. If there was an option to relocate the facility this would also incur additional cost.
- 4.17 The 2020/21 budget monitoring position assumes estimated costs to be met from the unringfenced Government Covid-19 response fund allocated to Walsall. Option 5 would release savings from the initial agreement to be utilised to support other Covid-19 related costs.
- 4.18 Option 5 provides for:
- the facility to continue in existence with reduced operation until end February 2021;
 - the site to be vacated by 26 March 2021;
 - Sandwell MBC to provide a final account for the facility by end of March 2021;
 - Sandwell MBC to be authorised to decommission the facilities in the hangar at an agreed maximum cost, (distributed as set out in the existing funding agreement);
 - The Regional Mortuary Working Group to be instructed to work with all Partner Councils to identify how assets are to be divided (in broad ratios as set out in the existing funding agreement); and
 - The Regional Mortuary Working Group to find suitable uses, transport and storage of the assets working with partners.

Legal implications

- 4.19 Sandwell MBC are the lead authority for this project and provided legal advice and support in relation to the establishment of the Temporary Regional Mortuary. Sandwell MBC are expected to be commissioned to undertake the necessary legal and contractual arrangements to implement the facility's continued operation with a reduced operation in accordance with Option 5.
- 4.20 Sandwell MBC have prepared a draft Variation Agreement for the Partner Councils to agree, which will allow Sandwell MBC, as lead authority, to vary the existing contractual arrangements for the operation of the Temporary Regional Mortuary. The author of this Report will consult with Legal Services about the form of this agreement and any legal implications arising out of it.
- 4.21 Sandwell MBC will lead on that collaborative process and will be the contract party on behalf of the Partner Councils for the continuing or any new agreements with

Kenyon and any other providers of any aspects of the Temporary Regional Mortuary.

Procurement Implications/Social Value

- 4.22 Under normal circumstances there is a requirement to comply with the Council's Contract Rules, 'the Rules' when entering into a contract like the one referred to in this report. Due to a situation of genuine urgency, it was not possible to comply with the Rules. It was therefore necessary and appropriate to approve a waiver of the Council's Contract Rules. In accordance with Contract Rule 9.1, an urgent action waiver was signed on 6 April 2020, by the Chief Executive following the earlier approval of the Leader of the Council on 25 March 2020, to enter into the Memorandum of Understanding Agreement and commit to an associated contract with Kenyon International Emergency Services.
- 4.23 As the value of the Contract referred to in this Cabinet Report exceeds the current EU Threshold for Supplies and Services (£189,330), there is a requirement for the Council to ensure compliance with Public Contract Regulations (2015) 'PCRs'. Sandwell MBC are the lead Contracting Authority for this matter and the Council's Procurement Team will therefore undertake necessary due diligence in communication with Sandwell MBC to ensure that the award of contract and any subsequent variations comply with PCRs.

Property implications

- 4.24 There are no known property implications for this Council.

Health and wellbeing implications

- 4.25 There are no current Health and Wellbeing implications.

Staffing implications

- 4.26 There are no currently known staffing implications.

Reducing Inequalities

- 4.27 There are no currently known inequalities.

Consultation

- 4.28 The Regional Mortuary Working Group, in preparing the options paper, consulted with:
- Senior Coroner (WM)
 - West Midlands Police (DCI)
 - Birmingham City Council
 - City of Wolverhampton Council
 - Coventry City Council
 - Dudley MBC
 - Sandwell MBC

- Solihull MBC
- Walsall MBC
- Warwick DC
- Warwickshire County Council
- NHS England (EPRR)
- University Hospital Birmingham
- Birmingham & Solihull CCG
- Black Country and West Birmingham CCG
- Warwickshire County Council
- Birmingham Airport
- Funeral Directors (West Midlands wide)
- UK DVI
- Cabinet Office

4.29 The West Midlands Chief Executive Group consulted with their respective Leaders to put forward a preferred option.

5. Decide

5.1 The Partner Councils have considered the various options put forward and collectively have proposed that option 5 should be agreed for the future of the Regional Temporary Mortuary, the rationale being that we will have a 'ready to use' facility awaiting reactivation for any subsequent waves. Cabinet is asked to consider the rationale set out for accepting option 5 as the preferred option and approve the preferred option.

6. Respond

6.1 A Regional Working Group consisting of local authority officers will be actioned to implement Option 5.

7. Review

7.1 The Mortuary Working Group will monitor the operation of the facility and keep costs under close review.

Background papers

Author

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Simon Neilson
Executive Director

15 July 2020



Councillor Mike Bird
Leader of the Council

15 July 2020

Cabinet – 15 July 2020

A plan to address the mental wellbeing impact of Covid-19

Portfolio: Councillor Stephen Craddock, Health & Wellbeing

Related portfolios: N/A

Service: Public Health

Wards: All

Key decision: No

Forward plan: Yes

1. Aim

- 1.1 The aim of the plan is to address the impact of Covid-19 on mental wellbeing in Walsall. This covers actions to help with the current challenges of living within the national lockdown and also actions to prepare the borough to cope with the longer term effects on mental wellbeing, including those caused by social and economic impacts.

2. Summary

- 1.2 The purpose of this report is to set out Walsall's Action Plan for mitigating the mental wellbeing impact of Covid-19 in Walsall.

3. Recommendations

- 3.1 To approve the Action Plan for managing the anticipated impact of Covid-19 in the population, as set out in the appendix to the report.
- 3.2 To note that the Health and Wellbeing Board will receive reports on the mental wellbeing outcomes of the Action plan.

4. Report detail - know

Context

- 4.1 The 2020 Covid-19 pandemic will have a significant impact on emotional and mental wellbeing across the population¹. The immediate impacts stem from the current issues of being isolated from family, friends, work, financial concerns,

¹ Brooks SK, Webster RK, Smith LE, Woodland L, Wessely S, Greenberg N, et al. The psychological impact of quarantine and how to reduce it: rapid review of the evidence. Lancet. 2020;395(10242):911-9.

bereavement and uncertainty about the future. It is understandable that people may be experiencing higher levels of anxiety than usual.

4.2 The Council, along with local partner agencies, is managing through significant challenges to service provision and this is likely to continue for the next few months.

4.3 There is a need to identify the potential impact and mitigating actions for the short, medium and long term as part of the reset programme of work.

4.4 The challenge is threefold:

To reduce any ongoing harm from poor mental wellbeing in the Borough

To prepare the borough to manage and become more resilient to the longer term effects of poor mental wellbeing

To do this whilst offering the present workforce sufficient support, recognising they are also effected by the pandemic.

4.5 What is Mental Wellbeing?

One definition from MIND is:

Mental health is not just the absence of mental disorder. It is defined as 'a state of wellbeing in which every individual realises his or her own potential, can cope with daily life, can work productively and fruitfully, and is able to make a contribution to her or his community.'

This is seen when

"You care about yourself and you care for yourself. You love yourself, not hate yourself. You look after your physical health – eat well, sleep well, exercise and enjoy yourself.

You see yourself as being a valuable person in your own right. You don't have to earn the right to exist."

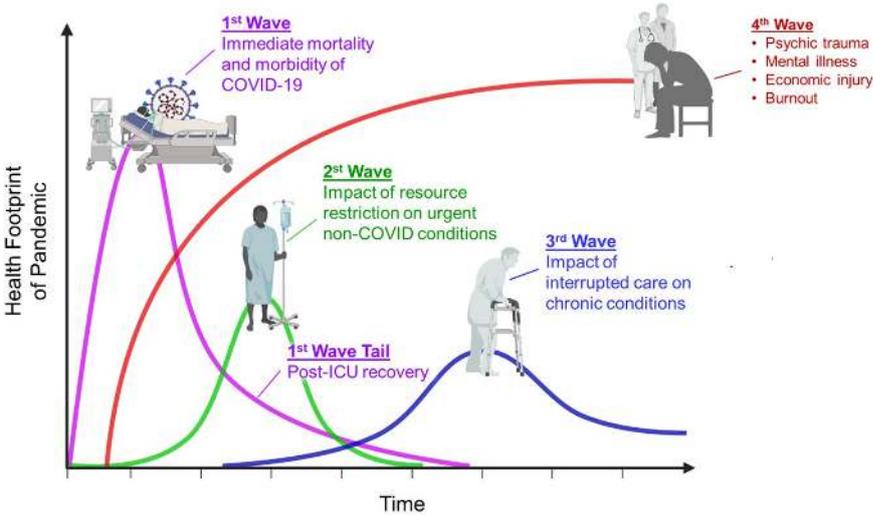
4.6 There has been no comparable worldwide major incident in living memory to the current Covid-19 pandemic. Predictions of the likely impact of this on the mental wellbeing of our population can only be estimations. There are however, published studies on the wellbeing impact of disasters and major incidents in the UK and worldwide, and the learning from organisations such as the World Health Organisation (WHO) and the UK Psychological Trauma Society (UKPTS) can be applied to our Action plan for recovery and reset.

4.7 Rates of mental health problems such as anxiety, depression, and post-traumatic stress disorder increase as a result of emergencies and in some studies are estimated to increase by 50-100%. Increased rates of mental disorders translate into a greater need for services across a broad spectrum of the population.

What is The Outlook for the impact of Covid-19 on mental wellbeing?

4.8 The outlook can be viewed across the expected timeline of the pandemic (figure 1), with the most sustained impact (red line) being on mental health.

Figure 1: The Broad picture of change in Service “Demand” over time



4.9 The effects will vary for different age groups and social circumstances, but are likely to be wide-reaching (summarised in figure 2 below) and for some people, this will be cumulative.

Mental Health Impact of COVID-19 Across Life Course

| | | Pre Term | 0-5 Years | School Years | Working Age Adults | Old Age |
|--------------------------------------|-----------------|--|---|---|--|---|
| Cumulative issues to consider | Short Term | <ul style="list-style-type: none"> Anxiety about impact of COVID on mother and baby | <ul style="list-style-type: none"> Coping with significant changes to routine | <ul style="list-style-type: none"> Boredom Impact of parental stress | <ul style="list-style-type: none"> Being out of work Financial worries The fear of going back into work | <ul style="list-style-type: none"> Isolation and disruption of routine Fear about impact of COVID if infected |
| | Medium Term | <ul style="list-style-type: none"> Financial worries | <ul style="list-style-type: none"> Impact of parental stress and coping on child | <ul style="list-style-type: none"> Isolation from friends School progress and exams | <ul style="list-style-type: none"> Balancing work and home Carer stress | <ul style="list-style-type: none"> Anxiety from being dependent on services |
| | Long Term | <ul style="list-style-type: none"> Longer Term Isolation | <ul style="list-style-type: none"> Isolation from friends | <ul style="list-style-type: none"> Anxiety or depression or other MH problems | <ul style="list-style-type: none"> Anxiety about measures and family dependents or children Isolation | <ul style="list-style-type: none"> Financial worries Balancing work and home |
| Cross-Cutting issues | Staff/Vols | Cumulative load of stress from significant changes. Traumatic incidents. Isolation from work colleagues. Having to manage working from home. Potential bullying from or to others as part of not coping. | | | | |
| | Loss | Loss of loved ones dying may be particularly severe and grieving disrupted because of inability to do normal grieving rites e.g. being physically close to dying person, usual funeral rites, attend funeral etc. | | | | |
| | Specific Issues | Impact of delayed diagnosis and treatment (e.g. chronic conditions, surgery, people living in pain). Suicide and self harm risk for most at risk populations. Members of faith communities may feel disconnected during closure of premises. Domestic abuse may be issues across lifecourse. Drug and alcohol issues. People reliant on foodbanks or on low incomes or self employed may have additional stress. | | | | |

Figure 2: Summary of the mental health impacts of Covid-19

What is the local picture in Walsall so far?

- 4.10 There has not yet been the anticipated increase in people presenting with mental health problems, domestic abuse or seeking emotional support from voluntary and community groups. However, there are reports of many more residents drinking alcohol to excess, and the Claimant count for Jobseeker's Allowance and Universal Credit rose by 3,655 people in April (a 42.5% increase from the previous month).
- 4.11 There is no evidence yet of an increase in suicides but this is being closely monitored across the Black Country.
- 4.12 Deaths due to Covid-19 as at 29th May (data released 9th June by ONS) at a Local Authority Level shows Walsall as having the 20th highest registered Covid-19 death rate by Local Authority in England and Wales and the second highest in the West Midlands region:

How have we responded?

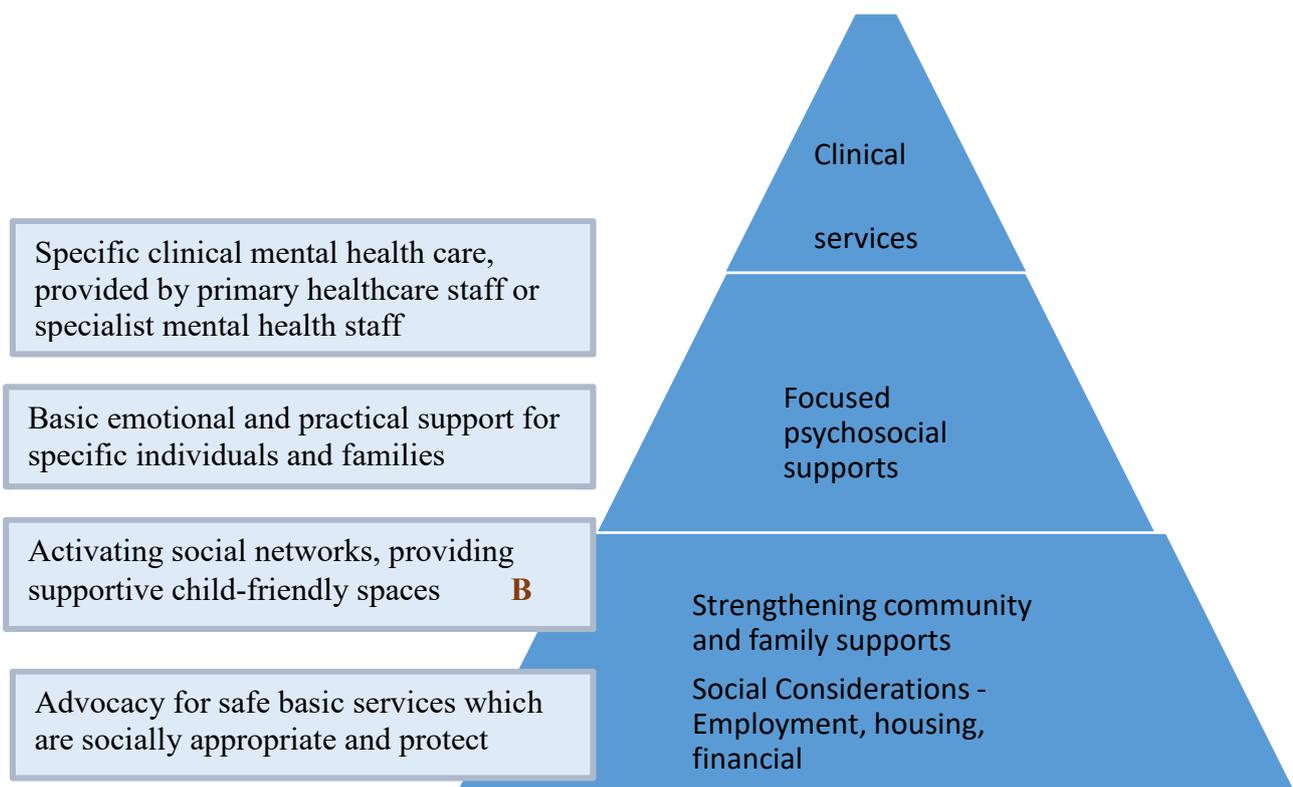
- 4.13 Council officers have worked with colleagues in the statutory and voluntary sector to provide direct assistance e.g. food and shopping, telephone befriending, as well as regular and specific information on staying well through

the Lockdown. Mental Health awareness week provided an opportunity to refresh messages on keeping mentally well.

- 4.14 A wide range of advice, training, and help with accessing financial support schemes has also been delivered for residents and for businesses.
- 4.15 18 Walsall based community organisations have received funding from the Heart of England Coronavirus Emergency Fund (highest in the Black Country), 3 have successfully received monies from the Food for Life Emergency Programme, and 10 from the Severn Trent Community Foundation, all for vital work in the community such as the provision of counselling, advice and guidance and volunteering.
- 4.16 Support for Council staff has been enhanced (e.g. access to the SilverCloud online support service) and the EAP scheme has been extended to include Third Sector partners working with Council staff on Covid-19. Care Home staff have been offered psychological support.

What Next?

- 4.17 We are aware of the potential impact of the pandemic on the mental wellbeing of our residents and staff. In the absence of accurate quantification of those impacts, any plan of action for mitigation will need to be flexible enough to respond to new information and evidence as it is obtained.
- 4.18 The World Health Organisation (WHO) has a mental health and psychosocial support model for managing the recovery from major incidents and disasters (below). An action plan to address the local impact of Covid-19 on mental wellbeing in Walsall has been developed, based on this model and is appended to this report.
- 4.19 The Intervention pyramid for mental health and psychosocial support in emergencies – WHO approach.



- 4.20 Successful implementation of the WHO pyramid requires system commitment from an extended group of partners and collaborators, service users, and the wider community. There is a local agreement in place for mental health service delivery between health and care partners across the Black Country. The proposed action plan will build on this agreement to shape future mental health service provision to address the population needs arising from the pandemic.
- 4.21 In the short term, the need is for a reactive response to support communities in dealing with anxieties arising from the Lockdown e.g. isolation, bereavement, service continuity, financial and employment uncertainty. Support needs to cover;
- 1) General promotion of good mental health and wellbeing
 - 2) Support for those at greater risk of poor mental health and
 - 3) Support for those with existing mental health conditions.
- 4.22 At the same time, there is a need to start collating information on the impact that Covid-19 is having on the mental wellbeing of residents.
- 4.23 For the medium term, discussions are underway between the Council, directors in the NHS and the voluntary sector, aligning recovery plans across agencies in Walsall to include actions to support mental wellbeing. This would include agreement on support for the voluntary sector, joint bids for national monies and projects, refreshing pathways of support and agreement on communications with residents and businesses.

The Value of the Proposed Approach for the Action Plan

- 4.24 The Action Plan recognises the population's need for support and also the need to mobilise partners in improving mental wellbeing in a manner which is possibly more systematic than has been done previously. This includes:
- The capturing of local impacts on our population and flexing the action plan to promote mental and emotional resilience.
 - Rapid implementation of any high benefit, low cost interventions identified.
 - Providing communities, businesses and voluntary groups with resources to support self-care and emotional resilience.
 - Inclusion of mitigating actions for mental wellbeing in recovery and reset plans for all agencies.
 - Regular and robust communications with residents to share tools and resources to promote resilience
 - Maximising economic regeneration opportunities to bring resources into the borough.
 - Political support for the action plan from local councillors.

The more detailed action plan is appended to this report.

Council Corporate Plan priorities

- 4.25 The proposed action plan is linked to all ten council corporate plan priorities.

Risk management

- 4.26 There are a number of interdependencies which will need to be managed in order to ensure the action plan remains in line with future ways of working. Including this action plan as part of the reset objective working group will help to mitigate any risks.

Financial implications

- 4.27 There are no direct financial implications arising from this report at present. However, if additional resources are found to be required, requests would be channelled through the appropriate Covid-19 authorisation process.

Legal implications

- 4.28 There are no immediate legal implications.

Procurement Implications/Social Value

- 4.29 There are no immediate procurement implications related to the proposed Action Plan. However, there are opportunities to build a range of measures of social value into contracts in the medium to long term. Advice will be sought from

Procurement to ensure that any contractual changes associated with the action plan are completed in a compliant manner.

Property implications

- 4.30 There are no property implications arising from this proposal.

Health and wellbeing implications

- 4.31 It is recognised that the Covid-19 pandemic could cause significant harm to health & wellbeing in Walsall. The proposed Action Plan to address the mental wellbeing impact is anticipated to provide some mitigation for this harm. Continued surveillance of both the local impact and the effect of the actions in the Action plan will be important.

Staffing implications

- 4.32 Implementing the Action Plan is likely to require additional training for staff employed by the Council (particularly in mental health first aid). The full impact of the pandemic for staff will become apparent over time. Specific items in the Action plan will need to be amended in line with information gathered.

Reducing Inequalities

- 4.33 National data has identified that those in the lowest socio-economic groups are most effected by the pandemic. Implementing this mental wellbeing action plan should help to mitigate the impact on these communities.

Consultation

- 4.34 The Action Plan has been drafted in consultation with officers in local mental health services providers (statutory and voluntary sector) housing providers, academic institutions, Walsall Clinical Commissioning Group, learning and development and social care providers. No formal public consultation is likely to be generated by this Action plan. However, engagement with a range of organisations and community groups is expected.

5. Decide

From the national data available and knowledge of local issues, the proposed action plan has been drafted as the most appropriate to mitigate the impact on our population. CMT is requested to consider the content of this report and to agree the recommendations as outlined at section 2.

6. Respond

The action plan will be put in place with ongoing oversight via the Reset objective processes.

7. Review

Reporting of the mental wellbeing outcomes of the Action plan will be to the Health & wellbeing Board.

Background papers

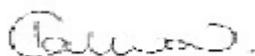
Author

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Kerrie Allward
Executive Director

15th July 2020



Councillor Craddock
Portfolio holder Health & Wellbeing

15th July 2020

AN ACTION PLAN TO MITIGATE THE IMPACT OF THE COVID-19 PANDEMIC ON MENTAL WELLBEING IN WALSALL

AIM

The aim of this plan is to address the impact of Covid-19 on mental wellbeing in Walsall. This covers actions to help with the current challenges of living within the national lockdown as well as actions to prepare the borough to cope with the longer term effects on mental wellbeing, including those caused by social and economic impacts.

INTRODUCTION

The 2020 Covid-19 pandemic will have a significant impact on emotional and mental wellbeing across the population¹. The immediate impacts stem from the current issues of being isolated from family, friends, work, financial concerns, bereavement and uncertainty about the future. It is understandable that people may be experiencing higher levels of anxiety than usual.

The Council, along with local partner agencies, is managing through significant challenges to service provision and this is likely to continue for the next few months.

We need to be identifying the potential impact and mitigating actions for the short, medium and long term as part of the reset programme of work.

The challenge is threefold:

1. To reduce any ongoing harm from poor mental wellbeing in the Borough
2. To prepare the borough to manage and become more resilient to the longer term effects of poor mental wellbeing
3. To do this whilst offering the present workforce sufficient support, recognising they are also affected by the pandemic.

What is Mental Wellbeing?

The definition from the mental health charity, MIND, is:

Mental health is not just the absence of mental disorder. It is defined as 'a state of wellbeing in which every individual realises his or her own potential, can cope with daily life, can work productively and fruitfully, and is able to make a contribution to her or his community.'

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This is seen when

"You care about yourself and you care for yourself. You love yourself, not hate yourself. You look after your physical health – eat well, sleep well, exercise and enjoy yourself.

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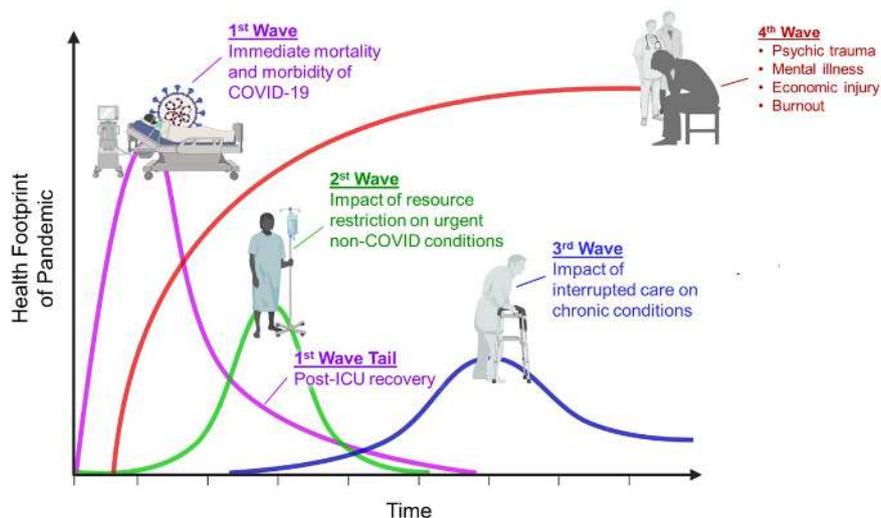
There has been no comparable worldwide major incident in living memory to the current Covid-19 pandemic. Predictions of the likely impact of this on the mental wellbeing of our population can only be estimations. There are however, published studies on the wellbeing impact of disasters and major incidents in the UK and worldwide, and the learning from organisations such as the World Health Organisation (WHO) and the UK Psychological Trauma Society (UKPTS) can be applied to our plans for recovery and reset.

Rates of mental health problems such as anxiety, depression, and post-traumatic stress disorder increase as a result of emergencies and in some studies are estimated to increase by 50-100%. Increased rates of mental disorders translate into a greater need for services across a broad spectrum of the population.

What is The Outlook for the impact of Covid-19 on mental wellbeing?

The outlook can be viewed across the expected timeline of the pandemic (figure 1), with the most sustained impact (red line) being on mental health.

Figure 1: The Broad picture of change in Service "Demand" over time



The effects will vary for different age groups and social circumstances, but are likely to be wide-reaching (summarised in figure 2 below) and for some people, this will be cumulative.

Mental Health Impact of COVID-19 Across Life Course

| | | Pre Term | 0-5 Years | School Years | Working Age Adults | Old Age |
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Figure 2: Summary of the mental health impacts of Covid-19

We do not yet know the number of people in our population who may be affected by any of these issues at any one time and nationally and globally, it is too soon in the pandemic to accurately predict the longer term impact. Figure 3 illustrates the very wide potential effects and duration of anxiety in the working age population arising from the pandemic.

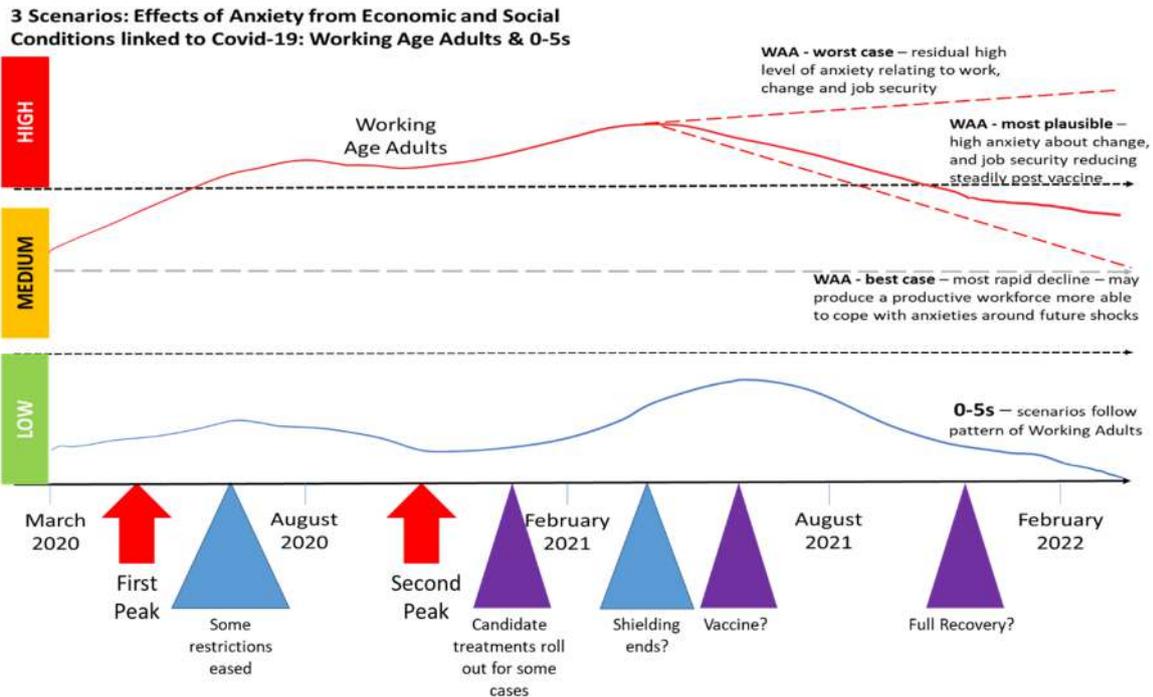


Figure 3: Scenarios showing Potential Impacts of Covid-19 linked Economic and Social Anxieties on Working Age Adults (and 0-5s)

What is the local picture in Walsall so far?

Information gathered from local and national organisations on the impact of the pandemic to date include:

Domestic Abuse – In March, national charities reported a 49% rise in calls to the national abuse helpline, compared with average, and also a 35% rise in calls to the equivalent Men's Advice Line. Walsall agencies have not seen the same level of increase and officers have expressed concerns that there is under reporting, particularly where the impact is on young people. This is in line with the Local Government Association (LGA) reports that councils are seeing up to a 50 per cent decline in social care referrals of children who are at risk.

A National survey by YoungMinds of 2,111 people aged under 25, with a history of mental health needs found that 83% reported that the pandemic had made their mental health worse. For 32% of respondents, it was said to be “much worse”.

The Office for National Statistics (ONS) Opinions and lifestyle survey has reported up to 48% of adults saying their well-being is affected by the coronavirus pandemic.

The Claimant count (includes Jobseeker's Allowance and Universal Credit claimants who are required to look/be available for work) in Walsall for April 2020 was 12,260 – an additional 3,655 people (42.5% increase) from the previous month (the increase February to March was only 4.1%). This equates to 7.1% of working age population.

However, the rates are much higher in some wards (Blakenall 9.5%, Darlaston South 9.4%).

HRNews reported that 41% of all calls to their Employee Assistance Programmes are related to mental health problems. 54% of these were from men.

Several organisations have reported that staff absence has not risen as predicted. Voluntary groups are generally still operating but via telephone or online methods only. This is challenging for some services e.g. Dementia Cafes, where the social interaction aspect is highly valued by carers.

The Black Country partnership Trust (mental health) has not seen activity rise as high as was initially feared, but there is a suggestion that those who are presenting acutely are coming forward later than previously.

Mental health services (statutory and voluntary) have moved to a telephone or online offer. Feedback is that this is accepted by around two-thirds of clients. However, some residents are opting to wait until Lockdown is eased in order to access face to face appointments.

NHS partners report an increase in the number of people attending the Emergency Department with alcohol excess. There is a suggestion that people are using alcohol as a coping mechanism for anxiety.

There is no evidence yet of an increase in suicides but this is being closely monitored across the Black Country.

Deaths due to Covid-19 as at 29th May (data released 9th June by ONS) at a Local Authority Level shows Walsall as having the 20th highest registered Covid-19 death rate by Local Authority in England and Wales and the second highest in the West Midlands region:

Compared with the rate among people of the same sex and age in England and Wales, men working in the lowest skilled occupations have the highest rate of death involving Covid-19, with 21.4 deaths per 100,000 males in Walsall (9.9 per 100,000 in E&W). Rates are also higher in certain occupations and in BAME communities, those with underlying health conditions and those in socio-economically deprived communities.

How Have We Responded So Far?

Support for Schools and Early Years

For the schools and early years' settings that have remained open during Lockdown, wellbeing training for staff, bereavement services for Children and Young People and daily updates which include mental wellbeing have been offered. Specific training in mental health first aid have commenced for schools staff, provided by the Council's

Learning & Development Team. Resources on working from home (WM combined Authority - Thrive) and supporting children 'Every Mind Matters' have been disseminated to parents via schools.

Webinars on reopening Schools and Early Years settings were commenced in May. Bespoke support for mental wellbeing will be provided by school health nurses as sites reopen to pupils.

Training in mental health first aid via live sessions and an online platform has been offered for 150 teaching staff across the borough.

Support for Communities

The Resilient Communities teams have provided direct practical support (e.g. food, shopping) for residents and have linked people to telephone befriending support where possible.

Regular publication of national support resources e.g. 'Every Mind Matters' has been channelled through our websites, various social media communications and direct email to households. Information on local services have also been regularly promoted.

Social care teams have actively sought referrals of people identified through the shielding scheme as requiring more help with mental health problems.

Guidance on seeking help for domestic abuse has been widely publicised nationally and via Walsall Council and partner organisations.

Police services across the West Midlands are running engagement exercises with communities to better understand the impact of the pandemic on their lives and neighbourhoods. This information can help in future planning for services.

The External Funding Team is liaising with National Heritage Lottery Fund to include mental health and well-being as a cross cutting theme in Council heritage bids and proposals.

The Regeneration team has been very active in encouraging residents to apply for benefits (e.g. Universal Credit, Council Tax deferments) and for businesses to take up the range of national and local opportunities available.

Bids for funding the community and voluntary section to support mental wellbeing have been submitted to the Kings Fund.

18 Walsall based community organisations have received funding from the Heart of England Coronavirus Emergency Fund (highest in the Black Country), 3 have successfully received monies from the Food for Life Emergency Programme, and 10

from the Severn Trent Community Foundation, all for vital work in the community such as the provision of counselling, advice and guidance and volunteering.

Support for Staff

Support for staff has been enhanced (e.g. access to the SilverCloud online support service) and the EAP scheme has been extended to include Third Sector partners working with Council staff on Covid-19. Care Home staff have been offered psychological support as part of the enhanced support team provided by Walsall Together.

Support for those with mental health problems

Extra services have been introduced including a widely publicised (online, newspaper, radio) mental health helpline across the Black Country, which operates on 7 days per week. This allows self-referral by the public into services.

The activity is not yet available but the Trust reports that residents who have never used mental health services are coming forward. Walsall and Dudley appear to have lower uptake of this service and so more promotion is required.

Walsall Crisis café (known as the Sanctuary Hub) had to be paused but, does now provide support via phone and are now discussing plans to reintroduce face to face support.

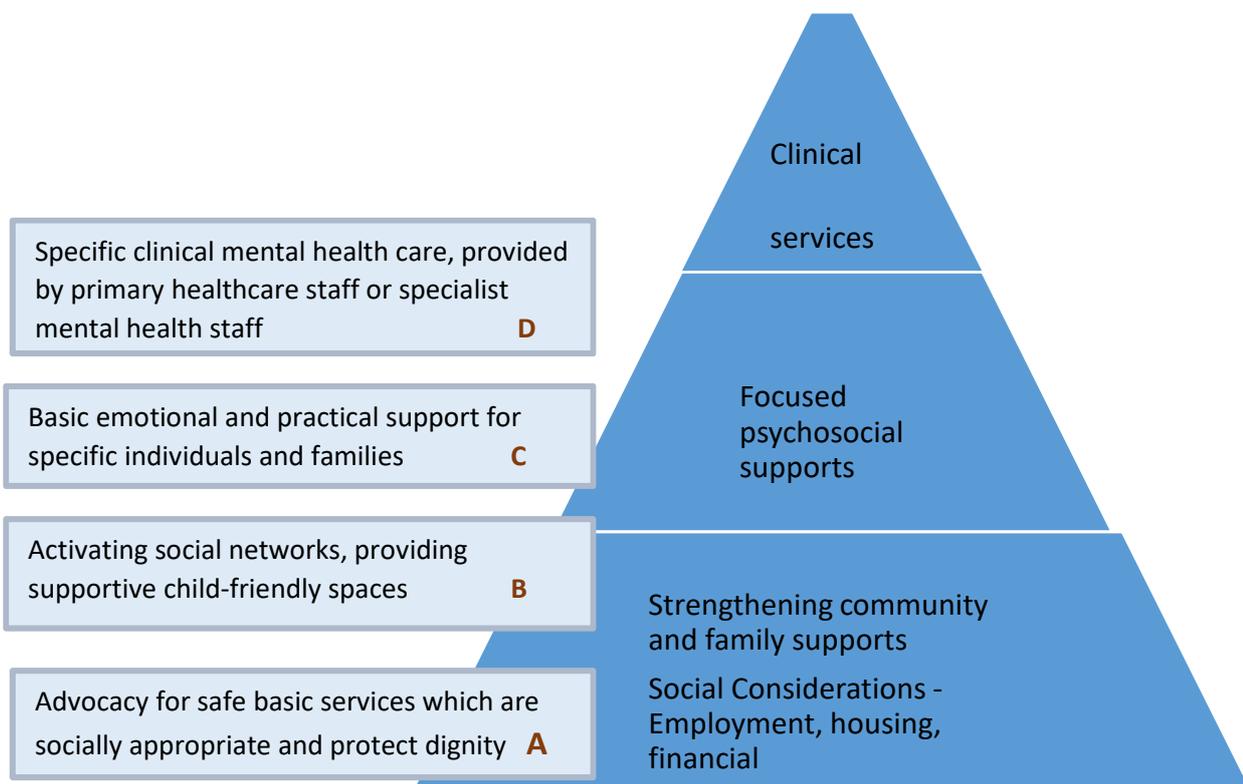
Counselling and Talking Therapies are being delivered via telephone, video or online by all providers in the statutory and voluntary sector.

Additional beds in mental health services have been purchased for in patients and extra older adult beds for a specialist dementia care provider in Walsall have been secured. This will avoid hospital admission or facilitate discharge for people with dementia and associated physical health needs that can be supported outside of a hospital setting. The existing bed stock has been re-specified to allow for suspected/confirmed Covid and non-Covid patients to be kept apart. This helps to allay anxiety in patients and staff.

What Next?

We are aware of the potential impact of the pandemic on the mental wellbeing of our residents and staff. In the absence of accurate quantification of those impacts, any plan of action for mitigation will need to be flexible enough to respond to new information and evidence as it is obtained.

The World Health Organisation (WHO) has a mental health and psychosocial support model for managing the recovery from major incidents and disasters (below). The action plan is based on this model.



Intervention pyramid for mental health and psychosocial support in emergencies – WHO approach.

Successful implementation of the WHO pyramid requires system commitment from an extended group of partners and collaborators, service users, and the wider community. There is a local agreement in place for mental health service delivery between health and care partners across the Black Country. The proposed action plan will build on this agreement to shape future mental health service provision to address the population needs arising from the pandemic.

In the short term, the need is for a reactive response to support communities in dealing with anxieties arising from the Lockdown e.g. isolation, bereavement, service continuity, financial and employment uncertainty. Support needs to cover:

- 1) General promotion of good mental health and wellbeing;
- 2) Support for those at greater risk of poor mental health and
- 3) Support for those with existing mental health conditions.

At the same time, there is a need start collating information on the impact that Covid-19 is having on the mental wellbeing of residents.

For the medium term, discussions are underway between the Council, directors in the NHS and the voluntary sector, aligning recovery plans across agencies in Walsall to include actions to support mental wellbeing. This would include agreement on support for the voluntary sector, joint bids for national monies and projects, refreshing pathways of support and agreement on communications with residents and businesses.

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The Value of this Proposed Approach

The approach recognises the population's need for support over the short, medium and longer term and also the need to mobilise partners in improving mental wellbeing in a manner which is different and possibly more robust than has been done previously. This includes:

- The capturing of local impacts on our population and flexing the action plan to promote mental and emotional resilience.
- Rapid implementation of any high benefit, low cost interventions identified.
- Providing communities, businesses and voluntary groups with resources to support self-care and emotional resilience.
- Inclusion of mitigating actions for mental wellbeing in recovery and reset plans for all agencies.
- Regular and robust communications with residents to share tools and resources to promote resilience
- Maximising economic regeneration opportunities to bring resources into the borough.
- Political support for the action plan from local councillors.

The detailed action plan is laid out at Appendix 1.

It is anticipated that oversight of the action plan will be via the Health & Wellbeing Board.

A Plan of Action for Walsall to Mitigate the Impact of the Covid 19 pandemic on Mental Wellbeing (based on the WHO pyramid for mental health and psychosocial support in emergencies).

Please note, discussions are underway on the most appropriate Leads for some actions.

| Advocacy for safe basic services which are socially appropriate | | | | |
|--|---|--|--|---------------------|
| What is the activity? | Who will be doing this? | Who will this impact? Adults of working age Older people School age children Children aged 0-5 | Timeframe Short - S Medium - M Long - L | Initial target date |
| Secure Champions from elected members to promote the approach across Walsall. | All directors | Adults Older people Children Children 0-5 | S, M, L | End of July 2020 |
| Coordinate agreement from partner agencies to promoting the approach. | Walsall Together, CCG, Black Country Trust, relevant partner agencies | Adults Older people Children Children 0-5 | S | End of July 2020 |
| Confirm joint and/or aligned recovery plans with organisations in Walsall to incorporate actions to address the impact on mental wellbeing of Covid-19 | Walsall Together, CCG, Black Country Trust + partners | Adults Older people Children Children 0-5 | S, M | Aug 2020 |
| Explore opportunities for bids for national funding (including supporting community associations and voluntary groups to bid). | Regeneration + Programme Management | Adults Older people Children Children 0-5 | M, L | Oct 2020 |
| Generate list of funding opportunities & establish teams channel for dissemination. | Regeneration + Programme Management | Adults Older people Children Children 0-5 | S, M, L | Aug 2020 |
| Explore how bringing forward crowdfunding proposals for Walsall can support the community | Regeneration + Programme Management | Adults Older people Children | M | Aug 2020 |

| | | | | |
|--|--|---|------|-----------|
| associations and voluntary groups to deliver mental health objectives. | | Children 0-5 | | |
| Agreement on appropriate information to collate on local effects on residents e.g. school attendance, referrals to services. | Public Health team + Heads of Service with relevant agencies and communities | Adults Older people Children Children 0-5 | S, M | Aug 2020 |
| Review and reporting of information collated on local effects on residents and businesses | Intelligence Hub + NHS partners | Adults | S | Sept 2020 |
| Access schemes to improve skills for work Work with employers to maximise employment opportunities. | Regeneration + Programme Management | Adults | M | Mar 2021 |
| Guidance for employers on staying safe | Council teams - Regeneration + Programme Management, Environmental health, public health, Social Care. | Adults | S | June 2020 |
| Provide guidance for employers and employees on managing through the pandemic e.g. Thrive at Work, Thrive at Home | Regeneration & Economy, Public Health, Communications | Adults | S | June 2020 |
| Work with housing groups and landlords to support national policies on tenant management and support | Customer Engagement team | Adults | M | Oct 2020 |
| Collaborate with national bodies (e.g. Mental Health Foundation, LGA) to secure evidence and resources to improve mental wellbeing | Public Health + L&D | Adults Older people School age children Children 0-5 | S | July 2020 |
| Guidance and support for Head Teachers as schools re-open. | Children's teams, public health, health & safety teams. | Children Children 0-5 | S | June 2020 |
| Maintain services to provide help for those in social isolation | Community Help | Older people | S | June 2020 |

| | | | | |
|--|--|---|---------|-----------|
| Explore opportunities for joint work to advocate for Walsall in regional or national networks | All Directors + partner agencies | Adults Older people School age children Children 0-5 | S | July 2020 |
| Lead the development of a mental wellbeing strategy | Public Health | Adults Older people School age children Children 0-5 | M | Dec 2020 |
| Ensure inclusion of mental wellbeing in plans for the environment, transport and town centres. | Regeneration + public health | Adults Older people School age children | L | June 2021 |
| Activating social networks, providing supportive spaces | | | | |
| Build on increase in volunteering offers in order to support community mental wellbeing | Resilient Communities | Older People Adults Children | M | Oct 2020 |
| Secure offer for training for volunteers e.g. mental health first aid. | Learning & Development | Older People Adults Children | S, M | Sept 2020 |
| Confirm alignment of recovery plans across organisations e.g. support for community groups | Reset Group with partner agencies | Older People Adults Children | M | Sept 2020 |
| Focus on maintaining or rebuilding the voluntary sector | Resilient Communities + partner agencies | Older People Adults | M, L | Nov 2020 |
| Work with communities to capture information on local effects on residents | Public Health team + Heads of Service with relevant agencies and communities | Older People Adults Children Children 0-5 | S, M, L | Oct 2020 |
| Review plans for access and events in leisure and outdoor spaces | Place and environment | Older People Adults Children Children 0-5 | M | Sept 2020 |
| Promotion of activities and events for leisure and outdoor spaces | Place and environment + communications | Older People Adults Children, Children 0-5 | S, M | July 2020 |

| Basic emotional and practical support for specific individuals and families | | | | |
|--|--|---------------------------------------|------|-----------|
| Secure training in mental health first aid for extended range of schools and children's settings | Children's services + L&D | Children 0-5 Children – school age | S, M | Sept 2020 |
| Clarify level and range of bereavement services required locally | Bereavement + intelligence hub | Older People Adults Children | M | Oct 2020 |
| Offer community mental health and suicide prevention training for staff and businesses in Walsall | Learning & Development | Older People Adults Children | M | Aug 2020 |
| Communication plan for residents on how to stay well through the pandemic | Communications, Public Health + service leads working with relevant agencies | Older People Adults Children | S, M | July 2020 |
| Generate support materials for specific groups within communities e.g. those with sensory impairment, long term conditions | Communications, Public Health + service leads working with relevant agencies | Older People Adults | S, M | June 2020 |
| Identify, promote and track effect of resources shared with residents | | Older People Adults Children | M | Oct 2020 |
| Refresh campaign for the autumn/winter to promote wellbeing | Public Health + communications with partner agencies | Older People Adults Children | S, M | Sept 2020 |
| Offer of mental health first aid training for officers in contact with the public across a range of services | Learning & Development with other HR partners | Older People Adults Children | S, M | Nov 2020 |
| Support for access for residents to financial advice and support | Council teams lead with clarity on signposting provided to other agencies | Adults Older People | S | Oct 2020 |
| Liaise with Arts societies and providers to promote benefits on mental wellbeing | Leisure services | Adults Children | L | May 2021 |

| | | | | |
|---|--|------------------------------------|------|-----------|
| Provide resources for all agencies on supporting staff wellbeing | HWBB staff wellbeing subgroup | Adults | S | Sept 2020 |
| Recruitment and training of mental wellbeing champions across agencies in Walsall | Resilient communities | Adults Children | L | Feb 2021 |
| Strengthening services to support family relationships to include suicide prevention training across communities | Social care, Domestic Abuse for a, suicide prevention steering group | Adults Children Older People | M, L | Oct 2020 |
| Specific clinical mental health care, provided by primary healthcare staff or specialist mental health staff | | | | |
| Confirmation of offer for mental wellbeing and counselling in primary care | Public Health + Social care with NHS partners | Older People Adults | M | Nov 2020 |
| Agree offer for children and young people experiencing anxiety on school return | Public Health + Children's Services | Children | S, M | July 2020 |
| Agreement on recovery plan longer term service planning | Social care with public health + NHS strategic (Black Country) Mental health group | Older People Adults Children | M | Dec 2020 |
| Confirm inclusion of extended mental wellbeing resilience for pastoral care in schools | Children's services + public health | Children | M | Oct 2020 |
| Process to ensure identification of residents requiring early support is streamlined | Resilient Communities, Public Health + Social care, with NHS partners | Adults Children Older People | M | Jan 2021 |
| Ensure Occupational health and employment support services have flexibility to meet increase in demand if required | HR team | Adults | M | Jan 2021 |
| | | | | |

Cabinet Report – 15 July 2020

Community response to COVID-19

Portfolio: Councillor Gary Perry
Councillor Adrian Andrew

Related portfolios: All

Service(s): Resilient Communities and Money Home Job

Wards: All

Key decision: Yes

Forward plan: No

1. Aim

1.1 This report seeks to provide an update to Cabinet on progress in the Community response to COVID-19 and to set out the Council's next steps in relation to the next six months. The report will:

- Provide detail of operations to date;
- Celebrate the work of council staff, partner organisations, the Voluntary and Community Sector (VCS) and the Communities of Walsall;
- Provide details of plans for the next six to nine months;
- Provide details of alignment with Test, Track and Isolate and the Outbreak Management Plan;
- Set out a basic infrastructure to ensure preparedness for any future pandemic that requires emergency intervention on the scale of the COVID-19 threat, any future second wave or local lockdown.

