



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 20 September 2016

**Committee:
Cabinet**

Date: Wednesday, 28 September 2016

Time: 12.30 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Cabinet

Malcolm Pate (Leader)
Steve Charmley (Deputy Leader)
Karen Calder
Lee Chapman
Simon Jones
David Minnery
Cecilia Motley
Malcolm Price
Stuart West
Michael Wood

Deputy Members of Cabinet

Peter Adams
Nicholas Bardsley
Gwilym Butler
Dean Carroll
Nic Laurens
Robert Macey
Robert Tindall

Your Committee Officer is:

Jane Palmer Senior Democratic Services Officer

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Email: jane.palmer@shropshire.gov.uk

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May 2015

AGENDA

1 Apologies for Absence

2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

3 Minutes (Pages 1 - 4)

To consider and approve the Minutes of the Cabinet meeting held on 14 September 2016.

Contact: Jane Palmer Tel: 01743 257712

4 Public Question Time

To receive any questions or petitions from members of the public, notice of which has been given in accordance with Procedure Rule 14. Deadline for notification for this meeting is 5.00pm on Friday 23 September 2016.

5 Scrutiny Items

To receive any scrutiny items from Council or any of the Scrutiny Committees.

6 Improved Swimming Facilities for Shrewsbury

Lead Member – Councillor Stuart West – Portfolio Holder for Leisure and Culture

Report of the Director of Place and Enterprise, **TO FOLLOW**

Contact: George Candler Tel: 01743 255003

7 Financial Strategy 2017/18 to 2019/20 (Pages 5 - 20)

Lead Member – Councillor Malcolm Pate - Leader of the Council and Portfolio Holder for Strategy, Financial Strategy, Budget and Business Plan.

Report of the Head of Finance, Governance and Assurance (Section 151 Officer)
(Appendix 3 to follow)

Contact: James Walton Tel: 01743 255001

8 Foster Care Payments Policy (Pages 21 - 46)

Lead Member – Councillor David Minnery – Portfolio Holder for Children and Young People.

Report of the Director of Children's Services

Contact: Karen Bradshaw Tel: 01743 254201

9 Update on Refugee Resettlement Programme and Unaccompanied Asylum Seeking Children (UASC) Transfer Programme (Pages 47 - 62)

Lead Member/s – Councillor David Minnery – Portfolio Holder for Children and Young People and Councillor Mal Price – Portfolio Holder for Planning, Housing, Regulatory Services and Environment.

Report of the Director of Adult Services

Contact: Andy Begley Tel: 01743 258911

10 West Mercia Energy Governance (Pages 63 - 84)

Lead Member – Councillor Malcolm Pate - Leader of the Council and Portfolio Holder for Strategy, Financial Strategy, Budget and Business Plan.

Report of the Head of Finance, Governance and Assurance (Section 151 Officer)

Contact: James Walton Tel: 01743 255001

11 Annual Health and Safety Performance Report 2015/16 (Pages 85 - 100)

Lead Member – Councillor Michael Wood – Portfolio Holder for Corporate Support

Report of the Head of Human Resources and Development

Contact: Michele Leith Tel: 01743 254402

12 Exclusion of the Public and Press

To resolve that in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.4.3 of the Council's Access to Information Rules, the public and press be excluded during consideration of the remaining items.

13 Community Energy (Pages 101 - 124)

Lead Member – Councillor Michael Wood – Portfolio Holder for Corporate Support

Report of the Director of Place and Enterprise.

Contact: George Candler Tel: 01743 255003

14 Exempt Minutes (Pages 125 - 126)

To consider and approve the exempt Minutes of the Cabinet meeting held on 14 September 2016.

Contact: Jane Palmer Tel: 01743 257712



Committee and Date

Cabinet

CABINET

**Minutes of the meeting held on 14 September 2016
In the Shrewsbury Room
12.30 pm – 12.50 pm**

Responsible Officer: Jane Palmer
Email: jane.palmer@shropshire.gov.uk Tel: 01743 257712

Present

Councillor Malcolm Pate (Chairman)
Councillors Steve Charmley (Deputy Leader), Lee Chapman, David Minnery,
Cecilia Motley, Malcolm Price and Michael Wood

34 Apologies for Absence

Apologies for absence were received from Councillors Karen Calder, Simon Jones and Stuart West.

35 Disclosable Pecuniary Interests

None were declared.

36 Minutes

RESOLVED

That the Minutes of the Cabinet meetings held on 13 July 2016 and 27 July 2016 be approved as correct records and signed by the Leader.

37 Public Questions

There were no public questions.

38 Scrutiny Items

There were no scrutiny items.

39 Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy

The Leader presented the report by the Head of Finance, Governance and Assurance – copy attached to the signed minutes. Cabinet agreed an amendment to the Policy proposed by the Leader so that the following paragraph be inserted into the Introduction:

'We are aware that people fall into arrears for a number of different reasons. We are conscious that some people fall regularly into arrears, and other people are in arrears for the first time due to losing employment for example. We are committed that everyone will be treated sensitively, fairly, and realistically. We would stress that this is a two way process and that taxpayers need to be confident enough to approach us and are willing to take steps to sort out their problems themselves, if we are going to have any chance of helping them.'

RESOLVED

- i) That the following paragraph be inserted into the Introduction of the Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy: 'We are aware that people fall into arrears for a number of different reasons. We are conscious that some people fall regularly into arrears, and other people are in arrears for the first time due to losing employment for example. We are committed that everyone will be treated sensitively, fairly, and realistically. We would stress that this is a two way process and that taxpayers need to be confident enough to approach us and are willing to take steps to sort out their problems themselves, if we are going to have any chance of helping them.'
- ii) That with this amendment, the Council policy for Debt Collection of Council Tax, Business Rates and Housing Benefit Overpayment set out in Appendix A be approved.
- iii) That the Council Policy for Debt Collection of Council Tax, Business Rates and Housing Benefit Overpayment should be reviewed every three years.

40 Quarter 1 Performance Report 2016/17

The Portfolio Holder for Corporate Support presented a report of the Performance Manager – copy attached to the signed minutes – presenting the Council's Performance against its key Outcomes for Quarter 1 2016/17. He explained that this would be the last time that the report would be presented in this format to Cabinet and that the new way of reporting would be introduced at Cabinet on 30 November.

He drew attention to areas of improvement and challenge. Improvements included the number of children looked after by the authority which continued to decrease, the percentage of people who are not readmitted to hospital within 91 days of discharge into reablement services, and increased attendance at Theatre Severn.

Areas of challenge were the number of people entering residential care which was more than profiled, and the number of people killed or seriously injured on roads which had seen an increase. These areas were being managed by the relevant service areas, although Cabinet noted that West Mercia Police had confirmed that the increase in people killed or seriously injured on roads was due to factors outside of the control of the Council.

RESOLVED

That the key underlying and emerging issues in the Quarter 1 Performance Report be noted.

41 Proposal to consult on the amalgamation of Hope CE Primary School, Worthen CE Primary School and St Marys CE Primary School, Westbury

The Portfolio Holder for Children and Young People presented a report by the Director of Children’s Services – copy attached to the signed minutes – on the proposal to consult on the amalgamation of Hope CE Primary School, Worthen CE Primary School and St Mary’s CE Primary School, Westbury.

He explained that the proposed amalgamation was a community led initiative, it was felt that this would be of benefit to pupils in the area and it was supported by the Local Member.

RESOLVED

That formal consultation on the proposal to amalgamate Hope CE Primary School, Worthen CE Primary School and St Mary’s CE Primary School Westbury in the academic year 2017/18, which will require the closure of the sites at Hope and Westbury and the enlargement of the current site at Worthen to accommodate the displaced pupils, be agreed.

42 Exclusion of Press and Public

RESOLVED

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.2 of the Council’s Access to Information Rules, the public and press be excluded during consideration of the remaining items.

Signed (Chairman)

Date:

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<u>Committee and Date</u>	<u>Item</u>
Cabinet	
28 September 2016	
12:30pm	<u>Public</u>

FINANCIAL STRATEGY 2017/18 – 2019/20

Responsible Officer James Walton

e-mail: james.walton@shropshire.gov.uk Tel: 01743 255011

1. Summary

This report is the third financial strategy report in 2016/17 and provides an update on the Council's proposals to manage its financial position for 2017/18 and beyond.

Our approach is to manage the considerable uncertainty in Local Government Finance by ensuring we understand long term consequences of decisions we take at a local level in the short term. The uncertainty in finances shows no sign of resolution in the short to medium term. Clarity on the implications for Local Government, and Shropshire Council, of 100% local business rate retention, changes in responsibilities including Academisation, devolution and the EU Referendum decision will not be forthcoming for some time yet. Our plan, therefore, is to continue to refine the Council's Sustainable Business Model and work towards its delivery over the medium to long term, understanding that this plan is currently modelled on many assumptions and unknowns, including the uncertainty already described.

In the meantime, we will continue to review every available option to deliver a balanced budget in the short term, taking account of the implications of these short term decisions over the medium term. This approach will enable our planning to take into account future uncertainties as they begin to be resolved and clarity is provided.

The plan over the short to medium term, therefore, is to balance the delivery of a sustainable financial model for the Council (i.e. balancing the books) against the necessity to deliver strong and valued local services (i.e. meeting needs). We plan to achieve this by delivering on-going reductions in our spending in areas that we consider are achievable and acceptable, and to mitigate against other reductions and cuts in the short term by utilising one-off resources.

The Financial Strategy will continue to be developed within the Council's wider strategic ambitions as set out in the emerging Draft Corporate Plan as approved by Council on 21 July 2016. Future iterations of the Financial Strategy will be

built around the Corporate Plan framework. Proposals developed within this framework will identify performance proposals formulated alongside financial targets within the following high level outcomes:

- Healthy People
- Resilient Communities
- Prosperous Economy
- Operation of the Council

2. Recommendations

It is recommended that members:

- A. Agree and recommend to Council the use of Core Grants and other short and medium term resources to provide a balanced budget for 2017/18 and reduced funding gap in 2018/19 (as set out in Table 3)
- B. Note that to achieve a balanced budget without further Red RAG Rated Savings proposals being implemented will require the allocation of over £34m of short and medium term proposals over two financial years which will not reduce the size of the core funding gap in future years (still requiring £28.7m of base budget savings by 2019/20).
- C. Note that further work is being progressed over the next 12 months to deliver a Sustainable Business Model for the Council to close the Core Funding Gap and deliver a financially self-sufficient Council in the medium to long term.

REPORT

3. Risk Assessment and Opportunities Appraisal

3.1. The development and delivery of the Council's Financial Strategy is the key process in managing many of the Council's strategic risks. The opportunities and risks arising are assessed each time the document is refreshed for Cabinet consideration. The Council's Strategic Risks are reported separately, but the Financial Strategy makes specific reference to the Council's ability to set a sustainable budget (the highest of the Council's key strategic risks). Other risks associated with or mitigated by the setting of an approved Financial Strategy are listed below:

- ICT Provision
- ICT Digital Transformation
- Statutory Duties
- Future Funding Levels

Financial Uncertainty

- 3.2. There is a significant risk that the Council's financial position will impact on service delivery, both statutory and non-statutory in future years. It is still unclear as to the extent of this impact as a great deal of work, including consultation where necessary, is required to move from the production of savings proposals to actual changes in service delivery seen on the ground. Nevertheless, we will continue to identify proposals for service reductions that are necessary to deliver a balanced budget over the medium term. This approach needs detailed consideration to ensure the Council is not placed at risk of being unable to deliver statutory functions to an appropriate quality or being unable to meet the needs of the most vulnerable. The impact of the Finance Settlement (Provisional in mid-December 2016, Final in early February 2017) and the Autumn Statement (confirmed for 23 November 2016) is unknown at the present time, but could have a bearing on our medium term plans and also our ability to deliver a Sustainable Business Model in the longer term.
- 3.3. The Final Local Government Finance Settlement provided details for the financial years 2016/17 to 2019/20. The figures beyond 2016/17, however, may be subject to variations in future settlements and this may depend on whether the Council accepts the Governments offer of a multi-year settlement. Given the increased uncertainty associated with the EU Referendum result, 100% business rate retention, changes in responsibilities and devolution, it would appear prudent to accept this offer.
- 3.4. The Financial Strategy is based upon delivery of a balanced budget over the Medium Term. Each year the delivery of services and savings proposals is monitored and reported to Cabinet on a quarterly basis. The impact of significant additional pressures (for example, demographic pressures in Adult Services) and the non-achievement of savings proposals impact not only on the relevant financial year, but also in future years of the Strategy. In previous years there has been an ability to freeze spending elsewhere in the budget to compensate for these pressures. In the future, there is a significant risk that there will be insufficient controllable budgets left in the Council to mitigate pressures appearing elsewhere. This may mean that reserves held for emergencies instead become relied upon to cover known pressures. If reserves are depleted in this way, the Council's funding position will become unsustainable.
- 3.5. Detailed work has been undertaken to revise the growth projections for Adult Services. This work is influenced by numerous variables which are often non controllable. Each of these issues can lead to uncertainty in the

base data or assumptions which are then extrapolated. If the pressure in Adult Services in future years is understated this would lead to short term decision making to deliver a balanced budget. If this pressure is over stated in future years, this would lead to decisions being taken elsewhere in the Council's budget that may have been unnecessary. The risk of continued budget variances in this area have been reduced by allocating additional resources to model future spend projections and by attempting to model and identify all variables. Spending on Adults Services, however, still represents the Council's greatest risk area in terms of potential budget overspends. For this purpose, it is proposed to introduce a 'contingent budget' to reduce the risk of major variation in the short term. Additionally, the decision to utilise short-term resource in the following two financial years to mitigate and delay the impact of service reductions across the Council will enable greater time for assurance from the modelling in Adult Services Finances to be gained.

- 3.6. Setting the Financial Strategy and agreeing the detailed changes necessary to deliver the agreed budget for the next financial year, will take into account the requirements of the Human Rights Act, any necessary environmental appraisals and the need for Equalities Impact Needs Assessments and any necessary service user consultation.

4. Savings in the current financial year, 2016/17

- 4.1. The monitoring of expenditure and income and the achievement of savings targets in 2016/17 will be reported to Cabinet as part of the Quarterly Monitoring Reports to Cabinet.
- 4.2. The Quarter 1 Monitoring report was taken to Cabinet on 27 July 2016 including the following notable points:
- The projected outturn is an overspend of £1.362m, which includes savings pressures of £1.333m, one off pressures of £1.942m and on-going monitoring pressures of £2.592m all offset by alternative savings and resources of £4.505m
 - Management action will now be instigated to attempt to bring the budget back into balance but, when considering the size and complexity of the Council's overall budget, delivery of such an outturn would be considered a 'reasonable variance'
 - The projected General Fund Balance as at 31 March 2017 is £17.008m
 - Of the £23.054m savings proposed for the year, £18.811m (82%) have been delivered and rated as 'Green'. Slightly over 5% are currently rated as 'Red'.

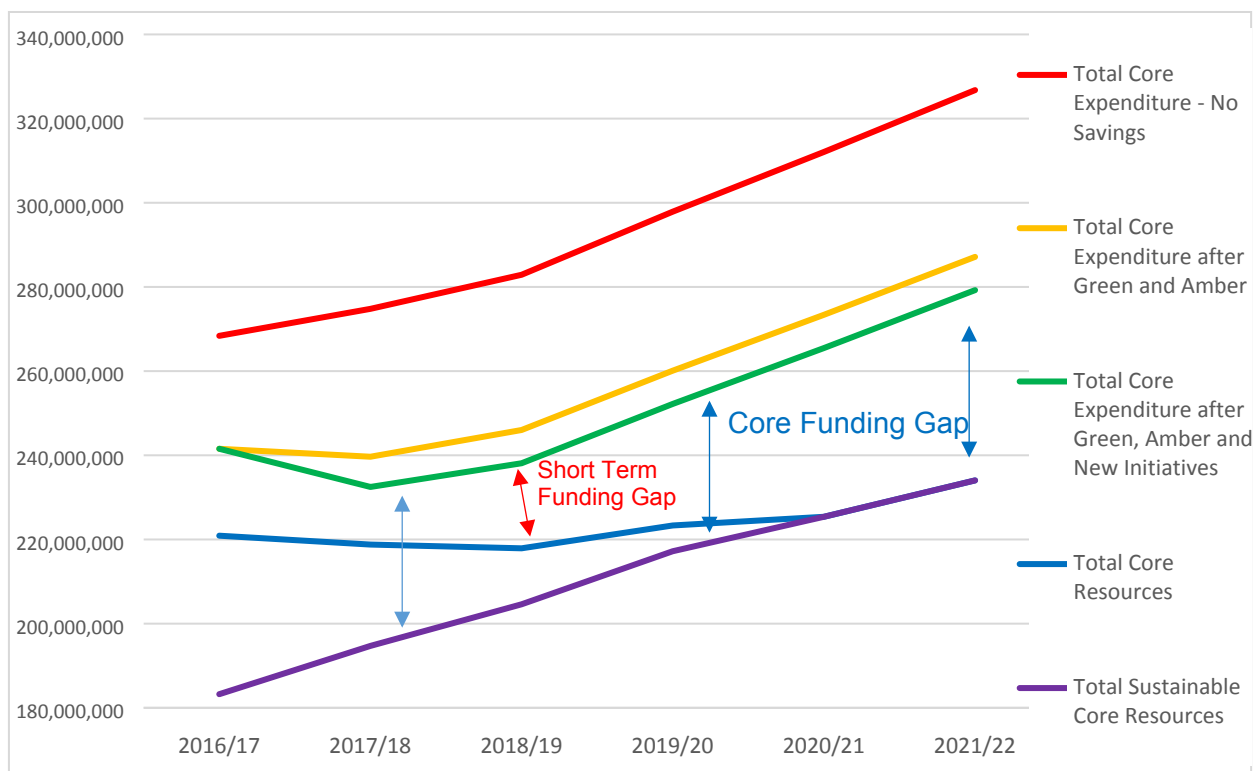
- 4.3. The projections for 2017/18 and 2018/19 currently assume all savings agreed for 2016/17 are achieved. Any underachievement of 2016/17 savings or additional pressures with ongoing financial implications will need to be adjusted for in the Council's future projections of expenditure.

5. Development of the Financial Strategy 2017/18 to 2018/19

- 5.1. Cabinet received four financial strategy reports throughout 2015/16 setting out the budget position for the Council over the three-year period of the Medium Term Financial Plan, 2016/17 – 2018/19.
- 5.2. The savings proposals required to balance the 2016/17 Financial Year were agreed by Cabinet on 17 February 2016 and this report also set out the parameters for the budget in the following 2 years, 2017/18 and 2018/19.
- 5.3. On 27 January 2016 a Financial Strategy report was considered by Cabinet setting out proposals to deliver a balanced budget over the medium term planning horizon. These proposals included 'Green' and 'Amber' savings of £11.2m. In addition, the report identified £22.2m of 'Red' RAG Rated savings over the years 2017/18 and 2018/19 that required the significant reduction or potential de-commissioning of a substantial number of services across the Council.
- 5.4. Work was undertaken over the spring and early summer to review the Green and Amber savings with a view to implementation, if possible, ahead of schedule in 2016/17. Furthermore, the Red rated savings were revisited to identify what proportion of these could be delivered without serious detriment to the service involved. Finally, new proposals and other corporate initiatives were considered. Altogether this work identified a revised set of proposals that could be taken forward in the short term that would deliver on-going savings within acceptable service delivery standards.
- 5.5. On 21 July 2016 Council approved the savings identified which amounted to £18.649m in base budget. A number of these proposals could be implemented ahead of the dates initially scheduled, leading to additional (short-term) savings in 2016/17 and 2017/18.
- 5.6. The outcome of the work undertaken and the approval of the Financial Strategy by Council in July was that a funding gap still remained in the financial years 2017/18 onwards, and this gap was due to grow from £13.7m in 2017/18 to £28.7m in 2019/20.

- 5.7. Chart 1 below sets out the modelled position for Shropshire Council looking forward to 2021/22 as considered by Council on 21 July 2016. The position, as far as we are able to estimate, is that the Council has a significant funding gap that continues to grow into the future. The red line on the graph identifies projected spend before savings proposals were identified and approved by Cabinet and Council. After the application of savings proposals agreed pre-July 2016 the red line moves down to the amber line on the graph. Further proposals agreed at Council on 21 July 2016 reduces the gap, moving the amber line down to the green line.
- 5.8. The purple line on the graph shows the underlying sustainable funding projected for the Council. The blue line takes account of funding from non-sustainable sources (RSG, Transition Grant and improved RSDG).
- 5.9. The core funding gap that needs to be solved by the Council is demonstrated on the graph as the difference between the purple and green lines – this is £13.69m in 2017/18 growing to £45.2m in 2021/22. This position would be improved with confirmation that all grants contained within Core Funding were to continue indefinitely.

Chart 1: Growth Model for Shropshire Council 2016/17 to 2021/22



5.10. Proposals to close the short-term funding gap through to 2018/19 are set out in Section 8 below. Table 1 sets out the remaining timetable for this financial year.