2.0 Summary

2.1. The Council has been working with a wide range of partner organisations, in an attempt to help to minimise the spread of COVID-19. The Council has successfully applied a resilient communities approach, providing civic leadership, to mobilise a public response through our vibrant voluntary and community sector, in recognised locality 'hub' areas. The approach has successfully supported shielded or vulnerable residents in self-isolation to stay safely at home and provides essential food to individuals and families in financial hardship, without building long-term dependency on the Council. Lockdown measures have been eased and the national shielded scheme will be paused from the 1st August 2020. This has allowed the Council to review its own offering. The Council intends to cease the Sneyd, centralised food parcel operation at the end of July 2020. However the Council is seeking to keep in place key elements of infrastructure that has been critical to the council's community response to COVID-19. This infrastructure will be kept available in appropriate way either through pausing as with Sneyd or

supported to operate at a reduced level focusing on befriending services. There is a need to continue support to those that are vulnerable but do not meet the threshold for Adult Social Care support and Cabinet are being asked to agree funding of £64,939.00 to allow this support to operate for a further three month period through the four community hubs. There will be some localised criteria as part of this activity.

3. Recommendations

- 3.1 That Cabinet notes the work of staff, partner organisations, the VCS and Communities in responding to the COVID-19 pandemic and thanks all those who have assisted in the community response.
- 3.2 Notes the cessation of the Sneyd, central food parcel operation at the end of July 2020
- 3.3 That Cabinet approves the ongoing support of key infrastructure elements of the pandemic response in readiness for any potential second-wave or any local lockdown requirements;
 - Making Connections Walsall;
 - Community Hubs;
 - The network of Community Associations.
- 3.4 That Cabinet approves the support for Test, Trace and Isolate through Making Connections Walsall and Money, Home Job
- 3.5 That Cabinet approves expenditure of £64,939.00 for a three month initiative to support shielded residents who do not meet the criteria for support from Adult Social Care.

4. Report detail – Know

- 4.1 On the 22nd June 2020 Matt Hancock, Secretary of State for Health and Social Care announced changes in the shielding programme and lifted restrictions for many individuals who for medical reasons needed to remain in their own homes. From the 6th July 2020 there would be greater freedom for shielded individuals and from the 1st August 2020 a pause to the shielded scheme.
- 4.2 Aligned to the announcement by the Secretary of State decision the programme of support from the Council needed to change to the new circumstances. On initial review the following elements needed to be considered:
 - The future of emergency food supplies to those vulnerable or in hardship;
 - The future of befriending services to support Walsall residents;
 - Additional demands on Money, Home, Job;
 - Support for Test Track and Isolate and the Council's Outbreak Management Plan;
 - Preparedness for any second wave or future pandemic.

- 4.3 The Council is working with a range of statutory and voluntary sector partner organisations to help minimise the spread of COVID-19. To achieve this, the Council has applied a resilient communities approach, providing civic leadership to help mobilise a public response via the voluntary, and community sector, in four locality areas.
- 4.4 The existing 'Making Connections Walsall initiative' was expanded, to offer additional support for vulnerable residents and families who need to self-isolate during the Covid-19 emergency. This work was aligned to the Governments Shielding scheme which provided food parcels to those medically shielding with no other access to food provision.
- 4.5 West Midlands Fire Service act as the initial point of contact in relation to calls from the public. West Midland Fire Service have delivered an agile and responsive service during the period of this crisis
- 4.6 Four Community Hubs are now operating across the following areas:
- NORTH** - Bloxwich Community Partnership, (Bloxwich East, Bloxwich West, Birchills Leamore, Blakenall);
- EAST** - Manor Farm Community Association (Walsall Pelsall, Brownhills, Aldridge North, Rushall-Shelfield and Walsall Wood, Aldridge South, Streetly, Pheasey Park Farm);
- SOUTH** - Accord Age Matter's (St Matthews, Paddock, Palfrey, Pleck);
- WEST** - Old Hall Peoples Partnership (Bentley and Darlaston North, Darlaston South, Willenhall North, Short Heath, Willenhall South).
- 4.7 The Community Hub buildings are still not open to the public. They receive referrals via email or via the Making Connections telephone line (which is answered by the West Midlands Fire Brigade). The main types of support offered by the 4 Community Hubs are:
- Befriending (telephone calls to people who need support or are lonely);
 - Shopping (which residents pay for)
 - Collection of prescriptions
 - Delivery of food parcels (only for individuals in significant financial hardship or isolating in line with Government guidance)
 - Other types of support for individuals in crisis e.g. collecting and delivering of free school meals / vouchers for families self-isolating, arranging emergency boiler repairs, welfare benefits and financial advice are also offered (where appropriate).
- 4.8 The West Midlands Fire Service has provided a range of support during the Covid-19 pandemic from the operation of the Making Connections Walsall support line to supporting our front line including delivery of food parcels and prescriptions. The telephone service has proved flexible and responsive to change, particularly in the early days of the Councils response to COVID-19.

- 4.9 The Community Hubs are being supported by a network of other community sector organisations, public and private organisations operating within locality areas. A team of dedicated volunteers are giving up their time to help and staff have also been re-deployed from the Council and from other partner organisations to support the civic response. One Walsall has been involved in the recruitment and selection of new volunteers and the Community Hubs have also used their existing volunteer databases. Many voluntary sector organisations have changed their focus to support those in need including Neighbourhood watch organisations, community centres and homeless support groups. The support of our supermarkets, including local shops and food suppliers has been essential in delivering during the COVID-19 pandemic.
- 4.10 The approach has been designed to support shielded or vulnerable residents in self-isolation to stay safely at home, without building long-term dependency on the Council. It is hoped that taking this approach will help to build long lasting connections between local residents, enhancing community cohesion and helping to reduce social isolation for vulnerable people. The service is primarily aimed at individuals aged over 70 who have been advised by the government to self-isolate for 12 weeks. It also provides support to other vulnerable people believed to be at significant risk of contracting Covid-19 and individuals and families who are required to self-isolate due to a family member contracting the virus. Where individuals have family members or friends who can offer practical support with collecting food or prescriptions they are encouraged to access that help in the first instance.
- 4.11 This project has provided support for vulnerable people across the borough. The support has had a local focus and the model has been fine-tuned by local communities to meet their needs.
- 4.12 The project has made a major difference to people's circumstances with many stories that have shown how valuable the project has been. Some of the stories are listed in appendix (A)
- 4.13 The relaxation of lockdown has enabled a re-focus of our services to ensure they are aligned to need.
- 4.14 The current demands through Making Connections Walsall is detailed in the following table;

| Week ending | Total referrals | Number of new shopping requests | Number of new befriending requests | Number of new bespoke shopping | Number of new food parcel requests | Number of new prescription requests | Other, please provide examples | Total new activities |
|-------------|-----------------|---------------------------------|------------------------------------|--------------------------------|------------------------------------|-------------------------------------|--------------------------------|----------------------|
| 1.7.2020 | | | | | | | | |
| Thursday | 6 | 1 | 0 | 0 | 4 | 0 | 1 | 6 |
| Friday | 68 | 3 | 4 | 0 | 65 | 13 | 3 | 88 |
| Saturday | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sunday | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monday | 60 | 6 | 2 | 0 | 51 | 6 | 4 | 69 |
| Tuesday | 50 | 2 | 1 | 0 | 42 | 3 | 1 | 49 |
| Wednesday | 44 | 6 | 0 | 0 | 34 | 3 | 4 | 47 |

| | | | | | | | | |
|------------------|------|------|------|----|------|------|------|-------|
| Total | 228 | 72 | 41 | 0 | 196 | 25 | 13 | 259 |
| Previous 7 days | 296 | 31 | 17 | 0 | 230 | 20 | 54 | 352 |
| | -68 | 41 | 24 | 0 | -34 | 5 | -41 | -93 |
| % Change | -23% | 132% | 141% | 0% | -15% | 25% | -76% | -26% |
| Cumulative total | 8719 | 1841 | 1394 | 1 | 5486 | 1090 | 1353 | 11225 |

Demand for food parcels through the Community hubs has reduced and continues to reduce significantly from its peak of 900 per week in April 2020 to under two hundred during the week ending 1st July 2020. Demand is still expected to continue to fall. The main cause of this reduction is:

- Easing of lockdown;
- Individuals making their own arrangements;
- Increase in supermarket slot availability;
- Increased access to food-banks;
- The flow of benefits to families and their maximisation.

In addition boxes have been issued outside of the Making Connections Walsall infrastructure to organisations in Palfrey, Darlaston, Willenhall and Rycroft to support a neighbourhood offering.

In consultation with the portfolio holder a decision was made to extend the Sneyd operation until the end of July 2020. The preparation of food parcels at Sneyd currently takes four hours per week. This does not mean that support will end and there will be support available supermarket on-line shopping services and some services will give priority access or befriending support to go to the shops. It is important to note that the Sneyd operation is capable of being reinstated at relatively short notice subject to available food supplies.

One of the key parts of the Council's response to the COVID-19 is the volunteering of Council staff to take on different roles. This flexibility from our employees has been fantastic and recognised. Our staff remain a key asset for the Council and exemplify public service amongst our employees.

- 4.15 The easing of lockdown provisions by Government has created new challenges for our communities. Individuals who have not left their homes for a considerable period are now being encouraged to take a big step and start the return to normality. In some instances this can be incredibly challenging and the Resilient Communities approach is ideally placed to provide support either through an extended befriending service or through practical support during a transition period.
- 4.16 Whilst at this stage it can only be an estimate, by the end of July spend on food is expected to be £499,530.00. Included in this figure is the cost of preparation of an emergency supply of 1000 boxes containing long shelf life, non-perishable goods for use in the event of emergency, local lockdown or a potential second wave of the virus.
- 4.17 The Government expect Councils to keep strong links with vulnerable and shielded residents. They still require Councils to provide this support though lockdown

measures are relaxing. There is a large cohort of residents who do not meet criteria for access to Adult Social Care services and the Making Connections Walsall hubs have been asked to manage the social contact and basic needs element of the shielded work. The costs associated with this work are £64,939.00 for three months between August and October 2020. The largest individual value for an individual community hub for this work for the period is £19,000.00.

Internal staff have been utilised to this point however these staff need to return to their substantive roles. This link will further embed a resilient communities offering and gain additional benefits from a closer working relationship so this investment will mitigate against future additional costs.

Whilst the support for shielded residents is very much aligned to the befriending service offered through Making Connections Walsall it does have a specific focus around support for those who are vulnerable and in need of support but do not meet the threshold for support through Adult Social Care. This initiative should help reduce demand on ASC. In addition the system will need to be able to report back to central government on key issues impacting this specific cohort.

- 4.18 The economic impact of COVID-19 remains a focus both nationally and locally. There have been a number of major initiatives put in place nationally during the lockdown period and announced in the Chancellor's Summer Economic Update on the 8th July 2020. Initiatives such as the "Furlough scheme" have had a positive impact on job retention. However, we are still expecting increased pressure in the system.
- 4.19 The impact of COVID-19 on benefits, finances, housing and jobs is highlighted in appendix (B). Some of the key issues identified are as follows:
- Universal credit claims across the West Midlands rose by 21% in May 2020;
 - Housing eviction freeze ends in August 2020;
 - Housing benefit claims were running at a weekly average of 107 in January and February increased to a weekly average of 285 in April;
- 4.20 On 18th March 2015, Cabinet approved a local Crisis Support Scheme that offers emergency assistance to individuals impacted by financial crisis and hardship. The scheme is usually administered by the Money Home Job team via the First Stop Shop or via the Housing and Welfare Support telephone line and delivered with significant support from the local voluntary and community sector. The closure of the First Stop shop has meant that many requests for emergency crisis assistance are now going through the Making Connections system and into the Community Hubs. Whilst there is already a non-recurrent grant budget aligned to the Crisis Support fund, which has been used to help support the Community Hubs to date, the unprecedented increase in demand for food during Covid-19 means that this money will soon run out. The provision of food parcels and other services has mitigated some of the pressure on the Crisis Support Scheme however the financial pressures and ongoing demands on Money, Home, Job will be monitored on an ongoing basis.

There have been some positive conversations with Money, Home, Job, Adult Social Care and Childrens services looking at further embedding community hubs within operational delivery.

Any balances in relation to the food budget of £733,000 approved by Cabinet on the 19th May 2020 will continue to be used for supporting vulnerable residents mainly through the Money, Home. Currently that balance is expected to be £130,463.00.

4.21 Test, Trace and Isolate

Walsall Council, through the Director of Public Health, has a statutory duty for the protection of the health of the local population (Health and Care Act 2013). In Walsall the Outbreak/Incident Management Team (OIMT) has been set up to manage the response involving relevant national, regional and local partners. This come under the governance of the Health and Wellbeing Board with the purpose to protect the public by identifying the source/cause of an infection and implement the necessary control measures to prevent further spread or recurrence.

The local control plan, with an on-call public health support team operating 8am-8pm 7 days a week, links the 3 tier response structure at the local, regional and nation levels. The local control plan follows the national guidance focusing on the following 7 themes; care homes and schools, high risk places, locations and communities, local testing capacity, contact tracing in complex settings, data integration, vulnerable people and a local governance structure.

Following a positive test the NHS Test and Trace service, utilising technology and contact tracers, will ask individuals to share details of people with whom they have had close and recent contact. Close contact means; face to face contact at less than 1 metre distance, spending 15 minutes within 2 metres of someone, travelling in a vehicle with someone and spending time in a setting (workplace, school, GP surgery etc.).

These individuals will be contacted and asked to isolate or 14 days since their last contact with the individual who has tested positive. Their household do not need to isolate but are required to follow the guidance of no contact, social distancing and frequent hand washing.

The Community response team have supported Public Health to ensure that there is appropriate connectivity with between the two areas of work. This connectivity is aligned to established infrastructure and governance already in place and is able to react with agility to different scenarios.

4.22 It is prudent for the Council to ensure that planning for the winter includes a potential for a COVID-19 second wave. Current planning includes the following critical infrastructure.

Making Connections Walsall – Provides the ability for residents to access support below the Adult Social Care threshold. A contract is in place until December 2020. The Council are currently reviewing how this type of infrastructure can be secured going forward.

Community Hubs – The community hubs have provided a localised solution enabling a greater focus on residents needs at a local level. Community Associations are facing difficult financial challenges however a review of their position and planning for their reset is being supported by the Council.

Central food supply – The one area the community hubs found difficult was the provision of food parcels. The volumes required swamped the hubs. The model

was switched to provide basic food parcels centrally but finished and distributed by community hubs. The Sneyd operation will be mothballed but easily reopened when required. Supermarkets have increased their capacity for home deliveries so this element of infrastructure may not be called upon.

Volunteers – The work of our volunteers have been critical to supporting the work at Sneyd and in the community hubs. The Council will keep in contact with our volunteers to understand their availability if needed due to a local or national lockdown.

Council Corporate Plan priorities

- 4.23 This proposal supports the Council's urgent and emergency response to the Covid 19 pandemic and the role the Council plays in providing Civic Leadership and mobilising the public to support our community response to Covid-19.
- 4.24 This proposal links to the Council's corporate priority 'Communities are prospering and resilient'. It supports the most vulnerable to be protected from avoidable harm, by enabling them to stay safely at home, and takes pressure off the NHS and social care colleagues. It will also enhance the quality of life for many people who are suffering ill-health and are socially isolated.
- 4.25 The proposal also links to emergency planning and resilience. By taking action to mobilise the voluntary and community sector to be part of the Covid-19 response, we are seeking the best set of outcomes for local residents, achieving cost effectiveness and delivering sustainable outcomes.

Risk management

- 4.26 There are an increased number of options currently for local people requiring support to remain safely self-isolating where they do not have family or friends to help them. The supply chain for food has eased and food banks report no major concerns in terms of food supply. There are two ongoing concerns. The first is the reluctance of some shielded people to leave their homes which is mitigated by the continued support from community hubs through the befriending service. The second is a lack of IT skills for some people who are still shielding again mitigated by support from our community hubs who can offer practical help and support and if suitable, appropriate silver surfing support.
- 4.27 The monitoring of the expenditure will continue to be overseen by both the Resilient Communities, and MHJ team, procurement and finance colleagues. The agenda is also discussed daily as part of the COVID-19 chain of command groups (SILVER and GOLD), which has representatives of all internal Stakeholders responsible for delivering safe outcomes as a result of COVID-19.
- 4.28 The network of community associations and community groups that have supported the community response to the COVID-19 pandemic have not been open for activities other than emergency response. Their funding has been supported through the furlough scheme and grants however many will struggle until there is a return to business as usual. Business as usual could well be a considerable way off and therefore the CA's may require continued support and monitoring.

Financial implications

- 4.29 The report recommends a sum of £64,939 is made available for a three month initiative to support shielded residents who don't meet the criteria for support from Adult Social Care. If approved this will be funded via the COVID-19 grant from government.
- 4.30 The government has agreed in principle that costs associated with the Covid-19 crisis will be covered centrally, but there is currently no certainty that the Council will be able to recover the full cost of this type of initiative. Lottery funding is not available to support what is seen as a council service although befriending is something which may attract the possibility of lottery funding.
- 4.31 Council officers will continue to encourage local charitable organisations to apply for the government announced funding package, and if appropriate, will seek reimbursement of the additional grant funding provided by the Council (up to a maximum of the extra grant aid awarded). The Council and One Walsall are already providing support to local organisations to help them to maximise their chances of gaining additional external funding to support local people.

Procurement Implications/Social Value

- 4.32 The Value of the contracts referred to in this report will in the main fall below the current EU Threshold for Supplies (£189,330). If crisis demand for food continues at the unprecedented rates currently being experienced, or increases further, it is likely that costs would exceed these thresholds however food supplies are purchased through a framework agreement, ESPO Framework Agreement, 83_17 Grocery, Frozen and Fresh Food. The purchase of food is therefore compliant with Public Contract Regulations 2015 and the Council's Contract Rules.

Legal Implications

- 4.33 The Council already has a Crisis Support Scheme, which was approved by Cabinet on 19th March 2015. Provision of crisis support through the Community Hubs is currently being given in accordance with that scheme. The MHJ team have worked with the procurement section team and are purchasing food through the ESPO Framework Agreement, 83_17 Grocery, Frozen and Fresh Food. The purchase of food is therefore done in accordance with the council's financial and contractual rules.

Health and wellbeing implications

- 4.34 Taking a proactive approach to support vulnerable and shielded individuals to safely remain at home during the Covid-19 pandemic will reduce the risk of harm experienced by community members and take the pressure off the NHS.
- 4.35 It is not in the public interest, nor that of the Community and Voluntary Sector Providers, not to support the ongoing public or civic response to Covid-19 that has been mobilised through the Community Hubs.

- 4.36 Whilst medical evidence shows a low rate of infection it is sensible to prepare for localised lockdowns or borough wide lockdowns to ensure our communities are appropriately supported. It is also sensible that there are appropriate links with the Test, Trace and Isolate plan.

Staffing implications

- 4.37 There are no staffing implications arising out of this report.

Reducing Inequalities

- 4.38 An Equality Impact Assessment (EqIA) has been completed and can be found as an appendix to this report.

Consultation

- 4.39 Due to the scale and speed of the Covid-19 emergency, the Council and partners have had to stand up the Community Hub infrastructure in a live environment. As a result, it has been very difficult to do formal consultation. That said, there has been many discussions with customers and key partners during the co-design process and the result is a service that is currently receiving and meeting high levels of demand effectively.
- 4.40 Since the step-up of the Making Connections Walsall, Community Hubs and the Sneyd distribution centre there has been ongoing planning and engagement meetings with partners and the VCS. There has been a process of continual improvement which has fine-tuned performance. This approach has covered the design and implementation and is focused on locality need and individual customer support.

5. Decide

- 5.1. Cabinet is requested to consider the content of this report and to agree the recommendations as outlined in section 3.

6 Respond

- 6.1. Subject to Cabinet decision, under emergency powers, an approval for the Council Officers to review and further develop the Community Hub infrastructure as part of an overall plan to ensure the Voluntary and Community Sector remain a key partner in Walsall. The purpose of this work is to:

Prepare for a potential future localised lockdown;
Prepare for a second wave of the COVID-19 virus;
Prepare more effectively for any future pandemic;
Further develop and embed the Resilient Communities philosophy within the borough.

- 6.2. Discussions will continue with the MHCLG, DEFRA and our charities with the aim of ensuring full clarity and agreement about responsibilities and opportunities during the current COVID-19 pandemic.

- 6.3. Community Associations, a key element of our response to COVID-19 and a key group in relation to the Resilient Communities approach, are facing difficult financial times. Apart from Making Connections Walsall and some localised initiatives Community Associations have been closed. There are operational and financial pressures which if not mitigated may challenge the existence of these organisations. The network of CA's are actively seeking grant funding to help support their organisations however there are threats to the future of these organisations.
- 6.4. A "reset" plan is currently being prepared to support Community Associations as they are a key part of both the Resilient Communities approach and our response to COVID-19.

7. **Review**

- 7.1. The arrangements with regards to the Community Hubs and Food Distribution Centre will be managed and reviewed in line with ordinary Council procedures. The monitoring of the expenditure will continue to be overseen by Resilient Communities, MHJ, Procurement and Finance colleagues.
- 7.2. The existing grant arrangements with the voluntary and community groups who receive the additional grant money will be amended (to reflect the change in their duties). The specifications and performance frameworks will also be amended to ensure that Community Hubs respond effectively to the needs of local residents and that data is shared with the Council in a timely way, so that officers can respond to emerging needs.
- 7.3. The agenda is also discussed regularly as part of the COVID-19 chain of command groups (SILVER and GOLD), which has representatives of all internal Stakeholders responsible for delivering safe outcomes as a result of COVID-19. An operational BRONZE group also meets twice a week, which acts as a Civil Leadership operational steering group (bringing together external key partners including representatives from the community and voluntary sector, whg, the police, One Walsall and colleagues from various Council departments).

Background papers

Walsall Council Outbreak Management Plan –

https://go.walsall.gov.uk/covid-19_information/covid-19_-_i_want_to_know/outbreak_management_plan

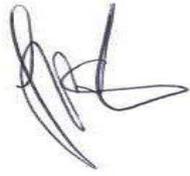
Appendix A – Stories from our community hubs

Appendix B – Covid-19 Impact, Financial Hardship Indicators for Walsall

Appendix C – Equality Impact Assessment

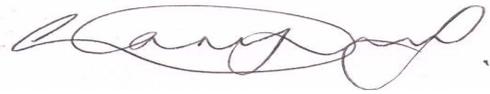
Paul Gordon
Director of Resilient Communities

Elise Hopkins
Director of Customer Engagement



Simon Neilson
Executive Director Economy
Environment and Communities

13 July 2020



Councillor Perry
Communities Leisure and Culture

13 July 2020

The resident made direct contact to the hub; the family were in extreme financial distress. A food parcel was organised and some activity packs/toys for the children. Following conversations, over the next week and after a few calls they agreed to be referred to welfare support so that some professional help could assist the family. Contact was made a few days later to thank us for the support and that welfare had contacted and were supporting them. The outcome is now positive and the family are facing this head on now. The immediate crisis for food for the family was resolved and also a more long-term solution is being explored with welfare.

The resident was thrust into a situation of isolation and lockdown being in the vulnerable category having diabetes and 84 years of age. Initial contact discovered a number of worries:

- A district nurse coming to see the resident regularly, but was unsure they would still come?
- He had regular appts for Chiropody however he was unsure whether and how he would be able to ensure his feet were looked after?
- He has no family and was concerned about his food.

The only thing that he knew was that he would receive his medication, because that was delivered from the pharmacy. Carers were put in place and one of the carers even brought him their microwave, as she was concerned, he was not eating properly. Food parcels were arranged for him and provided befriending calls, he loved a little chat when he called to arrange his food parcel-especially the fresh bread. As he was a diabetic we worked with him, tailoring a food parcel that would meet his needs. He was supported to access a fresh food take away service who now provide hot meals three times a week and he can't praise them enough. He has been helped with a delivery to the post office and to ensure that his bills are being paid by direct debit as he used to do them all manually. This provided great reassurance and took away a worry. The resident has said that his phone has been his lifeline. The combined efforts of everyone across agencies has ensured his medical, physical and wellbeing has been supported through this crisis has enabled the resident to progress through lockdown knowing he not alone.

A resident contacted the hub who is shielded and didn't want to be a nuisance and hated that she needed to ask for help.....but she needed help. Contact has been consistent throughout and she has paid for a food box as she is not in any financial distress. She loved that it's a one stop shop that solved food requirement, provided information on local resources and sorted her prescriptions when needed. She sends us little notes to say thank you, with a special thank you when we added in an Easter Egg that was donated to the charity. She called it a luxury item. The all-round support has been another huge success of the work the hub have carried out.

A resident whose wife was in recovery following a long illness made contact. She was just starting to improve as the pandemic broke. Her husband shielded with her and they took many precautions to keep their selves safe. They managed to get priority shopping delivered however as the weeks progressed,

they felt their mental wellbeing was being affected. They contacted Manor Farm hub for support, and chatted about their interests and hobbies. They had enjoyed their garden but never had time to really dedicate to it. The feedback on their 'grow your own' pack has been great. It gave focus and something to concentrate on. They have set up a small area for growing their own vegetables. This has also encouraged them to spend time out of the house, albeit in their own garden. The hub provided everything they would need to start their patch so no need to go out to buy and extra canes were dropped off as their plants progressed. To date 76 Grow your own packs have been delivered to residents in the East, including families, unemployed and shielded residents.

A resident who was referred to us was very concerned about the 12 week isolation and was panicking about how she would get her shopping done or food delivered. She was signposted to Walsall Black Sisters who delivered a food parcel initially, but have also kept in touch and fetched any shopping that was required. The client said that they were an absolute god send.

A resident was referred in who had run out of his medication and it needed to be collected that day. The St Matthews Church OWLS service made a special journey after completing a number of shopping drop off to collect the prescription and deliver it to the client.

We have supported a local resident with shopping, who suffers medical conditions meaning she wanted to self-isolate and felt she was 'putting on' her daughter who had young children and was fetching her shopping. She had seen the COVID-19 contact number and rang for support. She said that she felt she had regained some independence by using our shopping service as she was not asking her daughter and loved that she could pay over the phone, she even referred her sister who lived opposite her. Both ladies have used the shopping service several times, and have said the service made them feel in control again.

Our kitchen staff who usually prepare all meals for our day care clients have been making homemade meals that we have frozen and added to our shopping service. We had people requesting ready meals on their shopping, and decided to make our own, using local suppliers for meat and vegetables, staff have created a variety of nutritious ready meals, including sausage and mash, fish pie, chicken dinners and beef stew. We have had really positive feedback from people, who have said it's lovely to eat home cooked food instead of your usual supermarket ready meal and some resident's even ring up to see what is on the menu each week!

We recently had a resident call to request a free food parcel for his elderly father. He explained that he couldn't help him out financially as he had lost his agency employment due to the Coronavirus crisis. After further discussion we were really pleased to be able to help not only the father but also the man who rang due to his change in financial circumstances, he didn't realise he would be eligible and was very happy to receive a food parcel.

We have made good links with a local pharmacist who serves many of our NorthWalsall residents. On occasions where urgent prescriptions have come through and they have not had any delivery drivers available, they have given our number out directly. Several people who have called in these instances have called the service 'a life saver' and one lady in particular has said that she's found real peace of mind to know that we have been able to ensure her poorly husband gets his medication when there has been no delivery services available at the pharmacy.

A young resident suffering with long term mental health conditions that we have been supporting through our befriending service sadly informed our befriending staff that she had been in hospital after taking an overdose. The resident's prescription was ready to be collected and delivered by one of our WHG drivers.. When we received the update from the befriending staff, we consulted with the pharmacy, who understood the concerns, were grateful to have been made aware and made the decision to deliver one tablet themselves to the lady every day, in order to ensure she was taking her medication safely. She is still being supported through our befriending service and has been taking her medication regularly and is starting to feel a little better.

Covid-19

Impact on benefits, finances, housing and jobs



Walsall Council

PROUD OF OUR PAST OUR PRESENT AND FOR OUR FUTURE

Summary: 1

The new schemes introduced by Government do provide some support.

There are many customers financially disadvantaged that required additional support.

Since the 16 March 2020 both the DWP and Councils have seen dramatic increases in demand.

- **Universal Credit (UC):** Nationally 950,000 new Universal Credit claims were submitted in the last two weeks of March 20 (800% to 900% higher than normal rate). Walsall received around 3,000 claims per week in early April 20. The total number of all Universal Credit claims in the West Midlands Group rose by 21% in May 20.
- **Housing Benefit (HB) and/or Council Tax Reduction (CTR) applications:** On average 107 new applications received per week in January and February 2020. This increased to 285 by April 2020.
- **Discretionary Housing Payments (DHPs):** Walsall applications increased by 10% (March 2019 to March 2020). Spend in March 20 is 12% higher than March 19. We expect further increases in applications and spend as we have identified 9,779 households who potentially have been affected and will need additional support in addition to new claims from people not claiming prior to COVID 19. We expect a further spike when eviction action recommences and if further redundancies are announced.

Summary: 2

Increase in homeless presentations / applications: combination of economic and social issues are expected to dramatically increase demand for help especially post lockdown

Housing Evictions – 3 month eviction ban commenced mid March. This was later extended to 23rd August 20 which means that there is likely to be significant demand for help from that date onwards:

- More council tax reduction applications and spend and or
- Housing support (emergency accommodation and homelessness applications)
- Potential increase in DHP spend and demand

Rogue landlords will continue to be rogue! Covid-19 won't improve their behaviour and there are likely to be many vulnerable tenants impacted by their actions over the coming weeks.

Domestic Abuse:

- More women and girls will be abused and are at risk in this period. Every pandemic and major disaster has found this.
- Nationally deaths have doubled.
- Expected to be a surge in demand for help when lockdown lifts.

Summary: 3

Impacts of COVID-19 on vulnerable children

- **In temporary accommodation in UK – Lancet article.** We are seeking to provide additional support to families with young children especially the most at risk (the under 5-year olds). National data suggests that 34% of children live in poverty in the UK (Social Metrics Commission, 2019). It is estimated that 41% of children in Walsall live in poverty once housing costs are taken into account, equating to around 30,551 children (End Child Poverty, 2019)

Impact of Covid-19 is NOT equal: Impact on residents and communities from Black, Asian and Minority Ethnic (BAME) backgrounds is higher. Walsall has a higher than average BAME demographic.

One of the main risks for vulnerable customers was access to food:

Inequality of access to food and healthy food for vulnerable families: for example;

- Ø how do you get online shopping when you have no ICT, no WIFI and or no credit or debit card!
- Ø The pressures we all face getting our shopping are exacerbated for vulnerable families
- Ø Making Connections Walsall provided essential support in these areas

Impact on foodbanks: many of our vulnerable customers rely on foodbanks, and there was a major concern that access to food through this route would be severely impacted by less contributions received, and the ability to retain enough volunteers

Government measures to support customers in the coronavirus crisis - 1

Customers on benefits

- £20 per week increase to Working Tax Credit basic amount
- £20 increase to Universal Credit standard allowance
- Local Housing Allowance rates increased to the lowest 30th percentile of market rents
- Housing Benefit additional earnings disregard increased by £20 per week
- Employment and Support Allowance (ESA) now payable from day one instead of day seven
- Department for Works and Pensions (DWP) stopped all overpayment recovery action on a temporary basis
- There has been a number of changes to definitions within various benefits/tax credits to ensure customers effected by coronavirus can either claim or continue to receive benefits if they are now unable to work

Universal Credit customers continuing with their employment as normal during the Coronavirus outbreak will not be financially disadvantaged. Sanctions and conditionality were temporarily suspended for three months for all Universal Credit customers. The impact on these customers was:

- Were they maintaining payment of bills during the crisis?
- Impact on their mental health during lockdown?

We anticipate an increased demand for DHPs once evictions recommence from 23rd August 2020

Measures - 2

Employed

- Coronavirus Job Retention Scheme (CJRS) - Extended until 31/10/20
- Statutory Sick Pay payable from day one not day four
- £1,000 grant to employers for each member of staff kept in employment after furlough until end of Jan 2021

Self-employed

- Self-employed Income Support Scheme (SEISS)
- Minimum Income Floor suspended in Universal Credit
- Business Grants for small businesses

Other initiatives

- £500 million Council Tax Hardship fund
- Free school meal voucher scheme
- Social/Private landlords will not be able to start proceedings to evict tenants for at least a 6 month period – and 3 month mortgage payment holiday
- £750 million support package to charities
- £3.2m emergency fund for rough sleeping – Walsall allocated £4.5k
- £1.6bn for local authorities – mainly for social care but also for homelessness and rough sleeping – Walsall allocated £9.6m
- £3m for food redistribution organisations

Customers still dramatically impacted

- Low paid workers are the most vulnerable
- Workers on zero hour contracts, temporary workers and self-employed are most likely to be affected economically by coronavirus
- Customers with no recourse to public funds – there were calls to allow those who are now unable to work because of Covid19 to have immediate access to welfare support but this was not accepted
- Charities called for the Government to temporarily remove legal barriers to homelessness provision and make clear that everyone who is homeless is eligible for assistance - regardless of priority need, intentionality, local connection, or immigration status. This was successful and temporary provision made available
- Resolution Foundation say that despite measures put in place a huge number of people are still going to lose their jobs and need immediate income support to avoid hardship

Impact - 1

8 April **Government stated:**

- Coronavirus has had profound effects on the UK economy and on household finances
- Up to one fifth of employees may be absent from work during the outbreak
- Existing data suggests inactivity and unemployment will rise quickly – there are already signs of a spike in unemployment
- This will translate into a rapid upsurge in benefit claims and an increased reliance on the social security system

➤ 1 April **Departments for Works and Pensions (DWP) disclosed there had been:**

- 1.8 million declarations for new claims received in the 6 weeks up to 12.4.20 for Universal Credit claims – this is 5 times higher than the average
- Many customers have spent hours trying to phone welfare staff, many gave up after long phone queues and then being rejected by the system. One user reported spending more than 15 hours in total over three days waiting to speak to a benefits official. A report on 9 April confirms:
 - 30 March 2.2M telephone calls made to DWP
 - 31 March 1.8M telephone calls made to DWP
 - A user posted a screenshot showing there were 105,563 people ahead of them in an online queue to verify their identity

Impact - 2

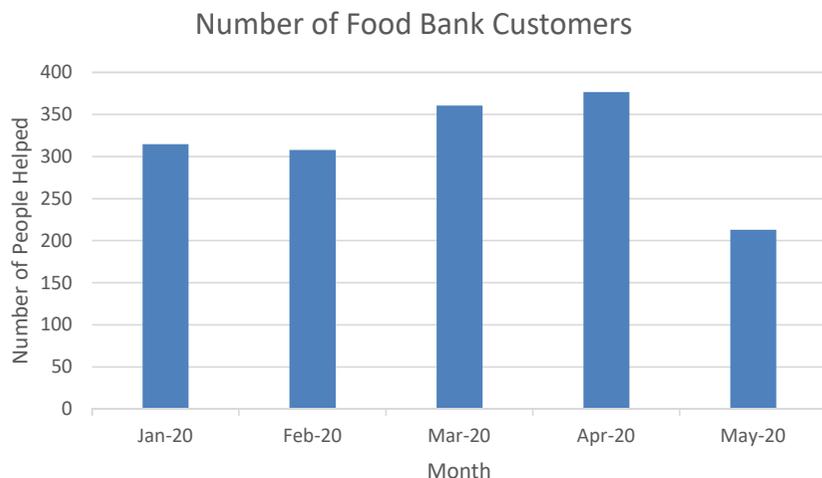
- Resolution Foundation predicts that the eventual rise in unemployment will be at least as large as and much swifter than that seen during the financial crisis
- Another report highlighted that a quarter of those eligible for the Self Employment Income Support Scheme (SEISS) would need financial help before their grant arrives in/or after June 2020
- Nationally 7 out of 10 firms had furloughed employees by 22nd April 2020
- 33,600 employees in Walsall had been furloughed by 31st May 2020. Across the West Midlands this total was 330,400
- The DWP have reported a significant reduction in the number of job vacancies across the West Midlands

Impact - 3

- The Confederation of British Industry (CBI) said on 15 April 20 it was worried companies would be forced to start redundancy procedures within a week to comply with the minimum 45-day consultation period
- Food banks are coming under severe strain
- Charities are also under severe strain
- 27% of businesses reported reduced staffing levels
- New weekly job vacancies fell by about a third

Impact on Food Banks

- Food Banks operate independently to the four Hubs in Walsall and referrals are received from a number of locations such as the Beacon Centre, Housing First, Crisis Support, and Social Workers
- The Trussell Trust reported an 89% increase in Food Bank usage from April 19 to April 20. Ablewell reports a 140% increase
- The Black Country Food Bank saw a 30% increase in Food Bank usage based on the two weeks prior to lockdown in April 20
- They have had to limit vouchers to one per week (this provides 3 days worth of food) and limit to a maximum family size of 4
- There has been an increase in usage by single people that could be attributed to families receiving Free School Meals vouchers or support via the Hubs instead



- The chart on the left shows the number of people who have received food via Ablewell Food Bank in Walsall so far this year
- We anticipated early there may be a reduction in demand in May 20 as those who claimed Universal Credit start to receive their payments and those with families are receiving FSMs vouchers regularly
- Restrictions at supermarkets have hampered attempts to keep Ablewell stocked and they are still low on fruit juice and various tinned goods
- Ablewell have advised if people can get to a Food Bank they should to relieve pressure on the Hubs to help those who are vulnerable and housebound

Economic Impact Nationally

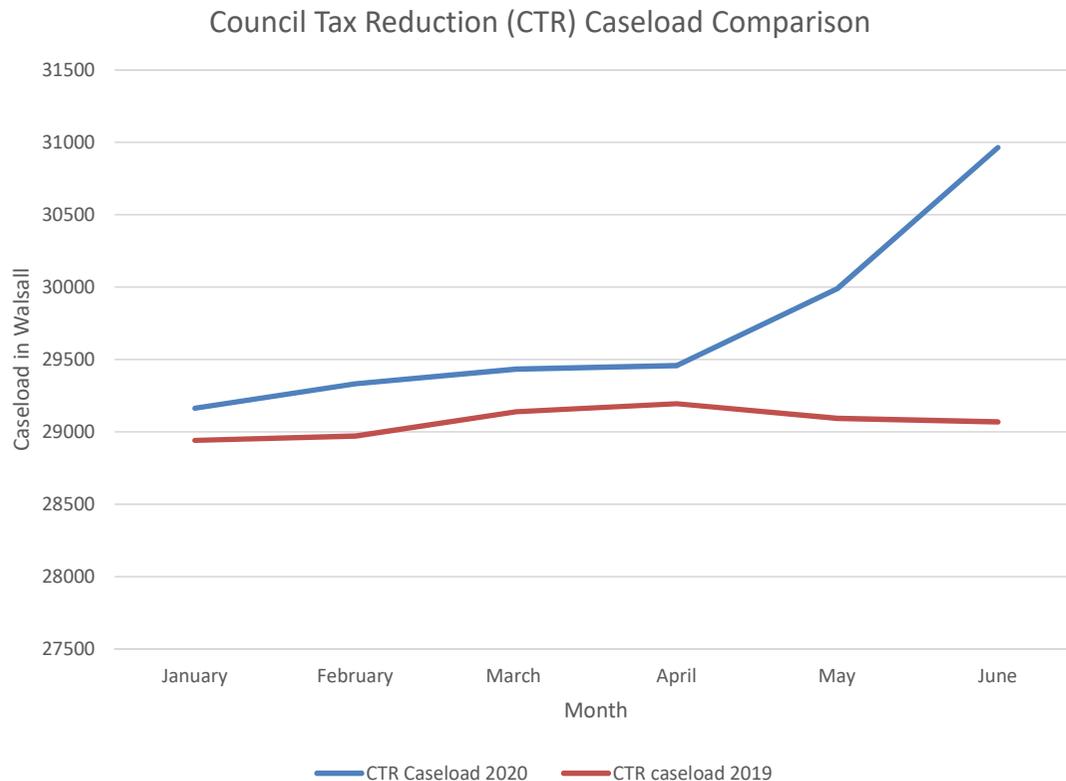
There are currently limited figures available.
Those that are, are from several months ago.

A House of Commons briefing (1 April 20) quoted data collected on 25 March 20:

- 57% of workers were engaged in less paid work over the past week than usual
- 8% of workers had already lost their job due to coronavirus
- Expected probability of job loss within next 4 months is 33%
- Workers expect to earn 35% less in the next 4 months on average
- There is a 49% chance of them having problems paying their bills
- The young and low-income earners have been hit the hardest

It is predicted things will continue to get worse while restrictions are in place although we have recently seen easing of restrictions allowing some people to return to the workplace. We anticipate an increase in redundancies over the next few months

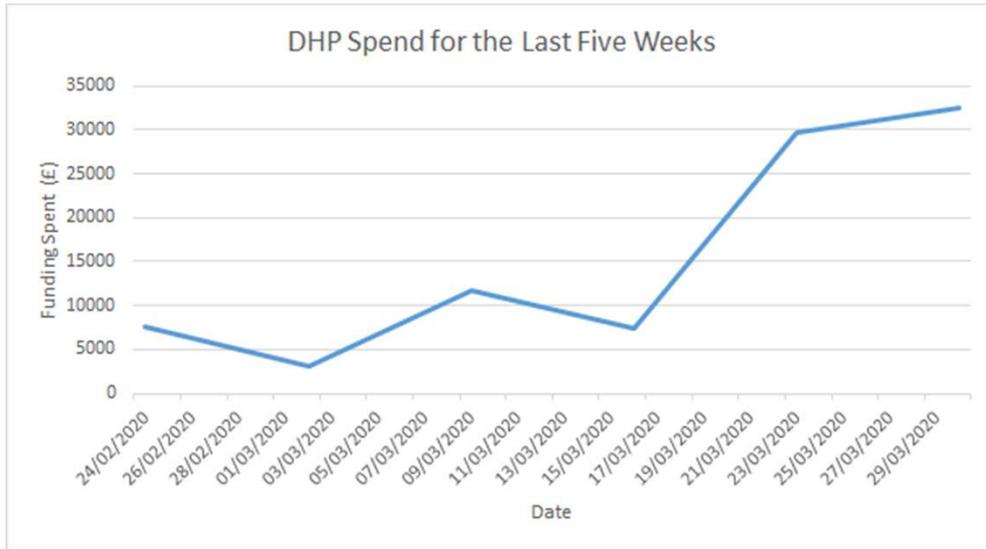
Impact on Council Tax Reduction caseload



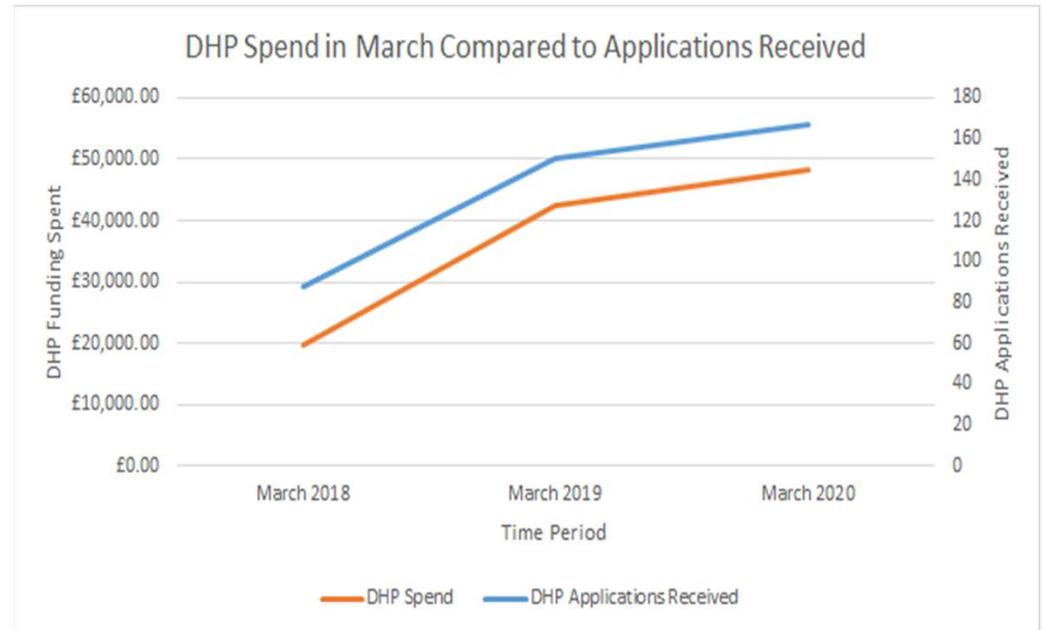
- Our Council Tax Reduction (CTR) costs have increased by £360,000 since 1 March 20 due to the requests for additional support and change in circumstances associated with the Coronavirus outbreak
- The CTR caseload has risen by 6.1% since January 20
- The high number of applications received in April is evidenced with the increase in caseload by June 20
- We continue to monitor the number of CTR applications made on a weekly basis
- The total cost of the CTR scheme for 2020/21 is £13.3 million

DL2 1% and 0.88% are almost the same - what are the caseload numbers? i ehow many addiotnal cases
David Lockwood, 15/04/2020

Impact on Discretionary Housing Payments (DHP)



- DHP spending has increased significantly since 19 March 20
- Funding for the financial year 2020/21 has increased to £988,560 which is a 18% increase on previous year's funding



Data shows for March year on year increase in:

- the amount of DHP funding spent and
- number of applications received

We continue to monitor weekly spend and number of applications received to help understand the ongoing impact of the pandemic.

BC1 Not sure if It would be pertinent to know how many are a result of UC
Bernard Cysewski, 16/04/2020

Effects on Housing Evictions in Walsall: 1

The new rules implemented by central government regarding evictions do two things:

1. Extend the notice period for evictions
2. Suspend eviction court action until at least 23 August 2020

All court proceedings for eviction are on hold regardless of when the landlord applied to court. This means most tenants can't be evicted before the end of August at the earliest

There are implications that Walsall Council may face if customers do not:

- clear the arrears themselves
- or notify us they need help

We expect closer to 23 August:

- an increase in DHP requests and or
- an increase customer demand for Housing Support from those facing eviction

Effects on Housing Evictions in Walsall: 2

Quote from a registered social landlord (RPs) in Walsall

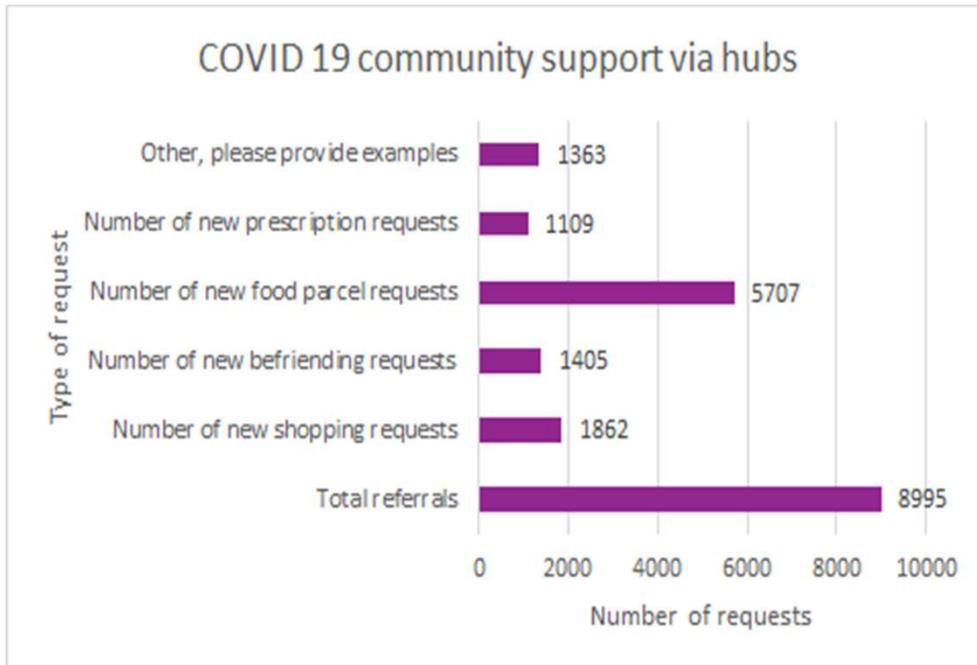
‘Early analysis shows that we have seen a sharp rise in cases where Tenants are self-employed or never claimed out of work benefits and now are unable to pay rent’

As of 16th April, a number of RPs have confirmed that they have seen arrears rising, they are now conducting analysis in readiness for August. Support offered has been limited due to Covid-19 restrictions

We will also need to model the potential impact on PRS legal (and illegal) evictions and homeowner repossessions as both will be expected to increase.

Rogue landlords are unlikely to get better – they will continue to ignore tenants needs, break the law and undertake unlawful evictions. Many will use the lockdown as an excuse to do even less to help their tenants.

Community impact and support



Since the commencement of lockdown on 23.3.20 the 4 community hubs have been providing support for households affected by COVID 19 outbreak

- 8995 requests for help and support
- 5707 requests for support with food parcels, this is in addition to NHS food parcels
- 1862 requests for help with shopping
- 1405 requests for befriending due to isolation
- 1109 requests for help with prescriptions
- 1363 other requests which include financial advice
- The number of requests per week during the peak were consistently around 800 – 900, reductions have been seen since the easing of lockdown restrictions and demand is now around 200 – 300 per week

Data has been obtained via hubs and DCRS referral system and contains data up to and including 8.7.20

Free School meals impact

Impact since schools closed on 23.03.2020:

- 647 new eligible children have been added to the FSM scheme
- 660 new potential eligible cases are being assessed
- Problems with the national voucher scheme leading to schools asking for direct help
- 6928 additional vouchers have been issued through our own scheme providing £103,920 of support to households in Walsall

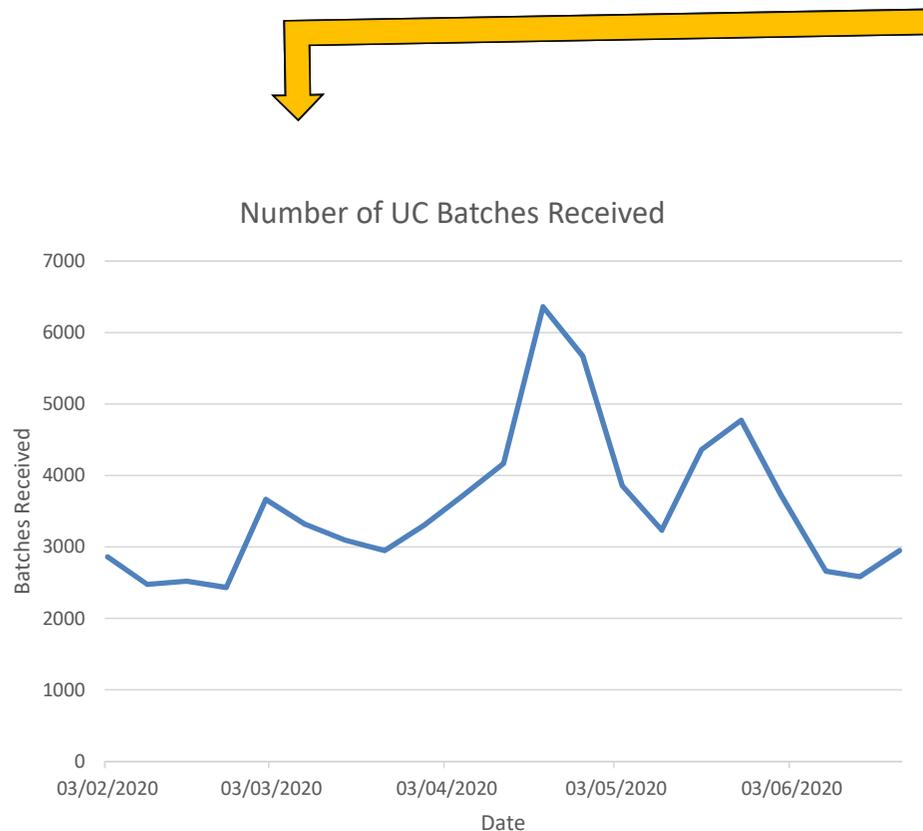
Housing Benefit and Council Tax Reduction New Applications Received



Key Facts:

- For Jan and Feb 2020 the average number of new claims received was 397
- This increased to **1,005 in March 20 (a 60% increase)**
- The number of claims continued to increase between 1 March 20 and 10 May 20
- Within these new applications are customers who have never claimed benefits before and their lifestyle and monthly expenditure will be higher – resulting in a dramatic reduction in income, this cohort required additional temporary support
- We have seen a downward trend in our figures from 11th May 20 but continue to monitor this closely on a weekly basis. We anticipate there may be another spike if more redundancies are announced in the future

Universal Credit (UC) notifications received



- UC notifications received **increased the week following the announcement of lockdown**, this shows customers were starting to report changes or make new applications following being financially affected
- By mid April we were, on average, receiving **3,000+ notifications per week which increased to over 6000 by the end of the month**
- Our UC workload over doubled by the end of April 20 in comparison to earlier in the year
- In May we received on average 4,000 notifications which reduced further in June to on average 3,000 notifications which is still higher than pre lockdown. This is expected to spike again once redundancies kick in after the furlough scheme ends.

DL1 do we have data for same period last year?
David Lockwood, 15/04/2020

Understanding our current CTR caseload

Our proactive action:

We have analysed earnings and self-employment claims to predict the percentage of our caseload that may be affected financially by the Coronavirus outbreak:

In April 20 we had an overall CTR caseload of 29,474

As pensioners should not be financially affected, we have deducted this element from our potential caseload –

This left us with a **working age CTR caseload of 18,486**

Understanding our current CTR caseload – Analysis of Income Types

We analysed income types and this indicates how the following would be financially impacted:

- **3,277 Universal Credit households with earnings**
Potential change to income each month if not on maximum amount of Universal Credit
- **5784 Claims with earnings**
Potential furloughed cases (only receiving 80% of pay) or new Universal Credit claims
- **718 Self-employed claims**
A high proportion of our self-employed caseload will not qualify for SEISS due to not completing tax returns. This will mean making a claim for Universal Credit.
Note: Self-employed customers who do qualify for SEISS had to wait until June 2020 to receive income from this scheme, Many needed help until this point.

9,779 households potentially financially affected by lockdown restrictions

This results in 53% of our Working age CTR caseload

In addition to this there was also an increase in new applications being received. .

Council Tax Hardship

As part of the package of measures introduced to assist the economically vulnerable (caused by COVID-19) the government announced a hardship fund to assist with the payment of the 2020/21 Council Tax.

Walsall was allocated £3,879,239 from this fund, Although it is for each authority to make its own determination in respect of any hardship relief scheme the guidelines state that the government expects that local authorities reduces the council tax liability of each working age council tax reduction claimant by £150.

In addition to the award of the hardship relief the COVID-19 crisis has seen a marked increase in the number of households applying for council tax reduction. With the cost of Council Tax Reduction being borne locally, there will also be a call on hardship grant to fund this extra cost.

The situation at the end of June is as follows

- £3,127,074 awarded in hardship relief
- £1,414,715 increase in the amount of working age council tax reduction awarded
- £4,541,789 total of hardship relief and extra council tax reduction against an allocation of £3,879,239

Council Tax Payments

To assist the financially affected households, the Council offered three options to assist residents in paying their council tax liability. These options were:

Option 1

If you currently pay your council tax in instalments due April to January, you can spread the year's charge over 12 months; April 2020 to March 2021.

Option 2

If you currently pay your council tax in instalments due April to January, you can have instalments due June 2020 to March 2021.

Option 3

You can have April and May instalments spread over your remaining payments from June 2020 onwards.

Around 2,000 households took advantage of this offer.

At the end of June 25.4% of the 2020/21 council tax had been collected totalling £35.9m. This is 1.1% (£1.5m) down from where we would normally hope to be.

It is estimated that at the end of the year Walsall will be 2% (£2.8m) down in council tax collections

Business Grants

As part of the overall packages to assist businesses a series of grant schemes were introduced. The schemes available are:

- Ratepayers in receipt of small business rate relief (subject to some minor exceptions)
- Ratepayers of certain retail, hospitality and leisure properties
- Discretionary Scheme (rules to be determined by local authority with certain expectations set by government)

The first two grant schemes have been running since April while the discretionary scheme was a later addition and only became available in June. For this fund Walsall have been given an allocation of £2.3m.

The level of grants paid under these schemes are as follows

| Grant Scheme | Number Paid | Amount of Grants |
|--------------------------------------|-------------|------------------|
| Small Business Grants | 3,184 | £31,840,000 |
| Retail, Hospitality & leisure Grants | 577 | £10,630,000 |
| Discretionary Grants | 163 | £1,111,572 |

Domestic Abuse – Deaths Double Nationally

“Coronavirus may exacerbate triggers, though I might prefer to call them excuses. Lockdown may restrict some women’s access to support or escape and it may even curtail measures some men take to keep their own violence under control” Karen Ingala Smith, the founder of Counting Dead Women,

<https://www.theguardian.com/society/2020/apr/15/domestic-abuse-killings-more-than-double-amid-covid-19-lockdown>

Walsall stats to date show the expected increase in Domestic abuse homeless applications:

Walsall has seen an increase of 44% from April – 9th July 2020 compared to the same period in 2019, current analysis is being carried out to understand the outcome and what led to the application. The service hasn't seen a cause for concern in the case increase and believe it's mainly due to the impact of the lockdown and should reduce as easing of restrictions are introduced

Homelessness – Increases expected to be slightly masked

We are finding this demand is remaining static at present, this is mainly due to the government suspension on evictions during the COVID 19 pandemic, although we expect to see a peak from the end of August, please see below other factors that will mean an increase will be experienced in the future:

- Ability for landlords (private and social) to issue Section 21 evictions has been suspended until August 2020 – this has halted demand for re-housing from this source
- The block on Section 21 is also unfortunately likely to lead to an increase in rent arrears as households either choose or struggle to make regular rent payments
- Some people are tending to 'stay put' through these very 'new times'
- Government mortgage holiday whilst helping some initially to avoid loss of home it is expected that when this ends there will be an increase due to those who have struggled to maintain payments / agree payment terms
- Increase in domestic violence cases during lockdown is likely to lead to a surge in applications when lockdown is lifted

Impact of Covid-19 on Vulnerable children in temporary accommodation

Lancet article 31 March 2020. Significant extra risks to children 5 years of age and younger. "Many children already do not reach development potential or struggle to grow and develop because of multilevel barriers, including those resulting from poverty or homelessness. However, COVID-19 has added a whole new layer of risk. "

Article identified range of areas of concern. Many are not as relevant for Walsall as we continue to provide temporary accommodation for families principally in self-contained properties some concerns remain including:

- Critical need to ensure sufficient additional resources for soap and disinfectants for families;
- No face-to-face contact with general practitioners and health outreach services is available, including health visitors, limits routine checks such as early identification of need and risk, health and development reviews with screening assessments, immunisations, promotion of social and emotional development, support for parenting, promotion of health and behavioural change, prevention of obesity, and promotion of breastfeeding
- For these families, access to basic essentials (eg, food, nappies) is scarce, with no resources to shop online and many charities and dropins now closed.
- Risks to parental mental health are increased, especially among single mothers, given that housing instability is associated with an increased risk of depression in mothers.

Inequality of access to food and healthy food for vulnerable families

Online shopping: Most vulnerable families have no / limited access to online food and essentials shopping facilities which require:

- ICT
- Internet / WIFI
- Credit or debit cards or similar via online banking
- ICT skills to navigate systems

As many vulnerable households would not have previously made use of on-line shopping even if they had all the above their ability to quickly access / benefit was limited due to the significant growth in demand from other households and the competing demands upon their time. Making Connections Walsall supported a significant number of households during the lockdown and continues to do so.

Access to shops: Vulnerable households especially single parents will have been more severely impacted by the changes in retailing. The pressures that all of us have faced to access food shopping will have been exacerbated for those who must also consider / have to take their children with them to queue to access shops for food.

Black, Asian and Minority Ethnic (BAME) residents and communities

There's a disproportionate percentage of BAME people getting ill.

“We have heard the virus does not discriminate between individuals but there's no doubt there appears to be a manifest disproportionate severity of infection in BAME people and doctors. This has to be addressed – the government must act now.”

Statement by Chair of British Medical Association

Not only are BAME communities disproportionately impacted by health inequalities, the economic impact is likely to hit them harder too, with [rates of poverty in BAME communities being twice that of their white counterparts](#).

BAME residents in Walsall comprise 23% (2011 census) compared to 14% of the population of England and Wales.

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

| | | | |
|--------------------------------|--|---|------------|
| Proposal name | Providing Civil Leadership and Mobilising the Public – Covid 19 | | |
| Directorate | Resources and Transformation | | |
| Service | Money Home Job and Resilient Communities | | |
| Responsible Officer | Elise Hopkins/Paul Gordon | | |
| Proposal planning start | March 2020 | Proposal start date (due or actual date) | March 2020 |

| 1 | What is the purpose of the proposal? | Yes / No | New / revision |
|----------|---|-----------------|-----------------------|
| | Show which category the proposal is and whether it is new or a revision. | | |
| | Policy | Yes | New |
| | Procedure | | |
| | Guidance | | |
| | Is this a service to customers/staff/public? | Yes | New |
| | If yes, is it contracted or commissioned? | Yes | New |
| | Other - give details | | |
| 2 | What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change? | | |
| | <p>COVID-19 is a new illness that can affect your lungs and airways. It's caused by a virus called coronavirus and has affected the UK considerably since early 2020. National government policy has steered towards a range of measures including social distancing and recommending for those showing symptoms to isolate up to 14 days and those who are vulnerable/elderly to self-isolate in their homes for up to 12 weeks. As a result of these measures a number of vulnerable and elderly residents in the borough will need help with accessing basic food and medical supplies.</p> <p>The Council is working with a wide range of partner organisations, in an attempt to help minimise the spread of COVID-19. To achieve this, the Council has applied a resilient communities approach, providing civic leadership, to mobilise a public response through our vibrant voluntary and community sector, in recognised locality 'hub' areas. The approach supports shielded or vulnerable residents in self-isolation to stay safely at home and provides essential food to individuals and families in financial hardship, without building long-term dependency on the Council. It also aims to build long lasting connections between local residents, enhancing cohesion and reducing social isolation for vulnerable people.</p> | | |



| | | | |
|--|--|-----------------|--|
| 3 | Who is the proposal likely to affect? | | |
| | People in Walsall | Yes / No | Detail |
| | All | Yes | Covid-19 can affect all residents, key front line workers and more so who come into contact with infected people such as those in the care sector. Research suggests those that are elderly or with underlying health issues are often more susceptible to the virus and can have more long-term issues and medical complications. Source: https://www.nhs.uk/conditions/coronavirus-covid-19/ , accessed 28/4/20) |
| | Specific group/s | | |
| | Council employees | | |
| Other (identify) | | | |
| 4 | Please provide service data relating to this proposal on your customer's protected characteristics. | | |
| <p>Context: Walsall is a metropolitan borough consisting of a mix of urban, suburban and semi-rural communities. The borough covers 40 square miles, is located to the north-west of Birmingham, and is one of the four local authorities that make up the Black Country sub-region (with Dudley, Sandwell and Wolverhampton). Walsall town centre lies at the heart of the borough surrounded by Aldridge, Bloxwich, Brownhills, Darlaston and Willenhall district centres.</p> <p>Population: Walsall has an overall estimated population of 281,300 (ONS, mid-2017). It is predicted to increase by 5.9% over 10 years, from 274,200 in 2014 to 290,200 in 2024. Like many areas, the predicted growth of Walsall's older population (> 65) is higher than this at 12.4%.</p> <p>Ethnicity: Walsall is a culturally diverse town with a 24% non-white British background, where people of Indian, Pakistani and Bangladeshi background form the largest minority ethnic groups. The number of non-UK born residents in Walsall increased by 3.7% (or 9,900 people) between the 2001 and 2011 censuses and Walsall now has a small Eastern European population who make up about 1% of residents (2,700 people in total). In terms of children and young people aged 0-17, the proportion of pupils from minority ethnic groups has increased to 37.4% of all pupils living in the area from 36.7% in 2016 and 24% Primary pupils have English as an additional language. (School Census, January 2017).</p> <p>Households: As at April 2019 there are approximately 116,261 households in Walsall which is an increase of 8% or 8439 households since 2011. (Source: Walsall Council). However, between April 2018 and April 2019 there was a small increase in the number of households from 115,501 to 116,215.</p> <p>Housing and Tenure: Census 2011 shows 63% of properties in Walsall are owner-occupier, 24% social rent and 11.7% are private rented. The Walsall Private Sector Stock Condition Survey 2019 has since shown there has been a significant increase in the size of the private rented sector since Census 2011 from 11.7% to 16%, and subsequent decrease in owner occupation from 63% to 59%, and social housing has remained at around 25%. Average House prices in the borough between December 2018 and December 2019 are £166,532 and the mean annual gross pay for October 2019 is £24,014. This means the ratio of income to house prices is unaffordable for many, with average house prices being around 7 times of annual gross pay.</p> <p>Deprivation: The 2019 Index of Multiple Deprivation (IMD) now ranks Walsall as the 22nd most deprived English local authority (out of 326). Since 2015, Walsall has seen an increase in deprivation where it previously ranked 33rd. The 2019 IMD shows 20% of</p> | | | |

Walsall's population living in income deprived households. There are two supplementary indices, which are a sub-set of the Income Deprivation Domain.

The Income Deprivation Affecting Children Index (IDACI 2019) is one of the sub sets measures the proportion of all children aged 0 to 15 living in income-deprived families and shows 26.1% of children in Walsall are living in income-deprived families.

There are extremes of deprivation, with central and western areas typically much more deprived than eastern areas although pockets of deprivation exist even in the more affluent parts of the borough.

Health and life expectancy: 2011 Census results show that overall health is poorer in Walsall than in England and Wales. One in five residents have a limiting health condition: 10.4% are limited a lot, and a further 10.3% limited a little. 77.3% of residents say their health is good or very good – lower than the 81.2% nationally – with 7.3% experiencing bad or very bad health (5.6% nationally).

Overall life expectancy is gradually increasing for both males and females and the gap with comparator areas has shown positive signs of narrowing. However, the focus continues to be on prolonging a healthy life expectancy and understanding and planning for the implications that will have on service need and provision. Walsall has a lower healthy life expectancy age compared to regional and national comparators. Female healthy life expectancy is lower than males.

Age: The Joint strategic Needs Assessment showed in 2018 that the age of the population is geographically divided: the urban, more deprived areas of the borough are generally younger. The more affluent, least deprived & more rural areas towards the east & south-east are older. This is important to understand the relative demand for services by area.

Walsall has proportionately more young people (under 15) & older people (over 75) population than the England average. In contrast, the working age population is lower than England in most age groups. The net result is a high dependency ratio of 0.64 (dependents : working age), which increases demand for the provision of services. Walsall's population is aging & will see a significant increase in those aged 65 & over - particularly in the 90+ age band. This will be important in determining the future demand on services.

Characteristics of the four hub areas:

Our locality areas have a number of differences in demographics (sourced at Census 2011) and challenges and we have taken these factors into consideration and provided locality based community service which is able to meet the needs of our diverse communities. (Locality Profiles Walsall Council 2020

<https://www.walsallintelligence.org.uk/home/profiles/locality-profiles/>)

The North locality population is 56,500 and has:

- A younger age profile than borough overall
- High proportion of younger children under 10
- Fewer working age and older people
- 14.2% minority ethnic residents which is lower than the borough (Walsall average 24.1%)
- Asian: Pakistani is the largest minority group – 4.1% (Walsall average 5.3%)
- A mix of all other minority groups living in the locality in smaller numbers
- Very high proportion of socially rented properties (37.8%) and below average owner occupation
- Above average proportion of lone parent families and people living alone
- Cancer prevalence within the wards of the North locality is lower than the borough average.

The South locality area has a population of 64000 and with:

- 55.5% minority ethnic residents is well over double the borough average (24.1%)
- Asian groups comprise the largest minority group at 42.2% (Walsall 15.2%)
- All ethnic groups are above Walsall average except White British
- Above average number of people over 65 living alone
- Significant pockets of relative deprivation in areas such as Alumwell, Birchills and Caldmore
- A significant number of unpaid carers in Paddock.

The East locality has a population of 88900 and with:

- 9.0% minority ethnic residents is less than half the borough average (24.1%)
- Asian Indian is the largest minority group at 2.8% (Walsall 6.1%)
- All ethnic groups below Walsall average except White British
- Above average number of people over 65 living alone
- Significantly less deprived than the borough overall
- East locality has high proportions of residents providing unpaid care (12.9% in Pelsall and 11.8% in Brownhills) compared to the borough average (11.4%).

The West locality has a population of 71600 with :

- 19.8% minority ethnic residents is lower than the borough (Walsall average 24.1%)
- Asian: Indian is the largest minority group at 7.4% (Walsall average 5.3%)
- A mix of all other minority groups but in smaller numbers
- Above average proportion of lone parent families (13.9%) than Walsall average (12.0%)
- Slightly more deprived than the borough overall
- Pockets of neighbourhoods to the north less deprived (Coppice Farm North & Coppice Farm South)
- Significant pockets of relative deprivation do exist –New Invention Central; Lodge Farm North; Little London South & King’s Hill.
- The highest proportion of Walsall residents providing unpaid care within the West locality are within the wards of Short Heath, Willenhall North, Bentley & Darlaston North.

5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).

| | | | |
|--|---|-------------|------------------|
| Type of engagement/consultation | Internal and external partner dialogue via emails/telephone calls and online meetings | Date | Feb – April 2020 |
| Who attended/participated? | Voluntary and community interest groups, partner agencies, third sector representatives, stakeholders and statutory agencies, internal council services, and elected members. | | |
| Protected characteristics of participants | Representatives from different sector communities were engaged with via emergency and business planning processes. | | |
| Feedback The level of consultation included sharing of key priorities actions and feedback from agencies on the current crisis and resulted in the delivery of a community sector led service. | | | |
| 6 | Concise overview of all evidence, engagement and consultation | | |
| <p>Due to the scale and speed of the Covid-19 emergency, the Council and partners have had to stand up the Community Hub infrastructure in a live environment. As a result, it has been very difficult to do formal consultation. That said, there have been many discussions with customers and key partners during the co-design process and the result is a service that is currently receiving and meeting high levels of demand effectively. However, internal intelligence and data along with communication with the community and voluntary sector we have launched this scheme.</p> | | | |
| <p>The Council is working with a range of statutory and voluntary sector partner organisations to help minimise the spread of COVID-19. To achieve this, the Council has applied a resilient communities approach, providing civic leadership to help mobilise a public response via the voluntary, and community sector, in four locality areas.</p> | | | |
| <p>The existing ‘Making Connections Walsall initiative’ has been expanded to offer additional support for vulnerable residents and families who need to self-isolate during the Covid-19 emergency. Four Community Hubs are now operating across the following</p> | | | |

areas:

1. **NORTH** - Bloxwich Community Partnership, (Bloxwich East, Bloxwich West, Birchills Leamore, Blakenall);
2. **EAST** - Manor Farm Community Association (Walsall Pelsall, Brownhills, Aldridge North, Rushall-Shelfield and Walsall Wood, Aldridge South, Streetly, Pheasey Park Farm);
3. **SOUTH** - Accord Age Matter's (St Matthews, Paddock, Palfrey, Pleck);
4. **WEST** - Old Hall Peoples Partnership (Bentley and Darlaston North, Darlaston South, Willenhall North, Short Heath, Willenhall South).

On the 21st March 2020, the Government asked the NHS to write to 1.5M people nationally who were considered medically vulnerable. In that letter those vulnerable people, termed "shielded", were informed about the need to self-isolate themselves at home for a period of twelve weeks. Recipients of the letters were also offered the option of registering for a non-means tested free food delivery service to support them to remain in their home. The Council understands that 5045 individuals received an NHS shielded letter in Walsall. It is not yet known how many of these will formerly register with the national food assistance scheme.

On the 22nd June 2020 Matt Hancock, Secretary of State for Health and Social Care announced changes in the shielding programme and lifted restrictions for many individuals who for medical reasons needed to remain in their own homes. From the 6th July 2020 there would be greater freedom for shielded individuals and from the 1st August 2020 a pause to the shielded scheme.

The infrastructure that has been put in place to support the community response to COVID-19 is to continue to be used to deliver the on-going work. The Sneyd food parcel facility is being paused as demand has decreased significantly. However a stock of food parcels will be created to support ongoing activity.

As lockdown measures are eased different challenges have been identified and the new delivery model is designed to ensure issues have been mitigated.

| 7 | How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed. | | | |
|----------|--|----------|--|---------------------------|
| | Characteristic | Affect | Reason | Action needed Yes / No |
| | Age | Positive | The over 65 population is increasing in the borough (Census 2011). Streetly ranks top of the over 65s category, closely followed by Aldridge, then Pelsall: the distribution of this age group is very much focused in the East. These are the more affluent areas of Walsall. | N |

| | | | | |
|--|---------------------|----------|--|---|
| | | | <p>In contrast, the younger population is focused predominantly in areas within the North, South & West: Palfrey, Blakenall & Pleck - typically more deprived wards.</p> <p>As a result Hubs have been provided in 4 different localities by specialist third sector agencies who are able to more fully understand their local communities.</p> <p>As we move into the next phase of the easing of lockdown there is a risk that a proportion of our over 65 population may not be confident about leaving their homes. To mitigate this risk we are continuing the befriending service with an additional focus of supporting individuals to gain confidence in going outside their residence.</p> | |
| | Disability | Positive | <p>2011 Census results show that overall health is poorer in Walsall than in England and Wales. One in five residents have a limiting health condition: 10.4% are limited a lot, and a further 10.3% limited a little. 77.3% of residents say their health is good or very good – lower than the 81.2% nationally – with 7.3% experiencing bad or very bad health (5.6% nationally).</p> <p>The needs of those with a disability have been looked at by ensuring accessible services and ensuring we are able to understand this group and have flexibility to deliver the service with partners if requires. This support is available through the community hubs.</p> | N |
| | Gender reassignment | neutral | Some information is available | N |

| | | | | |
|--|--------------------------------|----------|---|---|
| | | | <p>nationally however local data is currently unknown. Given the pressures that NHS services are facing in light of COVID-19, the NHS are advising no changes or increases in doses for hormone therapy, until the COVID-19 outbreak is over, as further blood tests cannot be guaranteed at this time. (Source https://gic.nhs.uk/info-support/hormone-therapy-during-the-covid-19-outbreak-patient-information/ Accessed 29/04/20)</p> <p>The service will be delivered irrespective of gender type and will deliver services in a professional manner but do note nationally there is unlikely to be customers from this group with an urgent prescription need.</p> | |
| | Marriage and civil partnership | Positive | <p>Census 2011 shows 46.5% of people are married, 11.3% cohabit with a member of the opposite sex, 0.7% live with a partner of the same sex, 24.6% are single and have never married or been in a registered same sex partnership, 8.2% are separated or divorced. There are 12,727 widowed people living in Walsall.</p> <p>The service will deliver services to this group and understands in some cases the households may have more than 1 person who may be isolating but also will understand the pressures of single person households.</p> | N |
| | Pregnancy and maternity | Positive | <p>In 2018, there were an estimated 839,043 conceptions to women of all ages in England and Wales compared with 847,204 in 2017, a decrease of nearly 1.0%. The conception rate for</p> | N |

| | | | | |
|--|--------------------|----------|---|---|
| | | | <p>women under 18 years decreased for the 11th year in a row, the longest continued decrease since records began. (source https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/conceptionandfertilityrates/bulletins/conceptionstatistics/2018 Accessed 29/04/20)</p> <p>Where a service user is pregnant, priority is given to the household as this is one of the high risk groups identified by government account.</p> | |
| | Race | Positive | <p>Walsall has a 24% BAME population (Census 2011), and we aim to ensure the service provides flexibility in the food parcel type and service they deliver taking into account cultural issues particularly as many of our BAME resident live in the west of the borough. Origins data as at 2020 shows a large non –White British increases in most of Walsall Specifically WS5 postal sector (12% increase in non –white British) and a big concentration of Sikh arrivals into Walsall.</p> <p>There is ongoing research into the BAME population with a higher rate of infection identified and as more knowledge is gained our response will be adapted.</p> | N |
| | Religion or belief | Positive | <p>The religious make up of Walsall as per Census 2011 is 59.0% Christian, 19.7% No religion, 8.2% Muslim, 4.3% Sikh, 1.7% Hindu, 0.2% Buddhist. 16,174 people did not state a religion. Based on these figures we</p> | N |

| | | | | |
|--|--------------------|----------|--|---|
| | | | are able to ensure we understand the dietary and religious requirements such as those requiring vegetarian/Vegan, Halaal and Kosher products and ensure we are flexible in the type of food parcel we deliver to people through the community hubs. | |
| | Sex | Positive | In the 2011 census the population of Walsall was 269,323 and is made up of approximately 51% females and 49% males. The average age of people in Walsall is 39, while the median age is also 39. 89.0% of people living in Walsall were born in England. Regardless of gender we will offer a service to all residents who require help and support. However, where there are cultural issues these will be taken into consideration. | N |
| | Sexual orientation | Positive | National statistics show the proportion of the UK population aged 16 years and over identifying as heterosexual or straight has decreased from 94.4% in 2012 to 93.2% in 2017. Over the last five years, the proportion of the UK population identifying as lesbian, gay or bisexual (LGB) has increased from 1.5% in 2012 to 2.0% in 2017, although the latest figure is unchanged from 2016. In 2017, there were an estimated 1.1 million people aged 16 years and over identifying as LGB out of a UK population aged 16 years and over of 52.8 million. Males (2.3%) were more likely to identify as LGB than females (1.8%) in 2017. People aged 16 to 24 years were most likely to identify as | N |

| | | | | |
|---|--|--|---|---------------------------|
| | | | <p>LGB in 2017 (4.2%). Source: https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2017, accessed 29/04/20)</p> <p>With the figures taken into consideration we will ensure the partners who are at the front line of our service have the right ethos and commitment to serving all of our communities.</p> | |
| 8 | Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details. | | | (Delete one) No |
| 9 | Which justifiable action does the evidence, engagement and consultation feedback suggest you take? | | | |
| A | No major change required When no potential for discrimination or adverse impact is identified and all opportunities to promote equality have been taken. | | | |

| Action and monitoring plan | | | | |
|----------------------------|--|----------------------|--------------|---|
| Action Date | Action | Responsibility | Outcome Date | Outcome |
| 2021 | Collate Service user data on protected characteristics and ensure consultation with third sector on the key lessons learnt | LA/delivery partners | Annual | <ul style="list-style-type: none"> Understand who has accessed service and what needs and demands are of different communities with regards to Covid 19 Ensure this information is used to ensure communities are represented at future consultation opportunities and intelligence is proactively used to target service |

| | | | | |
|--|--|--|--|-----------|
| | | | | delivery. |
| | | | | |

| Update to EqIA | |
|---|--|
| Date | Detail |
| 6 th July 2020 | Amendments made as part of the redesign of the next phase of support due to the pause of shielding arrangements identified by the Secretary of State for Health and Social Care. |
| | |
| Use this section for updates following the commencement of your proposal. | |

Contact us

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Inside Walsall: [http://int.walsall.gov.uk/Service information/Equality and diversity](http://int.walsall.gov.uk/Service%20information/Equality%20and%20diversity)

Cabinet Report – 15 July 2020

Occupancy of Hollybank House by Walsall Healthcare Trust to provide in-patient beds for Stroke rehabilitation.

Portfolio: Councillor Rose Martin, Adult Social Care

Related portfolios: Councillor Adrian Andrew

Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To seek Cabinet approval to grant Walsall Healthcare NHS Trust (WHT) of Manor Hospital Moat Road Walsall WS2 9PS a long-term lease of Hollybank House Coltham Road, Willenhall, WV12 5QD (edged black on the appended plan EPMS 4845/1) for the purpose of continuing the delivery of a bed-based service for Stroke Rehabilitation patients, to replace the current temporary Tenancy at Will which was urgently granted to WHT at the beginning of the COVID-19 pandemic and ahead of agreement for a long-term lease.
- 1.2 WHT wish to continue to deliver a bed-based delivery to patients recovering from stroke, and continued occupation of Hollybank House in Willenhall (see Appendix A EPMS 4845/1) will enable the service to become a far more inclusive resource that is also complimented by community resource and a package of maintenance for all patients who require more time to recover and manage their potentially long term condition.

2. Summary

- 2.1. The Council sought and obtained approval in April 2020 under the Council's COVID-19 emergency decision making powers to enter into a Tenancy at Will in order for WHT to occupy Hollybank House following the unprecedented pressures on the acute hospital services in Walsall due to the COVID-19 pandemic. From Monday 6th April following approval, Stroke Rehabilitation patients were transferred off the Walsall Manor site to Hollybank House in order to create additional capacity for the rise in demand of patients presenting at the hospital due to COVID-19.
- 2.2. The Tenancy at Will has allowed WHT to transfer the rehabilitation of patients from the Manor Hospital which has served two purposes:

- (i) It freed up space for COVID-19 patients and eased pressures on the acute site.
 - (ii) It also protected rehabilitation patients from proximity to COVID-19 patients, whilst also giving opportunity to consider how a longer-term plan to occupy the site at Hollybank House for the purpose of supporting patients who have suffered strokes, may work.
- 2.3. In that intervening period it has been possible to understand the benefits of operating the stroke rehabilitation service from Hollybank House and has also allowed the Council and WHT to prepare a Business Case (**Appendix B**) to help inform decision making in both organisations as to the costs and benefits of WHT occupying this Council property on a longer term arrangement. The proposal is that WHT will occupy Hollybank House through a 10-year lease (with a 5-year break) on internal repairing terms for an annual rent of £90,300. Lambert Smith Hampton (LSH), the Council's valuers for this property, have confirmed that this rent represents market rent for the property on internal repairing lease terms.
- 2.4. Hollybank House has, until these recent events, been part of the Adult Social Care operational portfolio of properties, however as detailed in this report, it has not been fully operational since 2018 when the decision was taken to cease the delivery of the Social Care's bed-based reablement and respite service. As such Adult Social Care have no current or planned future use of the building and due to its specific design as an inpatient facility, the Council has no other identified need to retain the property for its own purposes.
- 2.5. Research evidences the positive impact and outcomes that can be achieved with rehabilitation patients when they are supported outside of an acute hospital setting into the community. Whilst based at Manor Hospital, the Stroke Rehabilitation Service is vulnerable to risks associated with capacity pressures and infections. Whether there are further spikes of COVID-19 or other infections, being in an acute setting when there is no necessary reason to be there and immune systems are impaired, does create more problems to the patient than if being moved out of that setting as quickly as possible, in order to continue rehabilitation following stroke.
- 2.6. The associated patient safety and quality risks for people remaining in large acute settings for longer periods of time include increased falls, increased infection control incidents, reduced therapy input and increased staff sickness, thus reducing the speed of a patient's sustainable health.
- 2.7. Until March 2020 The Intermediate Care Service (ICS) who are the Council's health and care team, were based at Hollybank House. This was a temporary arrangement that was put in place two years ago whilst long-term accommodation issues could be addressed. Since the COVID-19 outbreak, ICS have moved out of Hollybank House to co-locate with colleagues as part of an integrated team approach. Alternative office-based accommodation at Blakenall Village Centre has been a longer-term aspiration and the plan to move quicker on that action was directly linked to the need to progress urgent beds to release capacity at the Manor Hospital.
- 2.8. The delivery of the bed-based stroke service from Hollybank House has been a successful use of resource and has seen an increased seamlessness of approach across Health, Social Care and the Trust partners, albeit as a result of crisis.

- 2.9. WHT are the current registered service occupying Hollybank House and if this was to be a long-term arrangement with a 10-year lease, then they would need to secure approval from clinical Senate as well as through the Care Quality Commission (CQC).
- 2.10. Whilst there is yet to be any formal arrangement between the partners, as part of the Walsall Together Partnership, it has always been the intention to align operational teams across Adult Social Care and Health more closely, in order to deliver an improved set of outcomes for local citizens, better use of collective assets and to ensure that there can be a strong visibility around place-based teams for each locality. The resulting relocation of Council staff from Hollybank House – i.e. moving the ICS team to Blakenall Village Centre alongside our WHT colleagues helps immensely with that partnership working and helps to streamline all of the functions of the integrated approach towards reablement and easy access to community support as part of that whole system.

3. Recommendations

- 3.1. That Cabinet approves the issuing of a long-term lease by Walsall Council to WHT of Hollybank House (shown edged in black on plan number **EPMS 4845/1**) to allow WHT to deliver their in-patient Stroke Rehabilitation Service.
- 3.2. That Cabinet delegates authority to the Executive Director Economy, Environment and Communities, in consultation with the Executive Director of Adult Social Care and the Portfolio Holder for Regeneration to agree the final terms of the lease.
- 3.3. That Cabinet approves that the rental income from Hollybank House can be used to fund the costs associated with Adult Social Care staff occupying community buildings alongside WHT colleagues at Blakenall Village Centre and other locality locations as well as using any balance of the income to support any costs arising from the Council's retained maintenance responsibilities of Hollybank House.

4. Report detail - Know

- 4.1. Hollybank House located in the Short Heath Ward in Willenhall forms part of the Adult Social Care operational asset portfolio. Until July 2018 Hollybank House was an important building for the delivery of services, but in June 2018, the service ceased. Prior to that it operated as a 25 bedded unit for reablement and intermediate care. Since this time, Adult Social Care teams have occupied the property mainly as a result of limited alternative locations for the delivery of community based and intermediate care services but also to act as 'guardians' of the property whilst alternative uses for the building have been considered.
- 4.2. Cabinet and respective Health Organisations Boards agreed in early 2018 to follow an Alliance model. This provides a flexible but contractual agreement between providers and commissioners. The Alliance contract for health partners sets out the budget, terms and risk sharing agreements, while master service agreements govern the delivery of different transformation schemes. Discussions have taken place between the Council and WHT, to consider the alternative uses for Hollybank House and the specific needs that WHT have relating to the capacity of their existing assets at the Manor Hospital site.

- 4.3. The longer-term relocation of Stroke Rehabilitation Services from Walsall Manor Hospital to Hollybank House has been discussed over several months between colleagues at Walsall Council and WHT. The requirement to enter into an urgent Tenancy at Will was as a result of COVID-19, however the longer term aspirations for a stroke patient service delivered from Hollybank House somewhat predated this event and the longer-term aspiration was discussed at a meeting of the 16 January 2020 Health and Social Care Overview and Scrutiny Committee.
- 4.4. Outcomes for patients are maximised when stroke rehabilitation services are moved out of an acute hospital setting into the community. Whilst based at Manor Hospital, the stroke rehabilitation service is vulnerable to risks associated with capacity pressures. The associated patient safety and quality risks are increased falls, increased infection control incidents, reduced therapy input and increased staff sickness.
- 4.5. As a result of the Covid-19 outbreak several organisations including Walsall Council, WHT and Walsall Housing Group were involved in discussions to operationalise Hollybank House as an inpatient unit and this was mobilised to take patients from the week commencing Monday 6th April 2020.
- 4.6. These actions were coordinated jointly between colleagues at Walsall Together, the Integrated Care Partnership for Walsall. The same colleagues have also jointly prepared a business case (Appendix B) that sets out in greater detail the considerations that have been given to the identification of Hollybank House as the preferred location for the Stroke Rehabilitation Service. The same business case also considers the implications arising from the relocation of Council staff from Hollybank House to the Blakenall Village Centre.
- 4.7. There are no alternative viable options to Hollybank House for the relocation of a Stroke Rehabilitation Service in a community setting in Walsall that is conducive to acute inpatient services and the wider community inclusive offers that would then sit fittingly around it. There has been investment in the property to establish the urgent bed-based resource, funded by WHT through COVID-19 monies. Consequently this is a property/asset fit for purpose so far as CQC are concerned.
- 4.8. The property sits within a community that is already familiar with it being a Health and Social care facility. There is very little risk of local residents opposing this as an ongoing local resource, but this time recognising this is a service being delivered and managed as part of a health service.
- 4.9. The solution for accommodation of both services is being considered in the context of the Walsall Together Integrated Care Partnership (ICP) principles and not in the interests of any single statutory organisation. The ICP seeks to develop “integrated ways of working to improve the health and wellbeing outcomes of their population, increase the quality of care provided and provide long term financial sustainability for the system” (Walsall Together Business Case, January 2019).
- 4.10. The business case for the occupation of Hollybank House (**Appendix B**) therefore confirms that WHT are prepared to enter into a 10 year lease (with a 5-year break) for Hollybank House following the initial period of occupation under the Tenancy at Will. The purpose of this is for WHT to register, manage and deliver a health service from within Hollybank House for the purpose of supporting patients recovering from a stroke. The resulting relocation of Council staff (the ICS team)

to the Blakenall Village Centre is also identified to have a financial implication for the Council in that the co-location of our teams into office accommodation leased by WHT from New Horizons Community Enterprise (landlord of the Blakenall Village Centre) will require the Council to make a contribution to the rent, service charge and business rates payable. Evidence has been provided to the Council by WHT that the comparable costs of occupying other third party buildings means that the Blakenall Village Centre occupation provides value for money when compared to other commercial arrangements. The service delivery benefits of co-location with health and social care teams have been presented previously to Cabinet at its meeting, April 2019 (**See Appendix C**).

- 4.11. The April 2019 report explained how the Walsall Alliance worked on the premise of the Council occupying space within WHT, through a selection of leased or freehold property across the collective assets of the Trust and the Local Authority. Under the same strategic objectives, assumed through the report approved in 2019, the Council is already occupying space within Blakenall Village Centre under similar arrangements and as part of promoting an integrated approach across Health Trust and Social care colleagues. The East Locality for Assessment and Care management (ACM) are already co-located within Blakenall Village Centre. Other teams have co-located to other premises including Pinfold Health Centre and Darlaston Broadway Health Centre. Further work will be required to establish the expected costs for the ongoing use of Darlaston, Pinfold and Blakenall Village centre, to accommodate locality based Social care teams. It is proposed that the income received from the rent of Hollybank House be used to offset some of these costs (see Financial Implications section of this report) as well as any balance being used to support future building maintenance responsibilities that remain with the Council via the terms of the lease.
- 4.12. Both health and social care staff in ICS are well located in the Blakenall Village Centre and the building is easily accessible for staff who need to touch base with colleagues to support the integrated working arrangements.
- 4.13. Moving the Stroke Service from Walsall Manor Hospital and WHT taking on the management and delivery of a stroke service from Hollybank House, means that they will need to register their service with the CQC and seek approval from the Clinical Senate.
- 4.14. A selection of local assets managed and owned by Walsall Council were explored as part of securing alternative accommodation for the locality teams, in particular for the ICS team, who for two years have remained on a temporary basis at Hollybank House, all of this in order to move front facing statutory teams closer to the community in which they serve. Unfortunately the only council owned accommodation identified for this purpose was the Civic Centre and Council House, which has accommodation demands from existing services but moreover does not lend itself fully to the whole system locality model and necessary synergies with the Health colleagues to positively add value to the model being aspired to.
- 4.15. Subject to Cabinet approval, it is the current intention of the parties to exchange all contracts associated with the proposed lease for Hollybank House by September 2020.

- 4.16. Hollybank House is currently registered with the CQC on a temporary basis and as part of an urgent Tenancy at Will. WHT are therefore in a good position to revisit the registration on a long-term basis in order to deliver an inpatient service for rehabilitation of people who have suffered a stroke.

Council Corporate Plan priorities

- 4.17. This is a good commercial option and fits with the Council's priorities.
- 4.18. This proposal supports the role the Council plays in the wider system of health and care for the people of Walsall.
- 4.19. This proposal links to the Council's corporate priority 'Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion'.
- 4.20. The Services will deliver the following outcomes: The most vulnerable are protected from avoidable harm, including treating and caring for people in a safe environment through working within the local community. Enhancing quality of life for people with care and support needs and those with long term conditions; out of hospital, community based provision provides a safe and more appropriate environment for individuals recovering from ill health and/or injury or requiring long term care.

Risk management

- 4.21. Risks to patient safety and clinical effectiveness will be reduced by maximising the opportunities that the use of Hollybank House will bring. These could include:
- Reduced infection control incidents
 - Reduction in patient falls
 - Prompt therapy input for rehabilitation patients as staff are able to focus solely on the patients for purpose of rehabilitation
 - Patient care and improved outcomes as a result of acute staff focussing purely on people within the rehab setting
 - The national guidance on hospital discharges for medically stable patients will increase the pressure to ensure there is adequate bed stock within the community
- 4.22. WHT must register the Health service with the CQC as a new service outside that they were registered for prior and as part of the COVID-19 agenda. If registration was not granted then the Council would revert back to having a building not fit for purpose, the community ICS team still not being accommodated in a building conducive to need and a lost opportunity for WHT to improve the outcomes for vulnerable patients requiring support after a stroke.
- 4.23. There is a risk that WHT choose to exercise their break in relation to both Hollybank House and the occupation of the Blakenall Village Centre during the terms of the leases for the respective buildings. This would result in the Council needing to manage a vacant building and find alternative accommodation for our teams located within the Blakenall Village Centre (or taking on sole occupation of the property through our own lease arrangements). This risk is being mitigated by the wider Walsall Together Partnership governance and management structures that

will ensure consideration is given to the impacts of exercising breaks in leases well in advance of them occurring, and should give both partners the time to plan a relocation from the premises.

Financial implications

4.24. A summary of the full year costs for Hollybank House is shown below in Table 1.

| Table 1 - Summary of Hollybank Costs | | | |
|---|--|---|------------------------|
| | 2020/21 (No rent free period) | 2020/21 (Including 6 months rent free) | 2021/22 onwards |
| Tenancy at will (April - July) | £27,664 | £27,664 | - |
| Rent (August - March) | £60,200 | £15,050 | £90,300 |
| One-off costs (Funded by WHT) | £33,292 | £33,292 | - |
| Total | £121,156 | £76,006 | £90,300 |

- 4.25. Walsall Council will receive rental income for Hollybank House of £90,300 per annum. There are ongoing negotiations around a rent free period for up to 6 months for Hollybank House for 2020/21. The preferred option is not to offer a rent free period and officers will negotiate with WHT to agree the shortest possible rent free period with due consideration of the financial impact any rent free period will have on the Local Authority. The income for 2020/21 will therefore be determined once the outcome of these negotiations have been agreed by both parties. The rent payable under the Tenancy at will is a day rate calculated at £247 paid from 6 April 2020 to the date of exchange of the new lease – currently assumed to be the 1 August 2020) and the remaining rental income for 2020/21 will be on pro-rata basis dependent on the agreed rent free period.
- 4.26. The one-off costs incurred to enable Hollybank House to be a suitable location for the Stroke Rehabilitation Service were funded by WHT through COVID-19 funding, this includes the initial cleaning, caretaking and catering provision and minor works.
- 4.27. From 1 April 2020 the business rates and utility bills for Hollybank House were transferred to and paid directly by WHT for the term of the lease.
- 4.28. From 1 June 2020 WHT are sourcing their own cleaning contract and from 1 July 2020 WHT will be sourcing their own catering contract.

- 4.29. A summary of the part year and full year costs for Blakenall Village Centre is shown below in Table 2.

| Table 2 - Blakenall Village Costs | | |
|--|--------------------------------|--------------------------------|
| | 2020/21 (part year) | 2021/22 (full year) |
| Rent | £8,000 | £12,000 |
| Service charge | £25,938 | £25,938 |
| Business Rates | £12,500 | £12,500 |
| Total | £46,438 | £50,438 |

- 4.30. The total cost to the Local Authority for Blakenall Village Centre is £50,438 per annum. WHT have proposed an initial 4 month rent free period from 1 April 2020 but it is expected that the Local Authority will still incur full year costs for the service charge and business rates.
- 4.31. It is proposed that the costs incurred for Intermediate Care staff moving into Blakenall Village Centre could be funded from the rental income received from Hollybank House.