Table 1: Timetable - 2017/18 and 2018/19 Budget

Date	Group	Details (subject to available information e.g. Settlement)
26 September 2016		Closing date for Consultation Responses: <ul style="list-style-type: none"> - Self-Sufficient Local Government: 100% Business Rate Retention - Business Rate Reform: Call for Evidence on Needs and Distribution
28 September 2016	Cabinet	Receive copy of consultation responses to Central Government. Agree and recommend to Council <ul style="list-style-type: none"> - Proposals to balance 2017/18 and 2018/19 budget using one-off funds and short term proposals, that will not contribute to closing the Core Funding Gap.
9 November 2016	Cabinet	Receive Revenue and Capital Monitoring Reports for Quarter 2 2016/17. Consider latest information on Resource and Expenditure Projections and savings for 2017/18 and 2018/19 as necessary
23 November 2016		Chancellor of the Exchequer Autumn Statement due
15 December 2016	Council	Approve Proposals to balance 2017/18 and 2018/19 budget using one-off funds and short term proposals, that will not contribute to closing the Core Funding Gap.
21 December 2016	Cabinet	Consider latest information on Resource and Expenditure Projections and savings for 2017/18 and 2018/19 - subject to the Council receiving the Provisional Local Government Finance Settlement.
8 February 2017	Cabinet	Agree 2017/18 Budget for approval by Council including all 2017/18 Savings and any 2018/19 savings which can be agreed.
23 February 2017	Council	Approve 2017/18 Budget

6. 2017/18 and 2018/19 Revised Projections of Resources and Expenditure

- 6.1. There has been one substantial amendment to the projections of resources and expenditure approved by Council on 21 July 2016. This amendment increases the funding gap in 2017/18 by £2m due to a twelve-month delay in the implementation of one saving proposal as described in paragraph 6.2 below. The funding gap returns to the previously reported level, however, in 2018/19 as shown in Table 2 below.
- 6.2. Following discussions with DEFRA, it has become clear that implementation of a subscribed garden waste service will now not be practical before Spring 2018. It is, therefore, necessary to delay the associated saving until at least the 2018/19 financial year. DEFRA have notified Shropshire Council that they will wish to carry out a review of the project and the PFI funding arrangements currently in place before ministers take a decision on whether to reduce the associated Waste Infrastructure Credits that are paid to Shropshire Council. Before this review can be carried out, Shropshire Council and Veolia will need to work up detailed proposals for submission to DEFRA, and the process of submission and DEFRA review may take several months. Following DEFRA's decision on any reduction to the current Waste Infrastructure Credits, Shropshire Council will then assess the net financial benefit of the proposed scheme in order to agree next steps.

Table 2: Resource and Expenditure Projections 2017/18 to 2019/20

	2016/17	2017/18	2018/19	2019/20
	£	£	£	£
Resources	568,865,018	563,198,776	559,272,590	562,078,935
Expenditure	<u>589,515,376</u>	<u>579,588,531</u>	<u>579,483,279</u>	<u>590,739,832</u>
Gap- in year	<u>-20,650,357</u>	<u>-16,389,756</u>	<u>-20,210,689</u>	<u>-28,660,897</u>

7. Balancing 2017/18 and 2018/19 Budget

- 7.1. The Financial Strategy was approved by Council on 21 July 2016 setting out savings proposals to balance the budget for the period 2016/17 to 2018/19. A core funding gap still remained in the financial years 2017/18 onwards, and this gap was due to grow from £13.7m in 2017/18 to £20.2m in 2018/19. In addition to this the cost of the election has been included within the 2017/18 of £700,000, and the impact of a delayed saving to extend the funding gap to £16.4m in 2017/18 and this is then reversed out in 2018/19 to maintain the gap of £20.2m. As no further proposals were being taken forward at this time to manage this funding gap on an on-going

basis, it was anticipated that the funding gap would grow to £28.7m by 2019/20, and continue to grow in future years.

- 7.2. Over the summer period officers and Members have considered options for the closure of the funding gap in 2017/18 and 2018/19 utilising one-off and short term resources. To meet this requirement £36.6m of resource needed to be identified. Table 3 below sets out the proposals identified to deliver a balanced budget over the medium term (to 2018/19). Due to the recent identification of a delay in delivering a £2m saving from 2017/18 to 2018/19 it has not yet been possible to identify a balanced budget over two years. It has been possible to re-phase one-off resources to ensure that the 2017/18 financial year remains balanced, but this only manages to shift the £2m gap back to 2018/19 and further work will be necessary to find a balance for this over the autumn period.

Table 3: Short Term Proposals to deliver a balanced budget in 2017/18 and 2018/19

	2017/18 (£'000)	2018/19 (£'000)
Funding Gap	(16,390)	(20,211)
Use of One-Off Grants (Including Core Grants):		
Rural Services Delivery Grant (Settlement)	(2,858)	(4,083)
Improved RSDG (Final Settlement)	(2,450)	0
Transition Grant	(586)	0
New Homes Bonus	(4,270)	(783)
Improved Better Care Funding	(217)	(4,329)
Applying existing savings proposals that can be achieved more quickly and therefore brought forward	(890)	(9)
Delivering anticipated and managed underspends	(960)	0
Freeing up of earmarked reserves	(4,160)	(1,011)
Allowing for collection fund adjustments	0	(2,100)
Carrying forward unapplied Adult Services Contingent Budget	0	(2,500)
Use of Redundancy Reserve and fund instead through powers to use Capital Receipts for Revenue	0	(3,395)
	(16,390)	(18,211)

- 7.3. It is important to note that should any of the base budget savings proposals already approved by Council not be progressed this will result in the core funding gap increasing, reducing the Council's sustainability and requiring identification of further one-off funds to temporarily balance the budget.
- 7.4. The outcome of our approach, however, is that the majority of the proposals put forward in February 2016 which had been RAG Rated as Red savings proposals will not have to be delivered for the 2017/18 financial year. In practice this means that the majority of these proposals will not need to be considered for implementation until 1 April 2018. Unfortunately, due to the remaining uncertainty over the budget, and the funding gap of £2m that remains in 2018/19, it is not possible to consider a delay beyond the 1 April 2018 date at the present time.
- 7.5. The Financial Strategy assumes a 3.99% Council Tax increase in every year going forward. This is presumed to be the maximum increase allowed without having to hold a referendum. If this planning assumption were changed, the core funding gap would alter accordingly.
- 7.6. Shropshire County Pension Fund undergoes an actuarial valuation on a three-year cycle, the latest exercise being undertaken as at 31 March 2016. The results of this valuation are due to be available later in the year for implementation within the financial years 2017/18 to 2019/20. The previous valuation, as at 31 March 2013, estimated that the pension fund was 76% funded and a 25 year recovery period was approved for repayment of the estimated deficit. A deficit repayment budget had previously been established within Shropshire Council's base budget alongside employer's contribution budgets for all staff within the Pension Scheme. No significant overall amendments were necessary to these budgets in the previous Financial Strategy as a result of the 2013 valuation (i.e. from financial years 2014/15 to 2016/17 and this has enabled savings to be delivered against our original assumptions). Once the current 2016 valuation results are known, it will be possible to understand the implications for the Council's budget requirements from 2017 onwards. At this stage no base budget adjustment has been built into the Financial Strategy for an increase or reduction in contributions to the Pension Fund over the medium term financial planning period (2017/18 to 2019/20). As a contingency, however, and ahead of 2016 valuation results being built into base budget within a revised Sustainable Business Model established from 2019/20 onwards, short-term resource (based on internal estimates) has been ring-fenced for the financial years 2017/18 and 2018/19. This approach should ensure there are no short-term, unintended consequences as a result of pressure

to increase Council contributions to the Pension Fund. Should this contingency not be required, it would be freed up to help provide investment funds or enable further phasing of savings proposals from 2017/18 onwards.

- 7.7. Through the establishment of a Council Corporate Plan, the authority will set out its strategic direction and establish a roadmap to deliver its priority outcomes for Shropshire. The Financial Strategy will sit alongside the Corporate Plan and identify the financial implications and approach to its delivery. The Corporate Plan is currently in its initial draft state and medium term action plans, to help deliver priority outcomes, are being established and refined. This work will continue into the next financial year and, by necessity, will be guided by the next Council elections in May 2017. In addition, the plan will need to consider increased clarity around national fair funding and 100% local business rate retention, once this becomes available.
- 7.8. In the meantime, officers of the Council will continue to refine the Corporate Plan as well as update and refresh complimentary strategy documents to ensure they fit with the local and national picture as it develops over the next 12 to 24 months. This work will focus on the following key themes which underpin the current agreed direction for the Council:
- Understanding and reducing growth in Adult Services spend. This will involve close alignment of our work with our partners, maximising prevention initiatives and exploiting technology development. Adult Services will continue to be our biggest financial pressure and our largest single expenditure area in the future. For this reason, these services must remain our priority, ensuring we manage the provision we commission and the resources we deploy appropriately.
 - Developing a commercial culture within the Council. Many lessons have been learnt over recent years and opportunities to review the entire Council culture and approach to service delivery will be taken over the next 18 months.
 - Working with our partners in Town and Parish Councils to consider future provision of services with a view to safeguarding or enhancing local delivery. A change in approach, as requested by our partners, was signalled in the July 2016 Financial Strategy. This change focussed on short-term resource identification, in-line with Government recommendations and their funding approach, and thereby ensured more time would be available to enable a more considered approach to this process. The added benefit of this

approach is that future decisions will be based on a better understanding of national changes to funding methodology. For example, a successful outcome for Shropshire in relation to the way in which Adult Services is funded nationally could create a more viable environment for the continuation of other, non-statutory services, in whatever form they are delivered.

- Development of a new Asset and Capital Strategy for the Council, linking the community benefits of a revised capital programme to focus on two key themes; return on investment and revenue impact. Rationalisation of our estate, and relating this to the Council's emerging Digital Strategy, will enable appropriate capital development funding to be established and maximum benefit derived from the assets we hold into the future.

- 7.9. A balance must be struck between making decisions purely on a financial basis which may have unintended and unwanted operational impacts on service delivery; or instead focussing entirely on our ambitions to deliver quality and valued services which we do not have the funding to provide on a sustainable basis in the longer term.
- 7.10. Our approach is to acknowledge our financial position, try to minimise short-term decision making on a purely financial basis and create the conditions to enable the Council to meet as many of its key strategic outcomes in the long term, within a self-sufficient financial model. In practice, this means using one-off funding in the short to medium term to enable the time and space to deliver a Sustainable Business Model in the longer term.
- 7.11. A consultation has been launched by Central Government entitled Self-sufficient local government: 100% business rates retention. The closing date for this consultation is 26 September 2016 and is still being finalised at the time of writing this report. As a consequence, the Council's response will be added as an Appendix to this report, but will be sent out to follow the main report.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Financial Strategy 2017/18 - 2018/19 – Cabinet 18 May 2016

Financial Strategy 2016/17 – 2018/19 – Cabinet 17 February 2016

Cabinet Member (Portfolio Holder)

Malcolm Pate

Local Member

All

Appendices

Appendix 1 – Resource Projections

Appendix 2 – Expenditure Projections

Appendix 3 – Consultation Response (To Follow - Due 26 September 2016)

Appendix 1

Projections of Resources - 2016/17 to 2019/20

	2016/17 FINAL £	2016/17 SEPT £	2017/18 SEPT £	2018/19 SEPT £	2019/20 SEPT £	Notes
RSG	31,565,931	31,565,931	20,447,511	13,301,166	6,119,050	As in the Local Government Finance Settlement, Final 4 February 2016.
Business Rates Allocation						
Locally Retained Business Rates	38,746,737	38,746,737	39,447,278	40,160,485	40,886,586	Estimate from NNDR1 form for 2016/17 - 49%. Future years , growth of 0.8% and multiplier increase of 1% pa
Estimated Reduction in BRs from Budget Announcement (see below s31 Grants)			-3,860,000	-3,860,000	-3,860,000	
Top up Grant	10,119,908	10,119,908	10,318,949	10,623,367	10,962,908	As in the Local Government Finance Settlement, Final 4 February 2016.
<i>Council Tax taxbase</i>	<i>104,912.48</i>	<i>104,912</i>	<i>105,752</i>	<i>106,598</i>	<i>107,451</i>	<i>Taxbase increase 0.8% pa</i>
<i>Council Tax</i>	<i>1211.19</i>	<i>1211.19</i>	<i>1259.52</i>	<i>1309.77</i>	<i>1362.03</i>	<i>3.99% increase per year</i>
Council Tax Income	127,068,947	127,068,947	133,196,482	139,618,587	146,350,900	
Council Tax Collection Fund	2,987,003	2,987,003	500,000	500,000	500,000	
Business rates Collection Fund	-5,961,407	-5,961,407	-500,000	-500,000	-500,000	
Net Budget	204,527,118	204,527,118	199,550,220	199,843,605	200,459,444	
Grants included in Core Funding						
Improved Better Care Fund			216,823	4,328,805	8,153,519	
New Homes Bonus	9,219,280	9,219,280	9,269,560	5,783,460	5,544,780	
Rural Services Delivery Grant	6,573,303	6,573,303	5,307,636	4,082,797	5,307,636	
Transition Grant	575,652	575,652	585,686	0	0	
s31 Business Rates Grants			3,860,000	3,860,000	3,860,000	
	16,368,235	16,368,235	19,239,705	18,055,062	22,865,935	
Core Funding	220,895,353	220,895,353	218,789,925	217,898,667	223,325,379	
<i>Excluding Collection Funds for smoothing</i>	<i>223,869,757</i>					
Local Income						
Fees and charges	60,900,260	65,394,230	62,132,906	63,209,935	64,414,281	
Other Grants and contributions	32,619,780	32,594,170	32,594,170	32,594,170	32,594,170	
Specific Grants (excluding Core Funding Grants above)	239,871,115	238,527,565	238,228,075	234,116,118	230,291,405	
Internal Recharges	11,090,250	11,453,700	11,453,700	11,453,700	11,453,700	
Total Income outside of Core Funding	344,481,405	347,969,665	344,408,851	341,373,923	338,753,556	
Gross Budget	565,376,758	568,865,018	563,198,776	559,272,590	562,078,935	

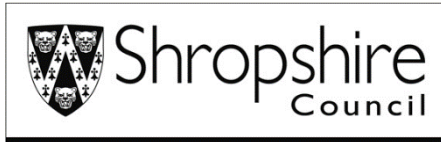
Appendix 2

Projections of Expenditure - 2017/18 and 2018/19

	2016/17 FINAL £	2016/17 ADJUSTED £	2017/18 JULY £	2017/18 SEPT £	2018/19 JULY £	2018/19 SEPT £	2019/20 JULY £	2019/20 SEPT £
Original Gross Budget Requirement	576,378,810	576,378,810	589,515,376	589,515,376	576,888,531	579,588,531	579,483,279	579,483,279
Inflationary Growth								
PAY	1,991,292	1,991,292	1,361,007	1,361,007	1,166,054	1,166,054	996,311	996,311
PRICES	5,006,995	5,006,995	1,861,804	1,861,804	1,669,604	1,669,604	1,717,763	1,717,763
Pensions	0	0	0	0	0	0	0	0
Demography	21,877,515	21,877,515	824,076	824,076	6,999,013	6,999,013	7,556,318	7,556,318
National Government Policy changes								
NI	2,000,000	2,000,000						
Minimum Living Wage (included in pay and prices for adjusted)	1,000,000	1,000,000						
Apprenticeships	500,000	500,000						
Debt charges	1,000,000	1,000,000						
Elections				700,000		-700,000		
Grant loss/ grant rolled into Base funding	1,970,870	1,970,870						
Specific Grants Changes between years	2,492,253	2,492,253	-1,288,024	-1,288,024	-5,296,603	-5,296,603	986,161	986,161
Income Changes	-10,079,103	-10,079,103						
All other changes in 2016/17	-7,236,317	-7,236,317	2,084,336	2,084,336				
Adjustment to Gross budget offset by Income changes		3,488,260						
Add Savings carried forward from 2015/16 to be achieved		15,961,130						
Deduct ongoing Savings - 2016/17		-26,836,330						
Deduct ongoing Savings - 2017/18			-7,762,349	-5,762,349				
Deduct ongoing Savings - 2018/19					-901,078	-2,901,078		
Adjust for Reduction to offset income reduction			-444,000	-444,000	-320,242	-320,242		
Corporate Base Budget Savings			-5,868,481	-5,868,481				
Red Savings Deliverable			-2,729,213	-2,729,213	-590,000	-590,000		
New Savings Proposals			-666,000	-666,000	-132,000	-132,000		
	596,902,316	589,515,376	576,888,531	579,588,531	579,483,279	579,483,279	590,739,832	590,739,832

Appendix 3

To Follow



<u>Committee and Date</u>	<u>Item</u>
Cabinet	
28 th September 2016	
	<u>Public</u>

Foster Carer Payments Policy

Responsible Officer Karen Bradshaw
e-mail: Karen.bradshaw@shropshire.gov.uk Tel: 01743 254201 Fax:

1. Summary

- 1.1 This report sets out a proposal to change the fees and allowances structures paid to approved Shropshire foster carers including Family and Friends (Connected Persons) carers who care for Shropshire Looked After Children (LAC) through a revised Payment Arrangements for Foster Carers policy.
- 1.2 The policy aims to ensure that the Council retains and recruits sufficient foster carers to meet the needs of the looked after children in the county and to compete effectively with Independent Foster Care Agencies
- 1.3 The policy also reduces our risk of challenge or judicial review in relation to the payment of family and friend (connected person) carers as the proposed fee structure takes into account previous court judgments and current regulations relating to Family and Friends Carers. Shropshire family and friends foster carers have not historically attracted or received a fee for caring for LAC. This is because unlike other foster carers who are specifically recruited and assessed to care for any child, family and friends foster carers only care for specific children to whom they are related or connected.
- 1.4 However, recent regulations and regulatory standards state there should be equity of provision and entitlement for all approved foster carers, irrespective to whether they are related or unrelated. 'Care Planning, Placement and Case Review Regulations' (2010 and updated June 2015). This is also supported by recent legal challenges (Tower Hamlets and Manchester)

- 1.5 The proposed new policy supports a payment structure that is available to all approved foster carers.

2. Recommendations

- 2.1 Cabinet is recommended to:
 - a) Approve the proposed new policy: "Payment Arrangements for Foster Carers" and for it to take effect as from the 1st April 2016.
 - b) Review and note the potential financial pressure associated with this change in policy.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The current policy is not compliant with recent statutory guidance or points of case law in that previous policy could be open to challenge including judicial review. Legal advice including advice from Counsel was sought when constructing the proposed policy to ensure compliance and reduce the risk of challenge.
- 3.2 This policy change seeks to address points of compliance and to take into account the risk to our current policy around the payment of Family & Friends (connected person) carers being open to challenge/judicial review as regulations state there should be equity of provision and entitlement. "It is not acceptable to discriminate against foster carers on the basis that they have a pre-existing connection with the child they are fostering"

4. Financial Implications

- 4.1 The previous payment arrangements for foster carers did not include an ability for Family and Friends (Connected Person) Foster Carers to access the fee element of the payment arrangements for foster carers, nor did it allow access to a range of allowances such as festival, birthday and holiday allowances.
- 4.2 As noted above, the proposed policy takes into account previous court judgments and current regulations relating to Family and Friends carers. The new structure incorporates the requirements of the Care Planning and Case Review Regulations 2010, which states that, Family

and Friends (Connected Person) carers approved under these regulations will be entitled to the same support and services, including any fees and allowances payable/available within the relevant fostering provider/local authority scheme to unrelated local authority foster carers. Also [Regulation 28.7, National Minimum Standards](#) for Fostering which says “*Criteria for calculating fees and allowances are applied equally to all foster carers, whether the foster carer is related to the child or unrelated, or the placement is short or long term*”

- 4.3 This change in policy will effect 45 (as of 1st August 2016) existing approved connected person households (65 children) and will create a budget pressure of approximately £155,924.00 in back pay and projected spend to those households for the period 1st April 2016 – 31st March 2017. It will also affect any connected person approved fostering household going forward.

5. Background

- 5.1 Local authorities are responsible for Looked After Children. Where a child is placed in foster care, the cost of caring for the child is paid to the foster carer in the form of a fostering allowance.

- 5.2 The requirement for local authorities to be responsible for this is underpinned in the following legislation:

- ✚ Children Act 1989
- ✚ Children Act 2008
- ✚ Fostering Regulations 2011
- ✚ Family & Friends Guidance 2011
- ✚ Children Leaving Care Act 2000
- ✚ Care Planning and Placement Review Regulations 2013
- ✚ Fostering National Minimum Standards 2011

- 5.3 Local Authorities are also responsible to set out their payment scheme to foster carers and review this annually and for these to take effect from the 1st of April each year. Shropshire’s payment scheme is based on the payment for skills principles recommended by the Fostering Network, and the new Standards for Foster Care developed by The Training, Support and Development Standards to ensure that all foster carers receive induction, training, support and Continuing Professional Development (CPD).

- 5.4 The Fostering Network has provided additional guidance in relation to foster care payment arrangements up to and including 2015 \16 financial year end but no longer provided this advice from the 1st April 2016. This advice was used as a basis for our fostering allowance rates (and for sister authorities across the West Midlands) for the last 5 years up to and including in 2015\16. When considering our payment scheme checks are also made with central government which sets out **minimum** weekly allowance.

5.5 Shropshire Council's weekly allowances 2016 to 2017 (below) are the same as they were in 2015 \16 following the recommended rates from Fostering Network.

Age	Recommended Weekly Allowance	Daily Basic
0 - 4	£142.86	£20.41
5 - 10	£162.73	£23.24
11 - 15	£202.58	£29.84
16 +	£246.44	£35.20

5.6 The new policy sets out a fees structure that is available to all who meet the specified criteria. The payment arrangements for foster carers are made up of two weekly component: the recommended weekly allowance and a skills payment as well as annual allowances for birthdays, festivals and holiday.

5.7 As a minimum all carers will start at level 1 to reflect the role, expertise and skills required to care for any child for whom they are not the birth parent. (See Appendix 1 for details on levels and criteria pages 6 and 7)

Skill Level	Weekly payment
One	£58.00 per week
Two	£115.00 per week
Three	£225.00 per week
Exceptional Skills	£250.00 for 1 x 3 month period of exceptional achievement

5.7 Carers may be approved as carers for specified children (for example single or long term placement, or connected persons), or carers for non-specified children who are expected to take potential multiple placements. Carers of specified children will only ever care for the children who are already placed with them and will be expected to undertake the same training requirements and care planning duties as carers of non-specified children.

5.8 To progress from Levels One, to Two and Three the competencies set out will need to be clearly evidenced from the supervising social worker that the skills and experience are required, alongside the demonstration by the carer themselves in the care provided.

5.9 For those assessed as carers for specific children the skill level will be identified in the connected person assessment prior to approval by fostering panel as carers and will take into account the needs of the connected child. This skill level will be subject to review through the annual review process as detailed in the policy.

6. Additional Information

- 6.1 Foster carers are paid a basic weekly allowances in order to care for the child placed with them plus additional annual allowances such as holiday, festival and birthday allowances and a weekly recruitment \ retention or **skill level** fee. As a fostering agency we are required to set out our arrangements for payment to foster carers and to set out our arrangements in relation to Family and Friends (Connected Persons) carers.
- 6.2 Family and Friends (Connected Persons) foster carers are required to comply with regulations the same as any other carer, and “will be entitled to the same support and services, including any fees and allowances payable/available within the relevant fostering provider/local authority scheme to unrelated local authority foster carers.” *The Children Act 1989 guidance and regulations - Volume 2: care planning, placement and case review*

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

[Fostering Services National Minimum Standards](#)

[Family and Friends Care: Statutory Guidance for Local Authorities](#)

[The Children Act 1989 guidance and regulations - Volume 2: care planning, placement and case review](#)

Cabinet Member (Portfolio Holder)

David Minnery

Local Member

All Members

Appendices

Appendix 1 Policy document, Payment Arrangements for Foster Carers

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Shropshire Council Safeguarding

Children's Placement Service

Payment Arrangements for Foster Carers

1) Introduction

This document outlines the scheme for payment to foster carers offering family-based care to Shropshire children.

The arrangements outlined in this document represent a continued commitment to family-based care and a real attempt to recognise the skills and expertise of carers and reward them accordingly. It is also an attempt to reinforce the fair and transparent payment structure coupled with the Council's commitment to continue paying Fostering Network's recommended allowances and represents a realistic reward structure given the pressures on the public purse in 2015.

We believe that not only does the scheme afford carers the status they deserve by introducing a process whereby their expertise can be measured, but also raises the profile of family-based care in Shropshire and therefore renders us more effective in the area of carer retention and recruitment.

More importantly, by constantly striving to increase the skill base of all our foster carers we should see a consequent improvement in placement stability leading to better outcomes for Shropshire's looked after children.

The scheme is only available to foster carers approved by, and registered with, Shropshire Council. It is designed to recognise the range of skills and experience that carers and prospective carers possess, as well as the time and commitment involved in caring for children who are looked after by this Authority.

The scheme includes all approved foster carers except for those providing Supported Board and Lodgings, whose payments have been considered elsewhere.

2) Standards and Levels of Payment

Foster Care child allowances and Payment for Skills rates are reviewed annually. However, there cannot be a guaranteed increase in fees each year. New payment rates are circulated to all foster carers the beginning of each new financial year and are determined following a period of consultation in accordance with paragraph 28.3 of the Fostering Services: National Minimum Standards.

There will be 3 levels of skills payment, all of which involve payment of a fee in addition to the child allowance.

3) Outline of the Scheme

The basis of the scheme is that carers will be paid by reference to their skills, and consideration to the problems presented by individual children placed with them. The acquisition and subsequent maintenance of the necessary skills will be checked by reference to detailed examination of the

evidence through the completion of the relevant competency documents.

Carers in all placements will receive the basic fostering allowance for each child in their care, as set out in the table below. This is comprised of an appropriate allowance assessed on the needs of a child in care at a given age for food, clothing, transport, personal and household costs.

In addition to this, carers will receive a skills fee that is in line with an appropriate assessed and required level of skill, expertise and who are available to perform specific tasks to meet the needs of the child and \ or a range of children in their care as set out below will be eligible for Payments for Skills Fees.

Skill levels must be clearly demonstrated and evidenced by carers and will be assessed in accordance with the criteria below.

Payments for Skills Fees are payable for 52 weeks per year subject to certain conditions being met. The weekly rates are set out in the annexed table. The fees will start once the first child is in placement.

If a child is temporarily transferred to another carer then the allowance follows the child in such instances. Allowances to the main carer, however, will continue to be paid for a period of up to 2 weeks (maximum) where the child cared for returns home to family care on a trial basis. In exceptional circumstances this can be extended by senior management.

For carers offering respite, the payment will be as follows:

Up to 4 hours – ½ of the daily allowance.

Over 4 hours (including over nights) – the full daily allowance (1/7th of weekly allowance).

4) Annual Reviews

Regular supervision sessions which offer support and guidance will be undertaken by a nominated social worker in the fostering service. These will take place not less than every eight weeks and up to every four weeks. Every effort will be made to provide consistency in a nominated worker to help establish a relationship between carer and the service. Support for foster carers is highly recommended.

The first formal review will be held 6 months after the initial approval; thereafter, annual foster carer reviews will be held. Each review brings together the views of children and young people who have experience the placement in the reviewable period, the carers, the supervising social worker and the case management social workers.

The review is chaired by a person representing the Children's Placements service. This will be the opportunity for information regarding skills progression, abilities and learning to be shared and for a recommendation for continued registration for a further year to be agreed for presentation to the Fostering Panel.

Annual reviews are a formal part of the agreement for foster carers and are separate to their supervision. Supervision sessions will inform the annual review. Foster carers are expected to contribute to and attend review meetings.

Second and subsequent annual reviews will take place within 12 months of the last review and will follow the same format as outlined above. If there are issues or concerns identified then these may need to be presented to Fostering Panel.

Following discussions at the annual foster carer review, the evidence for progression of Payment for Skills will be presented to the Team Manager of Children's Placements as this is an operational decision-making process. The final decision regarding approval, however, once all the required criteria have been met, rests with the Service Manager who will take into account the evidence presented and the Team Manager's views.

NB: Any newly appointed carers with previous fostering or relevant professional childcare experience may enter the scheme at a higher level, subject to appropriate approval.

5) Contact with birth family and friends

Maintaining contact with birth family and friends is a duty of the Local Authority and an important part of the child's life during separation, whether this is temporary or to be permanent in the long term. As corporate parents we will always seek to support a child to maintain a level of contact that is in their best interest and as such a carer, on behalf of the Local Authority, is expected to support the agreed plan of contact in a child's Care Plan.

We recognise however that supporting and facilitating contact with birth parents can be a challenge and below we identify core responsibilities that reflect the level of expertise of the carer.

Level 1: carer may be expected to facilitate contact with birth family as part of a child care plan if the identified risks are minimal and can be managed in agreement with all parties ie child's social worker, supervising fostering social worker, carers. This includes taking and collecting children from contact sessions and having direct contact with parents through a supervising worker (this is determined on a case by case basis and should take into account the situation and logistics of all placements in care at the time).

Level 2: carer will facilitate and may be expected to supervise contact with birth family. This includes taking and collecting children from contact sessions and having direct contact with parents or through a supervising worker if necessary (this is determined on a case by case basis and should take into account the situation and logistics of all placements in care at the time).

Level 3: carer will supervise contact with birth family as identified and within the child's care plan (this is determined on a case by case basis and should take into account the situation and logistics of all placements in care at the time).

In all cases a risk assessment will be undertaken by the foster care social worker. Where the

assessments identifies any risk, an action plan to minimise and manage any risk to the carer or the placement stability will be put in place and agreed by all parties i.e. foster carer supervising fostering social worker, and child's social worker.

6) Progression process from Level One to Two and Three

Carers may be approved as carers for specified children (for example single or long term placement, or connected persons), or carers for non-specified children who are expected to take potential multiple placements. Carers of specified children will only ever care for the children who are already placed with them and will not be expected to undertake the same training requirements and care planning duties as carers of non-specified children. To progress from Levels One, to Two and Three the competencies set out will need to be clearly evidenced from the supervising social worker that the skills and experience are required, alongside the demonstration by the carer themselves in the care provided.

For those assessed as carers for specific children the skill level will be identified in the connected person assessment and will take into account the needs of the connected child. This skill level will be subject to review through the annual review process as detailed earlier in this document.

The Payment for Skills Fees are available to carers throughout the year, regardless of whether a child is placed with them. As a minimum all carers will start at level 1 to reflect the role, expertise and skills required to care for any child for whom they are not the birth parent.

Should an allegation that has reached the threshold for an investigation under s47, Children Act 1989, be made against a foster carer whilst being assessed for progression then the process would be suspended until appropriate investigations are completed.

Once the allegation investigation is completed the supervising social worker will complete report of outcomes with a recommendation as to whether the next competency level of progression should continue or not and any relevant recommendations regarding the carers continued practice and level of competence highlighted as an issue in the complaint/investigation.

The Team Manager will have discretion to agree progression in such matters although foster carers can make a written representation to the Service Manager should they wish to challenge the decision of the Team Manager.

Supervising Social workers must stress that the competencies are only one element of the overall criteria that must be met for progression, and actual performance plays a significant part. 'Performance' will be measured by paying close attention to outcomes for children in placement.

Research indicates the following areas are crucially important in determining whether or not a placement has been successful and supervising social workers assessing the case for progression will pay close attention to these areas :

- Did the placement(s) last as long as needed?

- Did the child (ren) participate in decisions affecting their day to day care in placement?
- Was contact maintained with family, friends?
- Did the child's well-being improve as a result of the placement?
- Was the child supported to engage in a healthy active lifestyle?
- Were the child's health and educational needs met as well or better in the foster placement than before?
- Was the child's identity (racial, cultural, and religious) respected?
- Was the child able to move-on successfully with the minimum stress and disruption?
- Was the child generally satisfied with the placement?

Clearly, these factors are not solely in the hands of carers and other professionals need to play their part in contributing to a successful placement outcome. It is important, however, for assessing social workers to identify the role played by carers in attempting to deliver on the aforementioned outcomes.

In addition to the requirements for contact with birth families set out in Section 5, the following skills and duties are required of carers at the following levels (all of the criteria must be fulfilled to achieve the relevant skill level) and all progression is subject to case by case decision making:

6.1 Level One

Carers at Level One are expected to:

- Have completed the relevant training procedures for Shropshire Council foster carers and the Training Support and Development standards
- Care for children on both a short and long-term basis
- Assist in preparing for moving children on to further or permanent placements
- Attend support groups on a regular basis
- **may be expected to facilitate and may supervise** contact with birth family as part of a child care plan if the identified risks are minimal and can be managed appropriately

6.1 Level two

Carers at level 2 are expected to have and demonstrate:

- Accept multiple child placements including potential unplanned and unannounced placements
- A minimum of 12 months fostering experience or if skills assessed as having relevant child related professional experience at this level
- Completion of mandatory courses
- Completion of additional training courses as set out in the **Foster Carers Training And Support Strategy** (by both carers in a two carer household) and any training as identified as part of annual review or safeguarding investigation
- Carer **will facilitate contact and may be expected to supervise** contact with birth family. This includes taking and collecting children from contact sessions and having direct contact with a parents.

Competencies detailed for Level Two must be clearly understood and demonstrated in the care

offered. The carer and Supervising Social Worker must produce evidence, for each competency, to satisfy the Children's Placements Manager, that they are all met.

6.2 Level Three

Progression to Level Three by a carer who has already achieved Level Two is when the following additional criteria are fulfilled:-

- A minimum of 2 years fostering or relevant child related professional experience
- Completion of the eleven mandatory courses
- Additional training course as detailed in foster carers training and support strategy (by both carers in a two carer household) and any training as identified as part of annual review or safeguarding investigation
- Take children who have been in residential placements and are stepping back into a family care arrangement
- Demonstrate an ability to work independently of the social worker in 'partnership' with other professionals responsible for delivering against the child's care plan
- Engage in regular mentoring or "buddying" and/or training of other carers
- **will supervise** contact with birth family as identified and within the child's care plan

NB: Mentoring or buddying can be defined as follows: The foster carers mentoring role as one in which the more experienced carer would support a more recently approved carer in developing specific skills and knowledge that will enhance and develop the less-experienced carers professional and personal growth.

As such they will provide guidance their colleague about a specific issue, coach them in developing a particular skill, facilitate their development by sharing resources, contact and networks, challenge them to move beyond their comfort zone with particular issues that may arise in placement, help the carer to reflect and develop following challenging or difficult issues as they arise.

In this way they will act as an experienced and trusted colleague, guiding them on practice, acting as a confident or consultant when the carer doesn't wish to initially discuss particular issues with their link worker

7) Exceptional Skills payment

We expect a high standard of care and commitment from all foster carers to enabling children in their care to achieve outcomes against their care plan. Levels 1, 2 and 3 skills payments is the financial reward given for this however we also believe that for certain children the level of skill and commitment required for a period of time may mean that a carer has to go "above and beyond".

It is anticipated that exceptional skills payment will relate to larger sibling groups, teenage

placements or younger children with significantly challenging behaviours.

Requests for an exceptional skills payment will be made after each successful three month period in placement.

These payments are discretionary and will be paid where the carer has been able to demonstrate care skills and commitment “above and beyond” that has met a child or young person’s needs and has achieved excellent outcomes as determined by the child’s care plan and placement plan

An exceptional skills payment of £250 can be made for a child covering a three month period of outcomes achieved. If a second three months period of outcomes is achieved a new application and decision will be reached. The maximum payment for any single child in one year is therefore £1,000.

Criteria for exceptional skills: a child has been in placement for a minimum of three months and has achieved exceptional outcomes against their care plan sustained for a three month period

AND

The skills and commitment of the carers have gone “above and beyond” good quality standard care and have they been a primary contributor to enabling the child to reach these outcomes

Example:

- School attendance has been below 60% and has increased in excess of 85%
- The child has for the first time engaged in a social or leisure activity that has significantly promoted their opportunity to develop peer friendships, age appropriate independence and to improve their self-esteem
- The child’s previous anti-social behaviour in school or the community has been seen to make significant improvements verified by external parties

8) Demonstrating Competency: Examples

Use of existing processes as evidence e.g. Childs feedback to IRO and LAC reviews, foster carer agreement, diary, supervising social worker visits to carer - both announced and unannounced - Health and Safety checklist and supervision records.

Other sources of evidence e.g. use of feedback from child’s social worker via end of placement reports/review document and feedback from parents.

Portfolio approach by carer - other sources, videos, group discussions.

Other evidence-based assessment processes e.g. Ofsted, Training Support and Development (TSD) standards.

Standardised format regarding content and recording of supervising social worker visits to carers

incorporating checklist against competencies/criteria, contact sheets, supervision records etc.

This is not an exhaustive list and carers can provide a range of evidence they feel reflects the work they have done and what they have achieved for children in their care.

9) Training and Support

All carers will have the opportunity to attend carer forums. These forums offer the possibility for carers carrying out similar tasks to meet each other, share their experiences and learning. It is encouraged that all carers attend such forums and encourage new carers to do likewise.

Following approval from Panel, Foster Carers are expected to complete the Training and Development Standards (TSD's) which are set out by the Department for Education and show the areas of skills and knowledge that all carers need to achieve and evidence in the first 12 months of their Fostering journey (18 months for Family and Friends Carers). It is a statutory requirement that these are completed as set out in Fostering regulations for all foster carers.

Induction

During the first 12 months carers will have the opportunity to attend a number of courses which make up the induction training offer. Each of these courses will provide evidence to assist in meeting the TSD's as well as providing specific knowledge and skill development in a variety of areas. Inclusive of skills to foster there are 5 induction courses that must be completed by all carers and these should be completed within the first 12 months of approval.

Core

Once carers have successfully completed their induction and TSD's, core training courses will be available to attend. These core training courses are designed to further develop carer's skills and confidence within the role, these courses need to be completed within the second year of fostering.

Enhanced

Carers that have been fostering for 24+ months are then invited to attend enhanced courses and they are courses which will be based around specific care areas and issues.

Bespoke

Carers can use supervision with their Supervising Social Worker to discuss in depth their training needs and any Bespoke training will need to be identified on their Personal Development Plans.

It is the responsibility of the supervising social worker, in discussion with the carer, to identify each carer's training needs beyond the core training identified below. These needs will be discussed, agreed and updated at each annual review.

There are courses that all foster carers at Levels One, Two and Three are expected to attend. These are:

- First Aid
- Promoting Health and Education
- Solihull Approach (parenting model) – Understanding your Child and Teen
- Child Protection basic Awareness
- Child Sexual Exploitation
- Loss, Grief and Bereavement
- Child development
- Safer caring including Allegations against foster carers
- Attachment (part 1,2 and 3)
- Contact
- Infection control

10. Headline additional payment information

In addition to any increase in allowances and the payment for skills levels the following additional payments will also apply:

Payment of Birthday/Christmas or Festival/Holiday allowances for the child

Mileage will be paid at **0.45p** per mile for travel to school, travel to Contact, travel to health appointments and travel incurred in supporting the child to meet tasks and undertake activities within their care plan. This will include travel to clubs up to two per week per child, *any activity up to a 30 mile radius*. This does not include holidays, day trips or shopping expeditions.

There will also be a holiday grant of **£150.00** for each child under 14, and **£200.00** for each child aged 14 and over, payable during the first week of June.

A holiday allowance of **£300.00** will also be paid to foster carers payable during the first pay week in June.

10a Holiday arrangements for Carers

Carers are eligible for 2 weeks *paid* respite holiday per year. Carers who are looking after children with challenging and demanding behaviours requiring significantly high levels of supervision are particularly encouraged to take this carers respite holiday opportunity. As always, arrangements for alternative care should be made with the interest of the child as paramount and as such save in exceptional circumstances we expect carers to make arrangement with their back up carers to provide the respite care provision during their holiday. If there isn't a designated back up carer consideration can be given to family and friends of the carer subject to satisfactory police and local authority checks. This will support smooth planning arrangements and importantly provide a familiar carer for the child.

11. Ceasing the Skills based payment

The fee will be paid from the date of a foster carers' first placement, then paid 52 weeks per year irrespective of a child being in placement. This includes when a carer is on holiday for up to two weeks or during an agreed break of up to seven days following a difficult placement.

Longer breaks, unless agreed with the Children's Placement Team Manager, will result in skills based payment being suspended (unless mitigating circumstances exist).

The exception to this rule is when a carer refuses to take a placement on two successive occasions which has been deemed by the CPS Duty system as a suitable match. Unless unusual and mitigating circumstances are evident, the skills based payment will be withdrawn

NB: The offer of placement must be within the carers' registration age group and deemed by the CPS duty system as appropriate. If refusal on two occasions occurs then this will trigger an annual review. This will not apply in cases where a formal agreement has been made not to place in order to protect a child already in placement for a specific period.

If a carer remains without a placement for 12 consecutive months or more (for whatever reason), then a reassessment and panel re-approval must take place before caring can resume.

All carers will be expected to give 28 days' notice of their intention to end a placement and (at the very minimum 7 working days). No placement will end, irrespective of the time frame, without first having attended a placement consolidation meeting, and have the change of care plan agreed by the Independent Reviewing Officer (IRO).

Foster carers will be faced with suspension from caring and their fee payment temporarily withdrawn should they demand that a child be removed from their care with immediate effect.

Having children ejected from foster placements in this manner is totally unacceptable and contrary to the best principles of placement stability. However, suspension will not follow if serious and clearly evidenced health and safety issues have resulted in a carer requesting immediate removal.

12. Safeguarding Allegation against carers

If a carer is suspended and children removed following an allegation the fee will be paid for up to 8 weeks following the date of a strategy meeting recommending investigation.

Whether or not payments continue beyond the 8 week point is discretionary and will be decided on a case by case basis by the Team Manager who will consider any mitigating circumstances leading to a delay in resolution which may be outside the carer's control.

In cases where concerns have come to light regarding a Foster Carers' practice which do not meet the more serious allegations threshold then CPS reserve the right to suspend the fee until such issues are investigated and addressed. However every effort will be made to prioritise completion of any such investigation and it is expected this will be completed in no more than 28 working days

13. Carer ill health

If a carer is unable to take a placement on the grounds of ill health we would need this certifying within 7 days. If not the fee payment will cease. After receipt of certification up to or on the 7th day the fee will be paid at the full rate for the first two months of sickness absence; half-rate for the

following two months at which point payments would cease until a resumption of fostering occurred. The fee would be reinstated at any point during this four month period should fostering resume. On returning from a break due to certified sickness the foster carer in question must foster for an unbroken period of four months before gaining entitlement to these arrangements for a further period. If a carer remains inactive due to ill health for a period of twelve months or more a re-assessment, plus a medical will need to take place before they can resume their fostering career.

14. Implications of a Reward Element

Receiving a reward element as a carer can be of concern to some people, in relation to tax, and in particular, benefits. It is hoped the following notes will be of help: -

14.1 Income Tax

When you start fostering there is no one to tell HMRC about your income, except you. You will need to complete a Self-Assessment tax return each year and send it to HMRC.

The quickest and easiest way to register your self-employment is online. When you use this method, you will also automatically be signed up for the Self-Assessment Online Service.

The simplified income tax scheme for foster carers is called 'qualifying care relief' by HMRC. Foster carers who are full time or part time, such as day carers and respite carers, can all use qualifying care relief. The scheme uses an income threshold to work out how much tax, if any, is due. As long as your total income from fostering is below the threshold, there is no tax due on fostering income.

If you have income from fostering above the threshold, you can choose to work out your taxable profit in the normal way for self-employed people (by setting allowable expenses against your income from fostering). Alternatively, the simplified method means you can simply treat the amount by which your income from fostering is above the threshold as your taxable profit.

The threshold for the foster care tax relief scheme has two elements

- A fixed amount of £10,000* per year. This is applied pro-rata if you were approved part-way through the year.
- Additional amount per child depending on age: £200* per week for every child aged 0-10 and £250* per week for every child aged 11- 18. Part of a week counts as a full week

* These figures may be subject to change from year to year.

At the end of each financial year, Shropshire Council is responsible for providing carers with a statement of their reward element. This statement will be made minus the agreed costs of providing a service.

14.2 National Insurance

All self-employed people who are aged 16 and over, but below women's pension age or 65 (for men), must register to pay Class 2 NICs. These are set at £2.70 a week for 2013/14. HMRC's Internal Adviser's Guide states that all foster carers should register as self-employed (for national insurance purposes), even when they are exempt from income tax

14.3 National Insurance Credits and Home Responsibilities Protection (HRP)

Prior to 6 April 2010, you could claim HRP to protect your state pension. This has now ended, replaced by a system of national insurance credits (NI credits) for parents of children under 12 and foster carers. Since 6 April 2010, you have been able to build up qualifying years for the basic State Pension and additional State Pension through new weekly NI credits. If you are a foster carer or parent, you can get an NI credit for each week in which any of the following apply:

- You are the parent of a child aged under 12 and care for them, but don't receive Child Benefit for the child
- You are an approved foster carer.