Legal implications

- 4.32. The proposed continued occupation of Hollybank House on a longer term arrangement will require the Council to grant a lease to WHT. Under S123(i) of the Local Government Act 1972 (LGA 1972), Councils have a fairly wide discretion to dispose of their assets in any manner it wishes. This includes selling freehold interests, granting or assigning leases and granting easements. However, this general power is limited by the duty in LGA 1972, s123(2) to achieve the best consideration reasonably obtainable when disposing of land, unless:
1. The 2003 General Disposal Consent applies; or
 2. Secretary of State for the Department of Communities and Local Government has given his consent to the disposal;
- 4.33. In the case of Hollybank House, WHT are prepared to pay market rent for the property (the market rent having being established by the Council's valuers LSH) and so by entering into a lease on terms set out in this report, the Council is achieving best consideration for the property.
- 4.34. In accordance with Part 4 (section 22) of the Council's Constitution, Cabinet approval is required when the Council proposes to enter into a lease with a value of more than £50,000 in a complete year; in the case of Hollybank House, the Council will receive a rental income of £90,300 per annum.
- 4.35. The legalities of drafting and granting the Lease by the Council will be carried out by officers in Legal Services, under instruction from Asset Management and the Executive Director for Economy Environment and Communities. It is usual for the tenant to pay the Council's legal costs for a new lease.

Procurement Implications/Social Value

- 4.36. There are no direct procurement of social value implications arising from this report.

Property Implications

- 4.37. As set out elsewhere in this report, Hollybank House has no current beneficial operational use for the Council but is not on the surplus to requirements list for disposal. Asset Management have been consulted on the proposals and advised accordingly that if Adult Social Care have no identified need for the property, nor can an alternative service need from within the wider Council be identified, then the property can be made available to WHT on the terms considered in this report. An independent valuation has been obtained from the Council's external valuers, LSH, and this advice has determined that the rent of £90,300 per annum is considered to be equivalent to a market rent for the property.
- 4.38. The terms of WHT occupation of Hollybank House can be summarised as: 10 year term with a 5 year break option; an up to a six-month rent free period which is still to be agreed but would be from the date of lease completion; a rent review at year 5 and WHT taking responsibility for internal repairs only. The market rental value of the property reflects these terms and namely that the Council will retain maintenance responsibilities for all structural elements of the property to include, foundations, supporting structures and the roof. WHT have instructed a survey of the building and a Schedule of Condition will be appended to the lease setting out the condition of the property on occupation for the purposes of calculating future dilapidation costs. WHT will take on the payment of the business rates, utility costs and other facilities management costs at the property. The Council and WHT have produced Heads of Terms for the lease.
- 4.39. As noted, WHT have undertaken their own market assessment of comparable rents for properties providing the same accommodation benefits that can be found at the Blakenall Village Centre for the occupation of ICS (and East Locality Team) and this has been reviewed by the Walsall Together Management Team and determined to represent value for money. The Council is not at present being asked to be a party to the lease between the landlord of the Blakenall Village Centre (New Horizons Community Enterprise) and WHT so we will have no formal rights to occupy. However, a service level agreement will be undertaken by the partners to formalise the co-location arrangements. This matter will need to be determined by the Walsall Together Management Team with advice provided by the Asset Management Team.

Health and wellbeing implications

- 4.40. Outcomes for patients are maximised when stroke rehabilitation services are moved out of an acute hospital setting into the community where there would also be improved links to intermediate care and other community services. This in turn, often improves the health and wellbeing, not only for the patients but for their families, who have many more local opportunities to support their family member and without the trauma of visiting a large acute setting, whilst their family member is in an in-patient bed, or receiving community rehabilitation as part of post discharge recovery.
- 4.41. For staff there is an improvement in health and wellbeing as they are far more connected to their peers and partners as part of the locality agendas and the

accessibility to work is far easier from the Blakenall Village Centre than when travelling and parking at the large acute site. All of these attributes help to attract and retain a workforce and reduce high turnovers of staff.

Staffing implications

- 4.42. Staff engagement has taken place over several months in relation to the longer term alternative options for staff and as part of considering the options for suitable sites to accommodate the staff teams and focus on integration.

Reducing Inequalities

- 4.43. An Equality Impact Assessment (EqiA) has been completed and is appended to this report (**See Appendix D**).

Consultation

- 4.44. Through the ongoing engagement events and Walsall Together Board, local decisions have been made to maximise the use of space across WHT and Walsall Council's assets portfolios. All relevant staff have been engaged in these conversations and as a result of wider planning, are aware there were longer term aspirations to move out of Hollybank House to work alongside colleagues within an alternative suitable site. This was implemented much quicker as a result of COVID-19. This has proved very positive for the staff who have settled into working in a new way and knowing that their accommodation is within an environment that is more fitting to the need of the service.

5 Decide

- 5.1. The Civic Centre and the Council House had been considered alongside other options within the Council's office-use portfolio as possible locations for the ICS Team, but it was preferred to deploy the team to Blakenall Village Centre as this would be a great opportunity to continue the hard work started as part of the integration agenda and the building is community facing, hence far easier for front facing customer engagement and local resident/patient interface.
- 5.2. Having considered the suitable alternative properties within the WHT and Council estate it was deemed to be the case that there are no alternative Council-owned options other than Hollybank House for developing a longer-term inpatient facility for patients recovering and being rehabilitated following a stroke due to the fact that the Council does not own any property that it has not declared surplus to its requirements, suitable for the conversion or re-use without substantial costs to the public sector, and that WHT have no surplus properties capable of hosting the Stroke service.
- 5.3. Manor Hospital will benefit from having additional bed capacity during times of crisis i.e. COVID-19, winter and summer pressures etc.

6 Respond

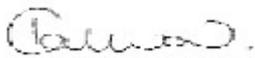
- 6.1. Subject to Cabinet resolving to grant a lease for Hollybank House, then heads of terms will be drafted and legal instructed to draft exchange and complete all legal documents, pursuant to the officer delegations granted by Cabinet.

7. Review

- 7.1. The arrangements for the management of the lease for Hollybank House will be arranged as part of the Corporate Landlord functions and fed into formal Governance arrangements/Board for WHT and the Council as and when required as part of the negotiated terms.

Background papers

Urgent decision report (April 2020) Tenancy at Will
Walsall Together/Walsall Alliance Cabinet Report, 2019



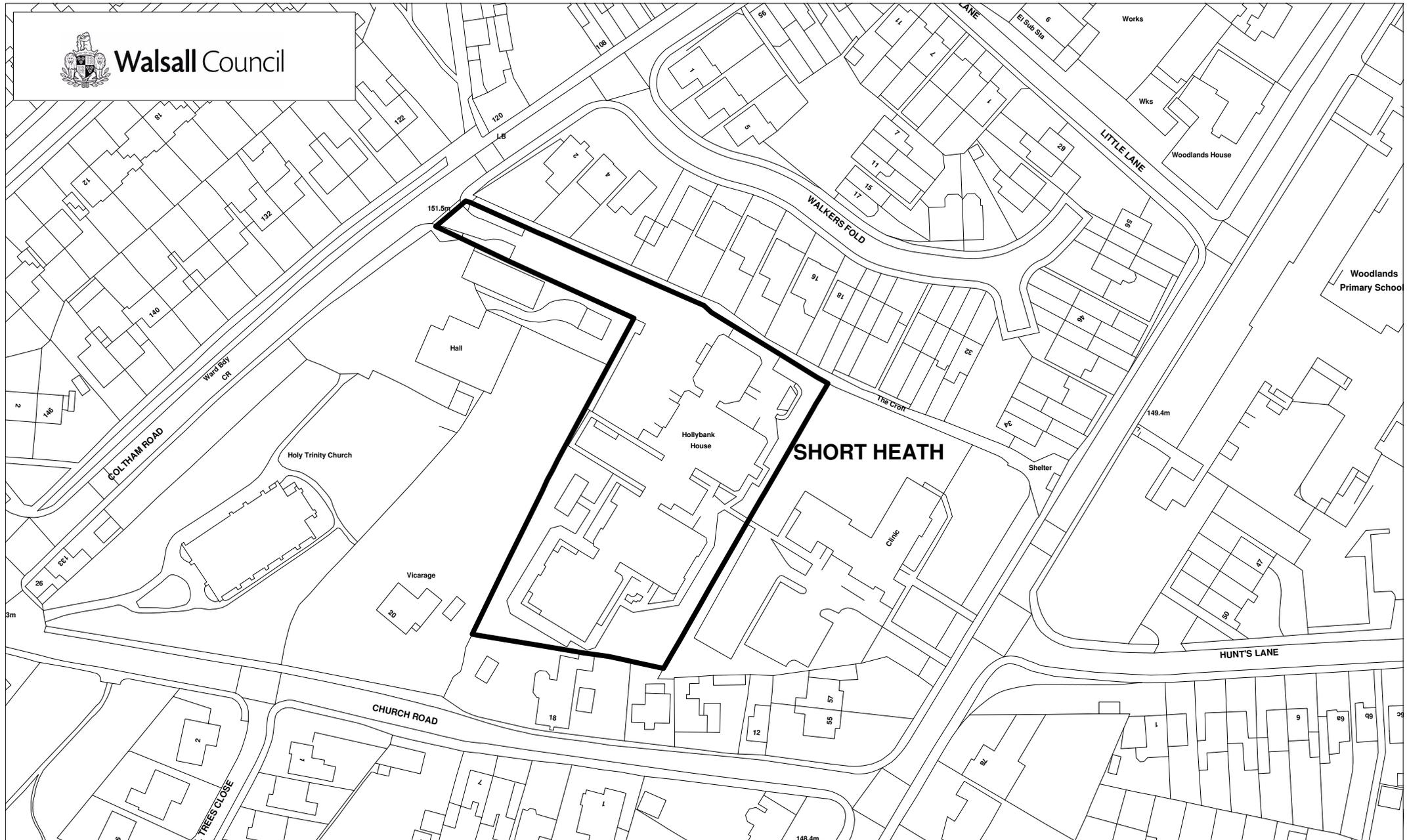
Kerrie Allward
Interim Executive Director

Date 6 July 2020



Councillor Rose Martin
Portfolio Holder

Date 6 July 2020



ASSET
MANAGEMENT
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SITE ADDRESS: HOLLY BANK HOUSE
COLTHAM ROAD, WILLENHALL

DRAWING NO: EPMS 4845/1
DRAWN BY : KCL
DATE: 17/06/2020



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Programme Delivery and Governance

Programme: Walsall Together

Project: Use of Holly Bank House for Community Stroke Rehabilitation Services

| | |
|---------------------|---|
| Author: | Michelle McManus, Walsall Together Programme Manager |
| Version: | 4.4 |
| Revision No: | N/A |
| Status: | Draft |



Business Case

A description and justification for the project that documents the assumptions made, the options considered, the benefits to be realised and also provides financial justification for the project to be initiated

1. Management Summary

The document constitutes the Business Case for the use of Holly Bank House for community stroke rehabilitation services. This management summary is an overview of the business improvement benefits, costs and risks arising from the implementation of this project.

1.1 Introduction

Outcomes for patients are maximised when stroke rehabilitation services are moved out of an acute hospital setting into the community. Whilst based at Manor Hospital, the stroke rehabilitation service is vulnerable to risks associated with capacity pressures. The associated patient safety and quality risks are increased falls, increased infection control incidents, reduced therapy input and increased staff sickness.

The Intermediate Care Service (ICS) is ordinarily based at Holly Bank House. This was a temporary arrangement that was put in place two years ago whilst long-term accommodation issues could be addressed. Since the COVID-19 outbreak, the ICS team has moved out of Holly Bank House and into Blakenall Village Centre, to aid integrated working during the crisis. Alternative office-based accommodation at Blakenall was the longer-term aspiration and the plan to move quicker on that action was directly linked to the need to release capacity on the Manor Hospital site.

The COVID-19 crisis has meant that some actions were approved more promptly than would otherwise have been the case. To support Walsall Healthcare NHS Trust (WHT) to create additional community capacity, a 'tenancy at will' was approved by the Leader using the powers provided by Section 9E of the Local Government Act 2000. This granted WHT occupancy of Holly Bank House on the basis that longer-term arrangements would be subject to full cabinet approval at a later date.

It is the view of the Walsall Together Programme that there are no alternative viable options to Holly Bank House for the relocation of stroke rehabilitation services into a community setting in Walsall. Occupation of Holly Bank House for stroke rehabilitation will result in the following benefits.

Stroke patients and their families:

- Improved outcomes (SSNAP data) through improved reablement and discharge pathways
- Improved satisfaction with care and support
- Reduced length of stay in acute hospital
- Reduction in falls for stroke patients

Maintenance of premises:

- Holly Bank House will be redecorated, and ongoing internal maintenance provided by WHT

Health and Social Care staff:

- Improved satisfaction and engagement
- Improved retention and reduced staff turnover (stroke services)



Business Case

A description and justification for the project that documents the assumptions made, the options considered, the benefits to be realised and also provides financial justification for the project to be initiated

1.2 Benefits

i) Business:

Walsall Council will receive annual rental income for Holly Bank House at **£90,300** per annum over a 10-year term. This figure was confirmed to be market value during the generation of the existing 'tenancy at will'.

As part of the case, WHT is committed to reviewing this position with the Council to maintain adherence to the Local Government Act 1979 and s123 (as amended), to ensure the Council receives best consideration from the lease arrangements.

WHT will be responsible for the internal maintenance of Holly Bank House. All responsibilities for the building will be set out in a Heads of Terms that will be jointly agreed between the two parties.

ii) Cashable / Non-cashable savings

The ICS will benefit from co-location with locality teams and the Community Services management team that are also based at Blakenall Village.

Stroke patients and their families:

- Improved outcomes (SSNAP data) through improved reablement and discharge pathways;
- Improved satisfaction with care and support;
- Reduced length of stay in acute hospital;
- Reduction in falls for stroke patients.

1.3 Costs

WHT will incur the costs for rental, utilities, business rates and internal maintenance for Holly Bank House. WHT will also incur all operational costs associated with the stroke rehabilitation service provision.

Non-recurrent revenue and capital costs have been incurred by Walsall Council and WHT during the WHT occupancy of Holly Bank House in response to the COVID-19 outbreak:

| | |
|-----------------|-----------------|
| Walsall Council | £16,457 |
| WHT | £93,822 |
| Total | £110,279 |

These costs have been coded to the emergency funding budgets in the respective organisations. Costs incurred by Walsall Council can be recharged to WHT. A detailed breakdown of these costs is included in section 6.

To support the rapid operationalisation of the site, Walsall Council has supported WHT with the provision of soft FM to Holly Bank House including catering, cleaning and laundry. Walsall Council has confirmed it will not be able to support these services beyond 30th June 20. WHT will provide or outsource directly these services from 1st July under the tenancy at will and any subsequent lease. Section 6 provides a detailed overview of the costs incurred by Walsall Council.



Business Case

A description and justification for the project that documents the assumptions made, the options considered, the benefits to be realised and also provides financial justification for the project to be initiated

Walsall Council will need to fund new accommodation for ICS at Blakenall Village (recurring costs). During the initial Covid 19 period, WHT will fund these costs and agree the final position on a recurrent basis with the relevant Council governance. The lease will be in the WHT name and Heads of Terms, with the associated governance, will be established. The annual costs for Blakenall Village are estimated to be **£50,438**.

Non-recurrent revenue and capital costs have been incurred to relocate ICS staff to Blakenall Village during the COVID-19 emergency. These costs have coded to the emergency funding budget in the respective organisations as follows:

| | |
|-----------------|----------------|
| Walsall Council | £1,300 |
| WHT | £26,497 |
| Total | £27,797 |

1.4 Project Plan

i) Overview:

Following the decision to grant occupancy of Holly Bank House under a tenancy at will under emergency measures due to the COVID-19 Level 4 NHS National Emergency, WHT is now seeking approval to occupy Holly Bank House for community stroke rehabilitation from Walsall Cabinet in July 2020.

1.5 Key Risks

The operating model for stroke rehabilitation is subject to approval at clinical senate and Health Overview & Scrutiny Committee (OSC). These Groups may make additional demands to WHT that are outside of the current financial envelope. WHT may not be able to afford the I&E position for the service located in the community and will withdraw its intention to enter into a lease agreement. At this point, the Council would follow its Corporate Asset Management Plan to decide how the building might be utilised in the future or declared surplus.

The Council will expect the Tenant to produce a Schedule of Condition as part of the lease. WMBC does not as a matter of course undertake a condition survey for buildings it is proposing to lease. The onus is on the tenant to satisfy itself of the responsibilities it is taking on through an agreed Heads of Terms. A schedule of condition enables the tenant to establish the condition of the building prior to occupation. It also aids any future negotiations regarding dilapidations at the expiry of the lease.

1.6 Opportunities and Recommendations

It is recommended that:

- the Intermediate Care Service (ICS) moves into fit-for-purpose office-based accommodation at Blakenall Village Centre;
- WHT stroke rehabilitation service remains at Holly Bank House.

For stroke rehabilitation services to be provided in a community setting in Walsall, there are no viable alternatives to Holly Bank House. Additionally, the risks associated with



Business Case

A description and justification for the project that documents the assumptions made, the options considered, the benefits to be realised and also provides financial justification for the project to be initiated

maintaining the service at Manor Hospital are significant and will result in poorer outcomes for patients.

In terms of identifying a suitable alternative location for the ICS team, several options were initially considered within the existing partnership estate. Blakenell village is already in use by the partnership and location is considered the best interim arrangements to keep the staff and the integrated working whole.



2. Introduction

2.1 Purpose of this document

Content guidance

The purpose of this Business Case to document the justification for the undertaking of the project, based upon a balanced review of the estimated cost of development and implementation against the risks and anticipated business benefits and savings to be gained.

It is essential that the full implications of the business change model are considered and therefore the full financial implications of development and ongoing costs must be included within this document.

The Business Case is used to say why the forecast effort and time will be worth the expenditure.

When planning for any piece of work, it is recommended that you begin by asking these 'essential ten' questions:

1. *Why do we want to do this?*
2. *Is it possible to do it?*
3. *What will it deliver?*
4. *Will it add value?*
5. *Who needs it?*
6. *Does it link to other corporate or national initiatives (and how)?*
7. *Who is responsible for making it happen?*
8. *Who is paying for it?*
9. *Who can give the authority for it to proceed?*
10. *Is the environment supportive enough?*

2.2 Background

The National Stroke Strategy (2007) demonstrated that a hub and spoke approach, in which all patients displaying stroke symptoms are directed to hyper-acute stroke units (HASU), will deliver significant improvements to patient outcomes including a reduction in mortality rates and earlier discharge from hospital. Once stable, patients are discharged from an acute setting with care delivered either at a community rehabilitation centre or at home.

In Walsall, following the West Midlands Clinical Senate Stroke Review in 2014, a Stroke Services Sustainability Review was undertaken by Walsall CCG in 2017. The outcome of the review was to establish a HASU and ASU (as the tariff assumes that the HASU and ASU are provided by the same provider) at the Royal Wolverhampton NHS Trust. A further recommendation was to establish a comprehensive inpatient community rehabilitation service in Walsall, provided by Walsall Healthcare NHS Trust (WHT). At the time of the review, there was no community bed facility to support Early Supported Discharge (ESD) and no community bed stock. As such, the stroke rehabilitation service is being provided on Ward 4 at the Manor Hospital, until a community facility is secured.

Holly Bank House was a 21-bedded intermediate care rehabilitation facility from October 2012 until June 2018 when the funding for the bed-based service was withdrawn from the



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Better Care Fund and the unit closed its beds. The CCG now commission 20 beds across 3 nursing homes in the Borough with the same health Integrated Care Service (ICS) clinicians delivering the rehabilitation element of the service.

Intermediate Care Services in Walsall have since been remodelled jointly by Health and Social Care to strengthen approaches to the provision of care closer to home, the avoidance of preventable hospital admissions and the expedition of hospital discharges. As part of this service redesign, ICS staff have relocated from Manor Hospital and are temporarily based in the empty clinical space at Hollybank House until more appropriate accommodation can be secured.

2.3 Drivers for Change

Outcomes for patients are maximised when stroke rehabilitation services are moved out of an acute hospital setting into the community where there would also be improved links to intermediate care and other community services.

Whilst based at Manor Hospital, the stroke rehabilitation service is vulnerable to risks associated with capacity pressures e.g. medical patients are co-located on the same ward and, during periods of extreme pressure, some staff can be reallocated to cover absence on other wards. The associated patient safety and quality risks are increased falls, increased infection control incidents (reduced side room capacity), reduced therapy input and increased staff sickness.

The Intermediate Care Service (ICS) is ordinarily based at Holly Bank House. This was a temporary arrangement that was put in place two years ago whilst long-term accommodation issues could be addressed. Since the COVID-19 outbreak, the ICS team has moved out of Holly Bank House and into Blakenall Village Centre, where colleagues in East Locality (Adult Social Care) are based. The reason for this was to aid integrated working during the crisis. Alternative office-based accommodation at Blakenall Village was the longer-term aspiration and the plan to move quicker on that action was directly linked to the need to create urgent community beds that would in turn release capacity on the Manor Hospital site.

It is the view of the Walsall Together Partnership that there are no alternative viable options to Holly Bank House for the relocation of stroke rehabilitation services into a community setting in Walsall.

2.4 Project Mandate

The COVID-19 crisis has meant that some actions were approved more promptly than would otherwise have been the case. To support Walsall Healthcare NHS Trust (WHT) with the flow of emergency care patients through the Manor Hospital site and equally improve the quality of care that can be provided to stroke patients through sustained rehabilitation care, a 'tenancy at will' was approved by the Leader using the powers provided by Section 9E of the Local Government Act 2000. This granted WHT occupancy of Holly Bank House on the basis that longer-term arrangements would be subject to full cabinet approval at a later date.



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2.5 Assumptions

There are no alternative viable options to Holly Bank House for the relocation of stroke rehabilitation services into a community setting in Walsall.

The ICS team would be better located in an office-based environment; the ICS team are amenable to the proposed alternative of Blakenall Village Centre.

The solution for accommodation of both services will be considered in the context of the Walsall Together Integrated Care Partnership (ICP) principles and not in the interests of any single statutory organisation. The ICP seeks to develop “integrated ways of working to improve the health and wellbeing outcomes of their population, increase the quality of care provided and provide long term financial sustainability for the system” (Walsall Together Business Case, January 19).

3. Options Appraisal

3.1 Option 1

| | |
|--------------------------------|---|
| Summary/Description | <p>Following the COVID-19 emergency:</p> <ul style="list-style-type: none"> • WHT stroke rehabilitation services move back to Manor Hospital; • ICS moves would need to seek alternative accommodation, which could include Blakenall Village Centre. |
| Scope covered by option | <p>All ICS staff currently temporarily located in Blakenall Village Centre (approx. 120 individuals which are a mixture of Health and Social Care staff).</p> <p>The WHT inpatient Stroke Rehab service and associated staffing, previously located at Manor Hospital and currently based at Holly Bank House under the tenancy at will.</p> <p>The WHT community stroke rehabilitation team, previously located at Short Heath Clinic and currently based at Holly Bank House under the tenancy at will.</p> <p>The Walsall Council stroke maintenance team (3 individuals) previously located at Goscote and relocated to Holly Bank House in February 20 with a view to improving links to the WHT community stroke and neuro-rehabilitation services.</p> <p>There is a small Community Intervention Team located at Holly Bank House; the service operates from 8:00am to 9:00pm, 7 days per week. The team utilises a small office and one clinical room to see patients.</p> <p>Community Rapid Response and Single Point of Access services are based at Holly Bank House out of hours. These services are currently being expanded to operate 24/7. The services utilise part of the Nursing</p> |



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| | |
|--------------------------------|---|
| | Admin hub and one of the small offices that are not occupied out of hours. |
| Deliverables | <p>Walsall stroke patients are discharged from the acute pathway at New Cross Hospital, Wolverhampton, once stable and repatriated to Walsall Manor Hospital for rehabilitation.</p> <p>ICS clinicians deliver intermediate care rehabilitation across the Borough, based out of fit-for-purpose office accommodation.</p> |
| Resource Requirements | <p>Significant resources have been diverted to supporting the temporary move of ICS and stroke rehabilitation services from WHT and Walsall Council. In the case of the latter, resources from Adult Social Care and IFM have been critical to mobilising the new services at short notice. A similar level of resource would be required to support the reversal of the respective moves.</p> <p>Change management will be undertaken by the Walsall Together Senior Management Team (SMT) and Programme Office; a SMT lead and Programme Manager are already identified along with IT and Estates support from WHT.</p> |
| Investment Requirements | <p>There has been significant capital expenditure to date to enable the temporary accommodation for both ICS and stroke rehabilitation. Holly Bank House does not provide a suitable long-term option for ICS as it is not office accommodation and does not have the necessary consent to operate as such. Alternative accommodation, other than Blakenall Village, is likely to attract additional non-recurrent capital and revenue costs. As such, it is likely the most appropriate long-term solution for ICS will be to remain in the current temporary accommodation at Blakenall Village.</p> <p>It is assumed that ongoing revenue expenditure for the ICS team will not increase. Indicative per annum figures are included in the case.</p> |
| Outline Timetable | <p>The current COVID-19 emergency and associated funding is currently in place until 31st July 20.</p> <p>We are working to have a formal lease agreement in place for 1st August, subject to the time required by the respective legal teams; this may slip to 1st September as a result.</p> <p>The Tenancy at Will, will continue until such time as a formal lease agreement is in place.</p> |
| Outline Risk Assessment | <p>There are several significant risks associated with providing stroke rehabilitation services at the Manor Hospital:</p> <ul style="list-style-type: none"> • Increase in patient falls; |



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|----------------------|---|
| | <ul style="list-style-type: none"> • Increase in safe staffing incidents; • Increase in infection control incidents; • Reduced/delayed therapy input for stroke patients; • High staff turnover. <p>A whole-system approach is required to minimise the financial risk to any single organisation in line with the principles of an integrated care system.</p> |
| Assumptions | <p>There are no viable alternative community locations for the stroke rehabilitation service to move into.</p> <p>The ICS team are keen to move to a more appropriate location and are amenable to moving to Blakenall Village Centre, where they will be co-located with existing East Locality integrated teams.</p> <p>This option assumes that Stroke services will be provided at Manor Hospital; the CCG may decide to review the stroke pathway and consider alternative options for Walsall patients to receive community rehabilitation services outside of the Borough.</p> <p>If there is no other Walsall Together Integrated Care Partnership (ICP) requirement for the property (for its planning use class purpose) and no Council requirement then the Council would follow its Corporate Asset Management Plan to decide how the building might be utilised in the future or declared surplus.</p> |
| Advantages | <p>Under the Council's Corporate Asset Management Plan, there is scope for Holly Bank House to be utilised differently in the future or declared surplus.</p> |
| Disadvantages | <p>Outcomes are reduced and clinical service risks are increased for stroke patients in Walsall.</p> <p>Walsall CCG may review the stroke pathway and commission community rehabilitation services outside of the Borough, resulting in care being moved further away from where people live.</p> <p>The clinical space at Holly Bank House will have to cease and the re-location of office-based staff will either have to be undertaken or a Change of Use planning consent obtained to allow the continued use of the property for the ICS office-based staff.</p> <p>If the building is declared surplus, alternative accommodation would be required for the remaining clinical services in Holly Bank House (CIT and Rapid Response).</p> |

3.2 Option 2

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|--------------------------------|--|
| Summary/Description | <p>ICS remain at Blakenall Village Centre, alongside the East Locality integrated place-based teams.</p> <p>WHT stroke rehabilitation service remains at Holly Bank House.</p> |
| Scope covered by option | <p>All ICS staff currently temporarily located in Blakenall Village Centre (approx. 120 individuals which are a mixture of Health and Social Care staff).</p> <p>The WHT inpatient Stroke Rehab service and associated staffing, previously located at Manor Hospital and currently based at Holly Bank House under the tenancy at will.</p> <p>The WHT community stroke rehabilitation team, previously located at Short Heath Clinic and currently based at Holly Bank House under the tenancy at will.</p> <p>The Walsall Council stroke maintenance team (3 individuals) previously located at Goscote and relocated to Holly Bank House in February 20 with a view to improving links to the WHT community stroke and neuro-rehabilitation services.</p> <p>There is a small Community Intervention Team located at Holly Bank House; the service operates from 8:00am to 9:00pm, 7 days per week. The team utilises a small office and one clinical room to see patients.</p> <p>Community Rapid Response and Single Point of Access services are based at Holly Bank House out of hours. These services are currently being expanded to operate 24/7. The services utilise part of the Nursing Admin hub and one of the small offices that are not occupied out of hours.</p> |
| Deliverables | <p>Walsall stroke patients are discharged from the acute pathway once stable and repatriated to Walsall for rehabilitation in a community setting.</p> <p>ICS clinicians deliver intermediate care rehabilitation across the Borough, based out of fit-for-purpose office accommodation.</p> |
| Resource Requirements | <p>There are no resource requirements as this option has been implemented during the COVID-19 outbreak.</p> |
| Investment Requirements | <p>There are no investment requirements as this option has been implemented during the COVID-19 outbreak. Non-current costs incurred to date are included in the case for reference.</p> |
| Outline Timetable | <p>The current COVID-19 emergency and associated funding is in place until 31st July 20.</p> <p>This case is due to be presented to ASG in June 20 and to Cabinet for approval in July 20 with a view to having a formal lease in place by September 20.</p> |



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| | |
|--------------------------------|--|
| Outline Risk Assessment | <p>WHT carries significant financial risk in moving stroke rehabilitation to the community in terms of the ongoing I&E position.</p> <p>A whole-system approach is required to minimise the financial risk to any single organisation in line with the principles of an integrated care system.</p> <p>The risks to patient safety and clinical quality are significantly reduced by moving stroke services to Holly Bank House.</p> <p>Any potential financial risks for Adult Social Care as a result of moving ICS to Blakenall Village have been explored and mitigated as part of the development of this case.</p> |
| Assumptions | <p>There are no viable alternative community locations for the stroke rehabilitation service to move into.</p> <p>There is an expectation that stroke rehabilitation services will be delivered in a community location and the system will accommodate a level of additional capital and revenue expenditure if necessary.</p> <p>The ICS team are keen to move to a more appropriate location and are amenable to moving to Blakenall Village Centre.</p> |
| Advantages | <p>Holly Bank House has been re-purposed to accommodate an inpatient rehabilitation service, as per its original design.</p> <p>Office-based ICS staff have been relocated to a more appropriate venue with increased and more secure parking and improved links to locality teams.</p> <p>Outcomes are maximised for stroke patients in Walsall, in line with national evidence and best practice.</p> <p>Ward 4 at the Manor Hospital is returned to clinical space to accommodate other demands.</p> |
| Disadvantages | <p>There are additional costs (capital and revenue expenditure) to the health and care system.</p> |

3.3 Preferred Option

For bed-based, stroke rehabilitation services to be provided in a community setting in Walsall, there are no viable alternatives to Holly Bank House. Additionally, the risks associated with maintaining the service at Manor Hospital are significant and will result in poorer outcomes for patients. For these reasons, option 2 is the preferred option.

In terms of identifying a suitable alternative location for the ICS team, several options were initially considered within the existing NHS estate including Jubilee House and locations owned by NHS Property Services. However, many of these locations are expensive to use for office space. A commercial opportunity has been identified at Blakenall Village Centre. This option would provide a location large enough for the ICS team and enables co-location



with other community place-based, integrated teams and Walsall Together management staff.

The annual rental costs (including service charges and excluding business rates) per m² to occupy NHS property is significantly more expensive. The following examples are for rooms approx. one-third and one-fifth respectively of the size of the space at Blakenall Village:

| | |
|-------------------------|---------|
| Pinfold Health Centre | £38,000 |
| Darlaston Health Centre | £16,500 |
| Blakenall Village | £37,938 |

ICS is currently in temporary accommodation at Blakenall Village, made available due to the reduced staffing on site as a result of COVID-19. Dedicated space for ICS has been identified within the building and can be available at short notice, subject to completion of minor renovations. This provides a cost-effective option from the estate available and retains the clinical space across the community for clinical services.

4. Benefits

4.1 Project Benefits

Quantifiable and non-quantifiable benefits for the project are set out in sections 4.2 and 4.3.

4.2 Quantifiable Benefits

Walsall Council will receive annual rental income for Holly Bank House at £90,300 per annum over a 10-year term with a break clause at 5 years. This figure was confirmed to be market value during the generation of the existing 'tenancy at will'. WHT is seeking a rent free period of 6 months following implementation of the formal lease agreement, which will be negotiated as appropriate with the Council. WHT will also pay business rates on the property.

As part of the case, WHT is committed to reviewing this position with the Council to maintain adherence to the Local Government Act 1979 and s123 (as amended), to ensure the Council receives best consideration from the lease arrangements.

WHT will be responsible for the internal maintenance of Holly Bank House. All responsibilities for the building will be set out in a Heads of Terms that will be jointly agreed between the two parties. The current estimation of the value of the internal maintenance is £75,600, as set out in the tenancy at will.

4.3 Non-Quantifiable Benefits

Stroke patients and their families:

- Improved outcomes (SSNAP data) through improved reablement and discharge pathways;
- Improved satisfaction with care and support;
- Reduced length of stay in acute hospital;



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- Reduction in falls for stroke patients.

Maintenance of premises:

- Holly Bank House has been renovated (costs attributed to WHT) to bring the building in line with CQC clinical standards;
- Ongoing internal maintenance will be provided by WHT.

Health and Social Care staff:

- Improved satisfaction and engagement;
 - Improved retention and reduced staff turnover.
-

4.4 Threats/Dis-Benefits

The proposed lease between Blakenall Village and WHT refers to utility costs and insurance being met by the tenant. A Heads of Terms document will need to be negotiated to set how, if at all, these pass through to the Council on a pro-rotta basis.

There are terms in the proposed lease for Blakenall Village regarding dilapidations; provisions may be needed at the end of the 5-year term to pay these if WHT chose not to extend the lease (and these may be on new terms with greater cost).

There are clauses in the proposed lease for Blakenall Village to enable rent review and annual service charge increases, which will need to be budgeted for.

4.5 Critical Success Factors

The project's success is dependent on gaining approval to utilise Holly Bank House as an inpatient community stroke rehabilitation unit and gaining agreement on the rental agreements between WHT and Walsall Council for both Holly Bank House and Blakenall Village Centre.

4.6 Benefits Realisation

Many of the benefits outlines above are being realised by the project as the respective teams are based in the proposed accommodation on a temporary basis. It is expected that greater benefits will be realised as the health and care economy starts to move out of the current restrictions experienced through COVID-19. For example, integrated working across health and social care teams is currently restricted and a number of activities such as group-based rehabilitation is not current possible for the inpatients at Holly Bank House.



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5. Risk Analysis

5.1 Risk Assessment

Likelihood: 1= Almost Impossible, 2= Very Low, 3= Low, 4= Significant, 5= High, 6= Very High

Impact: 1= Negligible, 2= Marginal, 3= Critical, 4= Catastrophic

| ID | Risk | Consequence | Likelihood | Impact |
|---------------|--|--|------------|--------|
| HB H0 1 | The operating model for stroke rehabilitation is subject to approval at clinical senate and Health Overview & Scrutiny Committee (OSC). These Groups may make additional demands to WHT that are outside of the current financial envelope | WHT may not be able to afford the I&E position for the service located in the community and will withdraw its intention to enter into a lease agreement. At this point, the Council would follow its Corporate Asset Management Plan to decide how the building might be utilised in the future or declared surplus. | 4 | 2 |

The Council will expect the Tenant to produce a Schedule of Condition as part of the lease. WMBC does not as a matter of course undertake a condition survey for buildings it is proposing to lease. The onus is on the tenant to satisfy itself of the responsibilities it is taking on through an agreed Heads of Terms. A schedule of condition enables the tenant to establish the condition of the building prior to occupation. It also aids any future negotiations regarding dilapidations at the expiry of the lease.



6. Project Costs

6.1 Cost Summary

Non-recurrent revenue and capital costs to the value of £110,279 have been incurred by Walsall Council and WHT during the WHT occupancy of Holly Bank House in response to the COVID-19 outbreak. Sections 6.2 and 6.3 provide a breakdown of these costs.

Non-recurrent revenue and capital costs to the value of £27,797 have been incurred to relocate ICS staff to Blakenall Village during the COVID-19 emergency. These costs have coded to the emergency funding budget in the respective organisations as described in sections 6.2 and 6.3.

Long term, for this to work alongside the integrated working agendas, Walsall Council will need to fund new accommodation for ICS at Blakenall Village (recurring costs). This is estimated to be £50,438 (excluding utilities).

WHT will incur the costs for rental, utilities, business rates and internal maintenance for Holly Bank House. This is estimated to be £235,242 per annum. WHT will also incur all operational costs associated with the stroke rehabilitation service provision.

6.2 Capital Cost

The following table gives an overview of the capital costs incurred during the Tenancy at Will by WHT. This expenditure has been coded to the emergency funding budgets.

| Expenditure | Value (incl VAT where known) | Organisation to which the costs have been attributed |
|------------------------------------|------------------------------|--|
| General waste bins | £2,163 | WHT |
| Danicentres | £1,543 | WHT |
| TVs and brackets for patient rooms | £4,507 | WHT |
| Aidapt Longfield VG08 Chairs | £2,205 | WHT |
| Clinical waste bins | £2,163 | WHT |
| Ceiling track hoists | £1,182 | WHT |
| Bedroom furniture | £14,586 | WHT |
| Beds, mattresses and installation | £20,990 | WHT |
| Clinical wash rooms, flooring | £12,581 | WHT |
| Decorating and interiors | £15,903 | WHT |
| Total | £77,823 | |

Non-recurrent capital costs have been incurred to relocate ICS staff to Blakenall Village during the COVID-19 emergency. These costs have coded to the emergency funding budget in WHT as shown in the table below.

| Expenditure | Value | Organisation to which the costs have been attributed |
|----------------------|----------------|--|
| IT infrastructure | £6,023 | WHT |
| Office refurbishment | £19,202 | WHT |
| Total | £25,225 | |

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6.3 Revenue Cost

The following table gives an overview of the revenue costs incurred during the Tenancy at Will by Walsall Council and WHT, which have been coded to the emergency funding budgets in the respective organisations. Costs incurred by Walsall Council can be recharged to WHT.

| Expenditure | Value (incl VAT where known) | Organisation to which the costs have been attributed |
|---------------------------------|-------------------------------------|---|
| Gas works | £950 | Walsall Council |
| Electrical works | £450 | Walsall Council |
| Dolphin Lifts | £2,000 | Walsall Council |
| Water Testing | £350 | Walsall Council |
| Deep Clean | £1,355 | Walsall Council |
| Nurse Buzzer System | £4,763 | Walsall Council |
| Macerators – replacement/repair | £6,589 | Walsall Council |
| Door passes | £114 | WHT |
| Lockers | £184 | WHT |
| Grounds work | £1,137 | WHT |
| Drain inspection | £2,461 | WHT |
| Biocide Testing | £1,717 | WHT |
| Legionella's Risk assessment | £780 | WHT |
| Washing machine repairs | £547 | WHT |
| ambulance chairs x6 | £390 | WHT |
| Albac mats | £1,248 | WHT |
| Water softener | £5,795 | WHT |
| Locks and fitting for side gate | £328 | WHT |
| Internal locks and fittings | £1,298 | WHT |
| Total | £32,456 | |

Non-recurrent revenue costs have been incurred to relocate ICS staff to Blakenall Village during the COVID-19 emergency. These costs have coded to the emergency funding budget in the respective organisations as shown in the table below.

| Expenditure | Value | Organisation to which the costs have been attributed |
|--|---------------|---|
| Door access fobs - BVC | £1,272 | WHT |
| Removals – ICS from Holly Bank House to Blakenall Village Centre | £ 1,300 | Walsall Council |
| Total | £2,572 | |

Long term, for this to work alongside the integrated working agendas, Walsall Council will need to fund new accommodation for ICS at Blakenall Village (recurring costs). During the initial COVID-19 period, WHT will fund these costs and agree the final position on a recurrent basis with the relevant Council governance. The lease will be in the WHT name and Heads of Terms, with the associated governance, will be established. WHT will pay the landlord the rent and service charge, and pay the rates to the Billing Authority (WMBC) but then recharge the Council for its contribution as follows:

Rental pa

£12,000

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| | |
|------------------------------|----------------|
| Estimated service charges pa | £25,938 |
| Estimated business rates pa | £12,500 |
| Total | £50,438 |

WHT will incur the costs for rental, utilities, business rates and internal maintenance for Holly Bank House. WHT will also incur all operational costs associated with the stroke rehabilitation service provision.

WHT costs for occupancy of Holly Bank House:

| | |
|----------------------------------|-----------------|
| Annual rent (confirmed) | £90,300 |
| Business rates (confirmed) | £26,221 |
| Internal maintenance (estimated) | £75,600 |
| Utilities (estimated) | £43,121 |
| Total | £235,242 |

To support the rapid operationalisation of the site, Walsall Council has supported WHT with the provision of soft FM to Holly Bank House including catering, cleaning and laundry. Walsall Council has confirmed it will not be able to support these services beyond 30th June 20. WHT will provide or outsource directly these services from 1st July under the tenancy at will and any subsequent lease. The following table shows the costs incurred by Walsall Council in relation to soft FM. These costs can be re-charged to WHT.

| Soft FM | Detail | Costs incurred Apr to Jun inclusive |
|-------------------------------|--|-------------------------------------|
| Domestic cleaning and laundry | Cleaning of non-clinical areas including all pay costs, materials and housekeeping consumables (clinical cleaning outsourced through a contract held by WHT) Laundry including equipment on site, pay costs and consumables | £11,022.85 |
| Catering | Staff and equipment (food provided by WHT) | £9,239.88 |
| Caretaking | Pay costs | £8,323.42 |
| Total | | £28,586.15 |

6.4 Contingency

There is no contingency budget.

6.5 Assumptions

WHT will pay the rental and internal maintenance for Hollybank House on the basis that Walsall Council fund the relocation of ICS staff to Blakenall Village. **Note the interim arrangements for COVID-19.**

Walsall Council will benefit from maintenance and repairs to Holly Bank House, incurred as costs by WHT.



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Walsall Council will continue to be responsible for the external maintenance of Holly Bank House.

7. Timescales

7.1 Summary of Project Plan

WHT is seeking approval to occupy Holly Bank House for community stroke rehabilitation from Walsall Cabinet in July 2020.

7.2 Milestones/Critical Path

| Milestone | Date | Status |
|---|------------|----------|
| WHT project team and Walsall Council Place Team initial meeting to agree milestones and critical path | April 2020 | Complete |
| Walsall Council Asset Group review of business case | June 2020 | On track |
| Walsall Council Cabinet review of proposal and final decision point | July 2020 | On track |

7.3 Dependencies

Implementation is dependent on:

- Approval from Walsall Council for the continued use of Holly Bank House for community stroke rehabilitation and the associated financial model above;
- Approval from Walsall Council on the permanent relocation of ICS staff to Blakenall Village Centre;
- Agreement with the Council on the use of the equipment at Holly Bank House.

8. Investment Appraisal

Non-recurrent capital and revenue costs have been incurred to date to the value of £138,076, of which the Walsall Council share is £17,757.

Walsall Council has also incurred the costs of providing soft FM services to the value of £28,586.

All of these above costs can be re-charged to WHT.

Going forwards, Walsall Council can expect to receive annual income for the rent and rates for Holly Bank House to the estimated value of £116,521. WHT will incur costs associated with maintenance of the building and utilities, saving Walsall Council an estimated £97,591 per annum based on historic expenditure.

Walsall Council will incur costs for occupation of Blakenall Village Centre to the value of £50,438 per annum (excluding utilities).



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Version History

| Version | Date issued | Summary of Changes |
|---------|-------------|--------------------|
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Approvals

This document requires the following approvals.

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| Name | Signature | Title | Date |
|------|-----------|-------------------------|------|
| | | Configuration Librarian | |
| | | | |

| | | | |
|---|--|--|---|
| 3 | Who is the proposal likely to affect? | | |
| | People in Walsall | Yes / No | Detail |
| | All | N | Any person who is directly or indirectly affected by suffering a stroke and requiring ongoing care and support as part of Reablement and recovery |
| | Specific group/s | Y | |
| | Council employees | Y | |
| Other (identify) | | Council employees currently working as part of the integrated Community Service. These staff remain at Blakenall as part of the next stages of integrated working in order to accommodate the Lease and ongoing delivery of Stroke services from Hollybank | |
| 4 | Please provide service data relating to this proposal on your customer's protected characteristics. | | |
| <ul style="list-style-type: none"> • The Stroke Strategy undertaken in 2007, identifies the need for local offers of alternative support around helping a person to recover and promote independence and rehabilitation following a stroke .It also identifies the types of settings that are least preferable for supporting this type of need- this includes large Acute settings that are found within the main hospital sites. • Smaller settings offer less risk to infections than a large hospital environment that slows down the recovery of patients. Community type bed based settings also offer far more proportionate opportunities for regular input and visibility from family members and networks of support throughout the patients journey through Rehabilitation • The ward size at the Manor hospital is greater than the current number of patients in this group, therefore this occupies a space within the hospital ordinarily that doesn't maximise the space utilisation for wider cohorts of people that require acute settings. • By moving the stroke service to a local community based site, means that there is also a much more relaxed feel for patients who may be struggling to come to terms with stroke and the ways it may /may not have changed their lives. • The smaller, more concise setting is conducive to improved confidence and personalised care and support during recovery and maintenance needs. • Staff who are being resettled into Blakenall as part of integrated working with health colleagues is beneficial and is already evidencing itself in the way the staff are interacting and working collaboratively across shared agendas. Blakenall is a fit for purpose venue that has good parking, easy access and is conducive to the holistic working agendas across operational Social care and Health needs • Operating the bed based stroke service is also a fit for purpose move forward as | | | |

the property already lends itself to a bed based resource and has been easily adapted to the needs of a patient /community setting.

- Strokes can affect people of all age, race and gender. The support to manage the overarching needs of all people who require ongoing support and rehabilitation following a stroke, does mean that by offering the community type setting in order to maximise potential of both acute inpatient and community Reablement, does also ensure that the past learning and research collected nationally can be put to very good use locally to Walsall.

5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).

Several organisations including Walsall Council, Walsall Healthcare NHS Trust and Walsall Housing Group have been involved in discussions to operationalise Hollybank House as an inpatient unit for the past few months and the introduction of this facility as part of the emerging COVID crisis in March, meant that the Tenancy at Will was delivered and this has not got to the point where it is clear it is the most preferred option longer term as part of the business case for the Stroke service

This alongside the temporary moves of the Intermediate Care Service (ICS) to Blakenall has also given the teams the opportunities during crisis to test out the new environment and consider if this is the best option for the integrated working longer term.

Actions have been coordinated jointly between colleagues at Walsall Together, the Integrated Care Partnership for Walsall, and Adult Social Care.

Walsall Healthcare Trust, will meet the costs of the use of Hollybank by way of a long term lease (Subject to supporting business case and cabinet report and the agreement of all lease terms).

This proposal links to the Council's corporate priority 'Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion'.

The Services will deliver the following outcome: The most vulnerable are protected from avoidable harm, including treating and caring for people in a safe environment through working within the local community. Enhancing quality of life for people with care and support needs and those with long term conditions; out of hospital, community based provision provides a safe and more appropriate environment for individuals recovering from ill health and/or injury or requiring long term care.