There is no limit to the number of years in which you can get credits, as long as you meet the qualifying rules. Applications for NI credits can be made on form CF411A (available from Job Centre Plus or tax offices, or by calling HMRC on 0845 302 1479 or at www.hmrc.gov.uk/forms/cf411A.pdf) and must be made within one year of the end of the tax year.

14.4 Foster care and Tax Credits

Working tax credit (WTC) tops up the income of low paid workers. Fostering counts as self-employment, so you might be entitled to WTC, as your profit from fostering, for tax purposes, is nil or very small. If you have children of your own, you are possibly entitled to child tax credit (CTC) too. Fostered children do not count for CTC and cannot be included in your claim.

You can check your entitlement and claim tax credits by phoning the Tax Credits Helpline on 0845 300 3900. There is more information about WTC in the Fostering Network's Signposts in Fostering booklet Benefits. From October 2013, as part of a bigger welfare reform plan, WTC and CTC will begin to be replaced by a new benefit called Universal Credit although this will take around 4 years to be fully implemented. Foster carers may be able to get additional financial help through Universal Credit, as it removes the distinction between being 'in-work' (and claiming working tax credit) and out of work (and claiming income support, ESA, JSA, etc) . Those benefits, as well as housing benefit, will also be incorporated into Universal Credit, paid by the DWP.

Fostering Network provide helpful information leaflets on national insurance, tax, benefits and pension contributions.

Appendix

Shropshire Council Carers Allowances

To take effect from 01/04/2016

Age	Recommended Weekly Allowance	Daily Basic
0 - 4	£142.86	£20.41
5 - 10	£162.73	£23.24
11 - 15	£202.58	£29.84
16 +	£246.44	£35.20

Skill Level	Weekly payment
One	£58.00 per week
Two	£115.00 per week
Three	£225.00 per week
Exceptional Skills	£250.00 for 1 x 3 month period of exceptional achievement

Breakdown of Fostering Allowances

Age	Food	Clothing	Transport	Personal	Household	Total Allowance
0 - 4	49.96	30.77	11.76	8.41	41.96	142.86
5 - 10	53.38	41.50	11.72	12.76	43.37	162.73
11 - 15	66.49	51.62	22.89	19.85	41.71	202.58
16+	76.02	62.89	22.86	41.12	43.55	246.44

(Birthday allowance will be paid one week in advance of the birthday.)

(Allowances are paid fortnightly unless alternative arrangements are made in exceptional circumstances.)

Festival Allowances

0 - 4 years	£57.00
5 - 7 years	£59.00
8 - 10 years	£62.00
11 - 13 years	£64.00
14 – 15 years	£66.00
16+	£68.00

Birthday Allowances

0 - 4 years	£44.00
5 - 7 years	£48.00
8 - 10 years	£54.00
11 - 13 years	£62.00
14 - 15 years	£68.00
16+	£74.00

Holiday Allowance

The carer/s should be able to evidence how this grant contributes to either a family holiday with the young person/s or additional holiday activities for the child or young person.

These can be applied for at the following rates:

A grant of **£150.00** for each child under 14, payable during the first pay week in June.

A grant of **£200.00** for each child aged 14 and over, payable during the first pay week in June.

A Holiday Allowance of **£300.00** to Foster Parents payable during the first pay week in June.

A Holiday Allowance of **£110.00** to Shared Care and Respite Carers payable during the first week in June *if they take the young person on holiday to support the adult costs.*

School Uniforms (where required)

Children starting junior school	£87.00
Children transferring to secondary	£222.00

(Payable in August, or the month prior to the child starting school)

Guidance for Pocket Money –for 2016

Fostered children's pocket monies are considered to be part of the basic allowance. The following guidance is given for the rates recommended for pocket monies:

0 - 4 years	£3.10
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5 - 7 years	£4.78
8 - 10 years	£6.46
11 - 13 years	£8.39
14 – 15 years	£10.18
16+	£11.85

Initial clothing

This is a discretionary allowance and applications should be made to the relevant Team Manager. Case Managers should seek the co-operation of those who hold parental responsibility to make sure that the child has adequate personal clothing and personal effects collected from home to take with them when they are looked after. In relation to the revised allowances structure, an initial clothing allowance may not be required in each case but can be applied for up to a maximum amount of:

0 - 4 years	£100.00
5 - 7 years	£100.00
8 - 10 years	£150.00
11 - 13 years	£150.00
14 - 15 years	£200.00
16+	£200.00

Mileage Allowances

The weekly allowance includes an amount to cover the transport costs of each foster child for things that are child related such as school or attendance at leisure activities. For a child up to the age of eleven this equates to 35 miles each week, for a young person eleven to fifteen it is 70 miles each week.

Where a carer can show over a four week period that they have exceeded this then the additional mileage will be paid at the rate of **0.45p** per mile.

NB: Carers can no longer claim for car travel to a holiday destination

Young Persons in work-contribution to care

When a young person is over the age of 16 and is working, they are expected to contribute towards their maintenance. The young person will be expected to contribute directly to the carers in this way unless in full-time education, or when it can be proven that they cannot secure a job, grant or benefits.

The boarding out allowances will be reduced by this amount accordingly. It is essential therefore that the Link Social Worker (CPS) is informed if a young person is working.

£10 per week for young people on a youth training scheme or one-third of the young person's wage income

Allowances for working young people in lodgings or with foster parents or in community

homes

The following payment can be made to young people from allowances made in lieu of pocket money and in recognition that the young person may not receive any benefits. If working or unemployed through no fault of their own:

Age 16:	£10.50
Age 17:	£13.00
Age 18:	£15.50

If not working through their own fault:

Age 16:	£7.60
Age 17:	£7.60
Age 18:	£13.00

Community Homes: Birthday and Christmas Allowances

Festival Allowances

0 - 4 years	£57.00
5 - 7 years	£59.00
8 - 10 years	£62.00
11 - 13 years	£64.00
14 - 15 years	£66.00
16+	£68.00

Birthday Allowances

0 - 4 years	£44.00
5 - 7 years	£48.00
8 - 10 years	£54.00
11 - 13 years	£62.00
14 - 15 years	£68.00
16+	£74.00

CHILD ARRANGEMENT ALLOWANCES - RATES OF PAYMENT & FINANCIAL CRITERIA

To take effect from 01/04/2016

The rates of payment set out below apply to all cases where a Child Arrangement Order allowance is deemed payable under the criteria set out in the Policy and Procedural item regarding Child Arrangement Order Allowance.

- 1 Child aged 0 - 10 years **£57.00** per week
- 2 Child aged 11 - 18 years **£64.50** per week

Child Benefit of **£13.40** per week will be deducted unless the Child Arrangement Order applicants are in receipt of income support.

Income ceilings of Child Arrangement Order Applicant to enable payment of Child Arrangement Order Allowances are as follows.

- 1 One child £12,000 per annum gross

- 2 Two children £18,000 per annum gross
- 3 Three children £24,000 per annum gross
- 4 Four children £30,000 per annum gross

Where prospective Child Arrangement Order Applicants have savings the following will apply:

No allowance payable in the following circumstances.

- 1 One child - savings above £10,000
- 2 Two children - savings above £14,000
- 3 Three children - savings above £18,000
- 4 Four children - savings above £22,000

The above will apply in respect of all adoptive placements and includes adoption by foster parents. As from 1 August 1995 no enhancement of allowances will be payable as part of the Child Arrangement Order allowance. Enhancements will continue to be paid where they were agreed prior to that date and are subject to annual review.

ADOPTION ALLOWANCES - RATES OF PAYMENT AND FINANCIAL CRITERIA

To take effect from 01/04/2016

The rates of payment set out below apply to all cases where an adoption allowance is deemed payable under the criteria set out in the Policy and Procedural Item the Adoption Allowances Regulations 1991.

- 1 Child aged 0 - 10 years **£57.00** per week
- 2 Child aged 11 - 18 years **£64.50** per week

Child Benefit of **£13.40** per week will be deducted unless the adoptive parents are in receipt of income support.

Income ceiling of prospective adoptive parents to enable payment of an adoption allowance are as follows:

- 1 One child £12,000 per annum gross
- 2 Two children £18,000 per annum gross
- 3 Three children £24,000 per annum gross
- 4 Four children £30,000 per annum gross

Where prospective adoptive parents have savings the following will apply:

No allowance payable in the following circumstances.

- 1 One child - savings above £10,000
- 2 Two children - savings above £14,000
- 3 Three children - savings above £18,000
- 4 Four children - savings above £22,000

The above will apply in respect of all adoptive placements and includes adoption by foster carers. As from 1 August 1995 no enhancement of allowances will be payable as part of an adoption allowance. Enhancements will continue to be paid where they were agreed prior to that date and are subject to annual review.

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<u>Committee and Date</u>	<u>Item</u>
Cabinet	
28 September 2016	<u>Public</u>

Progress and update report on the provision and support to Refugees, Asylum Seekers and Unaccompanied Asylum Seeker children In Shropshire

Responsible Officer

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This report sets out the updated position regarding the support being provided to refugees in Shropshire. It also provides a brief further update on asylum seekers and a more comprehensive view and the position in Shropshire on Unaccompanied Asylum Seeker Children (UASC).

1. Summary

- 1.1 As has been previously reported a Cross Party Working Group has been established in Shropshire to respond to the UK Government response to the repatriation scheme for Syrian refugees, as supported by the United Nations High Commission for Refugees (UNHCR). This group has been established since October 2016 and continues to meet on a regular basis. The groups remit has also expanded to include Unaccompanied Asylum Seeker Children (UASC). The cross party working group is regularly updated by an operational group of officers from across the Council and partner agencies who together are managing the repatriation of refugee families to Shropshire.
- 1.2 The operational group consists of officers from both children and adult social care services, education and early years, housing and benefits advice. Partners from other agencies include Shropshire CCG, Shropshire Fire and Rescue Service, West Mercia Police Authority and Refugee Action.
- 1.3 Again as previously reported additional requests are being made of local authorities in different ways. Previously Cabinet were informed that there were potentially four different cohorts of people that may need support in Shropshire. These were:
 - Refugees under the UNHCR Syrian resettlement programme
 - Asylum seekers
 - Unaccompanied Asylum Seeker Children (UASC) dispersed from Kent County Council

- Unaccompanied Asylum Seeker Children (UASC) currently in Europe.

However there is now an emerging 5th cohort, albeit small at present, of unaccompanied asylum seeker children arriving on their own in Shropshire and typically being identified by police at service stations or in the local community.

2. Recommendations

- a) That Cabinet confirm their ongoing commitment to providing support, as appropriate, to Syrian Refugees and Unaccompanied Asylum Seeker Children and note the further update regarding the Asylum Dispersal Scheme
- b) That Cabinet agree to Shropshire supporting up to a further 5 Syrian refugee families under the Syrian repatriation programme managed by UNHCR to take the total cohort in Shropshire up to 15 families over the next 12 months, or around 60 or so people, dependent on family size.
- c) That Cabinet agree to participate in the UASC dispersal scheme on a voluntary basis to reach the 0.07% of our total child population. This will include assisting Kent with their challenge of supporting up to 2000 children that have arrived there as Unaccompanied Asylum Seeker Children, and future requests to support UASC and refugees from Europe when further clarity is provided on the position regarding how the dispersal scheme will operate, and that delegated responsibility is allocated to the Director for Children and Young Peoples Services to agree any requests for support and to ensure that appropriate staffing resources are in place.
- d) That Cabinet note the number of UASC already supported in Shropshire which will contribute to the overall total required under the UASC national dispersal scheme.
- e) That cabinet note the need to undertake a further recruitment drive for supported accommodation for UASC.
- f) That Cabinet agree to any further funding being made available for the resettlement of Syrian Refugees through extension of the scheme being ringfenced within a dedicated cost centre in adult social care to provide support to this group of people over the 5 year term of the funding.
- g) That Cabinet agree to the funding being made available to support the UASC dispersal scheme being ring fenced within a dedicated cost centre within Children's services.

REPORT

3. Risk Assessment and Opportunities Appraisal

Equalities and Human Rights

- 3.1 Support to refugees and asylum seekers of all ages is a National and International challenge to assist people displaced through war and conflict in their home countries.
- 3.2 The Government have established a number of schemes, or have pledged support, to assist this process including establishing a national dispersal scheme for asylum seekers, a national dispersal scheme for UASC and participation in the UNHCR Repatriation Scheme for Syrian refugees.
- 3.3 The Government through the Immigration Act 2016 have established national dispersal schemes for asylum seekers and unaccompanied asylum seeker children. Participation by local authorities is currently voluntary but the new Act does allow for authorities be mandated to participate in these national dispersal schemes.
- 3.4 The [Immigration Act 2016](#) will also introduce new sanctions on illegal workers and rogue employers, provide better co-ordination of regulators that enforce workers' rights, prevent illegal migrants in the UK from accessing housing, driving licenses and bank accounts and introduce new measures to make it easier to enforce immigration laws and remove illegal migrants

a) Refugees

The UK has agreed to support 20,000 Syrian refugees through the UNHCR Repatriation Scheme to relocate to the UK on a 5 year Humanitarian Visa. This status as a refugee enables the individual to have access to housing, welfare benefits, health, education and to be able to work in paid employment.

Further to previous approval by Cabinet to support 10 families, Shropshire Council have to date accepted 8 Syrian refugee families into Shropshire. In total 16 adults and 17 children have settled here from 2 arrival flights over the summer.

A diversity day held in Shrewsbury on 23rd July 2016 was attended by Refugee Action the support provider commissioned by the Council to provide support to refugee families in Shropshire. Refugee Action received many offers of voluntary support and good wishes and welcome remarks, the latter of which have been recorded on "luggage labels" as illustrated in Appendix A.

The national context and progress to date in relation the UNHCR scheme is illustrated in an infographic attached at Appendix B.

b) Asylum Seekers

Asylum seekers would be supported through a regional contract commissioned by Central Government as part of the National Asylum Dispersal Scheme.

Shropshire is not currently part of this scheme and although there is growing pressure from the regional authorities in the West Midlands that the dispersal should be more equally shared across all local authorities it is possible that by committing to supporting refugees that Shropshire would not be mandated to accept asylum seekers.

c) Unaccompanied Asylum Seeking and Refugee Children (UASC)

The crisis in Syria and events in the Middle East, North Africa and beyond have seen unprecedented number of migrants and asylum seekers arriving in Europe. Some have gone on to reach the UK via Northern France, including many unaccompanied asylum seeking children (UASC). Other children are still in the Middle East or North Africa or are in Europe and the Government has committed to resettle a number of these vulnerable children.

The Government has therefore introduced a national transfer scheme from 1st July 2016, and sets out its expectations that all local authorities join the transfer scheme and that this will be coordinated by the West Midlands Regional Strategic Migration Partnership (WMSMP). The Government expects Local Authorities to support the scheme voluntarily, but there is the ability under the Immigration Act to mandate Local Authorities to participate.

The scheme sets out a distribution of UASC based on 0.07% proportion of the total child population, and for Shropshire that means we will be expected to receive some 42 children and young people in total into the care of the Local Authority. Unaccompanied Asylum Seeker Children are treated as Looked After Children (LAC) and are entitled to access services and education as UK Looked After Children.

A small number of UASC are currently being supported in Shropshire. At the point of writing we have received 2 young men from Kent as part of our commitment to support Kent in their transfer scheme, and 5 young men have presented in County through their own means, although one is now 18.

Under the transfer protocol we are required to ascertain to the best of our efforts that children presenting are age assessed as being children.

The majority of the children placed or arriving here are young males aged 16/ 17 year olds, for whom independent lodging or supported lodgings is the most appropriate accommodation. It has been challenging to match some of the children and young people with appropriate supportive and experienced providers, and particularly with an appropriate faith.

The cultural match presents a real issue for Shropshire, and it has been necessary to place children outside of the County in order to meet their cultural and indeed social needs. Experience to date would suggest that whilst some of these children settle well, some do not, preferring to relocate themselves to big cities particularly but not exclusively, London where their cultural and religious needs and social aspirations can be met.

By way of further example, we agreed to receive children from Kent who ultimately did not transfer to our care because they did not wish to come to Shropshire, and so have remained in Kent. Dealing with the challenges that some of these young people present does take up a great deal of social worker time, and is very testing for our SBL providers.

Under the national dispersal scheme, it may be that we receive younger children, and this will need to be ascertained in dialogue with the WMSMP.

Whilst it is perhaps too early to establish fully, it does appear that some children will have additional needs which will require specialist input from other sectors including health/mental health.

Further guidance on how the National Dispersal Scheme will work in detail is still awaited and we are working with both the West Midlands Region and the Regional West Midlands Strategic Migration Partnership (WMSMP) to understand more fully when and at what rate children might be expected to move into Shropshire.

The range of available accommodation provision is one of the biggest issues that needs addressing. We are working closely with our Fostering Marketing and Recruitment Company to try to attract new foster carers and supported based lodging providers as part of our normal recruitment drive but further targeted marketing will be required to expand our internal resource. The fostering service team is linking with authorities across the West Midlands to explore further options that may be transferable to Shropshire.

Engagement and Consultation

- 3.4 The West Midlands Strategic Migration Partnership (WMSMP) are co-ordinating the acceptance of Syrian refugees to the West Midlands and maintaining regular contact with the Home Office.
- 3.5 The WMSMP have now held three engagement events with West Midlands local authorities and officers and Councillors from Shropshire Council have attended these. These have related to the Syrian refugees

repatriation scheme, the asylum dispersal scheme and most recently on Unaccompanied Asylum Seeker Children.

- 3.6 In addition the Children's regional ADCS group have established a work stream to ensure some coordination across the West midlands and are working with the Strategic Migration Partnership who have just appointed a coordinator for the dispersal of children and young people.
- 3.7 Regionally the WMSMP issue a regular monthly newsletter with latest information and updates which is proving to be very helpful.
- 3.8 The Home Office have also established a monitoring and evaluation programme for the resettlement of Syrian refugees which requires regular updates by the Council at predetermined dates linked to the date of arrival relating to accommodation, employment, school enrolment and health and wellbeing. These returns are collated by the Council in conjunction with the support provider and CCG and submitted via the Home Office Moveit portal.
- 3.9 Shropshire has maintained a continual dialogue with local citizens regarding refugees and asylum seekers through its web site <https://www.shropshire.gov.uk/syrian-refugee-support/> and is now part of a home office pilot of web based programme on co-ordinating offers of support through a national web portal. This is still in its early stages of development but it has the potential to improve engagement with the public who wish to offer local support and assist the local authority in seeking specific support such as rented accommodation or volunteers to assist with conversation practice and other English language skills for example.

4. Financial Implications

Refugees

- 4.1 The Government is providing funding to Local Authorities and Clinical Commissioning Groups to support the 5 year resettlement programme through the overseas aid budget and other funding streams.
- 4.2 Local Authorities are expected to use this funding to provide meet and greet support at the airport of arrival, appropriate housing, and 12 months of support, interpretation and translation services and English language classes. The funding is also to be used to meet any non-complex social care needs.
- 4.3 Financial returns are submitted at predetermined intervals relative to an arrival date on pre-determined template and uploaded via the Home Office portal Moveit.
- 4.4 Earlier this month central Government announced additional funds being made available to each local authority participating the UNHCR Syrian refugee repatriation scheme for the provision of additional English

language support tuition through ESOL. Shropshire should qualify for this and we are waiting for the financial details.

- 4.5 The costs associated with the repatriation of Syrian refugees to Shropshire are being carefully monitored against the support contract and the funds received. There is the potential to achieve better value from the support contract and a reduced unit cost per family supported if the number of refugee families that Shropshire accepted were to increase to 15. This approach would enable more people to be supported and provide the opportunity to target funds to specific support areas such as fast track language skills or more bespoke support to help refugees into paid employment.

Asylum Seekers

- 4.6 There is no additional funding support for Local Authorities. Should the Asylum Dispersal scheme be extended to Shropshire it will be important that we have absolute clarity on what the appointed provider should be providing under their contract.

UASC

- 4.7 Payment for each eligible UASC will be at the rates set out in the table below. A “legacy” case is a UASC who entered the UK on or before 30 June 2016 and who has not been transferred to the care of another local authority from local authorities accepted by the Home Office as being significantly above the 0.07% ceiling as at 1 July 2016.

Category	£ daily	£weekly
Legacy case aged under 16	£95.00	£665.00
Legacy case aged 16 or 17	£71.00	£497.00
Other case aged under 16	£114.00	£798.00
Other case aged 16 or 17	£91.00	£728.00

NB (Legacy = entry pre 1st July 2016)

- 4.8 If a local authority’s actual expenditure (for all eligible UASC supported) is less than a sum calculated by applying the rates in the table, payments will be capped at the level of actual expenditure.

Placement Type	£ weekly
Supported Board and Lodgings (additional needs can attract an additional £100 per week)	£195.00 \ £295.00
Internal Fostering	£ 317.58(level 2 11-15) - 361.44 (level 2, 16+) Average £339.51
External Fostering	£ 805.00 average (15+)
Internal Residential	£ 2200
External Residential	£ 2500-3000
SHIP (Supported Housing Independence Project)	£ 215.00 per week

SAIL (Supported Accommodation and Independent Living)	£ 700.00 – £1000.00
---	---------------------

The costing above does not take into account the finances to cover:

- Reasonable travel expenses such as travel to church/Mosque
- Travel to college, education
- Educational/communication equipment (Laptop, tablet)
- Translation services
- Transport and support at Home Office interviews
- Social Work time
- Weekly Pocket Money £15, Clothing allowance £10. Per week

4.9 Each UASC, based on the age of the current cohort (16+) could attract £637.00 (£91.00 x 7) per week and **£33,215.00 per annum** (£91.00 x 365). The rate is capped at the amount spent with an expectation to return any unused funds to central government. There is an auditable financial return that is required by central government to account for actual spend. In essence, we can draw down the full funding cost available so long as we can demonstrate the actual spend and meet certain relevant direct support cost expenditure criteria:

- Relevant expenditure may include the provision of accommodation and board where the local authority has a duty to carry out an assessment of need and to accommodate a UASC or is accommodating a UASC as a result of a care order (including an interim care order), and the child is accommodated by the Local Authority with a foster carer, community or children's home or children's home or
- For a young person aged 16 or 17 maintaining the young person in suitable supported lodgings or independent accommodation or
- The local authority has a duty to carry out an assessment of need and to provide a range of services appropriate to UASC needs where a young person aged 16 or 17 has been assessed to be a child in need and the young person is provided with support.
- Plus: Reasonable travelling expenses to enable the child (UASC) to attend a hearing of an appeal on his/her claim for asylum or an interview in connection with his/her claim for asylum which has been requested by the Secretary of State.

4.10 Given that we are expected to receive approximately 35 new UASC as part of the national transfer protocol and predictive forecasting suggests that if we receive the full amount for a UASC aged 16+ we can assume that based on 10 UASC transfers from other Local Authorities per year for the next 3 years aged 16+ on entry to Shropshire we could claim up to a maximum of £33,215 x 30 = £996,450.

£563,846.40 (£361.44 x 52 weeks x30 children) of this total would account for the medium range accommodation option (level 2 foster care). Placement costs will fluctuate depending on availability, needs of the child and skills of potential carers.

The rate allowed for Social Work time across this cohort would equate to an additional 153,300.00 (£14.00 daily x 365 x 30) which would allow us the option to establish a dedicated Social Work post x 2, with a case load of 20 asylum seeking children each, and support worker post, to work across the entire cohort.

- 4.11 For UASCs who are eligible for leaving care support they will attract a fee of £200.00 per week to be drawn down from central government to aid with leaving care costs. This will not cover the total costs for accommodation and living expenses if the UASC post 18 is not in receipt of benefits or work. It also needs to be born mind that where a UASC achieves eligible leaving care status there is also a discretionary leaving care grant, up to £2,000.00 which is available to all eligible care leavers. Not all UASCs will be eligible for Leaving Care Services but this is only the case for those UASC's who have had their asylum application denied.

5. Background

Syrian Refugees

- 5.1 The first 5 families arrived in Shropshire in June and are settling in well. They are being supported by Refugee Action, the British Red Cross and local volunteers. The support has been commissioned by Shropshire Council and is funded through a grant from Central Government. Housing has been sourced from the private rented sector with no reliance on social housing. Furniture and fittings have been supplied through Revive and is the equivalent to the basic furniture pack provided through benefits support.
- 5.2 The Refugees are accessing college course to learn English, again funded through the Government grant and two are volunteering for a local furniture charity.
- 5.3 A women's group has been established which includes a sewing group making items which are being donated for sale to a local charity shop.
- 5.4 Local volunteer organisations have played a big part in supporting these families to settle, from sourcing Halal meat suppliers to contacting Rotary International who have kindly donated a television to each family.
- 5.5 A second cohort of three families arrived in August. They are being supported in the same way through Refugee Action and links are being developed with local voluntary support groups to replicate the support that was provided to the first arrivals. This second cohort of arrivals are again

being accommodated in private sector housing and have received the same basic furniture pack from Revive.

- 5.6 At the time of writing this report the children of school age are experiencing their first weeks at school. It is too early to report on how this is progressing, however all the children of school age have been allocated a place in their local primary or secondary school. One young person is accessing a preparing for employment college course with additional English language components to assist him in securing an apprenticeship.
- 5.7 Local library services have provided activities over the summer which have include Arabic and English storytelling sessions. It is hoped that these will continue.
- 5.8 West Mercia Police and Shropshire Fire and Rescue services have met with all the families as part of their orientation into their local communities and this has been well received.
- 5.9 Shropshire CCG have arranged registration for all the arrivals at local GP practices. An information leaflet on the NHS translated into Arabic has been provided. All arrivals have accessed an initial health check and all have been provided with a locally developed card that can be used to request interpretation services when accessing health services. To date social care services have not been required although this could change in the future.
- 5.10 Biometric Resident Permits (BRP's) are provided to the Local Authority as the named responsible contact and are then issued via Refugee Action to the Syrian families.
- 5.11 All the individuals have received their BRP's with the exception of 2 babies who had to submit new photographs. The Council has followed the required process to arrange for the issue of new BRP's .The parents of these children, with the support of Refugee Action are in the final stages of completing this process by accessing a designated Crown Post Office (Liverpool or Birmingham) for the final validation.

Asylum Dispersal

- 5.12 This was set out in a letter to the Authority on 24 August 2015. This is a separate area to Syrian refugee resettlement.
- 5.13 Asylum dispersal is supported by the Government through the appointment of regional providers. To put Asylum seeking into context the Asylum and Immigration Act 1999, and its provisions, was introduced with the intention of sharing the impact of dispersals of asylum seekers across the UK and to ease the over reliance on any one area.
- 5.14 The Home Office have instigated one conversation regarding extending the asylum dispersal scheme to Shropshire but to date this has not been implemented.

6. Conclusion

- 6.1 The involvement of Shropshire in supporting the repatriation of Syrian refugees and in supporting Unaccompanied Asylum Seeker children is a new and emerging area of work for the local authority and it will be important to monitor the impact of this from both a financial, workforce, education and community perspective.
- 6.2 The positive progress to date has been achieved through a commitment made by all Partners to work together to deliver this service. The learning points identified from supporting and housing the first cohort of arrivals has been reviewed and actions implemented for the second arrival cohort.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p>
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<p>Cabinet report 16th March 2016 - The provision and Support to Refugees and Asylum Seekers In Shropshire</p>

<p>Cabinet Member (Portfolio Holder)</p>

<p>Councillor Mal Price</p>

<p>Councillor Lee Chapman</p>

<p>Councillor David Minnery</p>
--

<p>Local Member</p>

<p>All – this is a Countywide matter</p>
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<p>Appendices</p>

<p>Appendix A - Luggage Labels</p>

<p>Appendix B – Infographic illustrating the national picture</p>

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welcome to the UK

I wish you the best
for the future.

We are all thinking
of you.

May you be well

and happy here

Welcome to our beautiful
country

Karen

We understand the disruption and
fear and danger that brought
you here, and hope you will
find security and safety amongst
us.

Great to welcome you
to our country!

Good luck & we hope
you settle in well.

A warm welcome to
this country.

Be Happy. Phil

Welcome to our
country I hope you
find some peace &
happiness here. Su

You are very
welcome and the
best of luck & good fortune

I am a world
citizen and
so are you!

xx

Welcome to the UK!

Good luck for the future
and I hope you find
happiness and safety. x

Welcome to Shrewsbury
I hope you settle
in well. I imagine you
have had a difficult time
— rest here. 😊

Syrian Vulnerable Persons Resettlement (VPR) programme

In January 2014, the UK government established the Syrian Vulnerable Persons Resettlement programme in response to the Syrian refugee crisis. The programme was scaled up in September 2015 when the then Prime Minister announced that 20,000 of the most vulnerable Syrian refugees from Jordan, Lebanon, Iraq, Egypt and Turkey would be resettled in the UK by May 2020. The programme became the joint responsibility of the Home Office, the Department for International Development and the Department for Communities and Local Government.

READ REPORT

HC 626 SESSION 2016-17 13 SEPTEMBER 2016

The Syrian conflict

The civil war in Syria began in 2011 and over half the Syrian population have left their homes to escape the conflict, representing the largest refugee population in the world



470,000
lives claimed by the civil war up to 2015



4.8 million
Syrians were registered refugees in neighbouring countries, at 1 June 2016



13.5 million
Syrians need humanitarian assistance, which includes 6 million children

According to UNHCR **10%**



of Syrian refugees in the Middle East and Northern Africa region need resettling

UK's response to the Syrian refugee crisis

In 2014, the then Prime Minister announced the Syrian VPR programme. Following the expansion of the programme in September 2015, this became the UK's first resettlement programme to provide funding to support refugees after their first year in the UK



1,000
The UK successfully met its interim target to resettle 1,000 refugees between September and December 2015

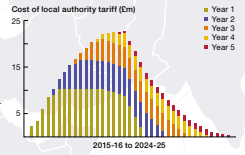
2,659
Syrian refugees resettled to the end of June 2016

0.4%
The UK target to resettle 20,000 represents 0.4% of Syrian refugees in the region around Syria

The UK plans to resettle **20,000** Syrian refugees by May 2020



Up to **£1,112 million**
NAO estimate of the total cost of the programme to the UK government to the end of 2019-20



The local tariff provides **£20,520** per refugee over their 5 years in the programme

Local authorities have volunteered to resettle refugees

Over 100 local authorities have volunteered to resettle refugees, many of whom are families with young children



118 local authorities participating in the programme at the end of June 2016, up from 3 at January 2014



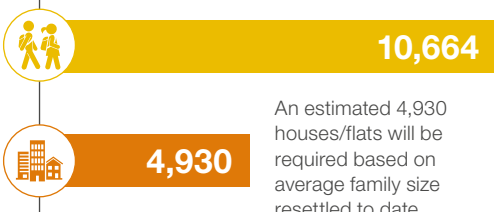
Out of 2,659 resettled refugees, the majority are family groups of **4-6 members**

49% are children under the age of 18

55% are survivors of torture and/or violence

Future delivery risks need to be understood and managed

The **greatest risk** to the participation of local authorities is their capacity to secure enough suitable **accommodation** and **school places**



An estimated 4,930 houses/flats will be required based on average family size resettled to date

An estimated 10,664 childcare and school places will be required. This is equivalent to **0.1%** of the total number of school aged children in the UK

The local authority tariff has specifically not been ring-fenced to allow the authorities to tailor their services to meet the needs of refugees but some local authorities expressed concerns over the lack of clarity



The programme currently has enough indicative pledges from local authorities to meet the 20,000 target, but these need to materialise into firm offers



Recommendations

The programme team needs to:

- Make it clear to local authorities that there are no set requirements for what local authorities need to provide during refugees' second to fifth years in the UK so as to encourage local authorities to tailor services to refugees' needs.
- Clarify what refugees are entitled to in respect of travelling within and outside the UK, family reunion and their status after the fifth year of the programme. The departments should disseminate this information to all local authorities and providers involved in the programme.
- Ensure other government departments and local authorities understand the risks to the wider success of the programme and have plans in place to manage these risks, for example finding suitable housing and school places and capacity to meet longer-term, uncertain costs. This could include encouraging local authorities not yet participating in the programme to join.
- Ensure refugees' characteristics are collected and used to adapt programme budgets in light of any changes to initial assumptions, so no organisation taking part in the programme struggles to participate effectively due to cost pressures.
- Ensure a full monitoring and evaluation framework is operational as soon as possible. This includes defining what success looks like beyond meeting the 20,000 target.
- Engage with international partners and local authorities and their service providers to ensure refugees' opinions are listened to and factored into programme developments, such as community sponsorship, to enhance refugees' experiences of the programme and life in the UK.



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Committee and Date

Cabinet
28th September 2016

Item

Public

WEST MERCIA ENERGY – GOVERNANCE ISSUES

Responsible Officer James Walton
e-mail: james.walton@shropshire.gov.uk Tel: 01743 258915 Fax:

1. Summary

This report sets out the amendments proposed by the constituent authorities comprising the West Mercia Energy (WME) Joint Committee to update and amend the Joint Agreement which governs the operation of the Joint Committee.

2. Recommendations

It is recommended that Cabinet:

- 2.1 Agrees that the current Joint Agreement between the WME Member Authorities is amended in line with the report and as attached at Appendix A to this report, and authorises the execution of a Deed of Variation to make such amendments;
- 2.2 Delegates authority to the Head of Finance, Governance and Assurance (s151 Officer) to agree with the other constituent authorities any further amendments to the Joint Agreement required prior to completion.

REPORT

3. Risk Assessment and Opportunities Appraisal

There are no direct environmental, climate change, privacy, equality and diversity and Public Health implications from this report.

4. Financial Implications

There are no immediate financial implications as a result of the changes to the governance arrangements set out in this report. WME provides a dividend to Shropshire Council as part owner, and this is built into the Council's base budget. The Council will continue to carry its share of any net financial liabilities at any point of exit from the existing arrangements.

5. Background

- 5.1 Worcestershire County Council, Herefordshire, Shropshire and Telford & Wrekin Councils have for many years been constituent members of a Joint Committee undertaking procurement activity. This business was originally called West Mercia Supplies, but following the sale of the stationery supplies business it has been renamed West Mercia Energy (WME). Each of the four owning authorities has 2 votes each on the WME joint committee.
- 5.2 There have been discussions between the constituent authorities regarding the future governance arrangements of the Joint Committee and the need to update existing governance documents. These documents comprise the Joint Agreement between the constituent member authorities governing their participation in and the role of the Joint Committee, which needs to be agreed by all four constituent authorities, and the Joint Committee's own internal governance and operational procedures contained within their financial regulations, contract standing orders and scheme of delegation.
- 5.3 Discussions have been undertaken between the constituent authorities over the spring and summer period and it is proposed to all the Executives of the constituent authorities that the Joint Agreement is updated as set out in this report and the attached revised agreement.
- 5.4 It is proposed that Shropshire Council continues as the lead authority to employ staff and hold property on behalf of the constituent authorities of WME. The lead authority appoints the Secretary and Treasurer to the WME joint committee.
- 5.5 The key governance changes proposed to the main agreement are:
 - 5.5.1 To move from a fixed-term joint agreement (extendable at regular intervals) to an ongoing commitment, with a restricted ability for a constituent authority to terminate their participation and withdraw from WME

- 5.5.2 Greater clarity on access to information provisions to ensure the due circulation of reports and minutes. Meetings of the WME joint committee will be open to the public unless it moves into private session to deal with exempt material as permitted by the legislation
- 5.5.3 The lead authority's Code of Conduct will apply in respect of declarations of interest at WME joint committee meetings.
- 5.5.4 The WME joint committee will adopt Strategic Policies necessary for the proper operation of WME.
- 5.5.5 Decisions of the joint committee will be subject to scrutiny by the constituent authorities and its decisions can also be called-in within each constituent authority, using their own respective mechanisms. Any call-in is dealt with by the constituent authority following its own Scrutiny processes
- 5.5.6 The constituent authorities may jointly and unanimously agree to discontinue WME and its assets shall be distributed fairly and reasonably between them
- 5.5.7 No authority can withdraw from WME during the term of any Key Contract with a Utility Supplier
- 5.5.8 Otherwise, an authority can give at least 12 months' notice to withdraw but withdrawal will only take place on the expiry of any agreements with Utility Suppliers to which that authority is a party. The exiting authority will remain liable for an equal share of liabilities incurred up to the point of termination and would receive any net share of the WME assets once the assets and liabilities of WME had been assessed and allocated.
- 5.6 The amended Joint Agreement is attached at Appendix A, with deletions struck through and additions underlined.
- 5.7 The WME Joint Committee is expected to approve new internal governance documents at its meeting on 26 September, and Cabinet can be updated orally at the meeting of 28 September to this end.
- 5.8 WME have typically continued to deliver good levels of dividend as well as securing low cost energy supplies to the owning authorities. Whilst the market for energy has changed significantly over the recent years and will continue to change in the future, appropriate business planning is undertaken to secure the organisation's long

term future as a going concern and this is confirmed by its External Auditors each year. The Council remains committed to its work alongside its partners and West Mercia Energy to continue to secure the best deal for the public sector with regard to procuring its energy needs. The spirit of the changes proposed are to confirm the confidence that partners have in West Mercia Energy and in continuing to work together.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

4th June 2014 – Cabinet Report – West Mercia Energy (WME) Joint Agreement

Cabinet Member (Portfolio Holder)

Councillor Michael Wood

Local Member

All

Appendices

Appendix A – revised West Mercia Energy Joint Agreement

DATED 20th day of June 2013

SHROPSHIRE COUNCIL (1)
THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (2)
WORCESTERSHIRE COUNTY COUNCIL (3)
THE BOROUGH OF TELFORD & WREKIN (4)

WEST MERCIA ENERGY
JOINT AGREEMENT

THIS AGREEMENT is made the 20th day of June 2013

BETWEEN

- (1) SHROPSHIRE COUNCIL (~~hereinafter referred to as "SC"~~)
- (2) THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (~~hereinafter referred to as "HC"~~)
- (3) WORCESTERSHIRE COUNTY COUNCIL (~~hereinafter referred to as "WCC"~~)
- (4) THE BOROUGH OF TELFORD & WREKIN (~~hereinafter referred to as "Telford & Wrekin Council"~~)

(hereinafter referred to as "the Member Authorities or "the Member Authority" as the context determines)

WHEREAS

- i) A local authority or any public body may under the Local Authority (Goods and Services) Act 1970 (hereinafter referred to as "the 1970 Act") enter into an agreement for the supply of any goods material or services within the meaning of the 1970 Act to any body or authority referred to in the 1970 Act and local authorities have additional powers to provide services under section 1 of the Localism Act 2011, subject to any restrictions contained therein.
- ii) The Member Authorities ~~have~~ each operate ~~introduced~~ executive arrangements under the provisions of the Local Government Act 2000.
- iii) Following the sale by the Member Authorities of the stationery supplies business operated under the Joint Committee known as West Mercia Supplies, the Executives of each of the Member Authorities have agreed to continue the form a Joint Committee for the purposes of s.101 Local Government Act 1972 (hereinafter called "the 1972 Act") and pursuant to Section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 201200 in accordance with made under s.20 of the Local Government Act 2000 and the Executives of each of the Member Authorities wish to enter this Agreement
- iv) Section 103 of the 1972 Act provides that the expenses incurred by a Joint Committee of two or more local authorities shall be defrayed by those authorities in such proportions as they may agree or in the case of disagreement as may be determined by a single arbitrator appointed by the member authorities on the nomination of the President for the time being of the Chartered Institute of Public Finance and Accountancy in accordance with and subject to the provisions of the Arbitration Act 1996
- v) The Member Authorities have agreed that the Joint Committee shall have the power to appoint staff and that one Member Authority shall be referred to as the Lead Authority. The Lead Authority shall employ the staff and hold property employed, on behalf of the Member Authorities, for the purposes of the Joint Committee.

1. Definitions

1.1 In this agreement where the context so permits the following words shall have the meanings shown:-

<u>Annual Business Plan</u>	shall mean the Plan referred to in Clause 5.3 and 5.4
<u>Chair</u>	shall mean such person as shall from time to time be duly elected to be the Chair of the Joint Committee in accordance with Clause 3.9.
<u>Chief Executive</u>	shall mean the Head of Paid Service of each Member Authority or such other officer as each Member Authority determine
<u>Delegated Functions</u>	shall mean those functions, powers and responsibilities set out in Schedule 2 hereto subject to the restrictions expressed therein and otherwise in this agreement.
<u>Director</u>	shall mean the officer, so designated under paragraph 1(iv) of Schedule 2, employed to operate and manage WME
<u>Executive Elected Member</u>	shall mean any person duly elected to be a Council Member of any of the Member Authorities who is also a Member of the Executive of that Member Authority.
<u>Key Contract</u>	means a contract entered into on behalf of the Member Authorities as directed by the Joint Committee with a Utility Supplier which the Joint Committee designates as a contract during which a Member Authority may not withdraw from membership of the Joint Committee. Contracts for the supply of gas and electricity shall automatically be deemed Key Contracts unless otherwise agreed by the Joint Committee.
<u>Key Decision</u>	A decision likely to be taken by the Joint Committee, or by an officer pursuant to a delegation by the Joint Committee, which is likely to result in income, expenditure or savings of £500,000 or greater, or to have a significant effect, on, two or more Electoral Divisions of a Member Authority.
<u>Joint Committee Member</u>	shall mean an Executive Elected Member who shall from time to time be nominated by a Member Authority to represent the executive of that Member Authority on the Joint Committee.
<u>Joint Committee</u>	shall mean the Joint Committee established by this agreement referred to at paragraph 2.1
<u>Lead Authority</u>	shall mean Shropshire Council or such other Member Authority as may from time to time be agreed by a majority of the Member Authorities in writing

<u>Member Authority</u>	shall mean each authority included in Schedule 1 hereto and the phrase “Member Authorities” shall be interpreted accordingly.
<u>Overview and Scrutiny</u>	means the arrangements of each Member Authority in respect of a committee which oversees and scrutinises each Member Authority’s involvement in the decisions of the Joint Committee in accordance with the Local Government Act 2000 (as amended) and any statutory instruments made thereunder.
<u>Scheme of Delegation</u>	shall mean a written record of any delegations made by the Joint Committee
<u>Strategic Policies</u>	shall mean the Policies referred to in Clause 5.2.
<u>Utility Supplier</u>	means a supplier of gas, electricity or any other utility service with whom WME has agreed to purchase services on behalf of the Member Authorities and WME Customers.
<u>Vice-Chair</u>	shall mean the person from time to time elected to be Vice-Chairman of the Joint Committee in accordance with Clause 3.9
<u>West Mercia Energy or “WME”</u>	shall mean West Mercia Energy business operated under the authority of the Joint Committee.