Engagement with partners and members of the public have already commenced in past months and will continue to be a theme when scoping services for the future

| | | | |
|--|--|---|---------------|
| Consultation Activity | | | |
| Type of engagement/consultation | Internal workforce engagement and awareness raising | Date | 11/6/20 |
| Who attended/participated? | Front line staff employed as part of the existing staff members of ICS and also staff working as part of the wider cohort of colleagues currently occupying Hollybank | | |
| Protected characteristics of participants | All staff will remain part of the wider integrated resource, but will be operating from a different base as apt of the longer- term arrangement. | | |
| Feedback | | | |
| <ul style="list-style-type: none"> Positive feedback from front line staff as they have had experience since the temporary moves to Blakenall to test out a more fit for purpose premise. It is increasing mental health and wellbeing; relationships across professionals and easy access to resource and other professionals linked to the area of work they are committed to | | | |
| 6 | Concise overview of all evidence, engagement and consultation | | |
| <p>All relevant engagement and communications are still in place following the original temporary change that arose as result of COVID</p> <p>Some further lessons learned and new ways of improving how we do business is also in place and form part of the wider communications and engagement as apt of reset and also the synergies between the Walsall Healthcare trust responsibilities and Walsall Council re asset and building management/health and safety of staff and customers .</p> <p>Full Cabinet report and associated documentation that is linked directly to this EQIA.</p> | | | |
| 7 | How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed. | | |
| | Characteristic | Affect | Reason |
| | Action needed Yes / No | | |
| | Age | This is a very positive plan with regard to longer term needs and aspirations around developing a solid stroke service and a stronger integrated care service through integrated working by moving the ICS team out of Hollybank longer term to Blakenall The older population and people of all age who have experienced a stroke and have then become debilitated as a result of this, will find the support from the much smaller acute setting being far more conducive and far more discreet than that experienced by people within a large hospital environment. There will be far more opportunities to support a person with regards to their | |
| | Disability | | |
| | Gender reassignment | | |
| | Marriage and civil partnership | | |
| | Pregnancy and maternity | | |
| | Race | | |
| | Religion or belief | | |
| | Sex | | |
| | | Page 185 of 321 | |

| | | |
|----------|---|---|
| | Sexual orientation | preferred way of receiving such support, thus respecting and promoting a persons race, gender, disability and pregnancy related requirements |
| | Other (give detail) | |
| | Further information | |
| 8 | Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details. | (Delete one) Yes / No |
| | Longer- term aspirations and intentions to ensure that here is a place based approach across all localities with regards to integrated working practice and accommodation. This will in turn improve outcomes for local citizens of all ages and dependencies when requiring support from Walsall Healthcare Trust or Walsall Council. The Borough wide facility to support patients who have suffered a stroke and require time and an appropriate environment and proportionate resource to recover | |
| 9 | Which justifiable action does the evidence, engagement and consultation feedback suggest you take? | |
| | A | A change required as s a result of urgent needs around Stroke patients and creating capacity to treat people who present at the acute hospital settings ,increasing pressure as a result of COVID-19 |
| | B | Adjustments needed to remove barriers or to better promote equality |
| | C | Continue despite possible adverse impact |
| | D | Stop and rethink your proposal |

| Action and monitoring plan | | | | |
|-----------------------------------|--|--------------------------|---------------------|----------------|
| Action Date | Action | Responsibility | Outcome Date | Outcome |
| 11/6/20 | Consider and accept the EQIA alongside the Cabinet report and associated documentation the | Jeanette Knapper | | |
| | Once approved as | Asset team and Corporate | | |

| | | | | |
|--|---|-------------------------------|--|--|
| | part of the cabinet decision in July/August cabinet the process and formal arrangements will be monitored as part of the contract | landlord and Walsall Together | | |
| | | | | |
| | | | | |

| Update to EqIA | |
|---|--------|
| Date | Detail |
| | |
| | |
| Use this section for updates following the commencement of your proposal. | |

Contact us

Community, Equality and Cohesion
Resources and Transformation

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Email equality@walsall.gov.uk

Inside Walsall: [http://int.walsall.gov.uk/Service information/Equality and diversity](http://int.walsall.gov.uk/Service_information/Equality_and_diversity)

Cabinet – 15 July 2020

Future of Stanleys Nursery Birchills

Portfolio: Councillor T Wilson, Children's

Related portfolios: Councillor C Towe

Service: Early Help, Childrens Services

Wards: Birchills/Leamore

Key decision: Yes

Forward plan: Yes

1 Aim

To determine the future of the childcare provision known as Stanley's Nursery, based at Birchills Sure Start Centre.

2 Summary

Birchills childcare is the last remaining non statutory childcare provision directly provided by the council. The service is heavily subsidised by the council (Childrens Services budget) with an overspend in 2019/20 of £0.095m, forecasted to increase in 2020/21 to £0.138m.

The council is responsible for ensuring there are sufficient childcare places across the borough to meet demand but there is no statutory requirement to be a provider of childcare.

In February 2020, Cabinet approved the commencement of a consultation exercise with parents/carers and stakeholders about the future options for the service following two unsuccessful procurement / tendering exercises to transfer the service and the ongoing budget pressure.

This report sets out the approach to that consultation with parents/carers and stakeholders between March 2020 and May 2020 and provides a detailed analysis of the feedback received on the 4 options which were:

Option 1: Keep Stanley's Nursery open and identify a proposal to fund the shortfall of +£70,000 and we ask for your suggestions.

Option 2: Keep Stanley's Nursery open and in order to cover running costs raise childcare fees to £110 a day, £55 half day.

Option 3: Keep Stanley's Nursery open, charging the market rate of £50 full day and £25 half day and identify a proposal to fund the shortfall of £55,000. We seek your suggestions.

Option 4: Close Stanley's Nursery meaning 105 children would need to find alternative childcare provision and 19 staff would be put at risk of redundancy.

* The original shortfall & fees in option 1 & 2 circulated as part of the consultation were based on the forecasted overspend of £0.070m as at February 2020. The 19 staff in option 4 related directly to those employed at the time to provide the childcare day service, not the cleaning and caretaking function. The 105 children relate to the children registered at the nursery as of February 2020, 48 of these children will be leaving the nursery to start nursery/school in September 2020.

This is a key decision because the proposal is above threshold for expenditure and requires cabinet approval.

Cabinet will note the following Appendices attached to this report

- Appendix 1 – Consultation Correspondence to Parents/carers
- Appendix 2 – Consultation Correspondence to Stakeholders
- Appendix 3 – EqIA Policies. Procedures, Services
- Appendix 4 – EqIA Organisational Change

3 Recommendations

- 3.1 That action taken to date in relation to Stanley's Nursery Birchills is noted
- 3.3 That the results and feedback from parents / carers and stakeholders consulted on 4 options about the future of Stanley's Nursery are considered

That the closure of Stanley's Nursery, Birchills (option 4) is approved

4 Report Detail – Know

4.1 Stanleys Nursery, Birchills

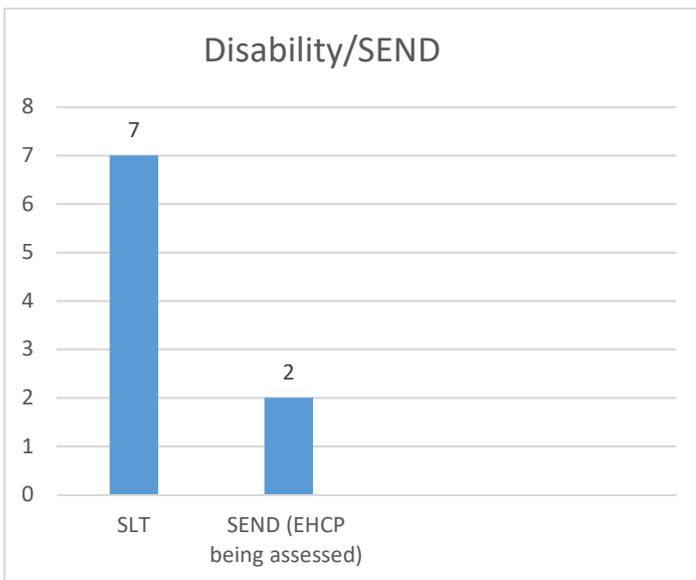
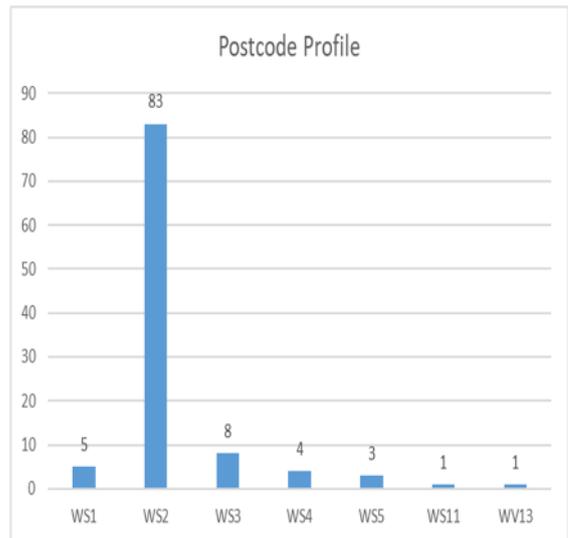
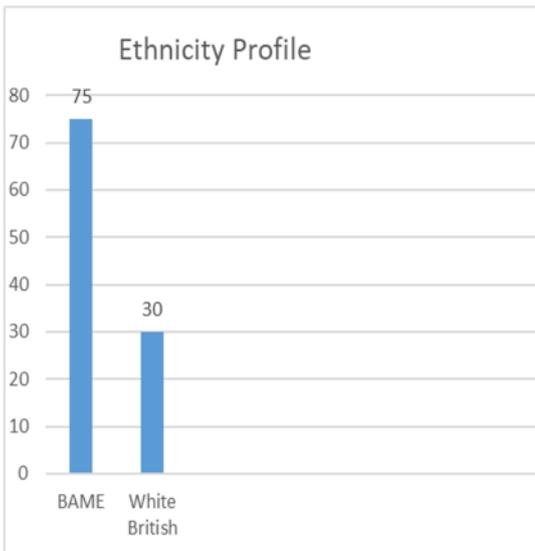
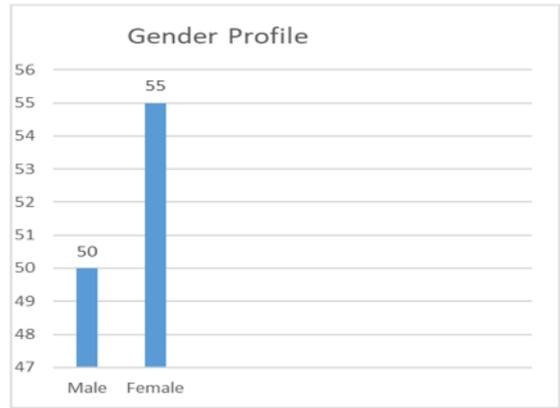
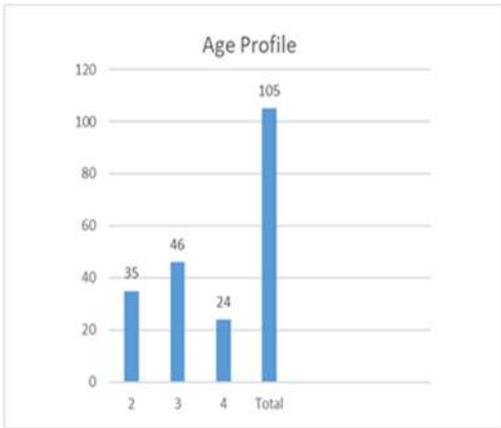
Stanley's Nursery is the last remaining childcare service in the borough directly provided by Walsall Council. The provision of childcare by a Local Authority is not a statutory requirement; Local Authorities are responsible for ensuring there are sufficient childcare places across the borough to meet demand.

The nursery is a day care provision for children aged 2 years to 4 years of age. There are currently 105 children registered at the nursery with a total of 23 members of staff (including cleaning & caretaking employees)

The current weekly childcare usage is as follows:

| Days attending | Total no. of children attending | All day | Mornings Only | Afternoons Only |
|----------------|---------------------------------|---------|---------------|-----------------|
| Every Day | 81 | 4 | 47 | 30 |
| 4 days a week | 4 | 3 | | 1 |
| 3 days a week | 7 | 6 | 1 | |
| 2 days a week | 11 | 6 | 5 | |
| 1 day a week | 2 | 1 | | |

The profile of the children attending nursery is as follows:



*SLT: Speech & Language Therapy
 SEND: EHCP currently being assessed

The proposal impacts children under 5 years of age, However, of the current 105 cohort of children attending the nursery provision, 48 children (46%) will be leaving in July 2020 to start Nursery School or Primary School in September 2020.

These 48 children have a transition plan in place and work is on-going with the new setting in preparation for a smooth transition.

The parents and carers of the remaining 57 children will be provided with a detailed and personal transition plan, along with a dedicated support package from the Family Information Service to secure alternative provision from school nurseries, private providers and/or child minders. Each child will have an individual action plan which will be reviewed weekly.

For the children receiving Speech & Language Therapy, 3 are due to leave July 2020, a transition plan to their new school/nursery will be provided. For the remaining 5, again the dedicated Family Information Service will ensure support is provided and appropriate alternative setting secured, relevant information shared as part of the transition planning.

For the children with SEND, currently having an EHCP assessment, both are leaving and a transition plan will be in place.

Parents and carers of children seeking a placement at Stanley's Nursery have been advised of the uncertainty of the future provision since Cabinet approval to consult (February 2020) and therefore there are no children currently on the waiting list for Stanley's Nursery Birchills. This decision was made to avoid unnecessary anxieties and delay in securing alternative placements with nearby providers. The Family Information Service has provided advice and assistance to secure alternative provision for any parents/carers making enquiries.

Appendix 3 EqIA Policies. Procedures, Services provides further detail relating to children, parents/carers.

4.1.1 Sufficiency of Provision

The provision of childcare by a Local Authority is not a statutory requirement, Local Authorities are responsible for ensuring there are sufficient childcare places across the borough to meet demand.

A recent review of the childcare market place and sufficiency within the borough (February 2020) concluded that there are sufficient placements available for 2, 3 and 4 year olds.

As part of the sufficiency drive within the local area to Birchills Nursery, a local school (Croft Primary Academy) are extending provision for children aged 2yrs, creating an additional 24 places, this will support the transition for some of the 57 children requiring an alternative placement.

4.1.2 Cabinet Decision making

In February 2015 Cabinet approved the implementation of a new model of delivery for children's centres, the transfer of some former children centre buildings to schools and a procurement process to transfer remaining childcare and buildings to suitable third party organisation/s.

Procurement was completed and services successfully transferred to alternative providers, for all except Stanley's Nursery Birchills

As part of a follow on report on the redesign of children centre services in February 2017, Cabinet approved the undertaking of a competitive procurement process to determine the most suitable provider(s) for the provision of childcare and early learning and to commence delivery from early Autumn 2017.

4.1.3 Procurement Activity

Following the Cabinet decision in February 2017, a tendering exercise took place between 25th April and 25th May 2017 to find an organisation to take over the running of Stanley's Nursery, Birchills but there were no bidders. A further tender exercise was undertaken between 26th June and 7th July 2017, one bid was received which did not meet the Council's requirements. Since the tender process was unsuccessful, a negotiation process was undertaken with the organisation that submitted a bid which led to them providing an initial business case. However, when further negotiations were undertaken to establish the validity of the business case the organisation found that there were some costs which they had not taken into account which meant that the business case was not viable and they withdrew from the negotiations in February 2018.

The Council was approached in May 2018 by another potential provider, negotiation took place based on the initial specification to determine if Stanley's Nursery Birchills could be a suitable site and an initial business case was developed but after further negotiations it was found that the business case was not viable and they withdrew from the negotiations.

4.1.4 Consultation & Analysis of Finding

Following Cabinet approval (February 2020) to consult on the future of the Nursery provision, comprehensive consultation has taken place, in line with the council's statutory duty to consult.

Consultation commenced 2nd March 2020 with the parents/carers of the 105 children attending the nursery at that time and with 6 stakeholders utilising, free of charge, the building to deliver services to children and young people such as Health Assessments, Speech & Language Support.

4.1.5 Parents/Carers Consultation

- Week commencing 2nd March 2020 letters were hand delivered and signed for by all parents and carers of the 105 children attending the nursery provision
- Paper questionnaires with a stamped address envelope for return were provided
- A telephone helpline for advice and assistance for parents/carers, including support with any language barriers was provided.
- Drop in sessions were arranged, 6 in total, covering different days and various times to ensure all parents/cares were given with an opportunity to seek further information, encourage to complete the questionnaires provided, help and support regarding alternative settings hold they require

- Follow-up telephone calls were made to parents/carers that had not been seen during drop in sessions to encourage participation in the consultation process
- A comments box was left at the nursery reception to encourage parents/carers to leave their comments and/or completed questionnaires
- 23rd March 2020, letters were sent to all parents/carers confirming consultation had been 'paused' due to the Covid 19 pandemic, (all parents had been spoken to the week prior regarding the Covid situation)
- 12th May 2020 letters sent to parents/carers advising on the conclusion of the consultation and extension to 27th May 2020 to allow additional time for people to respond

20th to 27th May 2020 telephone calls made to all parents and carers who had not been directly spoken to during the drop in session or previous telephone 'ring around' (30 parents in total)

During the consultation period parents/carers were asked to comment and give consideration of 4 options:

Option 1: Keep Stanley's Nursery open and identify a proposal to fund the shortfall of +£70,000 and we ask for your suggestions.

Option 2: Keep Stanley's Nursery open and in order to cover running costs raise childcare fees to £110 a day, £55 half day.

Option 3: Keep Stanley's Nursery open charging the market rate of £50 full day and £25 half day and identify a proposal to fund the shortfall of £55,000. We seek your suggestions.

Option 4: Close Stanley's Nursery meaning 105 children would need to find alternative childcare provision and 19 staff would be put at risk of redundancy.

* The original shortfall & fees in option 1 & 2 circulated as part of the consultation were based on the forecasted overspend of £0.070m as at February 2020. The 19 staff in option 4 related directly to those employed at the time to provide the childcare day service, not the cleaning and caretaking function. The 105 children relate to the children registered at the nursery as of February 2020, 48 of these children will be leaving the nursery to start nursery/school in September 2020.

By the final closing date of consultation

- 26 out of 103 questionnaires had been completed and returned (sibling groups received one questionnaire per household)
- 38 parents/carers had been seen at the drop in sessions
- All but 4 families were contacted successfully via telephone to encourage participation in the consultation
- 11 comments were received via the comment box left at the nursery

Appendix 1 provides detailed analyses of the questionnaire feedback received

Appendix 2 provides detailed analyses of the face to face, telephone calls and comment box feedback received.

When presented with four options for the future of Stanley's Nursery, the majority of those parents/carers who responded thought that the nursery should be kept open and the shortfall in funding met some other way (option 1). Suggestions for how the £70,000 shortfall could be met included generating income from making better use of the building through private room hire or through fundraising events. No suggestions were likely to generate the £70,000 required.

Some parents/carers felt that it should also be kept open and the fees increased to the market rate (option 3), 31% (8) of those parents/carers responding suggested this, however there was little support for increasing the fees to cover the running costs (option 2) or closing the nursery (option 4).

Regarding Option 4, closing the nursery, most parents/carers stated that should the nursery close they would find an alternative private nursery, 43% of parents & carers spoken to during the one to one drop in sessions advised that their child/ren would be leaving to start Nursery School or Primary School in September 2020. A few said they would no longer engage in early years' provision at all and seek childcare from family or friends, the main reason stated were around finding suitable local nurseries with places available, particularly one close to home. For a few possible closure would necessitate the reduction of work / study hours or giving up work/ study altogether, whilst others advised they would seek childcare from family and friends.

In terms of usage, 92 % of parents and carers responding were current users of the nursery with at least 1 child attending on a full or half day rota. The majority of childcare tends to be on a part-time basis as table below indicates. Of the parents/carers who responded to the consultation 73% state that their child / children get 15 hours free childcare a week and therefore attend for this number of hours. One parent/carers said they were entitled to 30 hours free childcare and their child attends for 23 hours a week, three said they attend for 12 hours or less a week.

Whilst most parents and carers stated that they utilise their free childcare entitlement, just two stated they pay the full cost of childcare, with their children attending for 20 hours and 5 hours a week.

Start and end times vary however most children (9) start at 09.00 in the morning and of these 8 stay until 12.00, all of these receive 15 hours free childcare. A total of 6 start earlier, between 07.30 and 08.30 and 5 children stay all day. Four of these receive 15 hours free childcare and one 30 hours.

4.1.6 Stakeholder Consultation

Responses have been received from 2 of the stakeholders, One Walsall who utilise rooms to provide adult weight management clinics and Dorothy Pattison Hospital who provide perinatal mental health services.

Both felt disheartened at the possibility of the building and facilities closing stating they provided much needed services to support the local community that potentially may impact families in the on the long term.

One Walsall raised a concern around the reduced availability and access to venues across Walsall and suggested renting out part of the building to organisations to help fund the shortfall.

4.1.7 Covid 19 Implications

Due to Covid 19 consultation was paused on the 23rd March 2020 and resumed 12th May 2020 to the 27th May 2020.

As part of the Government guidance to re-open Early Years settings, parents/carers were contacted to understand the potential demand on the service.

Of the 105 children attending the nursery, only 14 parents/carers have indicated that their children will be returning to the nursery before the summer break, with 33 parents stating they may consider an early return dependant on risk assessments and new working practices being implemented. At the time of this report being written work is undergoing to meet the Covid 19 recommendations with a view of re-opening on the 22nd June 2020. Following the advice the capacity of children that can return is 24 children. Priority will be given to those aged 3 and 4 in preparation to support transition into Nursery School and/or School for the September admissions, there are 45 children (43%) due to leave by this date.

4.2 Council Corporate Plan Priorities

There are sufficient childcare places available across the borough to meet the needs of all 2, 3 and 4 year old children. The support that will be provided to all parents/carers of those children requiring alternative childcare will be critical in ensuring children have the best start in life, are safe from harm, happy, healthy & learning well.

4.3 Risk management

4.3.1 Buildings

Capital grant funding was obtained for Children's Centres under the Governments Sure Start programme. The Council's funding agreement with the Department for Schools, Families and Children includes provisions whereby a proportion of the grant must be repaid in the event that the use of the building for childcare ceases.

Where the Council is the accountable body for Children's Centres which have been funded using Sure Start grant capital funding, it is under an obligation to notify and consult with the Education Funding Agency (EFA) about any proposal to dispose of or change the use of a property funded by such grant. The claw back will potentially apply for any property disposal or change of use within a period of 25 years from the date of the grant. Claw back of funding is triggered where an asset, wholly or partly funded by the grant, is disposed of or the asset is no longer used to meet the aims and objectives of Sure Start. The EFA has clarified that the grant of a lease of Children's Centres by the Council could trigger a capital claw back risk to the Council

To mitigate the risk of capital claw back Children's Services will utilise the building as part of the Transformation Programme and delivery of the existing 0-19 Early Help Locality Model, where services to children and young people will continue. The proposed future use of the building will be noted in the application to the Education Funding Agency for the deferral of the claw back as a mitigating factor.

4.3.2 Child Care

There is a risk to the 57 children remaining at Stanleys Nursery in securing an alternative provision. However, to mitigate the risks there will be a 3 month transition plan for each parent, carer and child. The Family Information Service will provide a dedicated personal resource to support all parents/carers to identify appropriate alternative provision for their children.

Each child will receive an individual transition plan reviewed on a weekly basis in partnership with parents/carers to consider the alternative options and supported, where requested to make applications and secure placements.

Children already moving into Nursery and/or School from September 2020 have existing individual transition plans which will continue to be supported, along with the appropriate liaison with the new setting including the sharing of appropriate/relevant information regarding SEND support needs and plans.

To avoid any unnecessary anxieties for parents/carers there are no children currently on the waiting list for Stanley's Nursery Birchills. Following Cabinet February 2020 local parents were advised of the consultation process and the uncertainty of the future of the provision, support has been provided to parents/cares making enquiries to secure alternative provision via the Family Information Service.

4.4 Financial Implications

Stanley's Nursery was overspent in the past financial year and is forecasted to be again in 2020/21 by £0.138m. This is expected to reduce to £0.096m if the nursery were to close by end of December 2020

| | 2020/21 Forecast |
|------------------------------|------------------|
| | £m |
| Staffing costs | 0.357 |
| Non-staffing costs | 0.033 |
| Total costs | 0.390 |
| Total expected income | (0.251) |
| Overspend | 0.138 |

This position is an ongoing pressure, for which an ongoing solution needs to be found if the nursery is not closed. There is a requirement for a set number of employees in relation to the number of children attending the nursery, so it is not possible to reduce staffing costs. Therefore additional income would need to be generated to offset the expected overspend. Please see table below for possible changes to fees:

| | All day £ | AM £ | PM £ | Increase in total income £ |
|--|--------------|---------|---------|-------------------------------------|
| Current Rate | 37.50 | 19.25 | 19.30 | |
| Market Rate | 55.00 | 25.00 | 25.00 | 17,108 |
| Original rate required to cover all costs in 2019/20 | 110.00 | 55.00 | 55.00 | 71,765 |
| Rate required to cover all costs in 2020/21 | 165.00 | 82.50 | 82.50 | 137,898 |

An increase from the current rate of pay to the market rate would generate an additional £0.017m income based on the current cohort of children, which would not be sufficient to cover the running costs.

The original fee increases circulated as part of the consultation were based on the forecasted overspend of £0.070m as at February 2020. The 2019/20 outturn position was actually an overspend of £0.095m prior to mitigating actions. The overspend for 2020/21 is forecasted to increase to £0.138m prior to mitigating actions so the rate increase to £110/£55 (based on February 2020 forecast position) would no longer be sufficient to cover the expected costs. The rates would need to increase to £165/£82.50 to cover all the forecasted costs for 2020/21. The amount fees would have to be increased by to cover all costs is not realistic.

If the council continues to run the nursery, a budget would need to be allocated from within Childrens Services to cover the additional costs of operating the service. This is not considered feasible, as there are already significant funding pressures on statutory services so it is not possible to remove budget from these services to fund a non-statutory service.

Should the decision be to close the nursery, there will be one-off redundancy and pension costs of circa £0.156m.

4.5 Legal Implications

There has been significant change to both national and local policy on Early Years since Children's Centres were first established, including the Government's policy on free early education for disadvantaged 2 year olds and the announcement of the increase to 30 hours a week of the free early education entitlement for working parents of 3 and 4 year olds. Section 7 of the Childcare Act 2006 places a duty on Local Authorities to secure early years provision free of charge for eligible 2 year olds.

This free entitlement to learning is aimed at improving disadvantaged children's social and cognitive outcomes so that by the age of 5 they are as ready as their more advantaged peers to start and fully benefit from school.

Whilst the Council has a duty to ensure sufficiency of childcare places within the borough, there is no statutory duty for the Council to provide childcare services.

4.6 Procurement Implications/Social Value

Procurement to transfer the Birchills Childcare has taken place twice without success. The specification has been reviewed however there is limited capacity for the council to make any further amendments that would attract any bidders. The deficit operational costs and the pension liabilities remain a key area of concern to potential bidders. Whilst Children's Service can continue to scope the market and carry out a further procurement exercise it is unlikely to be successful without significant financial incentives being put in place.

4.7 Property Implications

In the event that Stanley's Nursery is approved for closure, under the Corporate Landlord Model, the operational need for the building within Children's Services will need to be considered. If the building is considered to be surplus to Children's Services' requirements, then it will revert to being a corporate asset and consideration will be given to potential alternative operational uses for the building. If no such uses are identified, then consideration would be given to declaring the building surplus to the Council's requirements and seeking to dispose of the asset. As detailed above, the cessation of the use for early years and / or the disposal of the building are triggers for the capital claw back of the grant funding. Accordingly, the feasibility of the relocation of the Children's Services Early Help Central and South Locality hub is being considered.

4.8 Health and Wellbeing Implications

The Council is required to provide sufficient Childcare places and to secure early education for every eligible 2 year old. Children's Services Early Years team have confirmed that there are sufficient places within the immediate and wider areas to accommodate the childcare needs that will continue to support the health and wellbeing of the children and the parents/carers.

As described in 4.8.4 above there are plans to support the parents and carers of the 57 children who will require alternative provision, with individual transition plans, reviewed and monitored weekly over a 3 month transition period to ensure all children and secured alternative placements.

4.9 Staffing Implications

The implication of the closure of Stanley's Nursery Birchills may result in up to 23 staff redundancies. This includes staff from cleaning and caretaking. Staff will be formally consulted in line with the Council's Redundancy Policy and will have access to redeployment opportunities in line with the Council's Redeployment Policy once the future model of delivery has been agreed.

Appendix 4 EqIA Organisational Change

Staff and Unions have been advised and updated throughout this process.

Birchills is the largest childcare service operated by Children's Services and is the last of the childcare service that is directly provided by the Council, meaning there is no opportunity for staff to assimilate into the same role elsewhere within the Authority. However, HR and Managers will work with staff who would like to consider alternative roles to explore any suitable opportunities available to them via redeployment. As there are also caretaking and cleaning staff employed at the Nursery consultation will take

place with those staff via Facilities Management and again where possible staff will be redeployed within any service vacancies.

4.10 Reducing Inequalities

Equality Impact Assessment's (EqIA) has been completed, see Appendix 3 and Appendix 4.

This proposal does effect some protected characteristic groups negatively including staff, children, parents and carers. As detailed in the EqIA's including:

- children under the age of 5, a high proportion of whom are BAME
- small group of children with SEND
- staff who are predominately female and
- parents and carers who took part in the consultation activities were all female.

However actions to mitigate impact have been taken into account as follows:

- all parents/carers will be provided with a dedicated resource from the Family Information Service to identify and secure alternative provision. Each child will have an individual transition plan reviewed weekly with parents/carers
- all children with SEND needs, will have a detailed and personal transition plan implemented for their new nursery and/or school or child minder
- the survey feedback with parents/carers did not highlight concerns negatively around BAME, this will be monitored
- parents/carers consulted with were predominately female, this would be expected as it is predominately 'mums' who bring their children into nursery and who tend to be the liaison with nursery on a daily basis, again feedback did not raise issues around this, letters were sent to the home address allowing all parents/cares to be involved with the consultation activities

4.11 Consultation

A comprehensive consultation plan has been implemented and meets the statutory requirements which included engagement with parents/cares and partner stakeholders.

Appropriate staff consultation will take place subject to the decision made by Cabinet, in light of the current Covid 19 situation and the limitations this presents in terms of face to face consultation, Trade Unions will be informed of proposed appropriate methods of consultation with employees in the event that the decision necessitates this.

5. Decide

Cabinet to decide if the recommendation for the closure of Stanley's Nursery, Birchills is to be approved, taking into account

- The childcare provision is a non-statutory service the Local Authorities responsibility is to ensure there are sufficient childcare places across the borough
- There are sufficient childcare places across the borough, with an additional 24 places for 2 year olds being provided by a local school within a close proximity of Stanley's Nursery

- The service is heavily subsidised by the council, with Childrens Services having an overspend 2019/20 of £0.095m, forecasted to increase in 2020/21 to £0.138m.
- Detailed consultation with parents/ cares and stakeholders has been completed
- The continued delivery of the nursery is not financially viable

6. Respond

Children's Services to implement the approved recommendation and take the appropriate action.

The Family Information Services within Early Help will provide a dedicated helpline and contact all parents and carers of the 57 children remaining registered at the nursery from September 2020 to support the identification of alternative childcare provision and support parents/carers where required to secure placements.

All staff will be advised of the outcome of Cabinet decision, will be treated fairly and in line with HR policies and procedures.

7. Review

The sufficiency of childcare within the area will continue to be monitored and the Early Years team will work with providers to meet any future demand.

Background papers

- Cabinet Papers February 2015
- Cabinet Papers February 2017
- Cabinet Papers February 2020

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Sally Rowe
 Executive Director
 6 July 2020



Councillor Wilson
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 6 July 2020

1. The Future of Stanley's Nursery - Findings from consultation

1.1 Background and approach to consultation

Stanley's Nursery is the borough's remaining childcare service provided and subsidised by Walsall council. The annual subsidiary rate is currently £70,000 and is predicted to rise to £87,000 by the next financial year. In order to inform decisions about the nursery's future, a programme of consultation with parents and carers was conducted, the findings of which would be used alongside other information to inform the final decision.

On 2 March 2020 letters explaining the consultation and questionnaires were given to parents / carers of children who attend the nursery or are due to attend. In addition, in order to gain a richer understanding 6 face to face sessions were arranged where officers were on hand to take comments or provide assistance completing the questionnaire. Unfortunately due to the Covid 19 situation 4 out of the 6 drop in face to face sessions were delivered.

Feedback gathered at these sessions is summarised in appendix 2

Consultation began on 2 March 2020 and was due to conclude on 31 March 2020, however the COVID-19 crisis meant that on 23rd March 2020 consultation was paused while the service and families themselves adjusted to the challenges that the pandemic brought. Consultation resumed on 12th May 2020 with a final deadline of 27 May 2020. Letters were sent to all parents and carers on 11th May 2020 notifying them of the extension to the consultation and the final deadline.

During the consultation efforts were made to encourage response. Parents and carers were reminded to respond when dropping off / collecting their children as well as phone calls being made week commencing 16th March 2020 and week commencing 20th May 2020.

By the final closing date

- 26 out of 103 questionnaires had been completed
- 38 parents/carers had been seen at the drop in sessions help
- All but 4 families were contacted successfully via telephone to encourage participation in the consultation
- 11 comments were received via the comment box left at the Nursery
- 2 of the stakeholders and provided feedback

2. Key findings

- Respondents tend to use childcare at Stanley's Nursery on a part-time basis, with most getting 15 hours free childcare a week. Just two respondents pay the full cost of childcare.

- Being close to home is the main reason why parents chose Stanley's Nursery for their childcare needs.
- The staff, the quality of care / the Ofsted report and the good reputation of the nursery in the community were also common reasons for choosing the nursery. Due to the large proportion of users getting free childcare places, cost is not a major factor.
- The importance of being close to home reflects the fact that most respondents walk their children to nursery.
- Most respondents thought that the nursery should be kept open and the shortfall in funding met some other way (option 1).
- There was some support for keeping it open and increasing the fees to the market rate (option 3), however there was little support for increasing the fees to cover the running costs (option 2) or closing the nursery (option 4).
- Suggestions for how the £70,000 shortfall could be met included generating income from making better use of the building through private room hire or through fundraising events. No suggestions were likely to generate for £70,000 required.
- Most state they if the nursery closed they would find an alternative private nursery.
- For a few possible closure would necessitate the reduction of work / study hours or giving up work/ study altogether. Some would seek childcare from family and friends.
- For some, closure would mean that they would no longer engage in early years' provision at all.
- Many feel that possible closure and the resulting change of routine would be unsettling for their child, several respondents express how much their child enjoys going to Stanley's Nursery and the benefit it brings.
- Some feel it will be difficult to find suitable local nurseries with places available, particularly ones close to home.

3. Main findings

The following summarises the results from the questionnaire and is based on the views of 26 people. Due to the small number of responses percentages may be misleading and therefore only counts are reported here.

In terms of usage, most respondents were current users of the nursery with at least 1 child attending. 24 respondents currently use full or half day childcare with one respondent saying they plan to use full or half day childcare at Stanley's Nursery.

17 respondents require term-time only childcare and 5 all year round.

Childcare tends to be on a part-time basis. Most respondents (19) state that their child / children get 15 hours free childcare a week and therefore attend for this number of hours. One respondent said they were entitled to 30 hours free childcare and their child attends for 23 hours a week. Three said they attend for 12 hours or less a week.

Whilst most respondents utilise their free childcare entitlement, just two respondents pay the full cost of childcare, with their children attending for 20 hours and 5 hours a week.

Start and end times vary however most children (9) start at 09.00 in the morning and of these 8 stay until 12.00, all of these receive 15 hours free childcare. A total of 6 start earlier, between 07.30 and 08.30 and 5 children stay all day. Four of these receive 15 hours free childcare and one 30 hours.

Being close to home is the main reason why parents chose Stanley's Nursery for their childcare needs, all but three respondents selected this. The staff, the quality of care / the Ofsted report and the good reputation of the nursery in the community were also common reasons for choosing the nursery. Due to the large proportion of users getting free childcare places, cost is not a major factor.

| Q6 reasons for choosing Stanley's Nursery | |
|--|----|
| Close to home | 23 |
| The staff | 17 |
| Quality of care / Ofsted report | 15 |
| Good reputation in the community | 14 |
| The building and facilities | 12 |
| Security and safety | 12 |
| Recommend by family / friend / Health Professional / Social Worker | 10 |
| Opening hours | 8 |
| Places available / no waiting list | 7 |
| Parking / drop off | 6 |
| Close / on route to place of work / study | 5 |

| | |
|--------------------------------------|---|
| Low cost compared to other providers | 4 |
| Attached to local school | 2 |
| Other, please tell us | 1 |

The importance of being close to home reflects the fact that 17 respondents walk their children to nursery. Just 5 used the car and 2 the bus.

When presented with four options for the future of Stanley's Nursery, most respondents (13) thought that the nursery should be kept open and the shortfall in funding met some other way. Eight felt that it should also be kept open and the fees increased to the market rate (option 3).

| Q7. Which of the following options do you think should be taken? | |
|--|----|
| Option 1: Keep Stanley's Nursery open and identify a proposal to fund the shortfall of +£70,000 | 13 |
| Option 2: Keep Stanley's Nursery open and in order to cover running costs raise childcare fees to £110 a day, £55 half day | 3 |
| Option 3: Keep Stanley's Nursery open charging the market rate of £50 full day and £25 half day and identify a proposal to fund the shortfall of +£70,000 | 8 |
| Option 4: Close Stanley's nursery meaning 105 children would need to find alternative childcare provision and 19 staff would be put at risk of redundancy. | 1 |

Just 3 were prepared to pay fees that covered the running costs and 1 said close the nursery (option 4).

Reasons given for why option 1 should be taken included the negative affect it would have on their children and that the council should prioritise funding this important service:

"Because closing the school will affect the kids."

"Wouldn't want the nursery to close. Will be very stressful for the children and for the parents to find somewhere else that is as good as Stanley's nursery. The nursery is very good and the staff are really good there. My child is really happy there. I really do not want it to close. It's a great place for the community to get together and offers lots of resources."

"Other funding for different areas provided by Walsall Council aren't necessary- whereas nurseries are NECESSARY."

"Childcare, investing in young people and family should be a priority for a council not some cost-cutting exercise."

"Council has money so they should fund it, especially if we can have 15/30 hours free, what does our tax money go on?!"

"Because not a lot of people can afford."

"Baby room like college. Bring back paying parents."

"Local to parents - easier to get here for all. Easy to walk to."

Reasons given for preferring option 2 (keep open and increase fees to cover costs) included:

"Because Stanley Nursery is a good nursery."

"Would make more sense instead of making more people unemployed. Making parents find a different nursery when others have long waiting lists and making parents cut down their work hours and find childcare moving children when they are settled, they know their teachers and friends."

Reasons given for preferring option 3 (keep open and charge the market rate) included:

"It is a service required in the area, priority should be given to working parents. Volunteer drive should be increased to reduce the amount spent on wages."

"Only nursery in borough funded by council. Also, not able to find nursery places for children at schools so I sent my child here. Schools not willing to take on nursery children till reception because they do not have any places in nursery left."

"Reasonable compromise. Don't think it's fair on children structure childcare to use rooms."

"Keep the nursery going, very good."

"Want to see nursery stay open."

When asked to suggest a different option, no detailed suggestions were put forward.

"Council pay for it."

"Option 2 unrealistic. Why don't you take babies?"

"Plan to send her here. 5 min walk. Universal Credit not working."

When asked how Children's Services could make the necessary savings of +£70,000 a number of respondents suggested generating income from making better use of the building through private room hire or through fundraising events. None are likely to generate for £70,000 required.

"The building can be used to host parties during weekends that will bring in income. Working parents are likely to pay to extra hours of child care, they should be given priority."

"Could rent rooms for meetings, parties etc."

"It is not a case of making savings, it is a case of making money from space that is provided at Stanley's Nursery. There are many ways that money could be made using the facilities, space and rooms that are provided at Stanley's Nursery."

"Get sponsors or do fundraisers and events throughout the year or do some cut backs on things parents could help with food and equipment."

"Fundraisers or cutting down the Council Costs!"

"Try to raise money on Facebook. Ask parents who use the nursery to make regular donations to go towards the £70,000 shortfall. Even those parents who get free places. If all the parents stuck together the money could be raised."

Other comments referred to the need to make changes to the way the nursery is run and the fees that are charged.

"Run it like a proper nursery and add a baby room which will add up funding."

"I think it should stay open and up their prices instead. Would make more sense as the other nurseries are full and it has taken me 4 months to get my daughter into one."

"Paying parents."

When asked what they would do if the nursery closed, most (10) said they would find another private nursery. Possible closure would necessitate the reduction of work / study hours of 8 people and 6 say they would have to give up work / study altogether to look after their child themselves.

A total of 4 respondents say they would seek childcare help from family and friends. 4 respondents did not know what they would do if closed.

| Q10 What would you do if Stanley's Nursery closed? | |
|--|----|
| Find another private nursery | 10 |
| Reduce working / study hours and look after your child / children yourself | 8 |
| Give up work / study and look after your child / children yourself | 6 |
| Don't know | 4 |
| Seek childcare help from family members | 3 |
| Seek childcare help from friends | 1 |
| It would not affect me / my child | 1 |

Respondents were asked what impact, if any, the possible closure of Stanley's Nursery would have on them, for some it would mean that they would no longer engage in early years' provision at all and instead would see them stay at home. For one respondent closure would have a social impact on them.

"My child would drop out of a nursery setting and spend most of her time at home which is not good for her development."

"My child would have to stay at home"

"My child will have to stay home with me while I stop work and school to look after him."

"Less interaction with other parents and babies as I don't have many mom-friends."

For others their work / study would be impacted, which for some may also have an impact on income and living costs.

"Change or lose job need 8 start 6 finish."

"Would have to give my course as I struggle to find childcare for my son due to his behaviour."

"I would have to reduce working hours resulting in lower income and a strain on living costs."

"By reducing hours, I will be eligible for working tax credit, housing benefit and council tax reduction possibly. So if they're 5 families like me, how much will you really save? Currently not eligible for any of the mentioned benefits because I earned enough."

Many feel that its possible closure and change of routine would be unsettling for their child, several comments express how much their child enjoys going to Stanley's Nursery and the benefit it brings.

"A big impact! That's the closest nursery to me and my child never left my side since he was born so it was hard for him to stay there but because of the amazing staff he loves going there."

"My child has been here just over a year and is doing well. If I had to move her to another nursery, this would unsettle her."

"My child currently enjoys his time at Stanley Nursery and he looks forward to nursery every day."

"Settled into nursery and is getting on really well"

"It would be very stressful for me and my child. He is very happy there and knows the staff. He doesn't want to come back home he is so happy there. I can't imagine him going anywhere else. I don't want it to close."

"Would be lost if the nursery closed. Don't know any other nursery I'd feel comfortable with. Looked at 5 other nurseries and this was the only one that made me feel comfortable and safe to send my child to. My child is very happy there. The staff are lovely and my child is settled there. I don't want any change in my child's early learning. He is doing so well at Stanley's. Do not close it. It has to stay open. For my child and the local community."

Other comments refer to it being difficult to find suitable local nurseries with places available. Being close to home is an important factor for many.

"Would be a pain as it took me 4 months to get my daughter into a nursery and now she's finally settled, made friends. There is nowhere else for her to go unless you sort the waiting lists out."

"As this is the closest childcare provider to my house, I would be forced to have my child stay at home until they start reception as all schools I have applied to for nursery places have said that they have none left."

"Child has learning difficulties and is not yet walking but I wouldn't go anywhere else because they are too far."

"At the moment, nothing but when child goes to nursery, will need to walk further or take public transport. Not familiar with the area, previously in Wolverhampton."

In addition to childcare, a range of other services are run from Stanley's Nursery, most respondents however had not used them (11). Of those who had used the services, 2 were willing to travel to another location to access them, whilst 4 said they would no longer access those services.

| Q12 Other services accessed at Stanley's Nursery | |
|---|----|
| None of these | 11 |
| Health visitor baby clinic | 7 |
| Speech and language | 5 |
| Stay and Play | 4 |
| One You | 1 |
| Early Help | 1 |

4. Summary of respondent demographics

- 24 respondents were female
- The average age of respondents was 28, ranging from 19 to 37
- 4 respondents were Foster parents
- 7 were single parents
- 8 respondents worked in a part-time role and 2 in a full-time role. 7 were unemployed. A total of 4 were studying / training or on a career break / maternity. 5 respondents were looking after the home and 1 was a carer.
- 8 respondents were on a low income and claiming Universal Credit, whilst 3 respondents stated they were not entitled to Child Benefit (thus one person in the household earns £50,000+).
- Most respondents were of a White (9) or Asian (9) background. 3 were Black or Black British or other (1).
- Most respondents (20) lived in the WS2 postcode area, with 2 living in WS1 and the remainder living in WS3 and WS4.

1. The Future of Stanley's Nursery – Findings from face to face consultation drop in sessions, phone calls, comments box and stakeholder feedback

1.1 Brief background

To inform decisions about the future of Stanley's Nursery based at Birchills Sure Start Centre consultation with parents / carers of children who attend the nursery and Stakeholders who utilise the premises and facilities commenced on 2nd March 2020.

Consultation to determine the future of Stanley's Nursery commenced on 2nd March 2020 with parents / carers of the 105 children who attend the nursery and 6 stakeholders who utilise the premises and facilities.

2. Consultation approach

Parents / carers and stakeholders were given a number of opportunities to provide their views and comments including:

- Parents / carers of children attending the nursery:
 - Letters and questionnaires handed to parents / carers of 105 children
 - 4 out of 6 face to face drop in sessions took place attended by 38 parent / carers
 - Comments received via the comments box located at Stanley's Nursery reception
 - All but 4 families (96%) were contacted via the telephone to encourage response, check they had received a letter and questionnaire, make them aware of all the opportunities available to provide their views and answer any questions.

- Stakeholders:
 - 6 letters emailed to stakeholders – responses received from 2 stakeholders

2.1 Face to face drop in sessions

On 2nd March parents / carers were handed letters whilst attending the nursery explaining the reasons for the consultation and seeking their views on the 4 options being considered.

They were also offered an opportunity to attend any of the 6 face to face drop in sessions from 4th March until 25th March. Each session was supported by Officers to provide a more detailed understanding of the impact of the 4 options to their families, ask questions and receive assistance to complete the questionnaire if required.

The face to face drop in sessions were staggered over a 4 week period and timed to coincide with the drop off and pick up times of the nursery sessions.

Consultation was planned to conclude on 31 March 2020, however the COVID-19 crisis meant that on 23rd March consultation was paused and resumed on 12th May with a final deadline of 27 May 2020. Parents / carers were notified by letter of the extension and final deadline.

The 4 drop in sessions that took place were attended by a total of 38 parent / carers, a breakdown of attendance per sessions is as follows:

| Date | Time | Attendance no |
|---------------------------------------|---------------------|---|
| Wednesday 4 th March 2020 | 11:45 am – 12:45 pm | 11 |
| Tuesday 10 th March 2020 | 08:45 am – 09:45 am | 15 |
| Thursday 12 th March 2020 | 12:45 pm - 13:45 pm | 9 |
| Monday 16 th March 2020 | 17:00 pm – 18:00 pm | 3 (assistance provided to complete the questionnaires)* |
| Friday 20 th March 2020 | 15:45 pm – 16:45 pm | Cancelled due to Covid 19 |
| Wednesday 25 th March 2020 | 11:45 am – 12:45 pm | Cancelled due to Covid 19 |

The drop in sessions aim was to discuss the purpose of the consultation and to provide parent / carers a more detailed opportunity to talk to us to gain a better understanding about:

- Why parents / carers chose Stanley’s Nursery for their child(ren) to attend
- What they like about the Nursery
- The impact any of the 4 options will have to their family
- Suggestions of how Children Services could fund the current financial shortfall
- What would they do if Stanley’s Nursery closed

3. Main findings

The following summarises the responses and is based on the views of **35** participants who provided feedback at the face to face drop in sessions.

*Please note feedback from the 3 participants who attended the drop in session on the 16th March 2020 is included in the questionnaires feedback summary in Appendix 1.

Most participants used the nursery on a part time basis and stated they received 15 hour free childcare; 3 participants received 30 hour free child care, 4 attended play and stay and 1 full paid childcare place.

Most of the participants thought the Nursery should stay open and the shortfall in funding should be met in some other way (option 1). One participant preferred option 3 to keep the nursery open but charge the market rate for childcare.

Feedback was analysed based on the following key themes: close to home; quality of staffing; previous experience with the nursery; Impact to child’s development and behaviour; social impact, parental health concerns and availability of alternative suitable childcare places.

The main reason why parents chose and liked Stanley’s nursery is that it was close to home (30) with most of them living in the WS2 catchment area. Secondly, they talked about the quality of the staffing (9) stating that their child(ren) were happy and settled in the nursely as they were familiar with the staff and parents / carers also trusted the staff knowing they could manage and support their child(ren) as older siblings had previously attended the nursery (3).

“It’s nearest to my home, I can walk to the nursery and my sister lives in walking distance to support me if needed”

“It’s a 5 mins drive away as I work full-time I can drop my daughter and son off on the way”

“My 5 year old daughter attended the nursery before and as I trust the staff my son now attends. [Mother stated she would not send her son to another setting as she was did not think he would settle elsewhere]”

"My son turns 2 in May he knows the teachers which will help him settle in, he is very clingy and doesn't go to anyone."

"I trust the staff with my daughter, I have health issues and find it difficult to trust people."

"Staff are really good, they have built a good relationship with the children"

"My daughter has delayed development and is being assessed for autism. She needs a lot of support, she loves coming and is attached to the staff who go over and above to support her needs."

"All my children have loved it here, the staff understand my child's needs and she has picked up things a lot quicker with the one to one support."

When asked about the impact any of the 4 options would have to their family, participants talked about their concerns of the possible closure of Stanley's Nursery. These included the potential deterioration in their child's behaviour and development (4) and social impact it would have on their children's social skills (1).

"The staff helped a lot with my son who was autistic when he attended the nursery, he wasn't sleeping and always screamed. My daughter now attends and she needs a lot of support too. She could not speak English before she came and now she is very talkative and picking things up a lot quicker"

"My son has behaviour issues; he can get aggressive and has hit his nan so she's no longer able to cope with him. The staff have been good at managing his behaviour which has improved since attending the Nursery which is only 5 mins bus journey away"

"My daughter is benefiting from the development and socialising with other children"

"It's developing my daughter's character, opening her mind."

"My child is the youngest and she is already learning so much. I didn't send my other children to nursery at 2 yrs."

One parent / carer was visibly upset at the possibility of Stanley's Nursery closing. Her daughter is 3 years old, has delayed development and she struggles to sleep. She is currently being assessed for autism and requires a lot of support. When she started the nursery she would scream and head-butt the wall, with the help from Nursery staff her development and behaviour has significantly improved. This has impacted on mums health and she struggles to sleep and has lost weight, she fears that her health will deteriorate and she will not cope as she also has 2 other sons, one is autism.

"The hours my daughter spends at the nursery have meant the world to me. If Stanley's was not here I would struggle as I don't get a lot of sleep now and have lost weight. Family and friends are unable to cope with my kids behaviour."

When asked for suggestions on how Children Services could fund the current financial shortfall. Participants suggested generating income from making better use of the building and offering out for room hire, sharing the places equally between funded and fee paying, ask Government to increase the funding for 2 year old places, offer a babies group and increase the fees for paid places. None are likely to generate the £70,000 shortfall required.

"Offer venue for use for parties to generate additional funding"

"To offer equal number of free and fee paying places"

"Government should increase the funding for 2 year old places"

“To offer baby places for a fee”

“To increase fees for paying parents”

When asked what parents / carers would do if the nursery closed, 43% of the children will be moving on to Nursery Schools or starting school in September 2020 and although the remaining parents / carers preferred to remain at Stanley’s Nursery they would consider alternative child care across the borough. However, 3 stated they would be unable to continue with the 2 – 3 year funded places, 2 of these due to the limited availability of suitable alternative local childcare places and one parent stated she would have to give up her college course to look after her son as his behaviour can be difficult to manage.

“If the nursery would close I would have to give up college to look after my son as I don’t think other nurseries would be able to manage his behaviour. My grandparents are unable to help as they cannot cope with and my partner works full time. This nursery is close enough to fit in with my college course”.

“I would not send my son to another setting as I do oldn’t think he will settle elsewhere”.

“Would look in the Palfrey area near husbands workshop”

“If closed would not use 15 hours for the rest of the entitlement period from Jan 2020 – Dec 2020 as other children go to Birchills School. I would not access anywhere else.”

4. Summary of participants demographics (this information was optional and not provided by all participants)

Majority (over 90%) were female parents/carers with 2 year olds attending the nursery.

4.1 Phone calls / responses

To encourage a response to the consultation all parent / carers of the 105 children who attend Stanley’s Nursery were contacted on various occasions by telephone to check they had received the letter and questionnaire, if not questionnaires were re-issued and to answer any questions or offer any support / assistance if required.

All but 4 families were contacted successfully.

Just under half of the children (43% parents / carers are moving their children to a Nursery School or children are starting School in reception in September 2020 admissions. With another 3 considering a Nursery School provision, irrespective of the consultation for September admission. Of these 12 preferred to remain at Nursery and all but 2 spoke positively about Stanley’s Nursery.

“Nursery is perfect, very local. I’m a student at University and use it 4 days a week”

“very happy with Stanley’s don’t close it”

“Prefer Stanley’s, more convenient and local”

“Prefer to keep my youngest child at Stanleys”

2 parents and carers were not happy or had a mixed view about the support provided by the staff and the hygiene standards:

“Not happy with the Nursery you should close it, they have no time for parents”

“Not happy with the hygiene at the Nursery but sad to hear it may close”.

3 parents / carers were paying for places and requested a list of alternative child care providers in the Borough.

1 child had left the area.

4.2 Comments Box

Parents / Carers were provided an additional opportunity to share their views about the Nursery via a Comments Box that was located at the front reception of the Nursery.

Overall 11 comments were received, 9 from parents / carers and 1 from a student/parent and 1 from a student.

The majority are positive comments about the service provided by the Nursery and opposing any possible closure.

“I feel this nursery is improving a child’s mind and ability better than most nursery / primary schools within our area. They also provide a lot of support for adults and parents”.

“Stanley’s service provider a great service to children from the ages of 2 – 3 years. If this service closes what other place is available that is near the town.”

“I think Stanley’s Nursery provides an excellent service for both 2 and 3 year olds. To close this Nursery would have a huge effect on a lot of children as they have settled in well”

“This place is like a second home to my kid and the staff are just adorable. Please! Please! Please! Don’t shut this Nursery. Thanks

“Where’s the funding going? Lovely School child felt right at ease as never left parents side. Made him comfortable, settle really well and made him learn a lot of things to help with his development.”

A couple of comments were posted by the students undertaking their placements at the Nursery. They have referred to the support they have received from staff and how it has improved their confidence. One of the students also has a child attending the Nursery and may have to re-consider continuing with her course.

“I have been at Stanley’s Nursery for 3 years now. When I first started I was very insecure and had a lot of problems and no confidence at all. This place [Stanley’s Nursery] helped me with my problems and supported me and never judged me for them. My confidence has boosted the staff are very friendly and helpful. I don’t feel comfortable looking for a new placement so I will end up dropping out of college.”
(Student/Parent)

“I have been here in Stanley’s for placement over the past 2 years. When I first started I was insecure and had a lack of confidence, whereas this place has boosted my confidence. The staff are really nice and helpful. I am not looking forward to finding a new placement. (Student).

Other comments received were generally asking whether support will be offered to find alternative places and concerns around the limited availability of nursery places.

“How can you not afford to keep Stanley’s Nursery open when Schools are unable to provide nursery places”.

4.3 Stakeholder responses

Stanley's Nursery building is also currently utilised free of charge by 6 stakeholders to deliver services to children and young people such as health assessments, speech and language support.

On 2nd March 2020 letters were emailed to all 6 stakeholders: One you Walsall; Connecting Communities – Job Club; Dorothy Pattison Hospital; Child Development Centre; Speech and Language Service and Black Country Women's Aid explaining the purpose of the consultation and seeking their views and comments on the impact the options presented may have on their services and service users.

Responses have been received from 2 of the stakeholders mainly One you Walsall who utilise rooms to provide adult weight management clinics and Dorothy Pattison Hospital to provide perinatal mental health services.

Both felt disheartened at the possibility of the building and facilities closing stating they provided much needed services to support the local community that potentially may impact families in the on the long term.

One you Walsall raised a concern around the reduced availability and access to venues across Walsall and suggested renting out part of the building to organisations to help fund the shortfall.

"These services are much needed in the Walsall area, ranging from health to Citizen Advice to domestic violence, to mention a few. Where would these services be able to support the Walsall communities as other venues close or restrict use of the buildings."

"I think ideally the nursery would continue to operate with the addition of parts of the building being rented by other organisations to help fund the shortfall."

Considering the 4 options presented, Dorothy Pattison Hospital preferred Option 1 to keep Stanley's Nursery open and identify a proposal to fund the shortfall of £70,000 followed by Option 3 whereby they would be prepared to cover the costs of the room hire.

"It would be such a shame to see the centre closed, or to see parents having to pay increased fees."

"Birchills I feel that it would be a great loss to close the service. I feel that option 3 would be the best way forward."

Both suggestions to rent the building out and cover the costs for room hire are unlikely to fund the shortfall £70,000.

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

| | | | |
|--------------------------------|---|---|--|
| Proposal name | Future of Stanley's Nursey Birchills | | |
| Directorate | Children's Services | | |
| Service | Early Help | | |
| Responsible Officer | Julie Jones | | |
| Proposal planning start | 28/01/2020 | Proposal start date (due or actual date) | 28/01/2020 02/03/2020 updated 04/06/2020 updated |

| 1 | What is the purpose of the proposal? | Yes / No | New / revision |
|---|--|--------------------|----------------|
| | Policy | No | |
| | Procedure | No | |
| | Guidance | No | |
| | Is this a service to customers/staff/public? | Yes | |
| | If yes, is it contracted or commissioned? | In-house provision | |
| | Other - give details | | |
| 2 | What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change? | | |
| | <p>Stanley's Nursery Birchills is the only remaining childcare service in the borough directly provided by Walsall Council. The provision of childcare by a Local Authority is not a statutory requirement, the Local Authorities responsibility is to ensure there are sufficient childcare places across the borough.</p> <p>Cabinet approved (February 2015) the implementation of a new model of delivery for Children's Centres, reducing the number of centres to 5 Locality Hubs along with the approval that the remaining Children Centre buildings would transfer to the applicable school, where based on a school site, and the remaining childcare and buildings form part of a procurement process to transfer to a suitable third party organisation/s.</p> <p>The procurement was successfully completed and service's transferred to the successful providers excluding Stanley's Nursery Birchills.</p> <p>Cabinet received a further report (February 2017) regarding the 'Redesign of Children's Centre Services and Sites as part of a 0-19 Early Help Locality Model and Children's Centre South Contract'. In relation to the Birchills site - Cabinet approve the undertaking of a competitive procurement process to determine the most suitable provider(s) for the provision of childcare and early learning and to commence delivery from early Autumn 2017.</p> | | |



Two procurement/tendering exercises for Stanley's Nursery along with negotiations with a range of different providers have been held however the transfer of the provision has to date been unsuccessful.

The provision is heavily subsidised by Children's Services in 2019/20 total subsidy £95k with a forecast to increase 2020/21 to £138k. Due to the financial pressures on the directorate, Cabinet (February 2020) approved a further consultation with parents/cares and key stakeholders on the future of the nursery provision.

Four options were provided as part of the consultation

Option 1: Keep Stanley's Nursery open and identify a proposal to fund the shortfall of +£70,000 and we ask for your suggestions.

Option 2: Keep Stanley's Nursery open and in order to cover running costs raise childcare fees to £110 a day, £55 half day.

Option 3: Keep Stanley's Nursery open charging the market rate of £50 full day and £25 half day and identify a proposal to fund the shortfall of £55,000. We seek your suggestions.

Option 4: Close Stanley's Nursery meaning 105 children would need to find alternative childcare provision and 19 staff would be put at risk of redundancy

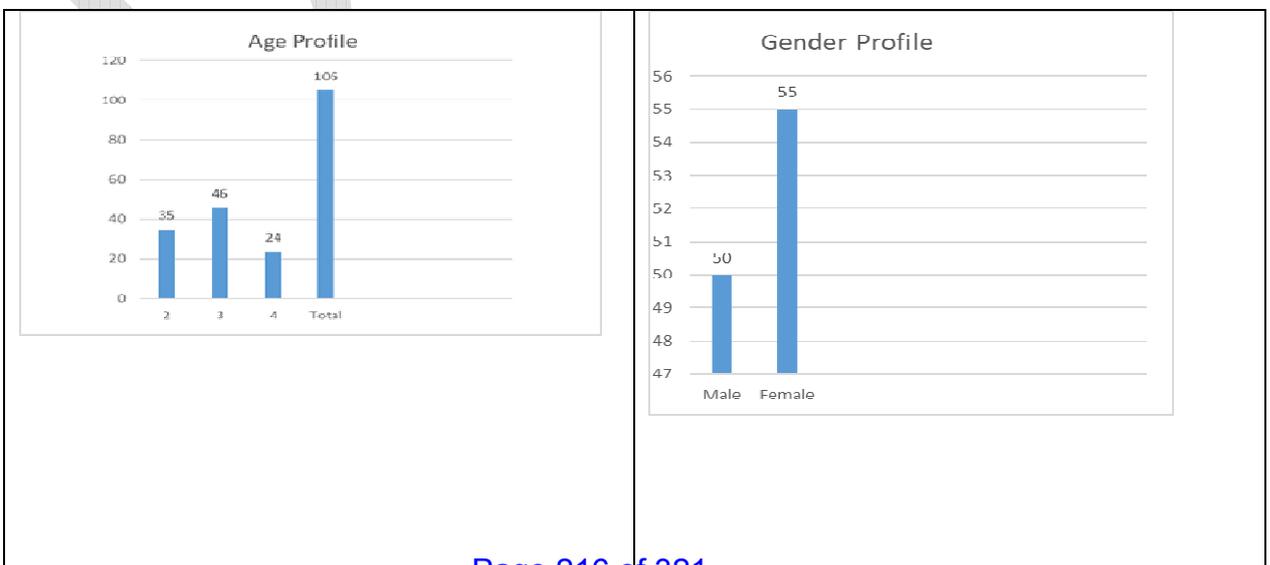
3 Who is the proposal likely to affect?

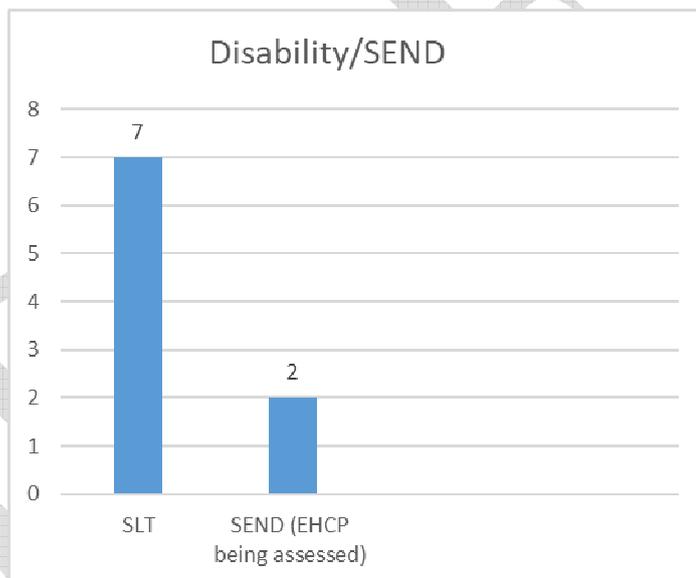
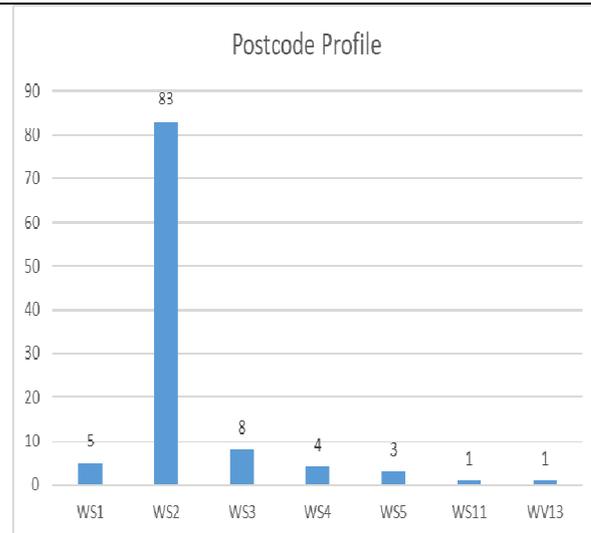
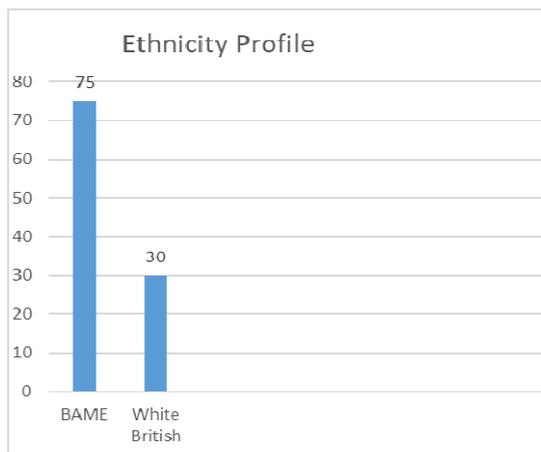
| People in Walsall | Yes / No | Detail |
|-------------------|----------|---|
| All | No | Children aged 2, 3 & 4 years of age who attend the Birchills Nursery and their parents/carers |
| Specific group/s | Yes | |
| Council employees | Yes | |
| Other (identify) | | |

4 Please provide service data relating to this proposal on your customer's protected characteristics.

Profile of the 105 children attending the nursery in

- Age
- Gender
- Ethnicity
- Postcode Area of Home Address
- SEND/EHCP is as follows:





- SLT: Receiving Speech & Language Therapy
- SEND: EHCP currently being assessed

As at the end of August 45 out of the 105 remaining children will be leaving the nursery provision to attend Nursery School or commence School with Reception Year.

For the children receiving Speech & Language Therapy, 3 are due to leave and a transition plan to their new school/Nursery will be provided.

For the children with SEND, currently having an EHCP assessment, both are leaving and again a transition plan will be in place.

Alternative provision: A recent review of the market place and sufficiency within the borough (February 2020) concluded that with Croft Primary Academy extending their provision for children aged 2yrs, providing an additional 24 places there is sufficient places available for all 2, 3 & 4 year olds across the borough as a whole to meet demand.

The Family Information Service will provide a dedicated resource to support all parents/carers to identify appropriate alternative provision for their children.

Each child will receive an individual action plan reviewed on a weekly basis in partnership with parents/carers to consider the alternative options and supported, where requested to make applications and secure placements.

Children already moving into Nursery and/or School from September 2020 have exiting individual transition plans which will continue to be supported, along with the appropriate liaison with the new setting including the sharing of appropriate information regarding SEND support needs and plans.

5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).

Consultation Activity

| | | | |
|--|---|-------------|--------------------------|
| Type of engagement/consultation | Letter to parents/carers and stakeholders advising of consultation. | Date | 02/03/2020 12/05/2020 |
| Who attended/participated? | All parents/carers and stakeholders | | |
| Protected characteristics of participants | 103 Letters to parents 6 Stakeholder letters | | |
| Feedback A detailed summary in contained within Section 6 below: | | | |

| | | | |
|--|------------------|-------------|--|
| Type of engagement/consultation | Drop In Sessions | Date | 04/03/2020 11:45am 10/03/2020 08:45am 12/03/2020 12:45pm 16/03/20 05:00pm |
| Who attended/participated? | Parents/Carers | | |
| Protected characteristics of participants | See below | | |

| Date | Time | Parents/Carers Attendance |
|---------------------------------------|---------------------|---|
| Wednesday 4 th March 2020 | 11:45 am – 12:45 pm | 11 |
| Tuesday 10 th March 2020 | 08:45 am – 09:45 am | 15 |
| Thursday 12 th March 2020 | 12:45 pm - 13:45 pm | 9 |
| Monday 16 th March 2020 | 17:00 pm – 18:00 pm | 3 (assistance provided to complete the questionnaires)* |
| Friday 20 th March 2020 | 15:45 pm – 16:45 pm | Cancelled due to Covid 19 |
| Wednesday 25 th March 2020 | 11:45 am – 12:45 pm | Cancelled due to Covid 19 |

Feedback: A detailed summary in contained within Section 6 below:

Summary:



INITIAL Equality Impact Assessment (EqIA) for Organisational Change

| | | | |
|-----------------------|----------------------------|--|--------------------------------------|
| Proposal name | Birchills Childcare | | |
| Directorate | Children's Services | | |
| Service | Early Help | | |
| Responsible Officer | Julie Jones | | |
| EqIA Author | Julie Jones | | |
| Date proposal started | 12/2/2020 | Proposal commencement date (due or actual) | 02/03/20 updated 02/06/20 updated |

| | | Yes or No | Notes |
|----------|---|------------|--|
| 1 | Staffing | | |
| | Is the organisational change likely to affect staff? (e.g. at risk, redundancies) | Y | This will be subject to the decision of Cabinet in July 2020 |
| | Is there business case for putting staff at risk? | n/a | An initial business case to consult with service users has been presented to JNCC on 28 Jan 2020, this will be updated in July 2020 depending on the outcome of the consultation which will determine if staff will be put at risk or not. |
| | Have selection criteria been prepared for identifying staff at risk? | Y | All staff based at Stanley's Nursery, Birchills will be affected along with the cleaning and caretakers associated with the Nursery. |
| | Has the number of staff likely to be affected been calculated? | Y | There are 18 Nursery staff working for Children's Services and 5 cleaning/caretaking staff working for Integrated Facility Management |
| 2 | Consultation and engagement | | |
| | Is there a consultation and engagement plan for this organisational change? | Y | Consultation plan will be put in place for formal staff consultation as applicable, depending on the outcome of the Cabinet decision. |

| | | | |
|----------|---|------|--|
| | Are all staff able to participate (e.g. disabled staff and those on, maternity leave...etc)? | Y | Staff on maternity / long term sick have been and will continue to be kept up to date and encouraged to participate in the consultation. |
| 3 | Remote Working and location change | | |
| | Does the change involve staff in remote working or a change of location? | N | (If 'No' go to Question 4) |
| | Have you consulted about making reasonable adjustments to remove barriers for disabled staff? | | |
| | Have you given access to facilities at work, for all staff, who are to work remotely or change location? | | |
| 4 | Redundancy and or Redeployment | | |
| | Does the change involve potential redundancy or redeployment? | Y | Dependent on the outcome of Cabinet Decision 15 th July 2020 |
| | Are redundancy or redeployment procedures fair and use fair criteria? | Y | As per the councils redundancy process |
| | Is the selection pool lawful? | Y | |
| | To avoid discrimination does the selection matrix include a number of criteria or is it by a competitive appointment process? | Y | |
| | Are any enhanced redundancy payments calculated in the same way as statutory redundancy payments | n/a | |
| | Have you avoided substantial disadvantage for disabled staff? | n/aY | |
| | Has suitable alternative employment been offered to staff on maternity leave, if displaced? | Y | All applicable staff will have access to the Council's redeployment programme. |
| | Can you justify all payments for age and redundancy? | Y | |
| 5 | Providing your service | | |
| | Are there any changes to the way your services will be provided to customers? | Y | Dependent on the outcome of Cabinet 2020, the local authority may cease to provide any nursery |

| | | | |
|----------|---|---------------|---|
| | | | childcare provision. |
| | | | |
| | Could service changes alter the impact on your customers because of their 'protected characteristic? | Yes | (If 'No' go to Question 6) (If 'Yes' carry out an EqlA for Policies, Procedures and Services and go to Question 6) • Completed |
| 6 | Summarise your evidence, engagement and consultation. | | |
| | Consultation will align with HR policy full details will be provided once the outcome of consultation is known and Cabinet has made a decision on the future provision. | | |
| 7 | How may the proposal affect each protected characteristic or group? The affect may be positive, negative or neutral, give reasons and if action is needed. | | |
| | Characteristic | Affect | Reason |
| | | | Action needed (Y or N) |
| | Age | Not Known | The breakdown of staff is predominately female. therefore this proposal affects all employees including those with protected characteristics in the same way |
| | Disability | Neutral | No staff are known to have a disability |
| | Gender reassignment | Neutral | This proposal affects all employees including those with protected characteristics in the same way |
| | Marriage and civil partnership | Neutral | This proposal affects all employees including those with protected characteristics in the same way |
| | Pregnancy and maternity | Negative | Two members of staff are currently on maternity leave however will be included in the consultation should it be required, pending outcome of cabinet decision |
| | Race | Neutral | This proposal affects all employees including those with protected characteristics in the same way |
| | Religion or belief | Neutral | This proposal affects all employees including those with protected |

| | | | |
|----------------------------|--|--|---------------------------|
| | | characteristics in the same way | |
| Sex | Negative | The majority of staff are female | Y |
| Sexual orientation | Neutral | This proposal affects all employees including those with protected characteristics in the same way | |
| Other (give detail) | | | |
| Further information | <p>Equalities Breakdown Nursery Staff</p> <p>Gender: 100% Female</p> <p>Ethnicity: 56.25% White/British 37.5% BAME 6.25% Not stated</p> <p>Age: 56.25% aged between 26 & 35 years of age 6.25% aged between 36 & 45 years of age 25.00% aged between 46 & 55 years of age 12.5 % aged between 56 & 65 years of age</p> <p>Employment Status: 56.25% work full time 43.75 % work part time</p> <p>Equalities breakdown Facility Management Staff</p> <p>Gender: 80% female 20% male</p> | | |
| 8 | Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details below. | | (Delete one) No |
| | | | |
| 9 | Overall which justifiable action does the evidence, engagement and consultation suggest you take? (Bold which one applies) | | |
| | A | No major change required | |
| | B | Adjustments needed to remove barriers or to better promote equality | |
| | C | Continue despite possible adverse impact | |
| | D | Stop and rethink your proposal | |

Now complete the action and monitoring plan on the next page

| Action and monitoring plan | | | | |
|-----------------------------------|--|---------------------------|--------------------------------|---------------------------------------|
| Action Date | Action | Responsibility | Outcome Date | Outcome |
| 28 th January 2020 | Submit to JNCC advise on consultation | Andrea Potts | 28 th January 2020 | JNCC advised |
| 3 rd February 2020 | Staff Meeting to advise of cabinet report | Andrea Potts | 3 rd February 2020 | Informal meeting held to advise staff |
| 12 th February 2020 | Cabinet – seeking permission to consult | Julie Jones/Maxine Taylor | 12 th February 2020 | Cabinet approval consultation |
| 28 th February 2020 | Letter to staff informing of consultation and providing them with a copy of letter and questionnaire | Julie Jones | | |
| 2 nd March 2020 | Consultation commences : Letters to all parents/carers along with paper questionnaire | Julie Jones | | |
| 2 nd March 2020 | Email and letters to stakeholders re consultation | Julie Jones | | |
| 23 rd March 2020 | Letter to all parents/carers re Covid 19 closure and 'pause' of consultation | Julie Jones | | |
| 12 th May 2020 | Letter to parents/carers to conclude consultation | Julie Jones | | |
| 27 th May 2020 | Close of consultation | Julie Jones | 27 th May 2020 | |

| | | | | |
|---------------------------|---|------------------------------------|--|----------------------|
| 28 th May 2020 | Review any alternative proposals following consultation for consideration within cabinet report | Julie Jones/ Anna King/ Raji Bains | | Analyses of feedback |
|---------------------------|---|------------------------------------|--|----------------------|

| Updates to EqlA | |
|-----------------|---|
| Date | Detail |
| 02/06/2020 | Updated following end of consultation with parents/cares/stakeholders – Cabinet report drafted for 12 th July 2020 |
| | |

Cabinet – 15 July 2020

Surveillance and Access to Communications Data

Portfolio: Councillor Perry, Communities, Leisure and Culture

Related portfolios: The Leader of the Council

Service: Resilient Communities

Wards: All

Key decision: No

Forward plan: No

1. Aim

- 1.1. This report is presented to Cabinet to report members on the use of the powers contained in the Regulation of Investigatory Powers Act 2000 (RIPA 2000) and the Investigatory Powers Act 2016 (IPA 2016) with regard to surveillance and acquisition of communications data. It reports on the outcome of the inspection carried out by the Investigatory Powers Commissioner's Office on 28 January 2020 and further informs members of the draft new policies on these matters that will be presented for adoption at the next full meeting of Council.

2. Summary

- 2.1. On 28 January 2020, the Investigatory Powers Commissioner's Office carried out an inspection of Walsall Council and its use of RIPA. They confirmed that the recommendations of the previous inspection had been discharged. They made two recommendations and two observations on this inspection, These are detailed in paragraphs 4.6 to 4.9 below and they highlighted a number of areas of good practice which are detailed in paragraph 4.10. The RIPA policy has been updated to reflect changes in legislation and supplemented by a separate IPA policy. These need to be referred to full Council for adoption.

3. Recommendations

- 3.1 That Cabinet notes the use of the Regulation of Investigatory Powers Act 2000 for the years ending 31 March 2017, 31 March 2018, 31 March 2019 and 31 March 2020 and is assured by the Executive Director Economy Environment and Communities, as the Council's Senior Responsible Officer for this legislation, that usage is consistent with the Council's Policy and Procedures.
- 3.2 That the draft Corporate Policy and Procedures on the Regulation of Investigatory Powers Act 2000 be presented to Council for approval.

- 3.3 That the draft Corporate Policy and Procedures on the Investigatory Powers Act 2016 on the Acquisition of Communications Data be presented to Council for approval.
- 3.4 That the Executive Director Economy Environment and Communities is delegated authority to make administrative amendments to the policies as part of the report to Council.

4. Report detail - know

Context

- 4.1. Where there is an interference by a local authority with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights and where there is no other source of lawful authority, the consequence of not obtaining an authorisation under the RIPA 2000 Act and IPA 2016 may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998.
- 4.2 The Home Office has strongly recommended that local authorities seek an authorisation where the surveillance is likely to interfere with a person’s Article 8 rights to privacy by obtaining private information about that person, whether or not that person is the subject of the investigation or operation. Obtaining an authorisation ensures that the action is carried out in accordance with law and subject to stringent safeguards against abuse.
- 4.3 Directed surveillance authorisations under RIPA 2000 may be granted in relation to covert surveillance undertaken in relation to a specific investigation or operation which is likely to result in the obtaining of private information about a person, and which is other than an immediate response to events or circumstances and for the use of Covert Human Intelligence Sources (CHIS). Authorisations under IPA 2016 may be granted for the acquisition of certain communications data.
- 4.4 Table 1 below summarises the authorisations which have been granted in Walsall for the last 5 financial years. Due to the introduction of the serious crime threshold, the use has in reality been limited to trading standards investigations into the sale of age restricted goods and counterfeiting. Other surveillance activities which were previously conducted by the use of RIPA have either ceased or are conducted overtly. In certain circumstances, surveillance may be carried out that is not within the scope of the RIPA regime. However, in these circumstances, the same considerations are applied to ensure the activity is necessary and proportionate. An example of such activity is the use of covert recording for the operations to ensure hackney carriage and private hire drivers are complying with appropriate legislation when conveying passengers with disabilities.

| | | | | |
|--|----------|----------|----------|----------|
| Regulatory Services – age restricted sales test purchasing (eg cigarettes, alcohol), counterfeit goods | Y/E | Y/E | Y/E | Y/E |
| | 31/03/17 | 31/03/18 | 31/03/19 | 31/03/20 |

| | | | | |
|---|---|---|---|---|
| Directed Surveillance Authorisations | 2 | 3 | 6 | 1 |
| Covert Human Intelligence Source Authorisations | 0 | 0 | 0 | 0 |

Table 1 RIPA authorisations 2016/17 to 2019/20

- 4.5 On the 28 January 2020, the Investigatory Powers Commissioner’s Office (IPCO) carried out an inspection of Walsall Council. The inspection report and Commissioner’s covering letter are attached as **Appendix 1**. The report confirms that the recommendations from the previous inspection carried out in June 2016 have been discharged. The report makes two new recommendations and two observations.
- 4.6 Recommendation R1 is that elected members are informed the use of RIPA and set the policy yearly. This report fulfils that recommendation.
- 4.7 Recommendation R2 is to ensure sufficient detail is included in the application and authorisation. Once the revised policy is adopted and the new service structure for Resilient Communities put in place, refresher training will be provided for front line officers who undertake investigations and for the Authorising Officer. In the meantime, feedback has been given to the officers who complete applications.
- 4.8 Observation O1 is a note of good practice that authorisations are cancelled in a timely manner when the authorisation is no longer required.
- 4.9 Observations O2 concerns surveillance which is conducted otherwise than under the auspices of RIPA. Although full consideration and management strategies were in place to cover all aspects of the risks identified, they were not all recorded.
- 4.10 The inspector commended Walsall Council on its use of RIPA and highlighted a number of areas of good practice, including:
- Inviting managers of services who currently do not need to use RIPA for their work to attend training to ensure they are aware of the provisions and do not inadvertently breach the requirements.
 - The use of the principles of RIPA when carrying out surveillance for investigations which would fall within scope other than they do not meet the serious crime threshold.
 - Cancellations of authorisations in a timely manner when they were no longer needed.
 - Comprehensive codes of practice on the use of directional CCTV.
 - Awareness of the potential benefits of the use of RIPA in the digital age.

- 4.11 The Walsall Council Policy and Procedures on the Regulation of Investigatory Powers Act 2000 has been rewritten to reflect changes in the legislation and the codes of practice, as well as some organisational changes. The draft proposed policy is attached as **Appendix 2**.
- 4.12 Those elements of the previous policy which relate to the acquisition of communications data have been separated out into a new policy to reflect changes in the legislation, the codes of practice, organisational changes and for ease of understanding. The draft proposed Policy and Procedures on the Investigatory Powers Act 2016 on the Acquisition of Communications Data is attached as **Appendix 3**.

Council Corporate Plan priorities

- 4.13 By using the tools and powers in the legislation which is enforced by officers within the Regulatory Services teams of Walsall Council legally, the teams support the corporate priorities to ensure that:
- children are safe from harm and healthy for example in restricting the illegal sale of age restricted goods such as alcohol and tobacco;
 - there is economic growth for all people, communities and businesses for example by investigating and restricting the supply of illicit and unsafe goods;
 - communities are prospering and resilient in safe and healthy places that build a strong sense of belonging and cohesion for example by ensuring communities are protected from crime linked to organised crime groups or from the disruption caused by children who have been drinking under age.

Risk management

- 4.14 Where there is an interference by a local authority with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights and where there is no other source of lawful authority, the consequence of not obtaining an authorisation under the 2000 and 2016 Acts may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998. Failure to follow the procedures set out in the legislation and the Council's Policies (**Appendices 1 and 2**) may result in the Council's actions being deemed unlawful and consequently lead to claims for compensation, loss of reputation and information being ruled inadmissible in a prosecution action. Adherence to these Acts also provides an additional layer of protection under the Data Protection Act 2018 and the General Data Protection Regulations 2016. These risks are mitigated by the adoption of the policies and training of staff.

Financial implications

- 4.15 The financial implications of these procedures are in training of staff which is met from existing revenue budgets. There is a financial risk of failing to adhere to the 2000 and 2016 Acts in that it may lead to claims for compensation.

Legal implications

- 4.16 The legislation which is enforced by the teams within Regulatory Services contains tools and powers to enable them to investigate criminal offences. The 2000 and 2016 Acts provide some controls on the use of these powers. The legal implications of failing to follow these requirements is the same as is outlined in the risk management section described at paragraph 4.5 above.

Procurement Implications/Social Value

- 4.17 There are no procurement implications to this report.

Property implications

- 4.18 There are no property implications to this report.

Health and wellbeing implications

- 4.19 By using the 2000 and 2016 Acts appropriately, services are able to investigate criminal offences. This ensures that the Marmot objectives are met by protecting people at all life stages and promoting a fair and safe environment in which business can thrive.

Staffing implications

- 4.20 The only staffing implications relevant to this report is in the provision of training to officers.

Reducing Inequalities

- 4.21 The implications for reducing inequalities have been taken into account. The approvals process requires that all the circumstances of any persons identified are taken into account in each case. An equalities impact assessment (EqIA) has been carried out and is attached to this report as Appendix 3

Consultation

- 4.22 Consultation has been undertaken with legal services, finance, public health, human resources and communications. External consultation is not required for this report.

5. Decide

- 5.1 This report is to enable members of cabinet to present the draft proposed policies to Council in order that they can be formally adopted to mitigate the risks identified in paragraph 4.13.

6. Respond

- 6.1 If cabinet accept the recommendations, a report will be presented to full Council on 19 May 2020 to adopt the draft policies.

7. Review

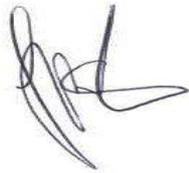
- 7.1 The Senior Responsible Officer provides oversight on the use of RIPA and IPA. A annual report will be presented to members as required in the Surveillance Code of Practice.

Background papers

There are no additional papers for this report.

Author

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Simon Neilson
Executive Director Economy
Environment and Communities

7 July 2020

David Elrington
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Councillor Perry
Communities Leisure and Culture

7 July 2020



Investigatory Powers
Commissioner's Office

PO Box 29105, London
SW1V 1ZU

Dr H Paterson
Chief Executive
Walsall Metropolitan Borough Council

12 February 2020

Dear Dr Paterson,

IPCO Inspection report – Walsall Metropolitan Borough Council

On the 28 January 2020 one of my Surveillance Inspectors, Mrs Samantha Jones, examined the arrangements made by Walsall Metropolitan Borough Council to secure compliance with the legislative provisions which govern the use of covert surveillance, the management of covert human intelligence sources and the acquisition of communications data. I have attached the report that was compiled following the inspection, which I endorse.

The previous two recommendations highlighted from the inspection undertaken by Sir David Clarke, Assistant Commissioner, in June 2016 have been addressed and discharged, albeit a further recommendation has been made regarding the policy documents being ratified by Elected Members on an annual basis. There is a second recommendation relating to the authorising officer's considerations, which should be fully compliant with legislative requirements. There is also one additional observation in relation to authorisations sought outside of the protection of the Act. I would be grateful if you could ensure these matters are addressed at the earliest opportunity. I am also pleased to highlight the area of good practice identified, for the promptness in which cancellations are sought when authorisations are no longer necessary or proportionate.

I take the opportunity here to remind you of the importance of regular, ongoing internal oversight of the actual or potential use of these powers, which should be managed through the Senior Responsible Officer. Officers need to maintain their levels of training, particularly when the powers are used sparingly. I hope that you find the inspection report to be helpful and constructive. My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter.

I shall be grateful if you would acknowledge receipt of the report, and your plans in relation to its findings, within one month.

Yours sincerely

The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner



Investigatory Powers
Commissioner's Office

Inspection Report – Walsall Metropolitan Borough Council

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1 Introduction

- 1.1 This inspection has been conducted to assess the level of compliance of Walsall Metropolitan Borough Council with the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 in respect of its use and management of covert surveillance, covert human intelligence sources and communications data. The most recent inspection of Walsall MBC was undertaken by Sir David Clarke, Assistant Surveillance Commissioner in June 2016.
- 1.2 This inspection took place on 28 January 2020 and was conducted by IPCO Inspector, Mrs Samantha Jones.
- 1.3 This report is addressed to the Chief Executive, Dr Helen Paterson, whose address for correspondence is Civic Centre, Darwell Street, Walsall, West Midlands, WS1 1TP. The report can be emailed to the following email address: Helen.Paterson@walsall.gov.uk
- 1.4 The Senior Responsible Officer is Executive Director, Mr Simon Neilson, email address: Simon.Neilson@walsall.gov.uk

2 Inspection methodology

- 2.1 In the period since the last inspection Walsall MBC has used the powers afforded to it under the legislation to conduct directed surveillance only. Therefore, the inspection comprised a dip sample of the surveillance authorisations, and a review of the policy documents, training records and discussions with key staff involved in the process.
- 2.2 Statistics relating to what was viewed at this inspection are captured in
- 2.3 Table 1 below. Please see Section 7 for a full list of which records were viewed during the inspection.

| For the period: April 2016 – December 2019 | | | |
|--|--|---|------------------------------------|
| Walsall Metropolitan Borough Council | Total authorisations in current reporting period | Total authorisations in previous reporting period | Total records viewed at Inspection |
| Directed Surveillance | 12 ¹ | 15 | 7 |
| CHIS | 0 | 0 | 0 |

Table 1. Key Statistics

¹ Thirteen applications were submitted and authorised, one was withdrawn prior to submission to the Court.

2.4 The persons interviewed during the course of the inspection are captured in Table 2 below.

| Persons Interviewed |
|---|
| Paul Green – Legal Services |
| Lorraine Boothman – Regulatory Services Manager |
| David Elrington – Regulatory Services Manager |
| Ken Pattern – Locality and Partnerships |
| Helen Kindon – Manager, Locality and Partnerships |
| Stuart Powell – Team Leader, Trading Standards |
| Steve Doyle – Senior Trading Standards Officer |

Table 2. Persons interviewed

3 Key findings

3.1 Recommendations

3.1.1 There are two formal recommendations arising from the inspection.

| Number | Reference | In relation to | Recommendation | Recommendation type |
|---------------|------------------|------------------------|---|---|
| R1 | 5.1.3 | Elected Members | Elected Members should be formally sighted on the authority's use of the legislation and set policy at least once a year (Surveillance Code of Practice para. 4.47) | Recommendation – observed potential for improvement |
| R2 | 5.2.2 | Surveillance | To ensure authorisations contain all the necessary statutory requirements | Recommendation – observed potential for improvement |

Table 3. Key recommendations resulting from inspection

3.2 Observations

3.2.1 The key observations arising from the inspection are listed in Table 4 below.

| Number | Reference | In relation to | Observation | Observation type |
|---------------|------------------|-----------------------|---|-------------------------|
| O1 | 5.2.3 | Surveillance | Authorisation are cancelled promptly when no longer required. | Good practice |
| O2 | 5.2.5 | Non RIPA | All relevant legislation to be considered prior to undertaking covert activity. | Observation |

Table 4. Key observations resulting from inspection

4 Actions taken on previous inspection recommendations

4.1 **R1:** *That WC's RIPA Policy be further revised in accordance with paragraph 10 of this report.*

Discharged: The RIPA policy was amended following the previous inspection to include a section on social networks and was last put before Elected Members in September 2017. The current policy, albeit in draft format, has been split to form two separate policies; a policy for activity conducted under RIPA (surveillance and CHIS), and activity under the Investigatory Powers Act (IPA) (communications data acquisition). These are comprehensive documents that fulfil the necessary requirements but will need to be ratified by Elected Members.

R2: *That in both RIPA training and investigation practice, specific attention is paid to the circumstances in which RIPA authorisation of directed surveillance and/or CHIS is required so as to avoid any risk of unauthorised infringement of privacy.*

Discharged: The policy documentation, training undertaken in 2017, and discussions with staff during the inspection process highlighted the knowledge of what circumstances and when authorisation, be it CHIS and/or directed surveillance, is necessary.

5 Inspection findings

5.1 Policy and Procedures

5.1.1 The Chief Executive is Dr Helen Paterson, having replaced Mr Paul Sheenan in November 2017. Dr Paterson remains as the authorising officer in respect of the enhanced level authorisations specified in annex A of the Codes of Practice. There are four Executive Directors in support, one of whom, the Executive Director Economy and Environment, Mr Simon Neilson, is the Senior Responsible Officer and currently acts in a temporary capacity as the authorising officer. Whilst this is not an ideal situation, it is a temporary solution following the departure of Dr Barbara Watts, a long serving AO, and an imminent restructuring of senior management across all services. Once this restructure has been finalised and put before the Personnel Committee, a Head of Service will be identified as the next substantive authorising officer.

5.1.2 Unfortunately, it was not possible to meet with either the Chief Executive or the SRO on the day of the inspection due to their absence for personal reasons.

5.1.3 Since the update to policy following the 2016 recommendation, the policy document(s) had not been revised until recently and currently sit in a draft format. No further formal representations have been made to the Elected Members since 2017. In order to comply with paragraph 4.47 of the Surveillance Code of Practice, Elected Members of the authority are required to review the use of the legislation by the council and agree policy at least once a year.

5.1.4 A comprehensive record of external training undertaken by relevant Walsall MBC personnel is maintained and highlights that training is undertaken on a semi regular basis (the last being in 2017). The process is based on what external training is available. A further training session is planned for 2020 following the restructure, to ensure all relevant staff are identified and trained accordingly. It is also pleasing to note that managers of other departments, although unlikely to use the powers, are encouraged to attend training sessions in order to ensure there is awareness of what potentially constitutes activity that should be afforded the protection of RIPA.

5.2 Surveillance

5.2.1 All authorisations granted for directed surveillance were either for underage sales of tobacco and/or alcohol or the sale of illicit tobacco. All but one (in November 2019) were authorised by the same authorising officer, who is no longer employed by Walsall MBC. In general, applications were well explained and addressed the key principles, but when looked at in succession became very much ‘templated’ without giving due consideration to the uniqueness of each individual premises visited.

5.2.2 The input from the authorising officer was handwritten and in the main compliant with the requirements of RIPA and the Code of Practice. However, the following was highlighted:

- Neither the premises nor any subjects were specifically referred to, just as a reference to the section in the application
- The duration of an authorisation is set down in the legislation and cannot be altered, however on most of the authorisations the expiry date was incorrect
- It was noted on two of the authorisations that the delay in presenting the authorisation to a local magistrate was approximately three weeks. This process should be reviewed to ensure timeframes are conducive in ensuring compliance with the requirements of the Codes of Practice
- Within URN RIPA 21, the reasoning as to why it was withdrawn prior to approval from a magistrate was not evident, with no consideration being given to cancelling the authorisation
- Cancellations did not contain any detail as to any retention and deletion of product, despite this being highlighted as an observation at the previous inspection in 2016.

5.2.3 The cancellations in all the authorisations viewed were submitted in a timely fashion as soon as deployments had ceased; this is to be applauded.

- 5.2.4 Walsall MBC has comprehensive codes of practice and procedural documentation in place to ensure that the directional use of CCTV and/or any request from law enforcement or local authorities/partner agencies to view any CCTV as part of a directed surveillance authorisation is fully compliant with the legislation. It was highlighted that one request had been made in the period since the last inspection, which was refused because an authorisation was not in place.

Non- RIPA

- 5.2.5 Walsall MBC undertakes surveillance activity which would fall under the RIPA legislation if not for the fact that the offences under investigation would not meet the criterion of a maximum sentence of six months or more. One such authorisation was examined and concerned the audio and visual recording of a taxi journey to ensure that the legal requirements when transporting a person in a wheelchair were met. No consideration had been given in the application or subsequent approval by the authorising officer as to whether this interaction would require an authorisation under the legislation governing the use of CHIS, to which the crime threshold does not apply. When discussing this in the feedback, it was evident that this had been considered, with a passive role being undertaken and parameters around conversation management agreed, however this was not detailed in any of the associated paperwork.

5.3 Covert Human Intelligence Sources (CHIS)

- 5.3.1 There have been no authorisations for the use and conduct of a CHIS. This reflects the widespread practice common amongst local authorities of never or rarely authorising CHIS. However, the possibility of utilising a CHIS in the near future, for a specific operation, with collaboration from neighbouring councils and the National Markets Group was discussed. Should this go ahead, assurances were provided that the necessary statutory requirements would be fulfilled.
- 5.3.2 The possibility of status drift was discussed in relation to monitoring information provided by members of the public. Managers are alive to the possibility and are confident that sufficient awareness exists amongst staff and processes in place to be alerted to any potential status drift.
- 5.3.3 At present any online activity is conducted overtly using clearly attributed council profiles. One covert profile on a non-attributed computer is utilised to conduct monetary transactions on open source websites such as eBay or on Instagram, with no further interaction taking place. The staff spoken to are fully alive to the potential of CHIS relationships and the drift into directed surveillance territory should routine monitoring take place.

5.4 Communications Data (CD)

- 5.4.1 Walsall MBC has not made any application to acquire communications data (CD) during the reporting period but is registered with the National Anti-Fraud Network (NAFN) and has processes in place to do so if required. The acquisition of CD now falls under Chapter 3 of the Investigatory Powers Act 2016 (IPA) which places local authorities on the same standing as the police and law enforcement agencies. Previously, local authorities had been limited to obtaining subscriber details (now known as “entity” data) such as the registered user of a telephone number or email address. Under the IPA, local authorities can now also obtain details of in and out call data, and cell site location. This information identifies who a criminal suspect is in communication with and whereabouts the suspect was when they made or received a call, or the location from which they were using an Internet service. This additional data is defined as “events” data and has long played a vital role in criminal investigations.
- 5.4.2 A new threshold for which CD “events” data can be sought has been introduced under the IPA as “applicable crime”. Defined in section 86(2A) of the Act this means: an offence for which an adult is capable of being sentenced to one year or more in prison; any offence involving violence, resulting in substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal; any offence committed by a body corporate; any offence which involves the sending of a communication or a breach of privacy; or an offence which involves, as an integral part of it, or the sending of a communication or breach of a person’s privacy. Further guidance can be found in paragraphs 3.3 to 3.13 of the CD Code of Practice.
- 5.4.3 The IPA has also removed the necessity for local authorities to seek the endorsement of a Justice of the Peace when seeking to acquire CD. All such applications must now be processed through NAFN and will be considered for approval by the independent Office of Communication Data Authorisation (OCDA).
- 5.4.4 Walsall MBC is fully cognisant of these changes and is updating its RIPA Policy document accordingly.