- 1.1 ~~Member Authority~~ shall mean each authority included in Schedule 1 hereto and the phrase “Member Authorities” shall be interpreted accordingly.
- 1.2 ~~Lead Authority~~ shall mean Shropshire Council or such other Member Authority as may from time to time be agreed by a majority of the Member Authorities in writing.
- 1.3 ~~Delegated Functions~~ shall mean those functions, powers and responsibilities set out in Schedule 2 hereto subject to the restrictions expressed therein and otherwise in this agreement.
- 1.4 ~~Director~~ shall mean the officer, so designated under paragraph 1(iv) of Schedule 2, employed to operate and manage WME.
- 1.5 ~~West Mercia Energy or “WME”~~ shall mean West Mercia Energy business operated under the authority of the Joint Committee.
- 1.6 ~~Strategic Policies~~ shall mean the Policies referred to in Clause 5.2.
- 1.7 ~~Annual Business Plan~~ shall mean the Plan referred to in Clause 5.3 and 5.4
- 1.8 ~~Joint Committee~~ shall mean the Joint Committee established by this agreement referred to at paragraph 2.1
- 1.9 ~~Chief Executive~~ shall mean the Head of Paid Service of each Member Authority or such other officer as each Member Authority shall determine.
- 1.10 ~~Executive Elected Member~~ shall mean any person duly elected to be a Council Member of any of the Member Authorities who is also a Member of the Executive of that Member Authority.
- 1.11 ~~Joint Committee Member~~ shall mean an Executive Elected Member who

- shall from time to time be nominated by a Member Authority to represent the executive of that Member Authority on the Joint Committee.
- 1.12 Chair shall mean such person as shall from time to time be duly elected to be the Chair of the Joint Committee in accordance with Clause 3.9.
- 1.13 Vice Chair shall mean the person from time to time elected to be Vice Chairman of the Joint Committee in accordance with Clause 3.9.
- 1.214 Any reference to a statutory provision, subordinate legislation or other enactment includes reference to it as amended, extended or replaced from time to time and includes any subordinate legislation, byelaw or other enactment made under it.
- 1.315 Where the word 'including' is used in this Agreement, it shall be understood as meaning 'including without limitation'.
- 1.416 This Agreement shall be governed by English Law and where the context so admits the words contained in the Definitions Section shall bear the meanings specified therein.

NOW IT IS HEREBY AGREED as follows:

2. The Joint Committee

- 2.1 The Executives of the Member Authorities agree to form a Joint Committee which shall arrange for the discharge of their functions, as set out in clause 4, in connection with this Agreement under the name West Mercia Energy.
- 2.2 The Member Authorities agree that the role of the Joint Committee shall be strategic in nature and that whilst the Joint Committee shall maintain a strategic oversight of the business of WME the day to day running of that business and the implementation of any strategy agreed by the Joint Committee shall be delegated to the appointed Director.
- 2.3 The Joint Committee shall have the power to appoint sub-committees comprising Joint Committee Members ~~or officers of the Member Authorities~~, and the Joint Committee may delegate such of its functions to a sub-committee as it deems reasonably necessary.
- 2.3A The Joint Committee may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these groups, which may be formed of officers or members of the Member Authorities or such third parties as the Joint Committee considers appropriate.
- 2.3B The Joint Committee may delegate such of its functions to the Director or officers of the Member Authorities as it sees fit to provide for the effective operation of the business conducted on behalf of the Joint Committee.
- 2.4 The Lead Authority shall appoint from its officers a ~~S~~secretary to undertake the role set out in Clause 2.5 below ("the Secretary") and a ~~T~~treasurer to undertake the role set out in Clause 2.6 below ("the Treasurer") to the WME Joint Committee. The Secretary and Treasurer shall liaise with the monitoring officers and ~~section 151 Officers the Treasurers~~ of the Member Authorities to enable those officers to comply with their responsibilities under Section 5 of the Local Government and Housing Act 1989 and Section 151 of the Local Government Act 1972.
- 2.5 The responsibilities of the Secretary shall be as follows: responsible for the production and compilation of the Joint Committee's agenda and minutes and shall provide legal advice

and services to the Committee.

- i. to make all necessary arrangements for the publication of forthcoming decisions, convening of meetings of the Joint Committee and any Sub-Committees, to ensure that the meetings and decision making of the Joint Committee are undertaken in accordance with legal requirements;
- ii. to provide, or, where necessary, procure the provision of, all necessary legal advice on matters under consideration by the Joint Committee or relevant to the Committee's functions;
- iii. to arrange for the taking and maintenance of minutes of meetings of the Joint Committee and any Sub-Committees, the publication of any resulting decisions and ensure that the business of the Joint Committee at its meetings is conducted in accordance with legal requirements;
- iv. to manage and co-ordinate the day-to-day affairs of the Joint Committee and its administrative support.

2.6 The responsibilities of the Treasurer shall be as follows:

- i. to provide financial advice to the Joint Committee;
- ii. in conjunction with the Director, to prepare an annual budget for the Joint Committee;
- iii. in conjunction with the Director, to keep proper accounts of the monies received and expended by the Joint Committee;
- iv. to calculate overheads and in accordance with clause 7 below; and
- v. the calculation, apportionment and distribution of any accumulated surplus in accordance with clause 8 below;
- vi. the calculation and apportionment of liabilities in accordance with clause 9 below;
- vii. to fulfil or arrange the requirements in respect of the external audit of the Joint Committee;
- viii. to ensure that an appropriate internal audit function is provided to the Joint Committee;
- ix. to present to the Joint Committee the annual statement of accounts for approval.

2.7 The Joint Committee or the Director as appropriate may arrange for the purchase of other services from wheresoever it considers such services are most efficiently and effectively provided.

2.8 The costs of all services mentioned in 2.4 shall be a charge levied on the annual budget of WME.

Membership

3. Membership and Meetings

3.1 Membership of This Agreement WME shall run from 1st April 2013 and shall continue until terminated in accordance with clause 10.1, or in respect of an individual Member Authority's membership, until their membership is terminated in accordance with clause 10.3, until 31st March 2020 and thereafter may be extended by agreement between the Member Authorities.

3.2 Wherever in this Agreement the Member Authorities have the power to decide any matter by majority vote then each Member Authority shall have such number of votes as that Member Authority has representatives (or an entitlement to representatives)

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on the Joint Committee. Unless otherwise stated, any reference in this Agreement to the 'approval' of the Joint Committee shall be taken to mean approval provided by the Joint Committee by way of a majority vote.

- 3.2A All voting shall be by a show of hands, unless the provisions of paragraph 3.2B below apply. Any question coming before the Joint Committee shall be decided by a simple majority of those present and voting the Chair having the casting vote in the event of an equality of votes in addition to his/her vote as a member of the Committee.
- 3.2B Recorded votes shall be taken if requested by any one Committee Member, and any Member shall have the right to have the way s/he individually voted (or abstained) recorded in the minutes.
- 3.3 Each Member Authority shall be entitled to appoint that number of their Executive Elected Members as specified in Schedule 1 hereto to serve on the Joint Committee for a term expiring upon the retirement of the Executive Elected member following Council elections or unless earlier replaced by the appointing Member Authority following written notice to the Secretary (such written notice may be given by electronic mail) which will take effect upon receipt unless any later date is specified. Substitute members may be appointed in accordance with clause 3.11 below.
- 3.4 A Joint Committee Member appointed in accordance with 3.3 shall nevertheless cease to be a Joint Committee Member when he or she ceases to be an Executive Elected Member of the Member Authority by whom he or she is appointed.
- 3.5 Appointments should be notified formally in writing to the Secretary of the Joint Committee by the Chief Executive or other nominated officer for each Member Authority (such written notice may be given by electronic mail).
- 3.6 Any Joint Committee Members who are absent from meetings of the Joint Committee for three consecutive meetings (unless excused by the Joint Committee) or who communicate in writing to the Secretary to the Joint Committee a wish to resign shall thereupon cease to be Joint Committee Members. The Secretary shall notify the relevant Member Authority and invite them to appoint replacement Joint Committee Members in accordance with clause 3.3.
- 3.7 Notices of meetings and accompanying documents shall be sent to the members ~~and officers~~ of the Joint Committee and relevant officers of each Member Authority by the Secretary of the Joint Committee in accordance with clause 3.7C. ~~to the Chief Executive of each Member Authority by the Secretary of the Joint Committee.~~
- 3.7A The Secretary shall undertake the publication of notices of meetings and accompanying documents and conduct the Joint Committee's meetings in accordance with the 'Access to Information Procedure Rules' as contained within the Lead Authority's constitution. These requirements will include the publication of notices of any forthcoming Key Decisions to be taken by the Joint Committee (the 'Forward Plan') on the Lead Authority's website at least 28 clear days before a Key Decision is to be taken and publication of notice of a meeting, copies of the agenda and reports open to the public on the Lead Authority's website at least five clear working days before the meeting. Each Member Authority shall be responsible for ensuring they provide a link from their own website to the information published on the Lead Authority's website, or such other method of publication of the required information as they deem appropriate, in order to comply with their own access to information obligations.
- 3.7B A copy of the notice of meeting, the agenda for each meeting, any relevant reports and the minutes of the previous meeting shall be provided by the Secretary, at least five (5) clear days before such meeting to each Joint Committee Member.

- 3.7C At the same time, such papers will also be provided to:
- (i) to the Chief Executive of each Member Authority or such other senior officer of a Member Authority as may be nominated in writing by a Member Authority to the Secretary's clerk to the Joint Committee meeting;
 - (ii) the Monitoring Officer of each member Authority;
 - (iii) such other addressees as a Member Authority may nominate in writing from time to time to the Secretary to the Joint Committee.
- 3.7D The notice of meeting shall contain notice of all business, except urgent business, which is required to be brought before the Joint Committee either in the ordinary course of business, or which is brought by the Chairman, the Vice-Chairman or the clerk of the Committee.
- 3.7E Meetings of the Joint Committee will be open to the public and press except where the Joint Committee resolve that the press and public be excluded (which may only be during consideration of items containing confidential or exempt information within the meaning of the Local Government Act 1972) and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 3.7F Minutes of the Joint Committee shall (subject to the provisions of clause 3.7E above) be available to the public and press and published on the Lead Authority's website as though they were minutes of a meeting of a Member Authority.
- 3.7G Decisions of the Joint Committee shall be published on the Lead Authority's website as soon as reasonably practicable after each meeting. Each Member Authority shall be responsible for ensuring they provide a link from their own website to the Joint Committee decisions published on the Lead Authority's website, or such other method of publication of the required information as they deem appropriate, in order to comply with their own access to information obligations.
- 3.8 There shall be an Annual Meeting of the Joint Committee in September of each year and at least one further ordinary meeting in February of each year for the approval, inter alia, of the Annual Business Plan unless the Joint Committee shall agree that further meetings are required at such time or times as shall be deemed necessary by the Joint Committee. A Special Meeting may be requisitioned by the Chief Executive of a Member Authority, such requisition to set out the business to be transacted at the meeting and to be delivered to the Secretary of the Joint Committee in normal circumstances at least ten clear working days prior to the date of the meeting and the Secretary shall undertake the relevant publication of notices and documents relating to the Special Meeting in accordance with this clause 3. Where it is certified that the business to be transacted is urgent business the time limit for delivery of such requisition may be waived by the Secretary of the Joint Committee following consultation with the Chair of the Joint Committee. Where a Key Decision is likely to be made at the Special Meeting the provisions of the Lead Authority's 'Access to Information Procedure Rules' in relation to urgent decisions shall apply.
- 3.9 At the meeting in February 2013 and thereafter every year at the ordinary meeting in February the Joint Committee shall elect by majority vote one of their members to be Chair for the ensuing 12 month period and another member to be Vice-Chair for the same term. The Chair and Vice-Chair shall not be from the same Member Authority nor any person hold office for longer than one term consecutively.
- 3.10 The Chair and Vice-Chair shall hold office until the appointment of their successors as provided for in clause 3.9 above or until such earlier date as they shall cease to be an Executive Elected Member of their respective Member Authorities in which case the

- respective office shall be filled at the next meeting of the Joint Committee. In the absence of both the Chair and Vice-Chair from a meeting the members present shall before any other business is transacted elect, by majority vote, one of their number to preside at that meeting.
- 3.11 A substitute member shall only be entitled to attend, speak and vote as if an ordinary member of the Joint Committee where, at least one clear working day prior to the date of the meeting, notice has been given to the Secretary that:
- (i) it is impracticable for the named ordinary member of the Joint Committee to attend a specified meeting;
 - (ii) the named substitute member will attend in place of their named ordinary members; and
 - (iii) the named substitute member is also an Executive Elected Member.
- 3.12 The quorum of the Joint Committee shall be two members from at least two separate member authorities.
- 3.13 The proceedings of the Joint Committee shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualification of any Joint Committee Member whose appointment is properly notified to the Secretary of the Joint Committee.
- 3.14 With the agreement of the Chair of the Joint Committee, or in his absence the Vice-Chair, or the member elected so to act in accordance with 3.10, any Elected Member of the Member Authorities or authorised officers from the Member Authorities or WME may attend and speak but not vote at meetings of the Joint Committee. The Executive Member responsible for procurement policy of each Member Authority or the Leader of the Member Authority shall have the right to attend and speak but not vote if they are not the nominated Joint Committee member.
- 3.15 Notwithstanding the provisions of 3.14, a Member Authority may, with the agreement of the Chair or in his absence the Vice- Chair, or the member elected so to act in accordance with 3.10, invite any person to attend a meeting of the Joint Committee for the purpose of making a presentation, or providing advice or information, on any item relevant to the Joint Committee's functions where that person is able to provide a professional or commercial viewpoint, which the Member Authority considers would be of assistance to the Joint Committee.
- 3.16 Each Joint Committee Member shall observe and comply with the provisions of the Code of Conduct for elected members adopted by their appointing Member Authority ("Code of Conduct").
- 3.17 Where a Joint Committee Member attends a meeting of the Joint Committee they must declare any disclosable pecuniary and other interests as required by their Code of Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.
- 3.18 An interest, other than a disclosable pecuniary interest, which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the actions of the Joint Committee Member may be disregarded if the Joint Committee so resolves.
- 3.19 Where in relation to any meeting a Joint Committee Member has a disclosable pecuniary interest in an item which prevents their participation in the discussion and

voting on that item, the Joint Committee Member must leave the room for the duration of the discussion and voting on that matter. In respect of all other interests, the Chair has the right to decide whether a Joint Committee Member declaring an interest can observe the meeting and not contribute or should be asked to leave.

3.20 Where Joint Committee Member(s) has declared an interest which requires them to withdraw from the meeting and vote, the meeting will be deemed to be quorate.

4. Objectives

- 4.1 The objectives of the Joint Committee shall be to maintain effective, efficient and economic arrangements for the purchase and supply of energy at the request of and to the satisfaction of the Member Authorities and to other public bodies, non-profit making charitable organisations, education providers including Academies and private sector organisations delivering services on behalf of public bodies and such other organisations which may be approved by the Joint Committee (including approval via the Annual Business Plan) where it is permitted by law and is to the benefit of Member Authorities to do so.
- 4.2 The Joint Committee shall be responsible for the discharge of the functions of the Member Authorities in relation to those matters delegated by the Member Authorities set out in Schedule 2 hereto.
- 4.3 The Joint Committee shall make available the above services of WME in accordance with the approved Annual Business Plan, the interests of Member Authorities and the law.

5. Procedure

- 5.1 WME shall, following approval by the Joint Committee, adopt and operate a set of financial procedures and standing orders ~~regulations~~ for the procurement of goods and services.
- 5.1A In the absence of any specific Standing Orders adopted by WME applicable to an issue, the Lead Authority's standing orders shall apply to the Joint Committee in respect of that issue.
- 5.2 The Joint Committee shall approve and adopt ~~produce and~~ thereafter keep under review Strategic Policies for adoption ~~strategic policies necessary for the proper operation of the Committee and the WME business ("the Strategic Policies"), and where appropriate shall adopt the Lead Authority's relevant policies~~ (with or without revision) and shall conduct its affairs in conformity with the provisions of such Strategic Policies or subsequent amendment. The Strategic Policies shall include ~~comprise:-~~
- ~~i) an the Lead Authority's Equal Opportunities Policy;~~
 - ~~ii) a the Lead Authority's Health and Safety Policy;~~
 - ~~iii) pay and conditions for WME staff, together with other relevant employment policies where these are different to those of the Lead Authority; and~~
 - iv) Standing Orders in respect of contract and procurement matters; and
 - v) a set of financial regulations governing the operation of the financial matters of WME;
 - ~~vi) the Lead Authority's policies relating to modern environmental practices and sound environmental sustainability in the sourcing of its products and services from suppliers;~~
 - vii) a risk management strategy.
- 5.3 The Joint Committee shall approve an Annual Business Plan. The Annual Business

Plan shall be recommended to the Joint Committee by the Chief Executives of the Member Authorities. The Chief Executives of the Member Authorities may recommend any material variations to the Annual Business Plan to the Joint Committee, including the acquisition of new customer markets not already referred to therein.

- 5.4 The Annual Business Plan shall comprise a comprehensive statement of the business aims and proposed actions of the Joint Committee for the ensuing financial year and inter alia shall include:-
- i) business and financial objectives
 - ii) performance standards
 - iii) marketing strategy
 - iv) indicative staffing levels and changes
 - v) proposed main activities
 - vi) permitted trading and customer markets that the Director has authority to engage in
- 5.5 The Joint Committee shall agree its own detailed budgets for internal use by the Joint Committee at a level of detail by the Treasurer and Director as necessary to exercise proper management control of the activities of WME. Such budgets shall be in accordance with the Annual Business Plan.
- 5.6 The Joint Committee (or the Director as provided in the Scheme of Delegation) shall be empowered to make any necessary operational decisions necessary for the effective operation of WME including the virement of budgets and appointment of staff provided any such actions are consistent with the approved Standing Orders, Financial Regulations, Annual Business Plan and Strategic Policies.

5A. Scrutiny Arrangements

- 5A.1 The decisions made by (and, for the avoidance of doubt, not mere recommendations of) the Joint Committee shall be subject to the Overview and Scrutiny arrangements of each Member Authority.
- 5A.2 Notification of the publication of decisions of the Joint Committee on the Lead Authority's website shall be sent to the nominated contact within each Member Authority (who has responsibility for administering that Member Authority's committee or democratic process) together with all those to whom agenda papers etc are despatched as soon as possible after publication in accordance with clause 3.7G above. Each Member Authority shall circulate notification of the publication of such decisions as they deem appropriate within their own authority.
- 5A.3 The Joint Committee Members and their officer advisers shall fully cooperate with the relevant Overview and Scrutiny Committee of the Member Authorities.
- 5A.4 Any decision or action of the Joint Committee may be called in for scrutiny by members of a Member Authority. A decision is called in by members of a Member Authority in the same way in which they would call in a decision of that Member Authority's Executive except that:
- (a) decision may not be called-in after 5pm on the 5th working day after the date upon which the decision is published.
 - (b) a call in of such a decision or action can only be made if the decision or action concerned affects the Member Authority whose membership wishes to call in the decision or action.
- 5A.5 Once a decision is called in it may not be implemented until the Overview and Scrutiny arrangements of the Member Authority whose membership has called in the decision or

action has been completed or if called in by more than one such Member Authority, until the last has been completed. Where a Member Authority's Overview and Scrutiny committee or a full Council requires reconsideration of the decision by the Joint Committee the Joint Committee shall arrange for the decision to be reconsidered in the light of comments made by the Committee or the full Council and the final decision of the Joint Committee shall not be subject to call in.

6. Reports

- 6.1 The Joint Committee shall receive in each year at each September annual meeting the report of the Director and the Treasurer in respect of the twelve months ending the Thirty first day of March of that year and a copy thereof shall be forwarded to the Chief Executive of each Member Authority.
- 6.2 The reports shall include, inter alia:-
- a) A statement showing progress in achieving the objectives in the Annual Business Plan including a report and financial statement on the operation of WME.
 - b) A summary revenue account and statement of capital spending including the recommendations as to the distribution or use of any revenue surplus and the financing of any capital expenditure.
- 6.3 At each meeting of the Joint Committee the Joint Committee shall consider whether it will be appropriate to task the Director with the holding of meetings or the undertaking of reviews on any matter (at the absolute discretion of the Joint Committee) upon which it shall require a formal report to be presented at its next or any subsequent meeting. .

7. Overheads, Pricing and Financial Requirements

- 7.1 The costs of all overheads including staffing costs and liabilities shall be recovered as an oncost on any energy or services sold.
- 7.2 The prices at which energy and services shall be sold shall be at the discretion of the Director. The Director will fix prices with a view to attaining the following objectives:-
- a) Meeting budgeted operating costs for the ensuing year.
 - b) Achieving the projected surplus of income over expenditure in accordance with the agreed Annual Business Plan.
- 7.3 a) The Joint Committee shall determine the level of accumulated surplus that shall be retained for contingency, for future investment or for other reserve purposes, having considered the recommendations of the Treasurer and Director; and
- b) The whole or any part of any remaining accumulated surplus balance (not otherwise retained for contingency, future investment or reserve purposes) shall be distributed to the Member Authorities in the manner described in clause 8 hereto
- 7.4 Interest due or accrued on credit or debt balances with the Lead Authority shall be accounted for.
- 7.5 The accounts and records of WME shall be subject to a continuous process of audit by the Treasurer to the Joint Committee and shall also be subject to audit in accordance with the provisions of Sections 2 and 3 of the Audit Commission Act 1998. The Member

Authorities agree to recommend to the Commission that the same auditors should be appointed to audit the accounts of the Lead Authority and the Joint Committee.

- 7.6 The accounts and records of WME shall be open for inspection by the Chief Finance Officer or other nominated officer of any Member Authority.

8. Distribution of Surplus

- 8.1 In ~~September~~ of each year the accumulated surplus identified in clause 7.3(b) shall be distributed in accordance with the relevant provisions of this clause 8.

- 8.2 ~~NOT USED~~ The accumulated surplus identified for distribution in September 2012 shall be distributed to each Member Authority in accordance with clause 8.5.

- 8.3 ~~NOT USED~~ The accumulated surplus identified for distribution in September 2013 shall be distributed to each Member Authority in proportions calculated using the arithmetic mean of the proportions identified by the distribution method stated in clause 8.5 and proportions identified by the distribution method stated in clause 8.6

- 8.4 ~~NOT USED~~ The accumulated surplus identified for distribution in September 2014 and in September of each subsequent year during the term of this Agreement shall be distributed to each Member Authority in accordance with clause 8.6.