6 Conclusion

- 6.1 While the powers afforded to Walsall MBC have been used sparingly since the last inspection, the potential benefits to an investigation, particularly in the digital age, has been highlighted. There are two formal recommendations, and to ensure continuing compliance there is also one observation which, if not remedied, could manifest, should intervention not be conducted at this stage. One area of good practice has also been highlighted.
- 6.2 Particular thanks should be given to Yvonne Boon, who made all the arrangements for the inspection and provided comprehensive reading material in advance.

7 List of records reviewed

7.1 For completeness, a full list of all records viewed during the inspection is captured below in table 5.

7.2 Records listed here may have been viewed fully or only in part depending on the inspection methodology and approach taken.

| Total records viewed at Inspection per power | Operation URN |
|--|---------------|
| Directed Surveillance (7) | RIPA 23 |
| | RIPA 22 |
| | RIPA 21 |
| | RIPA 20 |
| | RIPA 19 |
| | RIPA 18 |
| | RIPA 17 |

Table 5. List of records viewed

Samantha Jones
IPCO Inspector



Walsall Council

Regulation of Investigatory Powers Act 2000

Surveillance and Covert Human Intelligence Source Policy and Procedure

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Glossary

| | |
|------|---|
| ANPR | Automated Number Plate Recognition |
| AO | Authorising Officer |
| CCTV | Closed Circuit Television. |
| CHIS | Covert Human Intelligence Source. |
| DVLA | Driver and Vehicle Licensing Agency |
| ECHR | European Contention on Human Rights |
| HRA | Human Rights Act 1998. |
| JP | Justice of the Peace |
| IPCO | Investigatory Powers Commissioners Office |
| RIPA | Regulation of Investigatory Powers Act 2000 |
| SNS | Social Network Sites |
| SRO | Senior Responsible Officer. |

1. Policy Statement

- 1.1 The objective of this policy and procedure is to ensure that all investigations within the scope of the Regulation of Investigatory Powers Act 2000 ('RIPA'), as amended and the Codes of Practice issued by the Home Office are carried out effectively and are properly authorised. In addition it provides guidance to officers and elected members on the requirements and outlines the procedures to be followed in utilising their investigatory powers.

This document should be in conjunction with the legislation and the Home Office's Codes of Practice.

- 1.2 The activities covered by this policy and guidance document are:

- covert surveillance
- the use of covert human intelligence sources (CHIS)

These investigatory powers should only be used in circumstances where it is necessary and proportionate having considered all the requirements of the legislation, codes of practice and this policy. The legislation and codes should be consulted from time to time, and at annual review to ensure this document remains up-to-date.

1.4 What RIPA Does and Does Not Do

RIPA does:

- Require prior authorisation of directed surveillance.
- Prohibit the council from carrying out intrusive surveillance.
- Require authorisation of the conduct and use of CHIS.
- Require safeguards for the conduct of the use of a CHIS.

RIPA does not:

- Make unlawful conduct which is otherwise lawful.
- Prejudice any existing power to obtain information by any means not involving conduct that may be authorised under RIPA. For example, it does not affect the council's current powers to obtain information via the DVLA or to obtain information from the Land Registry as to the owner of a property.
- Apply to activities outside the scope of Part II of RIPA, which may nevertheless be governed by other legislation, including the HRA. A public authority will only engage RIPA when in performance of its 'core functions' – i.e. the functions specific to that authority as distinct from all public authorities.

- 1.5 Further guidance on the requirements of the legislation, the codes of practice and this policy can be obtained from the Legal Services team of Walsall Council.
- 1.6 The requirements of RIPA as supported by this document, are important for the effective and efficient operation of the council's actions with regard to Covert Surveillance and Covert Human Intelligence Sources. This policy and procedure document will therefore be kept under annual review by the Executive Director of Economy & Environment, who is the nominated Senior Responsible Officer (SRO) for the purpose of RIPA. Authorising Officers must bring any suggestions for continuous improvement of this document to the attention of the Executive Director for Economy & Environment at the earliest opportunity.
- 1.7 In circumstances where RIPA does not apply, this does not mean that surveillance cannot be undertaken, but it must be carried out with due regard to all legal requirements, giving due attention to the necessity, reasonableness and proportionality tests (and relevant articles of ECHR) see 3.13.
- 1.8 This policy and guidance document will be considered by Cabinet on an annual basis and this report will include a review of the use of RIPA by the organisation. Where changes are required to the Policy either because of updates to legislation, codes of practice or other guidance the Policy and details of the use to which it has been put will be considered by Cabinet before progressing for approval and adoption by full Council. Delegation has been given to the Senior Responsible Officer for minor amendments to the policy, eg to reflect changes in officers or structural changes to the organisation or other amendments which do not impact on the policy itself.
- 1.9 **Consequences of Failing to Comply with this Policy**

Where there is interference with Article 8 of the ECHR, and where there is no other source of lawful authority for the interference, the consequences of not following the correct authorisation procedure set out under RIPA and this Policy may result in the Council's actions being deemed unlawful. This could in turn lead to claims for compensation, loss of reputation and in certain circumstances any information obtained that could be of help in a prosecution will be inadmissible.

2. Legislative Background

- 2.1 On 2 October 2000 the Human Rights Act 1998 (“HRA”) made it unlawful for a local authority to breach any article of the ECHR. An allegation that the Council or someone acting on behalf of the Council has infringed the ECHR is dealt with by the domestic courts rather than the European Court of Justice.

The ECHR states:

- a) individuals have the right to respect for their private and family life, home and correspondence (Article 8 ECHR); and
 - b) there shall be no interference by a public authority with the exercise of this right unless that interference is:
 - in accordance with the law;
 - necessary; and
 - proportionate
- 2.2 RIPA, which came into force on 25 September 2000, provided a lawful basis for three types of investigatory activity to be carried out by local authorities which might otherwise breach the ECHR. The activities were:
- a) covert surveillance;
 - b) covert human intelligence sources (“CHIS”); and
 - c) acquisition and disclosure of communications data.

This regime was further refined with the introduction of the Investigatory Powers Act 2016 (IPA). From April 2019, while the first two investigatory techniques above remained within RIPA and are still current, the legislative powers and controls relating to the acquisition and disclosure of communications data moved to the IPA. There is a separate policy within Walsall Council governing the acquisition of communications data under IPA.

- 2.3 RIPA set out procedures that must be followed to ensure the activity is lawful. Where properly authorised under RIPA, the activity will be a justifiable interference with an individual’s rights under the ECHR; if the interference is not properly authorised an action for breach of the HRA could be taken against the Council, a complaint of maladministration made to the Local Government Ombudsman or a complaint made to the Investigatory Powers Tribunal.
- 2.4 In addition, if the procedures are not followed any evidence collected may be disallowed by the courts. RIPA seeks to balance the rights of individuals against the public interest in the Council being able to carry out its statutory duties.

3. Surveillance

3.1 Surveillance can be defined as “overt”, “covert”, “directed” and “intrusive” and includes

- monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications.
- Recording anything mentioned above in the course of authorised surveillance.
- surveillance, by or with, the assistance of appropriate surveillance device (s).

3.2 Overt Surveillance

The majority of the Council’s surveillance activity will be overt surveillance i.e. will be carried out openly. For example

- where the Council performs regulatory checks on licensees to ensure they are complying with the terms of any licence granted;
- where the Council advises a resident that their activities will be monitored as a result of neighbour nuisance allegations
- or where an officer uses body worn cameras and informs the individual that the camera will be switched on and recording will take place. This type of overt surveillance is normal Council business and is not regulated by RIPA.

3.3 Covert Surveillance

This is where surveillance is carried out in a way that ensures that the person subject to the surveillance is unaware it is taking place.

3.4 Where covert surveillance activities are unlikely to result in obtaining of any private information about a person (because the surveillance although covert is general or low level, and is not directed at particular individuals), no interference with Article 8 rights occurs, and an authorisation under RIPA is not required.

3.5 RIPA authorisation may however be required where the surveillance is repeated for a particular purpose and could amount to systematic surveillance of an individual; if in doubt advice should be sought from Legal Services.

3.6 **Covert Directed Surveillance**

Surveillance that is:

- covert
- not intrusive;
- for the purposes of a specific investigation or operation;
- likely to obtain private information about a person (whether or not that person was the target of the investigation or operation); and
- not carried out as an immediate response to events or circumstances which could not have been foreseen prior to the surveillance taking place

3.7 **Directed Surveillance Crime Threshold**

Following the changes to RIPA introduced by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 a crime threshold applies to the authorisation of directed surveillance by local authorities.

3.8 Authorising Officers (AO's) may not authorise directed surveillance unless it is for the purpose of preventing or detecting a criminal offence AND meets the following:

- The criminal offence is punishable by a maximum term of at least 6 months imprisonment, or
- involves the sale of tobacco and alcohol to underage children which is an offence under sections 146, 147, or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1993 (offences).

3.9 **Covert Intrusive Surveillance**

Local authorities cannot lawfully carry out covert intrusive surveillance however to assist in decision making the following section describes what covert intrusive surveillance is.

3.10 Covert intrusive surveillance takes place when covert surveillance is carried out in relation to anything taking place on residential premises or in a private vehicle.

3.11 It also involves the presence of an individual or surveillance device on the premises or in the vehicle, or the use of a device placed outside the premises or vehicle which consistently provides information of the same quality and detail as expected of a device placed inside.

3.12 Additionally, the Regulation of Investigatory Powers (Extension of Authorisations Provisions: Legal Consultations) Order 2010 states that covert surveillance carried out in relation to anything taking place in certain specified premises is intrusive when they are being used for legal consultation. These places include:

- any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained
- any place in which persons may be detained under paragraph 16(1), (1A) or (2) of Schedule 2 or paragraph 2(2) or (3) of Schedule 3 to the Immigration Act 1971 or section 36(1) of the UK Border Act 2007
- police stations
- any place in which persons may be detained under Part VI of the Criminal Procedures (Scotland) Act 1985, the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Mental Health Act 2003
- the place of business of any professional legal adviser; and
- any place used for the sittings and business of any court, tribunal, inquest or inquiry

3.13 Non RIPA Authorisations

3.14 Some activity is not classed as directed surveillance and no authorisation is required nor can be given for that activity for example.

- Covert surveillance in immediate response to events. Where officers are carrying out their routine duties and an incident occurs that they decide to follow and it is not reasonably practicable to be expected to obtain an authorisation, then an authorisation is not required.
- Covert surveillance as part of general observation work. Where officers are carrying out routine work, such as walking through town to ensure there are no breaches of legislation which they enforce, monitoring publicly accessible parts of the internet which are not part of a specific investigation, then this is not classed as covert surveillance.
- Covert surveillance not related to the statutory grounds or core activities of the Authority. RIPA authorisation is only required for specific investigations or operations where it is necessary on the grounds specified in s28(3) of the 2000 Act. Covert surveillance carried out for any other purpose should be conducted in accordance with the relevant legislation and RIPA authorisation is not required. RIPA is required for core functions that are specific to that authority, e.g. the work of enforcement teams within the Council. General activities that are carried out by all authorities, eg employment issues, are classed as ordinary functions and not subject to RIPA.

However, other legislation such as the Human Rights Act, General Data Protection Regulations may apply.

- Overt use of CCTV and ANPR systems. CCTV systems are used by the Council in a number of situations and the public are normally made aware that they are in use. RIPA authorisation is not normally required where these systems are used for the general monitoring of the area or to review an incident and gather evidence of a crime after it has happened.

However where the system is used in a covert manner to monitor a particular subject as part of a planned operation, this becomes directed surveillance and a RIPA authorisation should be obtained.

- Covert surveillance as part of an equipment interference warrant. Where a warrant has been obtained under part 5 of the 2016 Act, then a separate RIPA authorisation is not required.
- Recording equipment worn by a CHIS. Where a CHIS acting under a conduct authorisation wears a recording to record information obtained in their presence a separate RIPA authorisation is not required.
- Covert recording of noise recording sound levels only. A RIPA authorisation is not required where a covert noise recording device records only sound levels; machinery, music or other non-verbal noise; or verbal content is recorded at a level which does not exceed that which can be heard in the street outside or adjoining the property with the naked ear.

- 3.15 Where investigating Officers are undertaking surveillance, examples of which are given above (3.14), they should still give consideration to the necessity and proportionality of the surveillance and seek authorisation from an AO to proceed.
- 3.16 The appropriate 'Application for authorisation to carry out directed surveillance' forms at **APPENDIX 1** should be completed, authorised and stored securely by the relevant AO.

4 Private Information

- 4.1 The 2000 Act states that private information includes any information relating to a person's private or family life. As a result, private information is capable of including any aspect of a person's private or personal relationship with others, such as family and professional or business relationships.
- 4.2 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate.

- 4.3 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a public authority of that person's activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in a similar way, recognising that there may be an expectation of privacy over information which is on the internet, particularly where accessing information on social media websites (see 7).
- 4.4 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes covert surveillance, a directed surveillance authorisation may be considered appropriate.

Practical examples of these differing scenarios can be found in the [Code of Practice for Covert Surveillance and Property Interference](#) on the Home Office website.

5. Confidential Information

- 5.1 A higher level of authorisation to apply to the Magistrates Court is required in relation to RIPA activity when the subject of the investigation might reasonably expect a high degree of privacy, or where "confidential information" might be obtained. For the purpose of RIPA this includes:
- communications subject to legal privilege
 - communications between a member of parliament and another person on constituency matters;
 - confidential personal information and
 - confidential journalistic material
- 5.2 The AO and the person carrying out the surveillance must understand that such information is confidential and is subject to a stringent authorisation procedure. Authorisation can only be granted by the Chief Executive or in their absence by an officer acting as Head of Paid Service.
- 5.3 Any officer contemplating RIPA activity where the above circumstances may apply must seek advice from Legal Services prior to making any application.

6. Covert Human Intelligence Sources (“CHIS”)

- 6.1 The Council is permitted to use CHIS subject to strict compliance with RIPA.
- 6.2 A CHIS is a person who establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating:
- (a) covertly using the relationship to obtain information or provide access to information to another person, or
 - (b) covertly disclosing information obtained by the use of the relationship or as a consequence of the existence of such a relationship.
- 6.3 A RIPA authorisation and order from a magistrate is required for the above activity and should be obtained whether the CHIS is a Council officer or another person who is asked to be a CHIS on the Council’s behalf. Authorisation for CHIS can only be granted if it is for the purposes of preventing or detecting crime or of preventing disorder.
- 6.4 Members of the public who volunteer information to the Council and those engaged by the Council to carry out test purchases in the ordinary course of business (i.e. they do not develop a relationship with the shop attendant and do not use covert recording devices) are not CHIS and do not require RIPA authorisation.
- 6.5 However, by virtue of section 26(8) (c) of RIPA, there may be instances where an individual, who covertly discloses information though not tasked to do so may nevertheless be a CHIS.
- 6.6 The important question is how did the member of the public acquire the information which they volunteer? If they acquired it in the course of, or as a result of, the existence of, a personal or other relationship, they are likely to fall within the definition of a CHIS. If the Council then makes use of the information, and the informant is thereby put at risk, the Council may be in breach of its duty of care owed to the individual. It is recommended that legal advice is sought in any such circumstances.
- 6.7 The [Covert Human Intelligence Sources Code of Practice](#) can be found on the Home Office website.

7 Vulnerable Individuals / Juvenile CHIS

- 7.1 Although it is unlikely Walsall Council would use such persons additional requirements would apply to the use of a vulnerable individual or a person under the age of 18 as a CHIS. In both cases authorisation for an application to the Magistrates Court can only be granted by the Chief Executive or in their absence by an officer acting as Head of Paid Service.

Any officer contemplating the use of a juvenile or a vulnerable person as a CHIS must seek advice from Legal Services prior to making the application.

- 7.2 The use or conduct of a CHIS under 16 years of age must not be authorised to give information against their parents or any person who has parental responsibility for them.
- 7.3 In other cases authorisations should not be granted unless the special provisions contained in The Regulation of Investigatory Powers (Juveniles) Order 2000 (as amended in 2018) are satisfied. This sets out rules about parental consent, meetings, risk assessments and the duration of the authorisation.
- 7.4 A vulnerable individual is a person who by reason of mental disorder or vulnerability, other disability, age or illness, is or may be unable to take care of themselves or protect themselves against significant harm or exploitation.

8. CCTV

- 8.1 The installation and use of unconcealed CCTV cameras for the purpose of generally observing activity in a particular area is not surveillance requiring RIPA authorisation. However, there are specific provisions regulating the use of CCTV cameras in public places and buildings and the Council has drawn up a Corporate CCTV Policy which officers must comply with. However if CCTV cameras are being used in such a way that the definition of covert directed surveillance is satisfied, RIPA authorisation should be obtained.
- 8.2 For instance the use of town centre CCTV systems to identify those responsible for a criminal act immediately after it happens will not require RIPA authorisation.

However, the use of the same CCTV system to conduct planned surveillance of an individual and record their movements is likely to require authorisation.

- 8.3 Protocols should be agreed with any external agencies requesting use of the Council's CCTV system. The protocols should ensure that the Council is satisfied that authorisations have been validly granted prior to agreeing that the CCTV system may be used for directed surveillance.

9. Use of Social Media / Internet

- 9.1 The internet may be utilised to obtain information including viewing specific user profiles on Social Networking Sites ('SNS'), or searching SNS to try to find profiles that contain useful information. Used correctly, research of SNS might provide invaluable evidence or at least useful intelligence.

- 9.2 Some activity on SNS might however constitute Directed Surveillance or require CHIS authorisation, some may not. Similarly some research might be likely to result in the obtaining of private information, some may not. Activity that does not meet the threshold for RIPA authorisation but might be likely to result in obtaining private information will require consideration of Human Rights issues such as balancing the protection of rights with the breach of privacy, necessity and proportionality.
- 9.3 It is important to note that images of persons are private information, and also for officers to be aware that it is possible they might obtain private information about other individuals not just the specific user on the profiles which are viewed, captured or recorded. These individuals might not even be aware this private information has been made public by the profile/account holder.
- 9.4 Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available; the author has a reasonable expectation of privacy.
- 9.5 If it is necessary and proportionate for an officer to covertly record information from a SNS, the minimum requirement is an authorisation for directed surveillance.
- 9.6 An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site's content). This could occur if an officer covertly asks to become a 'friend' of someone on a SNS and subsequently forms a relationship with them
- 9.7 Use of an established overt presence of the public authority on the SNS to look at publicly available information on the profile is possible and viable if the Council has a presence on the SNS which is used to publicly and overtly make the presence of the Council known, however this does not mean that information freely displayed on a profile is "fair game".
- 9.8 The first covert visit to an SNS profile which might be displaying lots of private information could be regarded as a 'drive by' however any subsequent covert visits, particularly on a regular basis are likely to require authorisation for directed surveillance if the Council is likely to obtain private information, and this would be obvious as a result of the initial visit.

10. Aerial Surveillance

- 10.1 Where surveillance is carried out using aircraft, whether manned, eg helicopters, or unmanned, eg drones, or other aerial devices then the same considerations need to be given to whether RIPA authorisation is needed as for any other type of surveillance. Particular consideration needs to be given to the reduced visibility and awareness of the device at height.

11 Residential Premises & Vehicles

- 11.1 Residential premises are defined as any premises for the time being occupied by any person, including on a temporary basis, for residential purposes or as living accommodation, including hotels. However, common areas to which a person has access in connection with that use are excluded. Residential premises occupied by a local authority for non-residential purposes are excluded. For example a house covertly used by trading standards to which traders are invited to carry out maintenance work or repair known faults, to discover if they are acting honestly. (A “house of horrors” set up.)

- 11.2 Examples of locations which are and are not classed as residential premises are given below:

Examples of locations classed as residential premises

- Rented flat
- Hotel bedroom or suite

Examples of locations not classed as residential premises

- Communal stairway in block of flats (unless used as temporary place of abode by a homeless person)
- Hotel reception or dining room
- Front garden of premises readily visible to the public
- House of horrors

- 11.3 **Private vehicles** are defined as a vehicle, including a vessel, aircraft or hovercraft, which is used primarily for the private purposes of the person who owns it or having the right to use it. This includes a company car used for business and pleasure of an employee.

- 11.4 The use of a tracking or recording device in vehicles owned by a local authority is unlikely to be covert if members of staff are informed of that use. However, if they are used for a purpose that the employee has not been informed of, or for the purpose of covertly monitor, record, observe, listen to the occupants, then that may require authorisation.

12. Restrictions on Certain Activities

12.1 Local Authorities are not permitted within the legislation to undertake certain activities including:

- interference with private property e.g. placing tracking devices on private vehicles
- carrying out surveillance which is intrusive
- interception of communications

12.2 At no time should the Council or any officers undertake any surveillance if it falls within any of these categories. If in doubt seek the advice of the SRO, AO or legal services as soon as practicable.

13. Authorisation Procedures

13.1 Authorising Officers/Designated Persons for directed surveillance and CHIS

Authorising Officers are responsible for assessing and authorising covert directed surveillance and the use of a CHIS.

13.2 It is the responsibility of Authorising Officers to ensure that when applying for authorisation the principles of necessity and proportionality (see 12.10 below) are adequately considered and evidenced; and that reviews and cancellations of authorisations are carried out as required under this Policy.

13.3 A list of AO's is contained at **APPENDIX 2**. Any requests for amendments to the lists must be made in writing and sent to the SRO.

13.4 Schedule 1 of statutory instrument No. 521 (2010) prescribes the rank or position of authorising officers for the purposes of Section 30(1) of RIPA (covert surveillance and CHIS). For Local Authorities they prescribe a "Director, Head of Service, Service Manager or equivalent".

The term Director is not defined within the Act but in Walsall Council it has been determined that it would normally equate to the Executive Director, Director or a member of Corporate Management Team.

13.5 The SRO designates which officers can be AO's. Only these officers can authorise directed surveillance and the use of CHIS. All authorisations must follow the procedures set out in the Policy. AO's are responsible for ensuring that they have received RIPA training prior to authorising RIPA activity. When applying for or authorising RIPA activity under the Policy, officers must also take into account the corporate training and any other guidance issued from time to time by the SRO.

- 13.6 All forms that are used in the respect of RIPA applications, renewals, reviews or cancellations should be taken from the Home Office website.

<https://www.gov.uk/government/collections/ripa-forms--2>

13.7 **Authorisation of Covert Directed Surveillance and Use of a CHIS**

Whether by Council officers or external agencies engaged by the Council, RIPA applies to all covert directed surveillance and use of CHIS. Council officers wishing to undertake directed surveillance or use of a CHIS must complete the relevant application form and forward it to the relevant authorising officer.

- 13.8 Directed surveillance and use of a CHIS can only be authorised if the authorising officer is satisfied that the activity is:-

- (a) in **accordance with the law** i.e. it must be in relation to matters that are statutory or administrative functions of the Council.
- (b) **necessary** for the purpose of preventing or detecting crime or preventing disorder. This is the only ground available to the Council for authorising RIPA activity and there is a crime threshold for directed surveillance as described in paragraph 3.23 above; and
- (b) **proportionate** to what it seeks to achieve. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person as may be affected) against the need for the activity in investigative operational terms. Any conduct that is excessive as to the interference and the aim of the conduct, or is in any way arbitrary will not be proportionate. Serious consideration must be given to identifying the least intrusive method of obtaining the information required.

- 13.9 Officers making a RIPA application should ask the following types of questions to help determine whether the use of RIPA is necessary and proportionate:

- why it is believed the proposed conduct and use is necessary for the prevention of crime or the prevention of disorder (as appropriate)
- how the activity to be authorised is expected to bring a benefit to the investigation
- how and why the proposed conduct and use is proportionate to the intelligence dividend it hopes to achieve, having regard to the gravity and extent of the activity under investigation

- how and why the methods to be adopted will cause the least possible intrusion to the subject/s i.e. interfere with their rights under the ECHR
- what other reasonable methods of obtaining information have been considered and why they have been discounted
- Authorising officers/designated persons should not be responsible for authorising their own activities i.e. those operations/investigations in which they are directly involved. However, it is recognised that in exceptional circumstances this may sometimes be unavoidable.

13.10 Particular consideration should be given to collateral intrusion on or interference with the privacy of persons who are not the subject(s) of the investigation. Collateral intrusion occurs when an officer undertaking covert surveillance on a subject observes or gains information relating to a person who is not the subject of the investigation. An application for an authorisation must include an assessment of the risk of any collateral intrusion or interference and measures must be taken to avoid or minimise it. This must be taken into account by the authorising officer/designated person, particularly when considering the proportionality of the surveillance.

13.11 Particular care must be taken in cases where confidential information is involved e.g. matters subject to legal privilege; confidential personal information; confidential journalistic material; confidential medical information; and matters relating to religious leaders and their followers. In cases where it is likely that confidential information will be acquired, officers must specifically refer this to Legal Services for advice.

13.12 The activity must be authorised before it takes place. At the time of authorisation the authorising officer must set a date for review of the authorisation and review it on that date.

13.13 A copy of the completed relevant application and authorisation form must be forwarded to the SRO within one week of the authorisation for example by e-mail as a scanned document. The SRO will maintain a central register of the Council's RIPA activity and a unique reference number will be allocated to each application.

14. The Magistrates Court

14.1 Following changes under the Protection of Freedoms Act 2012, there is an additional stage in the process for the investigatory activities of Directed Surveillance and CHIS. After the Authorisation form has been countersigned by the AO, the Council is required to obtain judicial approval for either the authorisation or a renewal of an authorisation. The role of the Magistrates Court is set out in section 32A RIPA.

14.2 This section provides that the authorisation shall not take effect until the Magistrates Court has made an order approving such authorisation. The matters on which the Magistrates Court needs to be satisfied before giving judicial approval are that:

- There were reasonable grounds for the local authority to believe that the authorisation or notice was necessary and proportionate;
- In the case of a CHIS authorisation, that there were reasonable grounds for the local authority to believe that:
- arrangements exist for the safety and welfare of the source that satisfy section 29(5) RIPA;
- the requirements imposed by Regulation of Investigatory Powers (Juveniles) Order 2000 were satisfied;
- The local authority application has been authorised by an authorising officer or designated person (as appropriate);
- The grant of the authorisation was not in breach of any restriction imposed by virtue of an order made under the following sections of RIPA:
 - 29(7)(a) (for CHIS),
 - 30(3) (for directed surveillance and CHIS)

14.3 In cases where there is collaborative working with another agency, for example, the Police, as part of a single investigation or operation, only one authorisation from one organisation is required. This should be made by the lead authority of that particular investigation. Duplication of authorisation does not affect the lawfulness of the investigation or operation, but could create an unnecessary administrative burden. Where the Council is not the lead authority in the circumstances, Council officers should satisfy themselves that authorisation has been obtained, and what activity has been authorised.

14.4 It should be noted that only the initial authorisation and any renewal of the authorisation require magistrates' approval.

14.5 There is no requirement for officers presenting authorisations to the Magistrates Court to be legally qualified.

15. The procedure for applying for directed surveillance or use of a CHIS.

- Applicant officer completes an application
- Authorisation is sought from the Authorising Officer
- Applicant officer creates court pack
- Applicant officer proceeds to court
- Applicant officer organises the directed surveillance or use of a CHIS to take place

- Applicant provides the SRO with updated paperwork relating to reviews, renewals or cancellations

At any stage and particularly for inexperienced staff or potentially contentious investigations advice from Legal Services ought to be sought.

16. Additional Requirements for Authorisation of a CHIS

16.1 A CHIS must only be authorised if the following arrangements are in place:

- there is a Council officer with day to day responsibility for dealing with the CHIS (CHIS handler) and a senior council officer with oversight of the use made of the CHIS (CHIS controller);
- a risk assessment has been undertaken to take account of the CHIS security and welfare;
- a Council officer is responsible for maintaining a record of the use made of the CHIS;
- any adverse impact on community confidence or safety regarding the use of a CHIS has been considered taking account of any particular sensitivities in the local community where the CHIS is operating; and
- records containing the identity of the CHIS will be maintained in such a way as to preserve the confidentiality or prevent disclosure of the identity of the CHIS

17. Urgent Authorisations

17.1 By virtue of the fact that an authorisation under RIPA is not approved until signed off by a Magistrate, urgent oral authorisations are no longer available.

18. Review of Authorisations

18.1 AO's must make arrangements to periodically review any authorised RIPA activity.

18.2 Officers carrying out RIPA activity or external agencies engaged by the Council to carry out RIPA activity must periodically review it and report back to the authorising officer if there is any doubt as to whether it should continue. For Juvenile CHIS's, the Code of Practice stipulates that the authorisation should be reviewed on a monthly basis. Reviews should be recorded on the appropriate Home Office form.

18.3 A copy of the Council's notice of review of an authorisation must be sent to the SRO within one week of the review to enable the central record on RIPA to be authorised.

19 Renewal of Authorisations

- 19.1 If the AO considers it necessary for an authorisation to continue they may renew it for a further period, beginning with the day when the authorisation would have expired but for the renewal. They must consider the matter again taking into account the content and value of the investigation and the information so far obtained.

Renewed authorisations will normally be for a period of

1. up to 3 months for covert directed surveillance,
2. 12 months in the case of CHIS,
3. 4 months in the case of juvenile CHIS

Authorisations may be renewed more than once, provided they are considered again and continue to meet the criteria for authorisation.

- 19.2 Applications for the renewal of an authorisation for covert directed surveillance or CHIS authorisation must be made on the appropriate form. The reasoning for seeking renewal of a RIPA notice should be set out by the applicant in an addendum to the application form which granted the initial authorisation.
- 19.3 All renewals will require an order of the Magistrates Court.

20 Cancellation of Authorisations

- 20.1 The person who granted or last renewed the authorisation must cancel it when they are satisfied that the covert directed surveillance or CHIS authorisation is no longer meets the criteria for authorisation. Cancellations must be made on the appropriate form.
- 20.2 Where necessary and practicable, the safety and welfare of the CHIS should continue to be taken into account after the authorisation has been cancelled, and all welfare matters are addressed.
- 20.3 A copy of the Council's notice of cancellation of an authorisation must be sent the SRO within one week of the cancellation to enable the central record on RIPA to be updated.

21. What happens if the surveillance has unexpected results?

- 21.1 Those carrying out the covert surveillance should inform the authorising officer if the investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation.

In some cases the original authorisation may not be sufficient to cover the activity required or information likely to be gathered and in such cases, consideration should be given as to whether a separate authorisation is required.

22 Errors

- 22.1 Proper application of the RIPA provisions, and robust technical systems, should reduce the scope for making errors. At Walsall Council the SRO will undertake a regular review of errors and a written record will be made of each review.
- 22.2 An error may be reported if it is a “relevant error”. Under section 231(9) of the Investigatory Powers Act 2016, a relevant error is an error by a public authority in complying with any requirements that are imposed on it by an enactment, such as RIPA, which is subject to review by a Judicial Commissioner.
- 22.3 Examples of a relevant error include where surveillance or CHIS activity has taken place without lawful authorisation, and/or without adherence to the safeguards set out within the relevant statutory provisions or the relevant Home Office Codes of Practice.
- 22.4 Where a relevant error has been identified, the Council should notify the Investigatory Powers Commissioner (IPCO) as soon as reasonably practical, and no later than 10 working days (unless otherwise agreed by IPCO). The process for informing IPCO is set out in the relevant Home Office Codes of Practice.

23. Records of RIPA Authorisations

- 23.1 There will be a central record of RIPA authorisations which is maintained by the SRO. The central record will contain the following information:
- the type of authorisation
 - the date it was given
 - the name and position of the AO
 - the unique reference number of the investigation or operation
 - the title of the investigation or operation, including a brief description and names of the subjects, if known
 - the date of attending the magistrates court
 - the determining magistrate
 - the decision of the court
 - the date and time of that decision

- the dates of any reviews
- the date of any renewal
- the AO for the renewal
- judicial information relating to any renewal
- whether the activity is likely to result in obtaining confidential or privileged information
- whether the authorisation was granted by a person directly involved in the investigation
- the date the authorisation was cancelled

23.2 In addition, the following information will also be retained by the SRO in a central file:

- a copy of the application and authorisation along with any additional supporting documentation and any notification of approval given by the AO
- a record of the period over which the surveillance took place
- the frequency of reviews prescribed by the AO and a copy of the record of those reviews
- a copy of any renewal authorisation together with any supporting documentation
- the date and time when any instruction to cease surveillance was given by the AO
- the date and time when any other instruction was given by the AO
- a copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace.
- The officer making the application will be responsible for making sure that copies the original papers are given to that person as soon as practicable after each document is signed.
- The central record and copies of documents shall be maintained for seven years and provided to the Investigatory Powers Commissioner on request.

24. Handling of Material and Safeguards

24.1 When surveillance is carried out, information about the subject of the surveillance will be obtained. This may include information which an officer has observed and recorded, written communications, records, photographic and video images. There may also be information gathered about other persons (collateral intrusion). All such information is referred to here as material.

As well as the legislation governing RIPA, due regard must also be given to data protection legislation and the Authority's policies thereunder to ensure that the handling of private information continues to be lawful, justified and strictly controlled and is subject to robust and effective safeguards.

24.2 Any breaches of the safeguards which are in place to protect material must be investigated. A record of the investigation, conclusion and corrective actions is to be made and reported to the IPCO. Where appropriate, the Information Commissioner must also be notified.

24.3 Material should only be copied, retained and disseminated to the minimum degree necessary for authorised purposes, namely:

- the material is, or is likely to become, necessary for any of the statutory purposes set out in the 2000, 1997 or 1994 Acts in relation to covert surveillance
- the material is necessary for carrying out the functions of the Authority
- the material is necessary for carrying out the functions of the IPC or the Investigatory Powers Tribunal
- the material is necessary for legal proceedings
- the material is necessary for the performance of the functions of any person by or under any enactment.

24.4 Material obtained may be used to further investigations where it is necessary and provided that the safeguards are followed.

25. Use of Material as Evidence

25.1 Material obtained may be used as evidence in criminal proceedings.

25.2 Ensuring the continuity and integrity of evidence is important and governed by other legislation. Material obtained as a result of covert surveillance is also subject to the disclosure rules of the Criminal Procedure and Investigations Act 1996 and its associated codes of practice. Particular attention needs to be paid to the requirement to disclose all material obtained during the course of an investigation which may be relevant to the investigation when making an application for RIPA and in carrying out and recording information during the course of surveillance.

26. Disseminating Material

- 26.1** It is necessary to share information internally within the Authority and with external organisations such as other local authorities, the police and oversight organisations. This must be limited to the minimum necessary for the authorised purposes of the investigation or functions of the relevant organisation. This includes restricting dissemination within the Authority to only those persons who have a bona fide need to know the information. The amount of material disclosed should be the minimum necessary, including where relevant providing only a summary of the material.
- 26.2** Where material is disseminated outside the organisation, similar provisions will apply. The restrictions on further dissemination should be explicitly outlined in writing including, where relevant, the need to obtain written permission before disseminating the material further.
- 26.3** Material should not be disseminated to bodies outside the UK without ensuring that they have appropriate safeguards in place. The AO should be consulted before material is disseminated to bodies outside the UK.

27. Copying Material

- 27.1** Material, including extracts and summaries of it should only be copied to the minimum extent necessary for the authorised purposes. This also applies to any record which refers to the covert surveillance and the identities of any person to whom the material related.

28. Storage of Material

- 28.1** All material, copies, summaries and extracts of it must be stored to ensure no persons can access it without the proper authority. It must be stored to minimise the risk of loss or theft. Any person handling the material must adhere to this requirement. Measures in place to protect the material include:
- physical security – storage to be in buildings, rooms and cupboards etc where access is restricted
 - IT security to restrict access – storage is to be on shared servers, networks, databases etc where access is restricted to only those persons who need access to enable the material to be processed; to further the investigation or authorised purpose or to fulfil the functions of the legislation or this policy.

29. Retention and Destruction of Material

- 29.1** Where material is retained for an authorised purpose, it will be retained in accordance with the relevant retention policy. E.g. where material is retained for a prosecution, it will be retained in accordance with the document retention policy for prosecutions.

The material, including and copies, extracts or summaries should then be destroyed in a secure manner at the end of that period. Where material is not retained for one of the authorised purposes, then it should be destroyed in a secure matter as soon as it the need for retaining it is no longer relevant.

30 Surveillance products

- 30.1 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable further period, commensurate to any subsequent review.
- 30.2 Particular attention is drawn to the requirements of the Code of Practice issued under the Criminal Procedure and Investigations Act 1996. This requires that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.
- 30.3 There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. The Council will ensure that adequate arrangements are in place for the handling and storage of material obtained through the use of covert surveillance to facilitate its use in other investigations.
- 30.4 Material obtained through the use of directed surveillance or CHIS containing personal information will be protected by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). In addition to the considerations above, material obtained must be used, stored and destroyed in compliance with any other legal requirements, including confidentiality, and the Council's Data Protection, Information Security and Records Management Policies available on the intranet at the Protecting Information pages.

31. Training & Advice and Departmental policies, procedures and codes of conduct

- 31.1 The SRO will arrange regular training on RIPA. All authorising officers; designated persons and investigating officers should attend at least one session every two years and further sessions as and when required. Training can be arranged on request and requests should be made to the SRO. In particular training should be requested for new starters within the Council who may be involved in relevant activities.
- 31.2 Where in practice, departments have any policy, procedures or codes of practice in relation to RIPA that are different from or in addition to this Code, they must immediately seek advice from the Legal Services or the SRO.

32. Complaints

- 32.1 Any person who believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the SRO.

They may also complain to the Investigatory Powers Tribunal at:
Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

Or via the website

[The Investigatory Powers Tribunal – Contacting us and requesting information](#)

DRAFT

Appendix 1 Non RIPA Authorisations



**APPLICATION FOR AUTHORISATION TO CARRY OUT
DIRECTED SURVEILLANCE
THIS IS NOT A RIPA AUTHORISATION FORM
THIS FORM SHOULD NOT BE USED FOR AUTHORISING RIPA
SURVEILLANCE**

| | |
|---|---|
| Public Authority <i>(including address)</i> | Walsall Council Civic Centre Darwall Street Walsall WS1 1TP |
|---|---|

| | | | |
|---|----------------|----------------------------------|--|
| Name of Applicant | | Unit/Branch/ Division | |
| Full address | | | |
| Contact Details | Address Tel | | |
| Investigation/Operation Name (if applicable) | | | |
| Investigating Officer (if a person other than the applicant) | | | |

DETAILS OF APPLICATION

1. Give rank or position of authorising officer

Has a pre-surveillance risk assessment been carried out? Yes No

2. Describe the purpose of the specific operation or investigation.

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3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

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4. The identities, where known, of those to be subject of the directed surveillance.

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5. Explain the information that it is desired to obtain as a result of the directed surveillance.

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6. Identify why surveillance is necessary in this particular case:

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7. Explain why this directed surveillance is necessary in this particular case:

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**8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable.
Describe precautions you will take to minimise collateral intrusion.**

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| 10. Confidential Information. [Code paragraphs 3.1 to 3.12] INDICATE THE LIELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION: |
| |

| | | | |
|--------------------------------|--|----------------|--|
| 11. Applicant's Details | | | |
| Name (Print) | | Tel No. | |
| Grade / Rank | | Date | |
| Signature | | | |

| |
|--|
| 9. Explain why this directed surveillance is proportionate to what it seeks |
| 12. Authorising Officer's Statement [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW – in this and the following box.] |
| on others? And why is this intrusion outweighed by the need for |
| surveillance in operational terms or can the evidence be obtained by any other means? |
| I hereby authorise as follows: |

| | | |
|---|--|--|
| Response | | |
| Initials | | |
| Why is authorised to conduct surveillance: | | |
| What is authorised for the surveillance: | | |
| Where is it to take place and for how long: | | |
| Why it is being authorised: | | |
| How will the surveillance be conducted: | | |

This written authorisation will cease to have effect at the end of a period of 3 months unless renewed (see separate form for renewals).

The Applicant and Authorised Officer will jointly review this authorisation on the date below to see whether authorisation should continue, be renewed or cancelled.

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13. Authorised Officers statement explaining why in his / her view the directed surveillance is necessary and proportionate. This box must be completed and both aspects must be addressed.

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14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Home Office Codes of Practice relating to this issue.

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Expiry of authorisation (3 months from the date / time of authorisation unless otherwise stated here)

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Programme for subsequent reviews of this authorisation: Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.

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| | | | |
|---|--|----------------------|--|
| Authorising Officer Name (Print) | | Job Title | |
| Signature | | Date and time | |
| Expiry date and time [e.g. authorisation granted on 1 April 2005 – expires on 30 June 2005, 23.59] | | | |

| | | | | |
|--|--|----------------------|--|--|
| 15. Urgent Authorisation Authorising officer to explain why they considered the case so urgent that an oral instead of written authorisation was given. | | | | |
| | | | | |
| Name (Print) | | Job Title: | | |
| Signature | | Date and Time | | |
| Urgent authorisation Expiry date: | | Expiry time: | | |
| <i>Remember the 72 hour rule for urgent authorities</i> | e.g. authorisation granted at 5pm on June 1 st expires 4.59 on 4 th June | | | |

A COPY OF THIS FORM, ONCE IT HAS BEEN AUTHORISED OR REFUSED, MUST BE HELD ON THE INVESTIGATING OFFICER'S FILE

THERE IS NO REQUIREMENT TO PLACE A COPY OF THE AUTHORISATION ON THE CORPORATE DATABASE

Review of a Directed Surveillance authorisation

**REVIEW OF DIRECTED SURVEILLANCE AUTHORISAION
THIS IS NOT A RIPA REVIEW FORM
THIS FORM SHOULD NOT BE USED FOR REVIEWING RIPA
SURVEILLANCE**

| | |
|---|--|
| Public Authority <i>(including address)</i> | |
|---|--|

| | | | |
|--|--|---|--|
| Applicant | | Unit/Branch/ Division | |
| Full address | | | |
| Contact Details | | | |
| Operation Name | | Operation Number* *Filing Ref | |
| Date of authorisation or last renewal | | Expiry date of authorisation or last renewal | |
| Review Number | | | |

Details of review:

| | |
|--|-------------|
| 1. Review number and dates of any previous reviews. | |
| Review Number | Date |
| | |

| | |
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| | |
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2. Summary of the investigation / operation to date, including what private information has been obtained and the value of the information so far obtained.

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3. Detail the reasons why it is necessary to continue with the directed surveillance.

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4. Explain how the proposed activity is still proportionate to what it seeks to achieve.

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5. Detail any incident of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.

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6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.

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7. Applicant's Details

| | | | |
|---------------------|--|----------------|--|
| Name (Print) | | Tel No. | |
| Job Title | | Date | |
| Signature | | | |

8. Review Officer's Comments, including whether or not the directed surveillance should continue.

| |
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9. Authorising Officer's Statement

I, [insert name], hereby agree that the directed surveillance investigation/operation as detailed above [should/should not] continue until its next [until its next review/renewal] [should be cancelled immediately].

| | |
|---------------------|------------------|
| Name (Print) | Job Title |
| Signature | Date |

| | |
|---------------------------------|--|
| 10. Date of next review. | |
|---------------------------------|--|

**A COPY OF THIS FORM, ONCE IT HAS BEEN AUTHORISED OR
REFUSED, MUST BE HELD ON THE INVESTIGATING
OFFICER'S FILE**

**THERE IS NO REQUIREMENT TO PLACE A COPY OF THE
AUTHORISATION ON THE CORPORATE DATABASE**

APPLICATION FOR RENEWAL OF A DIRECTED SURVEILLANCE

**(PLEASE ATTACH A COPY OF THE ORIGINAL AUTHORISATION)
THIS IS NOT A RIPA RENEWAL FORM
THIS FORM SHOULD NOT BE USED FOR AUTHORISING RIPA
RENEWALS**

| | | | |
|---|--|----------------------------------|--|
| Public Authority <i>(including address)</i> | | | |
| Name of Applicant | | Unit/Branch/ Division | |
| Full address | | | |
| Contact Details | | | |
| Investigation/Operation Name (if applicable) | | | |
| Renewal Number | | | |

Details of renewal:

| 1. Renewal numbers and dates of any previous renewals. | |
|---|-------------|
| Renewal Number | Date |
| | |

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2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of renewal.

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3. Detail the reasons why it is necessary to continue with the directed surveillance.

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4. Detail why the directed surveillance is still proportionate to what it seeks to achieve.

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5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.

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6. Give details of the regular reviews of the investigation or operation.

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| 7. Applicant's Details | | | |
|------------------------|--|----------------|--|
| Name (Print) | | Tel No. | |
| Grade / Rank | | Date | |
| Signature | | | |

| 8. Authorising Officer's Comments. <u>This box must be completed.</u> |
|---|
| |

| 9. Authorising Officer's Statement | |
|---|------------------|
| <p>I, [insert name], hereby authorise renewal of the directed surveillance/operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing.</p> <p>This authorisation will be reviewed frequently to assess the need for the authorisation to continue.</p> | |
| Name (Print) | Job Title |
| Signature | Date |

| | | |
|----------------------|--------------|--------------|
| | | |
| Renewal From: | Time: | Date: |

| | |
|---|--|
| Date of first review. | |
| Date of subsequent reviews for this authorisation. | |

A COPY OF THIS FORM, ONCE IT HAS BEEN AUTHORISED OR REFUSED, MUST BE HELD ON THE INVESTIGATING OFFICER'S FILE

THERE IS NO REQUIREMENT TO PLACE A COPY OF THE AUTHORISATION ON THE CORPORATE DATABASE

| |
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2. Explain the value of surveillance in the operation:

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3. Authorising Officer's statement:

I [insert name], hereby authorise the cancellation of the directed surveillance/operation as detailed above.

| | |
|---------------------|------------------|
| Name (Print) | Job Title |
|---------------------|------------------|

| | |
|------------------|-------------|
| Signature | Date |
|------------------|-------------|

4. Time and Date of when the authorising officer instructed the surveillance to cease:

| | | | |
|--------------|--|--------------|--|
| Date: | | Time: | |
|--------------|--|--------------|--|

| | | |
|------------------------------------|--------------|--------------|
| 5. Authorisation cancelled. | Date: | Time: |
|------------------------------------|--------------|--------------|

**A COPY OF THIS FORM, ONCE IT HAS BEEN
AUTHORISED OR REFUSED, MUST BE HELD ON THE
INVESTIGATING OFFICER'S FILE**

**THERE IS NO REQUIREMENT TO PLACE A COPY OF
THE AUTHORISATION ON THE CORPORATE
DATABASE**

APPENDIX 2 List of Authorised Officer Posts for Authorising Directed Surveillance

| Post & Post Holder | Scope of Authorisation |
|--|---|
| <p>Tony Cox Head of Law</p> | <p>Applications for miscellaneous and any application in an urgent situation or absence of primary authorising officer as listed below</p> <p>Applications pertaining to a non-criminal investigation into the conduct of an employee (non RIPA)</p> |
| <p>Director of Resilient Communities</p> | <p>Applications from Resilient Communities – where the council is the lead agency</p> <p>Applications for covert human intelligence source (CHIS) except in the case of juvenile / vulnerable adults in which case Annex A of the relevant Home Office Codes of Practice apply.</p> |
| <p>Elise Hopkins System Leader My Money My Home My Job</p> | <p>Applications from My Money My Home My Job</p> |

In the absence of any post holder, this function is delegated to another trained AO, not to a person acting for the post holder.

Appendix 3 Legislation

The Regulation of Investigatory Powers Act 2000
<http://www.legislation.gov.uk/ukpga/2000/23/contents>

The Protection of Freedoms Act 2012
<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012, SI 2012/1500
<http://www.legislation.gov.uk/uksi/2012/1500/made>

The Human Rights Act 1998
<http://www.legislation.gov.uk/ukpga/1998/42/contents>

The Data Retention and Acquisition Regulations 2018
<http://www.legislation.gov.uk/uksi/2018/1123/contents/made>

Home Office Revised Code of Practice on Covert Surveillance and Property Interference August 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf

Home Office Revised Code of Practice on Covert Human Intelligence Sources August 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742042/20180802_CHIS_code.pdf



Walsall Council

Investigatory Powers Act 2016

Acquisition of Communications Data Policy and Procedure

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Glossary

| | |
|------|--|
| AO | Approval Officer |
| CPIA | Criminal Procedure and Investigations Act 1996 |
| IPA | Investigatory Powers Act 2016 |
| IPC | Investigatory Powers Commissioner |
| IPT | Investigatory Powers Tribunal |
| NAFN | National Anti-Fraud Network |
| OCDA | Office for Communications Data Authorisations |
| RIPA | Regulation of Investigatory Powers Act 2000 |
| SPoC | Single Point of Contact |
| SRO | Senior Responsible Officer. |

1. Policy Statement

- 1.1 Walsall Council will apply the principles of IPA 2016 and its relevant codes of practice when obtaining communication data. In doing so, the Council will also take into account its duties under other legislation, in particular the Human Rights Act 1998, Data Protection Act 2018 and its common law obligations.
- 1.2 The purpose of this policy is to ensure that:
- an individual's right to privacy is not unlawfully breached;
 - the investigation is necessary and proportionate to the alleged offence;
 - proper authorisations are obtained for obtaining of communications data;
 - the proper procedures are followed

2. Overview of IPA

- 2.1 The Investigatory Powers Act (IPA) 2016 regulates access to communications data. It requires local authorities to follow a specific procedure and obtain independent authorisation before obtaining communications data.
- 2.2 Failure to comply with IPA 2016 may mean that the Council's actions are unlawful and amount to a criminal offence. It may also mean that the evidence obtained would be inadmissible in court proceedings and jeopardise the outcome of such proceedings. Such action could also lead to a successful claim for damages against the Council.
- 2.3 It is in the public interest for criminal investigations to be undertaken efficiently and promptly. Therefore, where proportionate and necessary, the IPA should be used as a tool to advance criminal investigations accordingly.
- 2.4 This policy should be read in conjunction with the latest Home Office Code of Practice on Communications Data. Any queries or concerns in relation to the legalities of an investigation should be raised with Legal Services
- 2.5 This Policy should also be read in conjunction with Walsall Councils Regulation of Investigatory Powers Act 2000 Policy which deals with the use of surveillance and covert human intelligence sources (CHIS) and any relevant Enforcement Policy currently in force for the service undertaking the investigation.
- 2.6 Further information on IPA can be obtained from the Investigatory Powers Commissioner's Office, the body responsible for overseeing the use of investigatory powers.

3. Communications data

- 3.1 Communications data includes the who, when, where and how of a communication but not the content i.e. what was said or written. It includes the way in which, and by what method, a person or thing communicates with another person or thing. It excludes anything within a communication including text, audio and video that reveals the meaning, other than inferred meaning.
- 3.2 Communications data can include the address to which a letter is sent, the time and duration of a communication, the telephone number or email address of the originator and recipient, and the location of the device.
- 3.3 It covers electronic communications including internet access, internet telephony, instant messaging and the use of applications. It also includes postal services.
- 3.4 Communications data is generated, held or obtained in the provision, delivery and maintenance of communications services including telecommunications or postal services.
- 3.5 Communications data is defined as entity data and/or events data.

Entity data is data about a person or thing (such as a device) or information Linking them, that can change over time. For example, information about which person is the account holder of email account and ‘who is the subscriber of phone number 01234 567 890?’

Events data concerns specific communications. For example, information about who sent a particular email or the location of a mobile phone when a call was made. There is a higher threshold to obtain events data than for entity data.

4. Data that cannot be requested under IPA 2016

- 4.1 Walsall Council does not have legal power under IPA 2016 to:
 - Intercept communications data;
 - Access the content of data communications e.g. the content of text messages, emails etc.;
 - Access internet connection records

5. Authorisations

5.1 It is crucial that the obtaining of communications data is properly authorised. No officer may seek to obtain any form of communication data unless they have obtained the proper authorisation to do so and that the authorisation is necessary for the purposes of detecting crime or of preventing disorder.

- An Approval Officer (AO) must be consulted.
- The application must be provided to the Single Point of Contact (SPOC)
- The application must be approved by the Office for Communications Data Authorisations (OCDA).

5.3 The following types of conduct may be authorised:

- conduct to acquire communications data - which may include Walsall Council obtaining communications data themselves or asking any person believed to be in possession of or capable of obtaining the communications data to obtain and disclose it; and/or
- the giving of a notice – requiring a telecommunications operator to obtain and disclose the required data.

5.4 In the case of Walsall Council the obtaining of communications data will be facilitated through our membership of the National Anti-Fraud Network (NAFN), which provides a comprehensive single point of contact (SPoC) service.

5.5 It will be the responsibility of NAFN to ensure all requests to a telecommunications/ postal operator for communications data, pursuant to the granting of an authorisation, comply with the requirements of the Code of Practice.

6. Roles and responsibilities

6.1 Obtaining communications data under the Act involves five roles:

- 1) Applicant;
- 2) Approvals Officer (AO);
- 3) Single Point of Contact (SPoC);
- 4) Authorising Agency (OCDA);
- 5) Senior Responsible Officer in a Public Authority (SRO)

6.2 Applicant and their responsibilities

The applicant is a person involved in conducting or assisting an investigation or operation and who makes an application in writing or electronically to obtain communications data. Applicants must submit applications through the central NAFN (SPoC) portal. Applicants will need to be registered with NAFN to access the portal and have valid login and security details. An allocated SPoC officer will then check all applications for legal compliance and, where necessary, provide feedback before submitting for authorisation to OCDA. The applicant will complete an application form setting out for consideration the necessity and proportionality of a specific requirement for acquiring communications data.

6.3 Any member of staff engaged in a relevant role i.e. one which requires carrying out investigations may be an applicant, subject to any internal controls or restrictions put in place within public authorities.

The applicant must

- describe the communications data required, specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s);
- specify the purpose for which the data is required, by reference to a statutory purpose under the Act;
- include a unique reference number;
- include the name and the office, rank or position held by the person making the application;
- describe whether the communications data relates to a victim, a witness, a complainant, a suspect, next of kin, vulnerable person or other person relevant to the investigation or operation;
- include the operation name (if applicable) to which the application relates;
- identify and explain the time scale within which the data is required;
- explain why the acquisition of that data is considered necessary and proportionate to what is sought to be achieved by acquiring it;
- present the case for the authorisation in a fair and balanced way. In particular, all reasonable efforts should be made to take account of information which supports or weakens the case for the authorisation;
- consider and, where appropriate, describe any meaningful collateral intrusion – the extent to which the rights of any individual not under investigation may be infringed and why that intrusion is justified in the circumstances;
- consider and, where appropriate, describe any possible unintended consequences of the application; and
- where data is being sought from a telecommunications operator or postal operator, specify whether the telecommunications operator or postal operator may inform the subject(s) of the fact that an application has been made for their data.

6.4 The applicant should record subsequently whether the application was authorised by an authorising individual and when that decision was made. Applications should be retained by the public authority and be accessible to the SPoC.

6.5 Approval Officer (AO) and their responsibilities

The Approval Officer is a person who is a manager at service level or above. The AO's role is to have an awareness of the application made by the Applicant and monitor the correct procedures are undertaken including contact with the SPoC.

6.6 The AO does not authorise or approve any element of the application and is not required to be operationally independent.

6.7 Single point of contact (SPoC) and their responsibilities

The SPoC is an individual trained to facilitate the lawful obtaining of communications data and effective co-operation between a public authority, the Office for Communications Data Authorisations (OCDA) and telecommunications and postal operators. To become accredited an individual must complete a course of training appropriate for the role of a SPoC and have been issued the relevant SPoC unique identifier.

6.9 Public authorities are expected to provide SPoC coverage for all reasonably expected instances of obtaining communications data. Walsall Council is a member of the National Anti-Fraud Network (NAFN). NAFN is an accredited body for the purpose of providing data and intelligence under the IPA for all public bodies. As part of their portfolio they offer a comprehensive SPoC service.

6.10 The SPoC will

- assess whether the acquisition of specific communications data from a telecommunications operator or postal operator is reasonably practicable or whether the specific data required is inextricably linked to other data;
- advise applicants on the most appropriate methodology for acquisition of data where the data sought engages a number of telecommunications operators or postal operators;
- engage with applicants to develop and implement effective strategies to obtain communications data in support of operations or investigations;
- advise on and manage the use of the request filter, specifically in relation to progress of requests through the filter and compliance by the filter with the relevant authorisation;
- advise on the interpretation of the Act, particularly whether an authorisation is appropriate;

- provide assurance that authorisations are lawful under the Act and free from errors;
- consider and, where appropriate, provide advice on possible unintended consequences of the application;
- assess any cost and resource implications to both the public authority and the telecommunications operator or postal operator of communications data requirements.

6.11 Authorising Agency (OCDA) and their responsibilities

The Office for Communications Data Authorisations (OCDA) is the independent body responsible for the authorisation and assessment of all Data Communications applications under the Act and undertakes the following roles:

- Independent assessment of all Data Communications applications.
- Authorisation of any appropriate applications.
- Ensuring accountability of Authorities in the process and safeguarding standards.

6.12 Senior Responsible Officer (SRO) and their responsibilities

The Senior Responsible Officer (SRO) within Walsall Council is Simon Neilson the Executive Director Economy and Environment.

6.13 The SRO is responsible for:

- The integrity of the process in place within the public authority to obtain communications data;
- engagement with authorising officers in the Office for Communications Data Authorisations (where relevant);
- compliance with Part 3 of the Act and with the Code of Practice, including responsibility for novel or contentious cases;
- oversight of the reporting of errors to the IPC and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- ensuring the overall quality of applications submitted to OCDA;
- engagement with the IPC's inspectors during inspections; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the IPC.

7. Necessity test

- 7.1 Applications to obtain Communications Data should only be made where it is necessary for an applicable crime purpose.
- 7.2 This allows for applications to be made for entity data where the purpose of obtaining the data is for the prevention and detection of crime or prevention of disorder. This definition permits the obtaining of Entity data for any crime, irrespective of seriousness or for preventing disorder.
- 7.3 Applications for 'events data', previously referred to as service or traffic data, should only be made where the purpose is the prevention and detection of serious crime. Serious crime is defined in Section 86(2A) of IPA 2016, and includes, but is not limited to:
- Any crime that provides the potential for a prison sentence of imprisonment for 12 months or more (Either way or indictable offences);
 - Offences committed by a corporate body;
 - Any offence involving, as an integral part, the sending of a communication OR a breach of a person's privacy.
- 7.4 Necessity must be demonstrated by including in every application a short explanation of:
- The event under investigation, such as a crime.
 - The person whose data is sought, such as a suspect AND description of how they are linked to the event.
 - The communications data sought, such as a telephone number or IP address, and how this data is related to the person and event.
- 7.5 The application must explain the link between the three aspects to demonstrate it is necessary to obtain communications data.

8. Proportionality test

- 8.1 Applications should only be made where they are proportionate, and alternative means of obtaining the information are either, exhausted, not available or considered not practical to obtain the same information.
- 8.2 For example, the following should be considered:
- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
 - explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others;

- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result; and
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.
- An outline of how obtaining the data will benefit the investigation. The relevance of the data being sought should be explained and anything which might undermine the application.
- The relevance of time period requested
- How the level of intrusion is justified against any benefit the data will give to the investigation. This should include consideration of whether less intrusive investigations could be undertaken.
- A consideration of the rights (particularly to privacy and, in relevant cases, freedom of expression) of the individual and a balancing of these rights against the benefit to the investigation.
- Any details of what collateral intrusion may occur and how the time periods requested impact on the collateral intrusion, if applicable.
- Where no collateral intrusion will occur, such as when applying for entity data, the absence of collateral intrusion should be noted. Any circumstances which give rise to significant collateral intrusion.
- Any possible unintended consequences. This is more likely in more complicated requests for events data or in applications for the data of those in professions with duties of confidentiality. E.G journalists/doctors/solicitors.

9. Authorised applications

- 9.1 Where the OCDA authorises the data request, this decision is communicated to the SPoC (NAFN) and actions are taken to request the data from the relevant telecommunications providers and other agencies holding such communications data to provide the necessary data.

10. Refused applications

- 10.1 Where the OCDA rejects an application, the Council has three options:
- Not proceed with the application;
 - Re-submit the application with revised justification and/or revised course of conduct to obtain the communications data; or
 - Re-submit the application without alteration and seek a review of the decision by the OCDA. This may only be done where the SRO (or a person of equivalent grade) has agreed to this course of action. The OCDA will provide guidance on this process.

11. Notices in pursuance of an authorisation

- 11.1 The giving of a notice is appropriate where a telecommunications operator or postal operator can retrieve or obtain specific data, and to disclose that data and the relevant authorisation has been granted. A notice may require a telecommunications operator or postal operator to obtain any communications data, if that data is not already in its possession.
- 11.2 For local authorities the role to issue notices to telecommunications/postal operators sits with the SPoC (NAFN), and it will be the SPoC's role to ensure notices are given in accordance with the Code of Practice.

12. Duration of authorisations

- 12.1 An authorisation becomes valid on the date the authorisation is granted by the OCDA. It remains valid for a maximum of one month. Any conduct authorised or notice served should be commenced/served within that month.
- 12.2 Any notice given under an authorisation remains in force until complied with or until the authorisation under which it was given is cancelled.
- 12.3 All authorisations should relate to a specific date(s) or period(s), including start and end dates, and these should be clearly indicated in the authorisation.
- 12.4 Where the data to be obtained or disclosed is specified as 'current', the relevant date is the date on which the authorisation was granted.
- 12.5 Please note however that where a date or period cannot be specified other than for instance; 'the last transaction' or 'the most recent use of the service', it is still permitted to request the data for that unspecifiable period.
- 12.6 Where the request relates to specific data that will or may be generated in the future, the future period is restricted to no more than one month from the date of authorisation.

13. Renewal of authorisations

- 13.1 A valid authorisation may be renewed for a period of up to one month by the grant of a further authorisation and takes effect upon the expiry of the original authorisation. This may be appropriate where there is a continuing requirement to obtain data that may be generated in the future.
- 13.2 The Applicant will need to consider whether the application for renewal remains 'necessary and proportionate' and should reflect this in any renewal application made. The Authorising body (OCDA) will need to consider this carefully in authorising any renewal.

14. Cancellation of authorisations

- 14.1 Where it comes to the Council's attention after an authorisation has been granted that it is no longer necessary or proportionate, the Council is under a duty to notify the SPoC (NAFN) immediately.
- 14.2 It is the SPoC's (NAFN) responsibility to cease the authorised action and take steps to notify the telecommunications service provider. E.g. Such a scenario may occur where a legitimate application has been made for Entity data to identify and locate a suspect, but subsequently, and before the data has been obtained the Council becomes aware by some other legitimate means of the suspects name and address etc.

15. Offences for non-compliance with IPA 2016

- 15.1 It is an offence for a person in a public authority knowingly or recklessly to obtain communications data from a telecommunications operator or postal operator without lawful authority (section 11 of IPA 2016).
- 15.2 The roles and responsibilities laid down for the SRO and SPoC are designed to prevent the knowing or reckless obtaining of communications by a public authority without lawful authorisation. Adherence to the requirements of the Act and this Code, including procedures detailed in this Policy, will mitigate the risk of any offence being committed.
- 15.3 An offence is not committed if the person obtaining the data can show that they acted in the reasonable belief that they had lawful authority.
- 15.4 It is not an offence to obtain communications data where it is made publicly or commercially available by a telecommunications/postal operator. In such circumstances, the consent of the operator provides the lawful authority. However, public authorities should not require, or invite, any operator to disclose communications data by relying on this exemption.

16. Monitoring and record keeping

- 16.1 Applications, authorisations, copies of notices, and records of the withdrawal and cancellation of authorisations, must be retained in written or electronic form for a minimum of 3 years and ideally 5 years. A record of the date and, when appropriate, the time each notice or authorisation is granted, renewed or cancelled.
- 16.2 Records kept must be held centrally by the SPoC and be available for inspection by the Investigatory Powers Commissioners Office upon request and retained to allow the Investigatory Powers Tribunal (IPT), to carry out its functions. The retention of documents service will be provided by NAFN.
- 16.3 The Team Leader Business Support will maintain an internal record on behalf of the SRO, and retain hard and electronic copies of all forms sent to NAFN.

- 16.4 The documents in the internal record are retained in accordance with Walsall Councils records management policy which complies with relevant data protection legislation. The original documents should be retained by the service area responsible for the surveillance activity.
- 16.5 The Investigatory Powers Commissioners Office (IPCO) monitors compliance with RIPA. Walsall's SRO will act as the first point of contact for the Inspectors within the Council, but all service areas that use IPA should expect to be involved in any inquiries from IPCO.
- 16.6 Nothing in the Code or this policy affects similar duties under the Criminal Procedure and Investigations Act 1996 requiring material which is obtained in the course of an investigation and which may be relevant to the investigation to be recorded, retained and revealed to the prosecutor.
- 16.7 For full details of the level of information expected to be retained by the SPoC reference should be made to the Code of Practice.
- 16.8 Regular reports will be made to Members in accordance with the requirements of the IPA Codes of Practice.

17. Errors

Errors generally

- 17.1 Where any error occurs in the granting of an authorisation or because of any authorised conduct a record should be kept.
- 17.2 Where the error results in communications data being obtained or disclosed incorrectly, a report must be made to the IPC by whoever is responsible for it. E.g. The telecommunications operator must report the error if it resulted from them disclosing data not requested, whereas if the error is because the public authority provided incorrect information, they must report the error. The SRO would be the appropriate person to make the report to the IPC.
- 17.3 Where an error has occurred before data has been obtained or disclosed incorrectly, a record will be maintained by the public authority (recordable error). These records must be available for inspection by the IPC.
- 17.4 A non-exhaustive list of reportable and recordable errors is provided in the Code of Practice.

Serious errors

- 17.5 There may be rare occasions when communications data is wrongly obtained or disclosed and this amounts to a 'serious error'. A serious error is anything that '**caused significant prejudice or harm to the person concerned**'. It is insufficient that there has been a breach of a person's human rights.

- 17.6 In these cases, the public authority which made the error, or established that the error had been made, must report the error to the Council's Senior Responsible Officer and the IPC.
- 17.7 When an error is reported to the IPC, the IPC may inform the affected individual subject of the data disclosure, who may make a complaint to the IPT. The IPC must be satisfied that the error is a serious error AND it is in the public interest for the individual concerned to be informed of the error.
- 17.8 Before deciding if the error is serious or not the IPC will accept submissions from the Public Authority regarding whether it is in the public interest to disclose. For instance, it may not be in the public interest to disclose if to do so would be prejudicial to the 'prevention and detection of crime'.

18. Investigations resulting in criminal proceedings

- 18.1 When communications data is been obtained during a criminal investigation that comes to trial an individual may be made aware data has been obtained.
- 18.2 If communications data is used to support the prosecution case it will appear in the 'served' material as evidence and a copy provided to the defendant.
- 18.3 Where communication data is not served but retained in unused material it is subject of the rules governing disclosure under the Criminal Procedure and Investigations Act 1996 (CPIA). The prosecution may reveal the existence of communications data to a defendant on a schedule of non-sensitive unused material, only if that data is relevant, and copies of the material may be provided to the defendant if it might reasonably be considered capable of undermining the prosecution case and/or assisting the defence.
- 18.4 Where communications data is obtained but not directly relied on to prove offences, the material may alternatively be listed in the 'Sensitive' unused material and not disclosed to the defendant. The CPIA sets out exemptions to the disclosure obligation. Under section 3(6) of that Act, data must not be disclosed if it is material, which, on application by the prosecutor, the Court concludes it is not in the public interest to disclose.
Any communications data, which comes within the scope of this exemption, cannot be disclosed. E.g. Material that reveals a 'method of investigation' is usually not disclosable.
- 18.5 If through any of the above notification processes, an individual suspects that their communications data has been wrongly obtained, the IPT provides a right of redress. An individual may make a complaint to the IPT without the individual knowing, or having to demonstrate, that any investigatory powers have been used against it.

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

| | | | |
|--------------------------------|---|---|-------------|
| Proposal name | Regulation Of Investigatory Powers Act 2000 & Investigatory Powers Act 2016 Policies | | |
| Directorate | E&E | | |
| Service | Regulatory Services | | |
| Responsible Officer | David Elrington & Lorraine Boothman | | |
| Proposal planning start | 1 February 2020 | Proposal start date (due or actual date) | 20 May 2020 |

| | | | |
|----------|---|----------------------------------|-----------------------|
| 1 | What is the purpose of the proposal? | Yes / No | New / revision |
| | Show which category the proposal is and whether it is new or a revision. | | |
| | Policy | Yes | |
| | Procedure | No | |
| | Guidance | No | |
| | Is this a service to customers/staff/public? | No | |
| | If yes, is it contracted or commissioned? | No | |
| | Other - give details | It is to comply with Legislation | |
| 2 | What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change? | | |
| | The policies are required to ensure that the Authority complies with the requirements set out in the Regulation Of Investigatory Powers Act 2000 & Investigatory Powers Act 2016. They are an update of a previous policy to implement changes in the legislation and incorporate feedback from the Commissioner's inspections. | | |
| 3 | Who is the proposal likely to affect? | | |
| | People in Walsall | Yes / No | Detail |
| | All | Y | |
| | Specific group/s | | |
| | Council employees | Y | |
| | Other (identify) | | |
| 4 | Please provide service data relating to this proposal on your customer's protected characteristics. | | |
| | The policy places requirements officers of the Council and the way in which it conducts surveillance and the acquisition of communications data. It ensures that such conduct is necessary and proportionate. It does not affect any particular groups. | | |
| | Walsall's population has risen by 6.2% from 253,401 in 2001 to 269,323 according to the 2011 census. The minority ethnic group population (everyone who is not White; English, Welsh, Scottish, Northern Irish or British) has shown an increase from 37,547 (14.81%) in 2001 to 62,085 (23.05%) in 2011. | | |



Compared with the rest of the West Midlands (33.98%), Walsall (23.05%) has a lower percentage of minority ethnic group people and is the fifth lowest, compared with the other West Midlands areas. However, it is clear that, with new communities emerging, this figure is likely see higher percentages in the 2021 census.

Walsall population by broad group 2001 to 2011

| Group | 2001 | 2011 |
|-----------------|-------------|-------------|
| White British | 85.2% | 76.9% |
| All other White | 1.2% | 1.9% |
| Mixed | 1.4% | 2.7% |
| Asian | 10.4% | 15.2% |
| Black | 1.4% | 2.3% |
| Other | 0.4% | 0.8% |

The largest increase is in people of Asian background, with a rise from 10.4% of all ethnic minority people in 2001 to 15.2% in 2011. Within this group, those of Pakistani background have increased the most to 5.3% of all residents (although Asian Indian remains the largest minority ethnic group at 6.1%).

Nine out of ten Walsall residents (90.1%) were born in the UK. There does not appear to be a high volume of residents from Eastern European countries living in the borough, with only 1.0% of residents, 2,681 people, born in EU Accession countries. This is in contrast with 2.0% in England and with neighbouring authorities of Wolverhampton (2.1%) and Sandwell (2.6%).

The Council is committed to meeting the needs and expectations of people who use its services. This means ensuring that services are delivered in a fair and legal way, ensuring that the residents and businesses of Walsall are treated with dignity and respect. All groups of customers will positively benefit from this regime. The people who will be subject to the use of these powers are those suspected of committing offences. The legislative regime ensures that due consideration is given to the risks of collateral intrusion.

5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).

Consultation has taken place with internal services - Finance, Human Resources, Legal Services, Public Health, Communications, Equalities team and the Councils Consultation Officer in order to reassure decision makers that the content of the report and the policies are correct and meet the requirements of Council Policy making. As these are statutory policies setting out controls and requirements on how officers conduct their investigations and use powers available to them and not the provision of a service and as the public cannot influence the contents of the policy, public consultation is not necessary.

| Officers | Consulted - Who | Date(s) consulted | Comments of consultees |
|--|---|--------------------------|--|
| (a) Legal services | Mark Kelly Paul Green | 05/06/2020 | No comments on final report. Consulted previously in drafting of policy |
| (b) Finance | Jayesh Patel | 05/06/2020 | No comments made on final report. |
| (c) Procurement – for all procurement and contract related reports | Not required | | |
| (d) Property services | Not required | | |
| (e) Public health | Stephen Gunther | 05/06/2020 | No comments made on final report. |
| (f) Human resources | Emma Rogers | 05/06/2020 | No comments made on final report. |
| (g) Heads of other relevant service(s) | Not required | | |
| (h) Communications communications@walsall.gov.uk | Please insert name of officer reviewing | 05/06/2020 | To review at agenda planning |
| (l) Trade Unions | Not required | | |

Consultation Activity

Internal Consultation as per the cabinet report process, in particular with legal services.

6 Concise overview of all evidence, engagement and consultation

Legal services involved in drafting the policy. No other feedback received.

7 How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.

| Characteristic | Affect | Reason | Action needed Yes / No |
|--------------------------------|--------|---|---------------------------|
| Age | None | None - The legislation stipulates that any conduct covered by the policies is necessary and proportionate. There are no impacts on protected characteristics. All impacts on the subject of surveillance and any potential collateral intrusion are outlined on each application. | |
| Disability | | | |
| Gender reassignment | | | |
| Marriage and civil partnership | | | |
| Pregnancy and maternity | | | |
| Race | | | |
| Religion or belief | | | |
| Sex | | | |
| Sexual orientation | | | |
| Other (give detail) | | | |
| Further information | | | |

| | | |
|----------|--|---------------------------|
| 8 | Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details. | (Delete one) No |
| | | |
| 9 | Which justifiable action does the evidence, engagement and consultation feedback suggest you take? | |
| A | No major change required | |

Action and monitoring plan

| Action Date | Action | Responsibility | Outcome Date | Outcome |
|-----------------|------------------------------------|--|-----------------|--|
| 15/07/2020 | Policies are considered at Cabinet | D Elrington, L Boothman, Paul Gordon, Simon Neilson. | 15/07/2020 | Policies will be approved to proceed to Council or not. |
| To be confirmed | Policies are considered at Council | Simon Neilson, Cllr Perry | To be confirmed | Policies will be approved or not. Delegation will be granted or not |
| | | | | |
| | | | | |

Update to EqIA

| Date | Detail |
|------|--------|
| | |
| | |

Use this section for updates following the commencement of your proposal.

Contact us

Community, Equality and Cohesion
Resources and Transformation

Telephone 01922 655797

Textphone 01922 654000

Email equality@walsall.gov.uk

Inside Walsall: [http://int.walsall.gov.uk/Service information/Equality and diversity](http://int.walsall.gov.uk/Service_information/Equality_and_diversity)

Cabinet – 15 July 2020

Alternative Education Framework Contract

Portfolio: Councillor Towe, Education and Skills

Related portfolios: Councillor Wilson, Children's Social Care

Service: Children's Services

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To ensure all children and young people achieve their potential, maximising opportunities through providing access to education for young people who are excluded or at risk of exclusion, at risk of disengaging from mainstream school provision or otherwise require alternative education provision to meet their educational entitlement. The service aims to deliver aspirational alternative education environments where learners can achieve.
- 1.2 The report informs Cabinet of the arrangements for Alternative Education Provision and the requirement to extend the existing contracts. It also outlines the requirement to align provision for children and young people with Special Educational Needs and Disabilities (SEND).

2. Summary

- 2.1 The Council's Alternative Education Provision is delivered by: (i) New Leaf Centre (the Council managed Pupil Referral Unit offering alternative education); and (ii) a range of Alternative Education providers (in **Appendix A**) who have been awarded places on a framework agreement with the Council. These framework agreements are due to expire on 31 July 2020. The current contractual arrangements contain provision to extend for up to a further period of 12 months taking the end date to 31st July 2021. Cabinet approval is required to extend these agreements due to the values exceeding the threshold for 'Strategic Contracts' under the Council's Contract Rules. Extending these agreements will ensure continued delivery of this statutory service.
- 2.2 Each service provider is subject to a schedule of regular monitoring checks which focus on Safeguarding, Quality Assurance and Health and Safety. Information from each of the service providers about the educational support and courses they offer is collated into a directory of Alternative Education Provision which is used by

New Leaf and the Alternative Provision Team to meet the needs of individual children and young people.

- 2.3 Alternative Education Provision is also sourced by the Special Educational Needs (SEN) Team for children and young people who have an Education, Health and Care Plan (EHCP) where an Alternative Education Provision is listed as their placement. While some of the existing providers, awarded contracts under the existing arrangements, are able to deliver alternative education to children and young people with Special Educational Needs and Disabilities (SEND) there is a need to increase the breadth of qualifications and range of provision available to meet the needs of these pupils.

3. Recommendations

- 3.1 That Cabinet delegate authority to the Executive Director of Children's Services, **in consultation with the Portfolio Holder for Education and Skills**, to extend the contracts with the Alternative Education providers (in **Appendix A**) for 1 year, from 1 August 2020 to 31 July 2021.
- 3.2 That Cabinet delegate authority to the Executive Director for Children's Social Care, in consultation with the Portfolio Holder for Education and Skills, to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services as well as any variations to the contractual arrangements or other related documents should this be required throughout the duration of any contracts.
- 3.3 That Cabinet delegate authority to the Executive Director for Children's Social Care, in consultation with the Portfolio Holder for Education and Skills, to enter into contracts with providers of Alternative Education, not currently covered with these existing contractual arrangements, to meet identified gaps for children and young people with Special Education Needs and Disabilities (SEND.).

4. Report detail - know

Context

- 4.1 Although the vast majority of children and young people attend mainstream schools and academies to receive their education, some children and young people benefit from receiving some, or all, of their education and support in 'offsite' settings that are delivered away from their school. This may be on a short or term basis.
- 4.2 Local authorities are responsible for arranging suitable education for permanently excluded children and for other children who, because of illness or other reasons, would not receive suitable education, without such arrangements being made.
- 4.3 Funding for Alternative Provision comes from the Dedicated Schools Grant (DSG) to local authorities. The high needs funding allocation within the DSG is used to fund Alternative Provision placements and also supports provision for 0-25 year olds with special educational needs (SEN) and disabilities.

- 4.4 The service focuses on raising standards and improving outcomes for children and young people's learning in Alternative Education Provision. Ensuring that this includes a range of provision to meet individual needs including quality vocational and GCSE courses. In delivering Alternative Education Provision, it is essential to look at how these services can reduce the risk of young people not continuing to engage post 16, in Education, Employment or Training (and becoming NEET.) This will be through the development of meaningful pathways and Alternative Education Provision, which engages young people effectively in a range of opportunities and learning.
- 4.5 The provision of a quality vocational Alternative Education Provision offer, working with local businesses and the local economy, outlined in the Corporate Plan 2018-2021, provides learners with valuable vocational training opportunities and experience.
- 4.6 Vulnerable groups of children are more likely to be excluded, with 78% of permanent exclusions issued to children who had special educational needs (SEN), or classified as in need or eligible for free school meals. Certain ethnic groups, including Bangladeshi and Indian pupils, have lower rates of exclusion than White British pupils, with the analysis also finding some ethnic groups, such as Black Caribbean and Mixed White and Black Caribbean pupils, experiencing higher rates, after controlling for other factors.
- 4.7 The Council is responsible for making these arrangements on behalf of children and young people who have an EHCP, and where specialist services have discharged responsibility to arrange suitable and complementary alternative provision for these learners. The age of learners will range from statutory school age (5-18 years) and then until the age of 25.
- 4.8 The Alternative Education Provision Team is working closely with the SEN Team to ensure that these arrangements are also subject to the same checks and safeguarding arrangements which apply to all Alternative Education contractors.
- 4.9 Analysis of information on children and young people accessing Alternative Education Provision shows:
- 4.9.1 On average between 90 and 96 young people a year, access Alternative Education Provision through New Leaf as KS 4 learners. The annual budget for the provision and quality assurance of the services is £1.85m.
- 4.9.2 Initial work to look at the needs of children and young people with special educational needs and/or disability for specialist alternative education has identified a smaller cohort accessing bespoke provision. This is either specialist bespoke provision or supplementing the mainstream provision. The majority of these arrangements seek to support the speech and language and occupational therapy needs of children in accessing education. Information in June 2020 shows there are 16 young people currently accessing bespoke arrangements.

Council Corporate Plan priorities

- 4.10 The provision of Alternative Education Provision supports achievement of the priority within the Corporate Plan 2018-2021 that ‘Children have the best possible start and are safe from harm, happy, healthy and learning well.’ In addition the Council aims to achieve the following outcomes; ‘Education, training and skills enable people to fulfil their personal development,’ and ‘Children thrive emotionally, physically, mentally and feel they are achieving their potential.’ The local authority works with a range of providers including local business, which offer vocational courses and opportunities.

Risk management

- 4.11 In developing the Alternative Education Provision offer, the local authority ensures that it fulfils its statutory obligation to provide suitable education to children of statutory school age. The local authority works to ensure it mitigates the risk of children missing their education entitlement and undertakes regular checks of providers to ensure the education provision is safe and of a good quality.

Financial implications

- 4.12 Funding for Alternative Provision comes from the High Needs Block of the Dedicated Schools Grant to local authorities. A budget of £1.85m is available for the period of the proposed extension (1 August 2020 to 31 July 2021).

Legal implications

- 4.13 The contracts with the providers listed in **Appendix A** include the right for the Council to unilaterally extend the contract term by up to 12 months. The current framework agreement states that this variation needs to be in place prior to the existing agreements expiry, and these will be implemented in writing to providers.
- 4.14 Any individual contracts entered into as and when needed, outside the framework, will be in a form approved by Legal Services.

Procurement Implications/Social Value

- 4.15 A procurement exercise was undertaken in 2019 to source additional, supplementary providers to build alternative education provision capacity for the Council. This exercise led to the award of contracts to 21 providers. This included 10 providers who had bid in the supplementary round of tendering and 11 providers who had previously bid for the service who were awarded a contract through a direct award, following Cabinet approval in September 2019.
- 4.16 The framework agreement terms allow an extension of the term of the agreement, for a period of 12 months, which would take the end date to 31 July 2021. Regulation 72 of the Public Contract Regulations 2015 allow contract modifications which were provided for in the initial procurement documents.
- 4.17 The Council will seek to address any current gaps in provision through the award of individual contracts to suitable providers during this period, ensuring that due

diligence checks are carried out in accordance with the original procurement exercise.

- 4.18 A new procurement exercise is going to take place during 2021 with a scheduled award date in May 2021, enabling adequate time for mobilisation and any other quality assurance checks which will need to take place prior to the start of any new contractual arrangements from 1 August 2021.
- 4.19 It is envisaged that these new contractual arrangements will be designed to enable the service to have some security in its supply chain through entering into contracts for a longer term whilst also providing flexibility to enable the Council to work with new entrants in the market and take advantage of any innovation or new ways of working.

Property implications

- 4.20 The Council's Alternative Education School, New Leaf is located on the Education Development Centre (EDC) Site but does not have the capacity to offer the required range of vocational and academic courses and qualifications. Therefore the additional learning opportunities are also delivered by providers with whom the council has contracts.

Health and wellbeing implications

- 4.21 Ensuring access to appropriate educational provision provides every child with the best start in life and enables all children, young people and adults to maximise their capabilities and have control over their lives.

Staffing implications

- 4.22 There are no staffing or wider Human Resources implications.

Reducing Inequalities

- 4.23 This activity specifically aims to reduce further impact of inequality produced by children and young people missing education entitlement through exclusion and no Equalities Impact Assessment was required.

Consultation

- 4.24 The existing service specification was developed in consultation with the Alternative Provision Service, including New Leaf. Engagement and dialogue with the Alternative Education providers takes place regularly to ensure provision is relevant to the needs of children and young people.

- 4.25 Market engagement is planned as part of the development of the tender exercise and will be used to inform the development of the specification and of the wider market.

5. Decide

- 5.1 The development of the Alternative Education Contracts have proved beneficial in delivering a range of quality educational and vocational opportunities for children and young people. All providers have been subject to quality, health and safety and safeguarding checks. Information on courses is collated in a central resource; ensuring appropriate provision can be easily identified to meet individual need. In order for these services to be delivered compliantly, it is important to extend these arrangements for a further year.
- 5.2 The report also proposes to enter into individual contracts with providers not currently on the framework to meet identified gaps. This will ensure the development of a more comprehensive offer for children with Special Educational needs and disabilities in addition to ensure they participate in the quality and safeguarding checks.

6. Respond

- 6.1 Subject to approval, contracts will be extended with the existing range of Alternative Education Providers. All delivery will continue to be subject to quality assurance, teaching and learning, health & safety monitoring procedures. The process for ensuring any new providers will have had their safeguarding, teaching and learning and health and safety checks has been embedded within this process.
- 6.2 Information about the educational and vocational offer of all providers will be updated to ensure it is relevant for the new academic year.

7. Review

- 7.1 The monitoring schedule includes a range of methods of monitoring provision, including visits, activity monitoring and meetings with providers to ensure quality and safe provision. These will look at how providers are operating at an organisational level. Quality and safeguarding issues are also monitored at an individual level through young people's key workers and the New Leaf Inclusion Centre DSL. Any significant issues that are identified are addressed directly with providers as part of the contract management process.

Author

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Laura Wood
Commissioning Manager

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Sally Rowe
Executive Director, Children's Services

15th July 2020

Councillor Towe
Portfolio holder, Education and Skills

15th July 2020

Appendix A

Alternative Education Provision Providers

JP Alternative Education
Staff Select T/A Nova Training
Peak Activity Services Ltd T/A Peak Pursuits
Community Footprints Service Ltd
Performance Through People (PTP) Training Limited
Ormiston Sheffield Academy
Walsall College
Walsall Construction Training Ltd
Alpha Training
Kick Start Training
Rewise Learning Limited
MPCT
Manor Farm Community Association
Academy 21
Dreamcatcher Arts
The Education Development Service
Five Rivers Child Care Ltd
Steps to Work (Walsall) Ltd
Black Country Boxing Ltd
TP Riley Community Association T/A Bloxwich Community Partnership (Electric Palace)

Cabinet – 15 July 2020

Special Educational Needs Disability Advice, Information and Support Service (SENDIASS) Contract

Portfolio: Councillor Towe, Education and Skills

Related portfolios: Councillor Wilson, Children's Social Care

Service: Children's Services

Wards: All

Key decision: No

Forward plan: Yes

1. Aim

- 1.1 To ensure that all children with SEND needs achieve their potential and maximise opportunities with access to confidential and accurate information, advice and support services about education, health and social care matters as it relates to their individual special education needs and disability.
- 1.2 This service will support independence and self-advocacy for children, young people and parents, enabling them to take part effectively in discussions and decisions relating to their education, health and care provision.

2. Summary

- 2.1 The Council has been delivering an in-house SENDIASS for a number of years with a Council SENDIASS Officer. Following the retirement of the SENDIASS Officer in April 2020, opportunity to review and strengthen the arrangements of a more robust and independent service delivery.

A further driver to change has been observations made by Ofsted in our Written Statement for the Council to provide an easily accessible independent information and support in line with the Code Practice.

- 2.2 As such, market intelligence was carried out to determine what interest there was in tendering for a wholly separate and independent service. Following the Council Procurement Rules
- 2.3 In April 2020, a Procurement to tender for an independent SENDIASS Service was launched to identify a suitable contractor. The service is budgeted for £0.130m per annum and will have a contract for 2 years (plus option to extend 2 years).

3. Recommendations

- 3.1 That Cabinet delegate (i) authority to the Executive Director Children's Services to award a contract to the successful tender applicant to deliver the Special Educational Needs Disability Information, Advice and Support Service (SENDIASS) in consultation with the Portfolio Holder for Education and Skills from 7th September 2020 to 6th September 2022 and (ii) to delegate authority to extend the contract for up to 24 months if required.

- 3.2 That Cabinet delegate authority to the Executive Director for Children's Social Care, in consultation with the Portfolio Holder for Education and Skills, to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services as well as any variations to the contractual arrangements or other related documents should this be required throughout the duration of any contracts.
- 3.3 That Cabinet delegate authority to the Executive Director for Children's Social Care, in consultation with the Portfolio Holder for Education and Skills, to authorise any variations to the SENDIASS contract, should this be required at any time during the term.

4. Report detail - know

- 4.1 The SEND Code of Practice (2015) sets an expectation that children, parents and young people should be involved in the identification and assessment of SEND and decision-making.
- 4.2 The code of practice has statutory force and requires local authorities to provide families with information and advice about matters relating to their SEND education, health and social care. In addition, local authorities must have regard to the importance of providing children and their parents and young people with the information and support necessary to participate in decision-making.
- 4.3 The purpose of the SENDIASS is to deliver these statutory requirements independently. This information and advice service must be independent from the Council and from the Walsall Clinical Commissioning Group.
- 4.4 The Service is **NOT** an advocacy or case representative service. SENDIASS cannot participate in SEND case activity as an active supporter of a child's or parent's position. The service may attend meetings, tribunals or other key sessions to support so a parent may best interpret process and information but not be a participating stand-in for the parent or communicate a position or argument on their behalf.
- 4.5 Analysis of service demand of children and young people accessing the SENDIASS indicates about 240 referrals or contacts each year. These referrals are often brief information queries for parents and young people to understand what process, standards and timescales they can expect to encounter with the SEND provisions of the Local Authority and other local partner organisations.
- 4.6 Of these referrals, there are approximately 40 cases (enquiries) being worked on at any one time. Activity by the SENDIASS worker may be to support the interpretation of information and process at tribunals, mediation sessions and EHCP reviews and planning meetings. Initially there may be an email or telephone exchange leading to a family consultation in a reception room. The agenda of the SENDIASS staff is always and only to explain what the law and statutory obligations and processes are. This is intended to then empower the parent to go forward and state their position themselves in an informed manner.

Council Corporate Plan priorities

- 4.7 The provision of a SENDIASS Service works towards achieving the priority within the Corporate Plan 2018-2021 that 'Children have the best possible start and are safe from harm, happy, healthy and learning well.' In addition the Council aims to achieve the following outcomes; 'Education, training and skills enable people to fulfil their personal development,' and 'Children thrive emotionally, physically, mentally and feel they are achieving their potential.'

Risk management

- 4.8 The risks to awarding this contract are low given that the Council is under a statutory duty to commission a local SENDIASS Service and public expectation is that it will be independent from the Local Authority.
- 4.9 There is a reasonable expectation that the tendering exercise will enable the Council to enter into a viable contract that will offer a good service to parents and carers and young people (16 - 25 years).

Financial implications

- 4.10 The maximum value of this contract will be capped at £0.130m to reflect the funding that is available. This funding envelope is deemed sufficient to attract suitable tenders.
- 4.11 It should be noted that all other costs such as overheads, remote working, a dedicated reception space and ICT support will be provided by the local authority from existing budgets.

Legal implications

- 4.12 This contract tender has been carried out within the Council's Procurement Rules. This is a statutory service required by the Local Authority and will be delivered to the terms of the National Minimum Standards for SENDIASS Services.
- 4.13 The contract the Council will commission is one which has been approved by Legal services who are an active part of the project team for this procurement.

Procurement Implications / Social Value

- 4.14 A market engagement exercise took place for this project in February 2020. This was an opportunity for the Council to gauge interest in this opportunity and shape the model and process it intended to use to procure this service.
- 4.15 This exercise received four responses to the engagement questionnaire which was published through the Council's e-tendering portal. These responses indicated that there was a good level of interest in the opportunity, and that the market were generally supportive of our approach. It also enabled prospective bidders to provide some feedback which commissioners were able to take into account in their designing of the new delivery model.
- 4.16 This tender was initially due to be published in April 2020, however with the uncertainty in the market caused by the COVID-19 pandemic, and subsequent lockdown, the project team took an opportunity to use a short delay to ascertain what next steps to take in order to achieve the project objectives.
- 4.17 In May 2020, the project team re-engaged with the suppliers who had initially expressed an interest in the opportunity to ascertain how the current situation had affected their ability to produce bids or their interest in bidding this service. The responses received were positive and this provided some evidence to the project team that if they proceeded with the tendering process the risks associated could be managed.
- 4.18 A competitive tendering exercise was published on the Council's e-tendering system on 22nd May 2020 with a closing date of 22nd June 2020. This was also published on the governments Contracts Finder portal in line with Public Contract Regulations 2015.

- 4.19 This procurement is being evaluated to find the ‘most economically advantageous tender’ to deliver this service, and the evaluation considers both price, and non-price (including quality and service specific considerations) criteria. A breakdown of the evaluation criteria are as follows:

| Criteria | Percentage |
|--|--|
| Price | 40% |
| Non Price | 60% |
| <ul style="list-style-type: none"> • Experience • Implementation Plan • Service Development • Processes and Legislation • Safeguarding/Equality & Diversity • Training/Information • Social Value | 12% 12% 10% 12% 6% 3% 5% |

- 4.20 The evaluation panel will consist of suitable officers from the Children services directorate as well as engaging with a group of parents of children with SEND to ensure that a range of stakeholders are being consulted with as part of the evaluation.
- 4.21 Delegated authority is sought from Cabinet to enable the Executive Director of Children’s Services to enable the successful bidder to maximise the mobilisation time prior to the service commencing. The initial timetable would not have required this delegation, however as detailed above, the project team elected to have a short delay in publishing the tender opportunity, to ensure that the considerable officer time which is required in managing a tender process and evaluation was not wasted through going to market when the market was unable to adequately and appropriately respond.
- 4.22 A fully independent SENDIASS service will foster a growing local knowledge and skill base in the local families who access. This will lead to less conflicting views between the LA and parents, reduce tribunals, costs and time for families and the Local Authority. Any specific social value benefits that are realised through this procurement will be reported through the recommendation to award report to the Executive Director of Children’s Services.

Property implications

- 4.23 Office accommodation, furniture, telephones and ICT support will be required for the service from the Council. The office hours will be 9-5 p.m. There are no implications on any property in terms of security out-of-hours.

Health and wellbeing implications

- 4.24 Ensuring access to a suitable SENDIASS Service will provide children with SEND the appropriate educational provision, provide every child with the best start in life and enable all children, young people and adults to maximise their capabilities and have control over their lives.
- 4.25 As noted in our previous Ofsted inspection, easily accessible independent information within the Local offer and support in line with the SEND Code Practice is required. This independent service will provide this and benefit children with Special Educational Needs and their parents within Walsall.

Staffing implications

4.26 There are no HR implications. During the tendering exercise and award period, 2x temporary agency SENDIASS staff are delivering the service.

Reducing Inequalities

4.27 This activity specifically aims to reduce further impact of inequality experienced by children and young people missing education entitlement through exclusion and no Equalities Impact Assessment was required.

Consultation

4.28 Consultation was undertaken with Procurement, Finance, Legal, Education and Commissioning colleagues and any comments have been included in this report.

4.29 A group of parents of children with SEND are participants in the tender evaluation process and will provide their reflections on the strengths and weaknesses of each bidder's application. This added influence will be taken into account in determining a successful award.

5. Decide

The advantage to delegate the awarding of this contract will ensure local authority compliance and demonstrates that the Local Authority is putting sufficient resources towards the best method of meeting the needs of our SEND child and young person population.

6. Respond

The highest scoring tenderer will be awarded the contract and confirmed as the new service provider as the procurement process comes to a close. All future SENDIASS delivery will continue to be subject to quality assurance oversight and a range of key performance indicators and safeguarding monitoring procedures will be reported against on a quarterly basis.

7. Review

There will be quarterly monitoring meetings and reports with the contracted service provider to ensure quality and safe provision.

Background papers

Tender and Specification Documents (exempt information)

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Sally Rowe Executive Director
Children's Services
15 July 2020



Councillor Towe
Portfolio Holder – Education and Skills