- 8.5 ~~NOT USED~~ In respect of clause 8.2 the balance of the accumulated surplus shall be distributed as follows:

- a) ~~the proportion of the accumulated surplus identified as arising from sales and receipts generated by transactions other than with a Member Authority shall be divided and distributed between the Member Authorities in equal shares (which for the avoidance of doubt shall be a 25% share for each of the Member Authorities)~~
- b) ~~the amount of the accumulated surplus identified which is attributable to the use of WME (or its predecessor West Mercia Supplies) by transactions with the Member~~

~~Authorities shall be divided between the Member Authorities in a ratio equal and rounded to the nearest 0.5% percentile equivalent of their respective previous five year purchasing history of each Member Authority from WME (or its predecessor West Mercia Supplies)~~

- 8.6 In respect of clause 8.4 ~~t~~ The balance of the accumulated surplus identified for distribution shall be divided and distributed to each Member Authority as follows:

- a) each Member Authority shall receive a percentage share of the accumulated surplus identified for distribution arising from transactions with the Member Authorities calculated in accordance with the percentage of the gross profit generated by the receiving Member Authority's transactions with WME during the financial year prior to the date of distribution; and
- b) each Member Authority shall receive 25% of the accumulated surplus identified for distribution generated by transactions with non-Member Authority customers during the financial year prior to the date of distribution .

9. Obligations of Member Authorities

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- 9.1 Each Member Authority shall defray the expenses of their own respective Joint Committee Members.
- 9.1A Except as expressly stated, where the costs, expenses and liabilities of the Joint Committee and the operation of the business cannot be met out of the monies identified in clause 7.3a the provisions of clause 9.2 and 9.3 below shall apply.
- 9.2 Subject to clause 9.3, the Member Authorities shall be jointly liable in equal shares and shall indemnify the Lead Authority for the liabilities of WME in respect of all claims, liabilities and costs incurred by the Lead Authority in respect of the staff employed or previously employed by the Lead Authority for the purposes of WME or its predecessor West Mercia Supplies.
- 9.3 Contracts entered into in the name of WME (or in its previous name of West Mercia Supplies or 'WMS) shall be the joint and several liability of all Member Authorities. Where contracts are entered into by WME on behalf of a named body it shall be presumed that WME acts as agent for that body unless the contrary can be shown.
- 9.4 Clauses 9.2 and 9.3 shall survive the termination of this agreement.

10. Termination

- 10.1 ~~NOT USED For the avoidance of doubt the Member Authorities agree that they may not withdraw from membership during the term of this agreement.~~
- 10.2 If the Member Authorities at any time jointly and unanimously decide that it is expedient to discontinue WME any assets vested in it or in the Lead Authority in trust for the Member Authorities shall be distributed amongst the Member Authorities at the time of such discontinuance in such manner as the Member Authorities may jointly determine to be fair and reasonable after payment of all expenses or liabilities properly incurred. For the avoidance of doubt all expenses and liabilities shall include any redundancy costs or pension fund deficit, actuarially assessed at the date of termination, or any such related costs payable by the Lead Authority in respect of the employees of WME Any deficit arising at such time shall be borne by the Member Authorities in equal shares.
- 10.3 The Member Authorities agree that an individual Member Authority may not withdraw from membership during the term of any Key Contract with a Utility Supplier to which that Member Authority is a party on behalf of WME.
- 10.4 Subject to 10.3 above, should an individual Member Authority wish to terminate their membership of the Joint Committee they may serve at least 12 months written notice of termination ("the Notice") to the Chief Executives of the other Member Authorities and the Director to take effect on the latest date of expiry of any unexpired agreements with the Utility Supplier(s) to which the individual Member Authority is a party at the date the Notice is served.
- 10.5 Where an individual Member Authority has served Notice further to clause 10.4 (hereafter "the Exiting Authority"), during the Notice period the Exiting Authority shall not be a party to any renewal of an Utility Supplier contract and the Exiting Authority shall cease to be entitled to any surplus generated from that renewed Utility Supplier contract whilst the Notice period is being served. During the Notice period the Exiting Authority shall not remove any sites from the list of sites being supplied under the Energy Supply contracts

without the approval of the Director.

10.6 The Treasurer shall assess the assets and liabilities of the Joint Committee as they exist at the date of termination of the Exiting Authority's membership of the Joint Committee. Upon exit, the Exiting Authority shall be entitled to an equal share of the value of any assets held on behalf of the Joint Committee net of any liabilities of the Joint Committee. The Exiting Authority shall be liable for an equal share of any liabilities of the Joint Committee incurred up to the date of their exit, irrespective of whether the liability is claimed prior to or after the date of exit which shall include the Exiting Authority's equal contribution to any pension fund deficit actuarially assessed as at the date of exit. The Treasurer shall calculate any amount due to or from the Exiting Authority as at the date of exit of the Exiting Authority. Any payments for liabilities due from the Exiting Authority may be deducted from any surpluses due to the Exiting Authority in accordance with this Agreement or from any payment due upon exit to reflect the value of any share of the assets of the Joint Committee to which the Exiting Authority is entitled.

10.7 Where the Joint Committee requests a payment from the Exiting Authority for a contribution to its liabilities in accordance with clause 10.6, the Exiting Authority shall make the relevant payment within 20 days of receipt of the request.

10.8 Following receipt of a Notice pursuant to clause 10.4, where the remaining Member Authorities jointly decide that it is not expedient to continue with the Joint Committee, the provisions of clause 10.2 shall take effect and apply in precedence over the remainder of this clause and the Notice shall be revoked.

11 Disputes

11.1 Any dispute arising under or out of this Agreement shall be referred by a Member Authority, by notice in writing to the others, to the Chief Executives of the Member Authorities, who shall co-operate in good faith to resolve the dispute as amicably as possible within 30 days of service of the notice.

11.2 If the matter is not resolved by negotiation within 30 days of receipt of a written 'invitation to negotiate', the parties will attempt to resolve the dispute in good faith through an agreed Alternative Dispute Resolution (ADR) procedure, or in default of agreement, through an ADR procedure as recommended to the parties by the President or the Deputy President, for the time being, of the Chartered Institute of Arbitrators.

11.3 If the matter has not been resolved by an ADR procedure within 60 days of the initiation of that procedure, or if any party will not participate in an ADR procedure, the dispute may be referred to arbitration by any party. The seat of the arbitration shall be England and Wales. The arbitration shall be governed by both the Arbitration Act 1996 and Rules as agreed between the parties. Should the parties be unable to agree on an arbitrator or arbitrators, or be unable to agree on the Rules for Arbitration, any party may, upon giving written notice to other parties, apply to the President or the Deputy President, for the time being, of the Chartered Institute of Arbitrators for the appointment of an Arbitrator or Arbitrators and for any decision on rules that may be necessary.

11.4 Nothing in this clause shall be construed as prohibiting a party from applying to a court for interim injunctive relief.

12. Amendment

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12. This Agreement may be varied from time to time by the unanimous decision of the Member Authorities who remain in membership at the time of such amendments such amendments being recorded in memoranda to be attached hereto and executed under the hands of the duly authorised Officers on behalf of the Member Authorities.

IN WITNESS whereof Shropshire Council, The County of Herefordshire County, Worcestershire County Council and The Borough of Telford & Wrekin ~~Council~~ have caused their respective common seals to be hereunto fixed the day and year first before written.

THE COMMON SEAL of SHROPSHIRE)
COUNCIL was hereunto)
affixed in the present of:)
the date and year first before written)

SEALED BY SHROPSHIRE COUNCIL

THE COMMON SEAL of THE COUNTY)
OF HEREFORDSHIRE DISTRICT COUNCIL)
was hereunto affixed in the presence of:)
the date and year first before written)

SEALED BY THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

THE COMMON SEAL of THE COUNTY)
OF WORCESTERSHIRE COUNTY COUNCIL)
was hereunto affixed in the presence of:)
the date and year first before written)

SEALED BY WORCESTERSHIRE COUNTY COUNCIL

THE COMMON SEAL of THE BOROUGH OF)
TELFORD & WREKIN ~~COUNCIL~~ was hereunto)
affixed in the presence of:)
the date and year first before written)

SEALED BY THE BOROUGH OF TELFORD & WREKIN

SCHEDULE 1**MEMBER AUTHORITIES**

Name of Member Authority	Number of Joint Committee Members
The County of Herefordshire District Council	2
Shropshire Council	2
Worcestershire County Council	2
Borough of Telford & Wrekin	2

SCHEDULE 2

DELEGATIONS

1. The following matters are delegated to the Joint Committee by the Member Authorities:-
 - (i) To determine the strategic direction and have oversight of WME on behalf of the Member Authorities and in so doing exercise all powers and responsibilities of the Member Authorities to that end.
 - (ii) To purchase on behalf of the Member Authorities such energy and utility services as the Member Authorities may from time to time require WME to procure.
 - (iii) To purchase such energy and utility services as may from time to time be required by anybody which is listed as approved in the current Annual Business Plan or is specifically approved by the Joint Committee provided always that the extent of such trading shall be contained within any limit or restrictions contained in the Annual Business Plan and the provisions of section 1 of the Localism Act 2011.
 - (iv) To appoint a Director with delegated responsibility for the day to day running of the business, the implementation of any strategy agreed by the Joint Committee and responsibility to report to the Joint Committee such officer to be employed and line managed by the Lead Authority which shall on the recommendation of and in consultation with the Director employ such staff, equipment and premises as may be required in connection therewith and in respect of which budget provision has been made in accordance with the Annual Business Plan.
 - (v) To introduce by consultation or negotiation as appropriate revised terms and conditions for WME employees but making it clear at all times that they remain employees of Shropshire Council as the lead authority as a matter of employment law.



<u>Committee</u> Cabinet DATE: 28 th September 2016
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<u>Item</u> TBC

ANNUAL REPORT ON HEALTH AND SAFETY PERFORMANCE FOR 2015/2016

Responsible Officer Carol Fox, Health and Safety Manager
e-mail: carol.fox@shropshire.gov.uk Tel: (01743) 252814

1. Summary

This report reviews the health and safety performance for 2015/2016 of Shropshire Council, and identifies key priorities for 2016/2017.

2. Recommendations

A. The contents of the report are accepted; particularly noting:

- Good progress has been made during 2015/2016 on managing health and safety across the Council.
- Reportable employee accidents to the Health & Safety Executive (HSE) and minor accidents have increased compared to last year's figures.
- Benchmarking with other Unitary Councils show that Shropshire Council performs well in terms of accident statistics.
- The Health & Safety Team continues to maintain a good relationship with the HSE.

B. The Key Actions for 2016/2017 are agreed

The key actions for Shropshire Council are:

- Work with Service Areas to produce and implement H&S management systems including policies, procedures and arrangements
- Development of contracts across council and externally with associated Service Level Agreements in place.
- Continue updating and monitoring of Workstation Safety Plus to reduce risks associated with musculoskeletal disorders.

REPORT

3. Risk Assessment & Opportunities Appraisal

The structure of the report is in line with best current practice for reporting on health and safety performance. The contents of the report highlights that the Council is managing risks and identifying improvements in an acceptable and proportionate manner.

Progress with Action Plan for 2015/2016

1. Positive progress has been made with the completion of the actions for Shropshire Council arising from the Action Plan for 2015/2016. Some of the key actions where progress has been made are:
 - 60 Audits were completed to implement recommendations following monitoring visits, i.e. audits, inspections, safety tours across the council.
 - To implement new and revised H&S guidance into Service Areas to ensure it is communicated to all employees. E.g. Asbestos, Legionella, Manual Handling, Mobile Phones, New Construction (Design and Management) Regulations.
 - To implement and maintain robust, legal and sensible H&S management systems including policies, procedures and arrangements into new ways of working and any commercial enterprises.

See Appendix One on page 11 for detailed information on progress with the plans.

Health and Safety Performance Information

2. Detailed below is performance information regarding reactive monitoring, where incidents have occurred and proactive monitoring to show what is being done to ensure that the Council has robust systems in place to prevent injury and ill-health. Council officers continue to work closely and regularly with the HSE in respect of reactive and proactive work.
3. The Health and Safety Executive encourage employers to include reporting on health and safety performance in their annual reports as part of the drive to manage and reduce work-related injury and ill-health.

Reactive Safety Performance

Accident and Violence Statistics

4. The Council's Accident Reporting System (CARS) is used to enable a simple and consistent approach to reporting and recording of accidents within Shropshire Council and to increase the scope and use of statistical information.
5. All accident forms are sent into the Health and Safety Team so that remedial action to prevent a reoccurrence can be monitored by a Health and Safety Officer and if necessary advice and support can be given to implement further reasonable actions.
6. The Health and Safety Team is the statutory reporter of accidents which are required to be reported to the Health and Safety Executive. This ensures that accurate information is passed to the HSE and if further information is required the Health and Safety Team is the first point of contact.
7. The number of reportable incidents to the HSE for employees has increased compared to the data from 2014/2015 from 16 to 18. The number of incidents related to non-employees has increased from 7 to 9. *See Appendix Two, Chart 1.*

8. The main causes of the reportable employee accidents to the HSE are Slips/Trips/Falls 12 (67%) Manual Handling related accidents 2 (11%), Work Equipment related accidents 2 (11%), Physical Violence 1 (5.5%) and Lack of training/care taken 1 (5.5%). See *Appendix Two, Chart 2*.
9. This year, Shropshire Council had 936 accidents in total, comprising 27 RIDDORS, 748 minor accidents and 161 near-misses. The previous year's figure was 878.
10. There were 748 minor accidents reported in total (695 last year), 374 to employees (335 last year), 54 to service users (51 last year), 42 to visitors (49 last year), and 242 to pupils (237 last year). The remainder were low numbers in the categories 'contractor', 'agency staff', 'trainees', 'volunteers' and 'work experience'.
11. The main causes of the minor injuries to employees were violent incidents 111 (30%) This has slightly decreased from last year (108 / 32%). 60 Slips, Trips & Falls (16% - 72 / 21% last year) and 85 relating to human error e.g. bumped head on unit, hit thumb using hammer (23% - 66 / 21% last year). See *Appendix Two, Chart 3*.
12. Of the 30% of violent incidents to employees, the majority of these incidents were related to the challenging behaviour of service users and pupils in adults with learning disabilities service areas or Special Schools which resulted in minor injuries being sustained, i.e. bruises, bites, scratches. These areas monitor behaviour very closely and have behavioural plans in place.
13. The remaining incidents related to the behaviour of pupils in mainstream schools and incidents reported by staff working operationally in areas such as Parking Warden Services, Housing Options and Benefits, and relating to members of the public visiting leisure or cultural services. The Customer Services hubs where many of these services are based from had a slight increase in incidents this year.
14. Management of violence and aggression training is available at differing skill levels to deal with actual and potential violence and aggression. The majority of this training is job specific and tailored to manage the challenging behaviour of pupils and service users.
15. Personal safety training is also available to raise awareness of avoiding and managing violence. A course for frontline staff is available to identified staff.
16. Manual handling training is available to staff to highlight the importance of risk assessing hazardous manual handling activities and ensuring safe systems of work are in place.
17. The Health and Safety Team will continue to review each accident form and ensure that remedial action is put into place to prevent a reoccurrence and undertake investigations as necessary.
18. A comparison has been undertaken with other Unitary Councils in respect of accidents. The benchmarking compared total accidents to employees, reportable accidents to HSE and violence to employees. The benchmarking took into consideration the number of employees within each organisation so an accurate comparison can be obtained by using an Accident Incident Rate (AIR).

Comparison with other Unitary Councils on Reportable Accidents

19. Shropshire Council compares favourably with other Councils for reportable accidents (RIDDORS) to the HSE. Shropshire Council has an AIR figure of 2.32 compared with the average AIR figure is 3.19 for participating Councils. See *Appendix Three, Chart 4*.

Comparison with other Unitary Councils on Violence to Employees

20. Shropshire Council has an AIR figure of 14.29 which is below the average for the participating Councils which is 34.33. See *Appendix Three, Chart 5*.

Comparison with other Unitary Councils on Total Accidents to Employees

21. Shropshire Council's AIR figure for Total Accidents to employees is 48.15. This is below the average for the participating Councils which is 67.97. See Appendix Three, Chart 6.

Health and Safety Investigations

22. The Health and Safety Team continue to investigate and follow up accidents. The majority of these investigations were related to accidents which were reportable under legislative requirements and were either a full investigation with recommendations or a follow up after an accident to ensure that corrective action had been put into place. The nature of the investigations in addition to those noted below included:

- Following a visit from Public Protection officers to a working farm, issues with inadequate handwashing facilities were identified and raised to the Premise Manager and the Health & Safety Team. The team worked with the premise to identify improvements, and these are being implemented now.
- Following a significant loss of oil at a school – up to 2500 litres identified from fuel records, contractors discovered a damaged underground pipe connecting the tank to the boiler. The Environment Agency, Public Protection, Premises Services, Estates and our Insurance Team have been involved in supporting the clear up and reinstatement of the school's heating system. A meeting involving the parties took place to discuss any shared learning for those involved and an Action Plan developed.
- An investigation was undertaken at a school after an incident occurred on a tyre swing. (Normally 3 Tyres linked by chains). A child was swinging on the tyre when the chain came loose from the beam above, the child fell with the tyre to the floor and the chain and bolt fell on top of the child. Luckily the child only had grazes but potentially could have been a lot worse. Recommendations have been made and information has been included in the Health and Safety Bulletin for all schools.
- It was reported that whilst our Term Maintenance contractor were in control of one of our bridges undertaking maintenance work, it collapsed overnight. No one was present or injured. It was been reported to the HSE as a Dangerous Occurrence under RIDDOR. An investigation report by our contractor and the Health and Safety Team was produced and recommendation made. The Health & Safety Team met with relevant parties and the Service Manager for Highways, Transport and Environmental Maintenance met the Contractors and Designers concerned to take the report forward and agree a plan to replace the bridge and implement recommendations.
- There were also a number of slip, trips and fall incidents. The Health and Safety Team were able to provide advice on additional control measures. Service Area teams have been very responsive to any recommendations put forward and have implemented remedial action.

Health and Safety Executive's (HSE) Involvement and Enforcement Activities

23. There were no occasions during 2015/2016 when the Health and Safety Executive (HSE) has made direct contact.

- **Update on choking incident**

The Health and Safety team investigated an incident involving a service user at a day centre in December 2012. During lunch time, a service user was given first aid due to a choking incident. The service user was taken to hospital and later pronounced dead. The incident was reported to the Coroner and the Health and Safety Executive (HSE). The HSE and the Health and Safety team carried out individual investigations.

The Council attended the Crown Court in Shrewsbury on 8th January 2016 and was prosecuted for a Health and safety Offence under Section 3 of the Health and Safety at Work, etc. Act 1974 and the Management of Health and Safety at Work Regulations Section 3. The outcome of the Coroners Court was a narrative verdict of accidental death.

The Judge imposed a fine of £25,000, ordered that the authority pay £24,300 legal costs and said it should make a £15,000 contribution towards the cost of the Health & Safety Executive inquiry

24. No further enforcement action has been taken by the HSE as a consequence of their investigations or follow-up meetings.

Work-related Absences

25. The Management of Health and Safety at Work Regulations requires every employer to conduct risk assessments for health and safety hazards, including work-related stress. The HSE have developed Stress Management Standards to represent a set of conditions that reflect high levels of health, wellbeing and organisational performance. The Standards can be used to identify any gaps in performance and develop possible solutions.

26. Managers are encouraged to undertake a stress risk assessment when local stress issues are identified and then implement an action plan. A Stress Risk Assessment Toolkit, which is part of the Stress Management Policy, is available to managers to help them with the risk assessment process. The toolkit incorporates the HSE's Stress Management Standards. Coaching and support on the toolkit is available through Employee Relations Teams, Occupational Health Team and the Health and Safety Team.

27. Stress Risk Assessment training can be provided to managers by Health and Safety and Occupational Health. These sessions will also illustrate and define the roles of Health and Safety and Occupational Health in the management of stress. Also to assist with stress management a new training course, Building Resilience Training, has been introduced and this has been received well.

28. Stress Awareness training is available through the Core Skills Framework. These courses are aimed at managers and employees to look at how to recognise signs of stress and to instigate strategies for dealing with and managing stress.

29. A Counselling Service, Network of Staff Supporters (NOSS), is available to offer confidential support to employees who feel that they would like to discuss personal and work related concerns.

30. The percentage of stress related absences has remained the same as last year at 20%. The percentage of absences relating to work-related stress has fallen from 7.94% last year to 3.51%. Targeted work continues between Employee Relations, the Occupational Health Service, the Health and Safety Team and the NOSS Counselling Service to try to reduce stress related absences through the use of the Stress Risk Assessments, action plans and training for managers. All support mechanisms are based on identifying work related and personal stress at an early stage and taking early intervention through referral to the Occupational Health Service, access to a Counselling Service and instigating an action plan.

31. The percentage of absences relating to musculoskeletal disorders has risen by 2% up from 21% to 23% compared to last year's figures with the overall percentage of absences due to work-related musculoskeletal disorders falling by 0.79% from 1.15% to 0.36%. A scheme of early referral to a Physiotherapy Service through the Occupational Health Team continues to try and support employees with musculoskeletal disorders. Manual Handling training continues to be offered and manual handling accidents related to work activities are investigated and monitored to make sure that remedial action is put into place.

Proactive Safety Monitoring

Health and Safety Team - Advice and Guidance

32. A Duty Safety Officer System is used within the Health and Safety Team to allow employees and managers to access telephone advice from a Safety Officer across the Council. The

response time is based on the level of risk. The team took over 1,000 telephone calls, where a response was required. The most frequent queries were related to accidents, premise safety and health and safety training. The Duty Safety Officer provided immediate advice and support and followed up with a site visit if necessary.

33. The Health and Safety Team continue to review the Corporate Health and Safety Policy and arrangements and update when necessary. This year many of the health and safety arrangements were updated, these included Kitchen and Food Safety, Work Equipment-Powered Tools, Work Equipment-Hand Tools, Young People and Work Experience, Health and Safety Management Arrangement, Choking guidance for adults with a learning disability, Premise Management Arrangement, Personal Hygiene, Safety Reps and Committees and Consultation with employees, Personal Protective Equipment, Manual Handling Risk Assessment, Occupational Health Medical Form and Occupational Health Referral Form.

New guidance documents and arrangements completed included Construction (Design and Management) Regulations and Respiratory Protective Equipment (RPE).

34. The Health and Safety Team continue to work closely with service areas to provide advice, bespoke training and monitor activities to ensure that risks are being managed sensibly and proportionately.

35. The Crime Prevention (CP) function is part of the Health and safety team and covers all aspects of Shropshire Council premises, property and staff. Crime Prevention contributes to the Authority's participation in the Crime and Disorder Act 1998, Section 17. The work of CP includes advising on pro-active security, crime prevention and increasingly, personal safety. In addition, the function has a re-active role addressing problems/issues i.e. anti-social behaviour, theft, burglary and staff safety. The work is across all sectors of the Council.

Crime Prevention promotes and assists Shropshire schools with the 'Safer School' scheme. 122 Schools are now accredited a 'Safer School' and a further 21 schools are working to accreditation. Virtually all Shropshire Primary schools and the majority of Senior schools are involved in Safer Schools. Following a successful Safer School accreditation, the school is reviewed every 2 years. Many schools have been involved in the scheme for 10 years or more. In partnership, West Mercia Police provide excellent support and appreciate the commitment of both the Council and schools. The Crime Prevention function has a strong link with the Shropshire Officers of West Mercia Police, permitting good partnership working when circumstances dictate.

From a corporate perspective, CP supports the health and safety team with policies and arrangements and also advises/contributes with the Council security guarding/intruder alarm contracts. Over the past year, CP has had a greater role in issues relating to the buildings or staff safety at Council properties.

Corporate Health and Safety Audits

36. The Health and Safety Team continue to undertake Health and Safety Audits in a variety of premises to offer and advice through inspections, establishment/team visits, etc. During 2015/16, 60 audits were undertaken across the Council. These included 'safety tour' audits which comprise informal audits and inductions to support new Headteachers, Manual Handling of People audits within Residential and Day Services and stress audits across a range of service areas.

37. These audits and inspections were based on a prioritisation of risk, i.e. a response to incidents and specific request from senior managers to review the premise health and safety arrangements.

38. Reports on the findings of Health and Safety Audits and Inspections were sent to key people with health and safety responsibilities in service areas and key concerns were discussed and noted at the Corporate Health, Safety and Welfare Group. The Premise Manager instigated an action plan to meet any recommendations made.

Health and Safety Monitoring (Self Audits)

39. The Health & Safety team carried out a number of targeted inspections involving construction works in schools over the summer period. Works included refurbishment, roofing and electrical activities. A total of twenty two inspection/visits were completed. A common theme in the majority of visits related to the management of asbestos during refurbishment and planned maintenance within the schools. In addition, the other common issues related to site and school security and working at height. Many projects were not able to provide a Construction Phase Plan, as required under the Construction (*Design & Management*) Regulations 2015. A summary of findings has been provided to Premises Services and also included in the Schools Newsletter bulletin.
40. Self-Monitoring Checklists are available to premises to self assess their level of compliance with the Councils Health and Safety Policy and guidance.
41. Schools in particular are very committed to undertaking the local assessments usually with active Governor in-put. Other Service Areas haven't really engaged with the process this year although this isn't a cause for concern. This is attributed to the restructuring of services.
42. The Health and Safety Team will continue to use the scoring from the self monitoring documentation to select and undertake health and safety audits through the year of premises and teams based on the outputs from the self monitoring process. This will target areas where support is required to improve health and safety performance.

Fire Safety

43. The Regulatory Reform (Fire Safety) Order 2005 places responsibility for fire safety at any particular premises on the "responsible person" i.e. the employer and/or the person who has control of the premises. Under this legislation, the "responsible person must ensure a fire risk assessment is carried out to determine whether the premises are safe to use and ensure that all necessary fire precautions are properly implemented.

Support, advice and training is made available to premises managers in all council buildings regarding fire safety and particularly the technical aspects of fire risk assessments. Throughout the year, compliance monitoring is undertaken with respect to all premises which are owned, occupied or used by the council – including schools – to ensure that our statutory duties under the Fire Safety Order are being properly carried out.

Regular and close liaison with Shropshire Fire and Rescue Service (SFRS) has proven to be an effective way of dealing with issues which arise from their audits of council premises and has helped to ensure that to date, no enforcement notices or prohibition notices have been served. The council's Fire Safety Group - which includes representation from SFRS and all council service areas – meets every three months to provide a high level overview of fire safety matters affecting council premises. Operational level consultation meetings are held each month to consider specific issues; these meetings also provide an opportunity for SFRS to comment on proposals for improvement works to council premises and schools. SFRS have also completed a number of school audits and no enforcement notices or prohibition notices being served. Some notifications of deficiencies were issued and the H&S Team have supported schools in addressing the issues that have been raised.

The Learning and Skills Fire Improvement Strategy Panel meet each month to consider fire safety improvements which are required to all schools throughout the county. Schools are surveyed and considered in order of priority and the panel commission improvement works to school buildings where these are found to be necessary. Over the period up to spring 2016 improvement schemes have been developed and implemented at a number of schools; these works can be expected to bring the buildings up to a standard necessary to meet fire safety legislation.

Health and Safety Training

44. Health and Safety Training is being delivered to Council's employees to ensure that they continue to attain knowledge, understanding and develop skills to enable them to plan, manage, supervise or undertake their work activities safely.

Over the year, 122 courses were delivered to 1,182 delegates. An increase of 16% and 12% respectively when compared with 2014/15

A wide variety of topics are delivered, e.g. Asbestos Awareness, Lone Working and Personal Safety, Moving and Handling of Loads, Ladder Safety, Fire Safety, Fire Warden, Control of Substances Hazardous to Health, Health and Safety Awareness, Risk Assessment, Evac+Chair. Refresher courses were also arranged and delivered for these subjects.

There is no new Health and Safety legislation expected in the next few months and no need to develop any new courses. However, content in the COSHH + PPE training presentation was updated last year in order to reflect changes to classification and labelling of hazardous substances (implementation of European Regulation for Classification, Packaging and Labelling Regulation), these came in to force in the beginning of July 2015 and brought about the withdrawal of the familiar 'orange and black' pictogram hazard labels. The new change has prompted some thought about COSHH Risk Assessment procedures and a new guidance document is being prepared. It may be helpful to develop a more advanced 'practical' training package to support implementation of the draft procedure.

45. In addition to the Corporate Training Programme, 43 specialised health & safety courses were delivered by the Joint Training Team to Shropshire Council staff and private, independent and voluntary sector Adult Social Care employees. These courses were attended by 404 delegates. Courses delivered were Moving and Handling Induction, Moving and Handling People Refresher, Practical Hoist Refresher, Moving and Handling Champions training, Health and Safety in Social Care Provision, Care Certificate Day Four and Basic Moving and Handling for Social Workers and Social Work Assistants.

There were 2 H&S Workshops run specifically for Head Teachers, Business Managers & School Governors covering topics including Contractor Information / legal obligations surrounding building work on school sites, Fire Safety / Risk Assessment, Legal Updates.

The Occupational Health Service ran 72 training courses, attended by 722 delegates and these included First Aid at Work, Re-Qualification Course, Emergency First Aid at Work Course, Paediatric First Aid, Emergency First Aid at Work/ Paediatric First Aid.

Shire Services ran 129 training courses, attended by 1108 delegates and these included Shire Services Induction, Refresher Manual Handling + Slips/Trips/Falls Awareness, Fire Awareness, Ladder Safety, CIEH Health and Safety Level 2, 3 & Level 2 refresher, Line Manager Health and Safety Awareness Workshop, CIEH Food Safety Level 1, 2, 3, and Refresher Food Safety Level 2 & 3. Shire Services also have Catering Managers (133 delegates) and Cleaners in Charge (90 delegates) annual meetings which include any retraining in Health and Safety key points and their manuals are updated with any changes.

There were also three IOSH Managing Safely Courses, attended by 16 delegates, of which 10 were employees and 6 were external delegates. The course is accredited by the Institution of Occupational Safety and Health (IOSH) and is aimed at delegates who have a responsibility for health and safety in their day to day duties.

46. The Health & Safety Team provide a training matrix available on both the Health and Safety Intranet and Shropshire Learning Gateway. This is designed as an on-line tool to help managers find out what is considered as essential Health & Safety training for each member of staff in their team.

The matrix is an Excel application that identifies Health & Safety training courses required for a general or job specific role within Shropshire Council.

The demonstration of the application gained the approval of the senior management teams. Managers at all levels were positive about the purpose of the matrix and considered it would be a useful tool.

47. The Health & Safety Team launched further health and safety e-learning courses; this supports the learner by negating the requirement for several formal (classroom style) training courses.
48. Cardinus continued to provide an e-learning platform this year, with 1000 licences hosted by Cardinus on their server. This provides school employees and others within Shropshire Council who cannot access the intranet the opportunity to carry out health and safety (e-learning) training i.e. using external email. The system is also used by external clients such as Star Housing.
49. The fully interactive e-learning courses are:
 - Fire Safety Plus
 - Safety for Line Managers
 - Manual Handling Plus
 - Manual Handling for the Office
 - Effective Risk Assessment
50. These e-learning training courses are hosted on the intranet allowing training to be delivered directly to the employee's computer, who can access the training at their own convenience.

Cardinus Workstation Safety Plus

51. The software system for undertaking intranet based risk assessment and training continues to be used. The software is well received by managers and employees as it allows cost effective and accessible training to be available. This negates the necessity for employees to leave their workstation to undergo training and to complete a workstation risk assessment. The council has extended the Cardinus contract and has now moved from a self-hosted option to being hosted by Cardinus themselves. This means less IT support is needed in-house and the reliability of the system is better.
52. During 2015/2016 there were approximately 3231 users on the system and 2369 workstation assessments were completed. Users complete a risk assessment, producing a high, medium or low risk result. They are then presented with an action report detailing the measures required to rectify issues raised and reduce risks. During the period the high risks were reduced to 28%, medium risks reduced to 15% and the low risks increased to 56%.

Health, Safety and Welfare Group

53. The Group met four times to consult with Trade Union colleagues on health and safety matters. It receives progress updates from the Health & Safety representatives and a report from the Health and Safety Manager on health and safety performance, accidents, briefings on new legislation and progress with agreed targets. The meetings are well attended with focus given to strategic health, welfare and safety matters and proactive work which improves knowledge and performance.

Summary of Key Performance Indicators

54. Good progress has been made during 2015/2016 on managing health and safety across the Council. This can be demonstrated through the development of health and safety arrangements and initiatives undertaken to reduce and manage risk.
55. The Health and Safety Team continue to monitor performance through audits and inspections.
56. Reportable employee accidents to the HSE have increased and minor accidents increased compared to last year's figures. Regular reporting occurs to the Health, Safety and Welfare Group to monitor accident statistics throughout the year.
57. On comparison with other Unitary Councils, who took part in a benchmarking exercise, Shropshire Council looks favourable in all the benchmarked areas for accident statistics.
58. The Health and Safety Team has provided robust and responsive service to service areas on health and safety issues through offering advice by telephone, site visits, and attendance of meetings, provision of investigation reports and the delivery of the Managing Safely Course to managers and supervisors.

Actions for 2016/2017

Key priorities for Shropshire Council are:

- Review of H&S Arrangements to ensure up to date and relevant to organisation
- Continue updating and monitoring of Workstation Safety Plus to reduce risks associated with musculoskeletal disorders.
- Maintain support to the Commissioning Group to enable health and safety implications to be considered and duly managed for any new contracts.
- Development of contracts across council and externally with associated Service Level Agreements in place.
- To support the procurement of the HR/Payroll System in relation to the capture and reporting of accident data, health and safety training records and occupational health records.
- To continue to monitor health and safety performance through Auditing and Inspection of workplaces and work activities.

Progress on Action Plan for 2015/2016

Activity	Outcome	
Review of H&S Arrangements to ensure up to date and relevant to organisation	☺	On-going, Arrangements are being updated in line with project plan which is based on level of risk.
Production of Annual Health & Safety Performance Report including benchmarking with other unitary LA's for presentation to senior management and elected members	☺	Data being collected for the annual report. 2014/15 report completed and signed off by Portfolio Holder on 28/07/2015.
Targeted Safety Auditing to measure compliance and provide recommendations for improvements.	☺	On track with plan
To develop and pilot electronic CARS reporting form for use with outlook	☺	No further progress due to other priorities from other services supporting the design. Currently no plans to progress due to possible procurement of alternative HR/Payroll system.
H&S training package to be developed and delivered to Service Managers and Team managers with H&S responsibilities in line with recent senior managers training.	☺	Draft package and Team identified to use as a Pilot.
Work with IP&E to produce and implement H&S management system including policies, procedures and arrangements.	☺	Policy statement for IP&E and IP&E Traded provided and main policy under development at present. IP&E Ceased trading 16 February 2016.
Development of contracts across council and externally with associated Service Level Agreements in place.	☺	Collaborative work on SLA's underway
Develop and implement Employee Protection Register / PVP database for the council in conjunction with stakeholders from across the council	☹	Unlikely to commence due to priorities/workload of IT project team
Continue updating and monitoring of Cardinus-Workstation Safety Plus to reduce risks associated with musculoskeletal disorders	☺	The council has extended the Cardinus contract and has now moved from a self-hosted option to being hosted by Cardinus themselves. This means less IT support is needed in-house and the reliability of the system is better.

Accident Charts for Shropshire Council

Chart 1: Number of Reportable Employee Accidents for 2014/2015 and 2015/2016

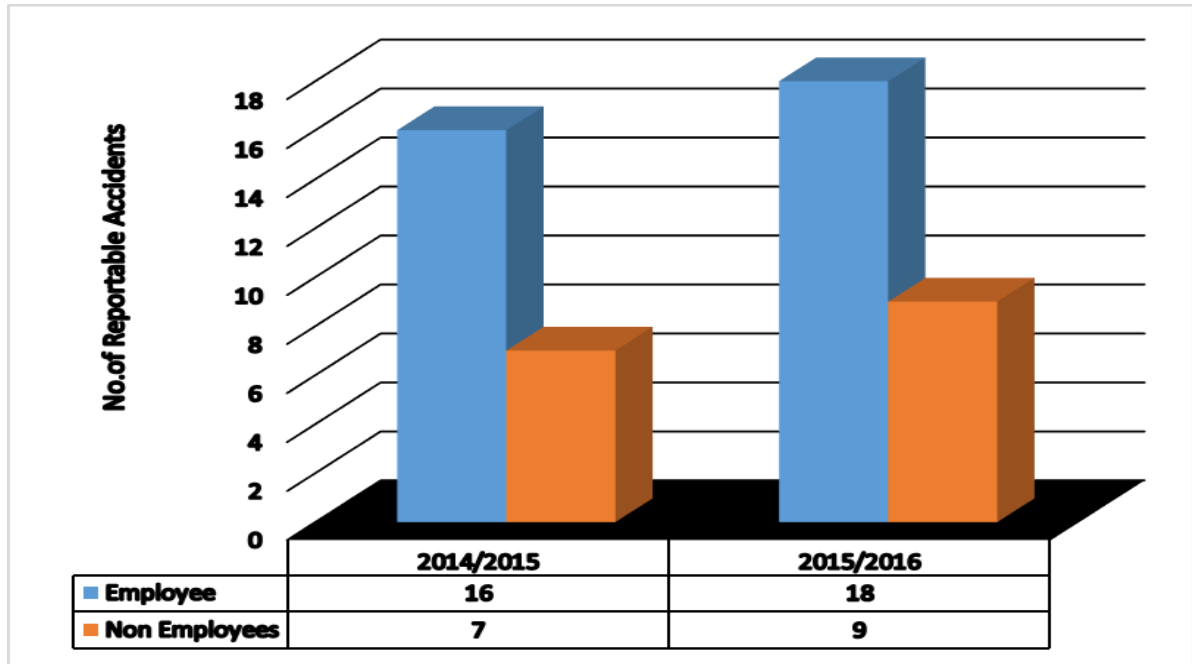


Chart 2: Main Causes of Reportable Employee Accidents for 2015/2016

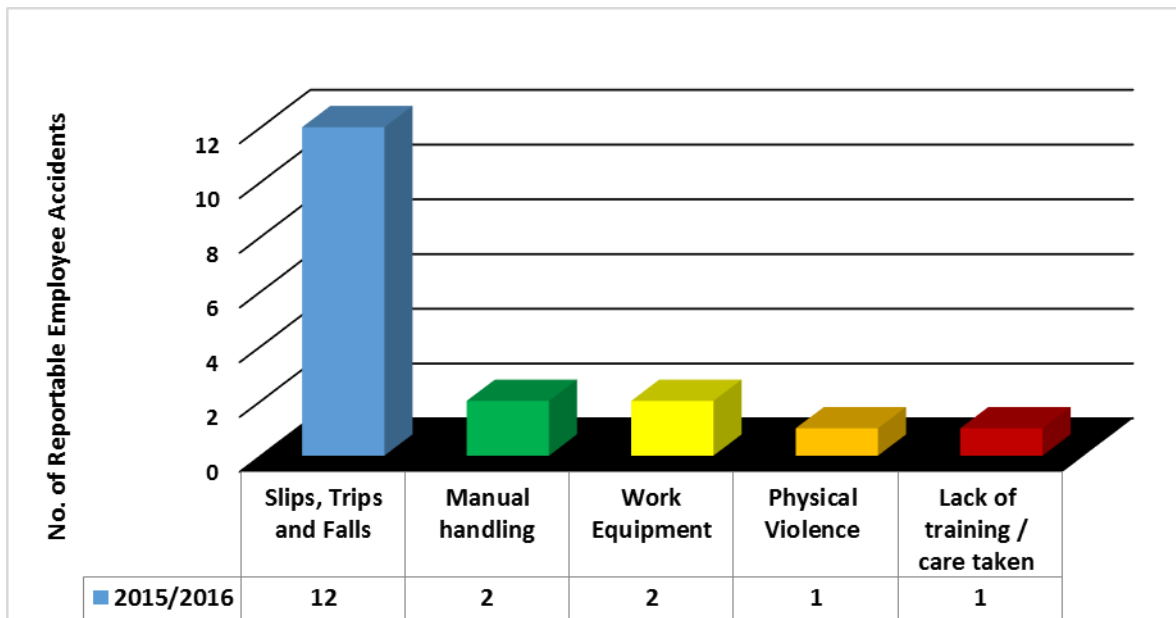


Chart 3: Main Causes of Minor Injuries to Employees for 2014/2015 and 2015/2016



Appendix Three

Benchmarking with other Unitary Councils

*AIR = Accident Incident Rate - used for benchmarking purposes

$$\text{AIR} = \frac{\text{Number of Accidents}}{\text{Number of Employees}} \times 1000$$

Chart 4: Benchmark for Reportable Injuries to Employees

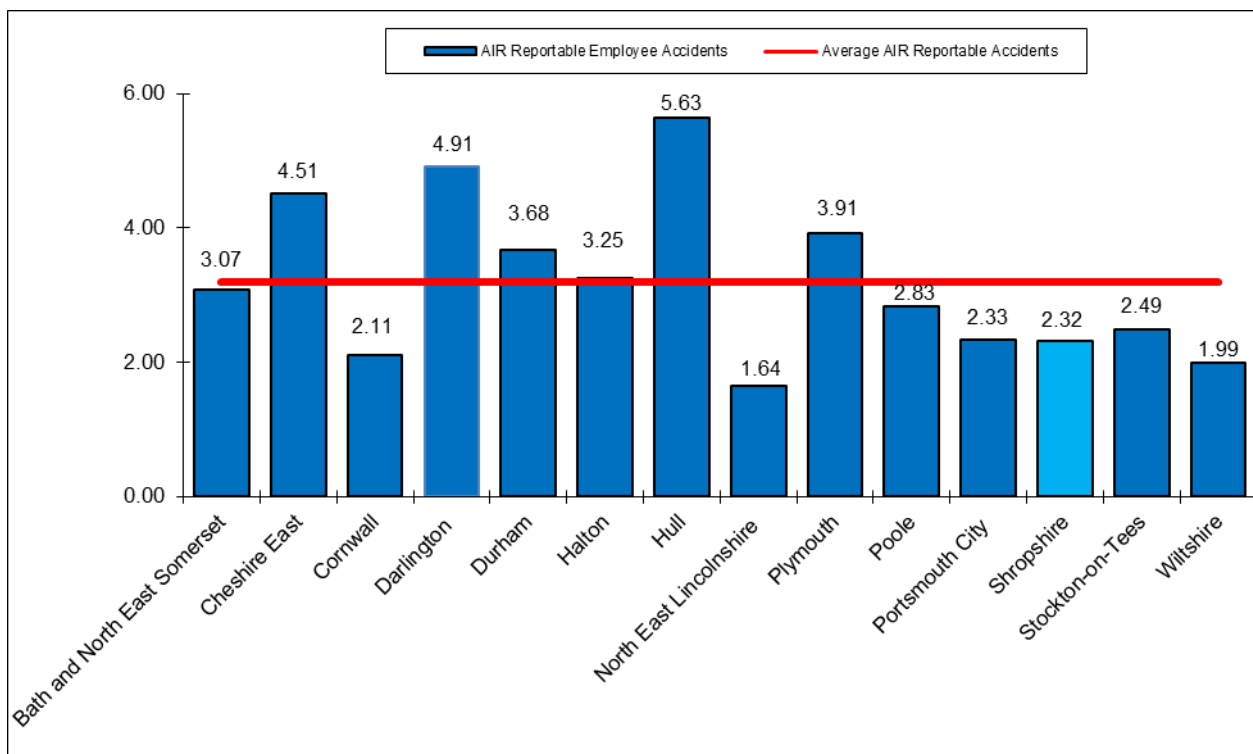


Chart 5: Benchmark for Violence to employees

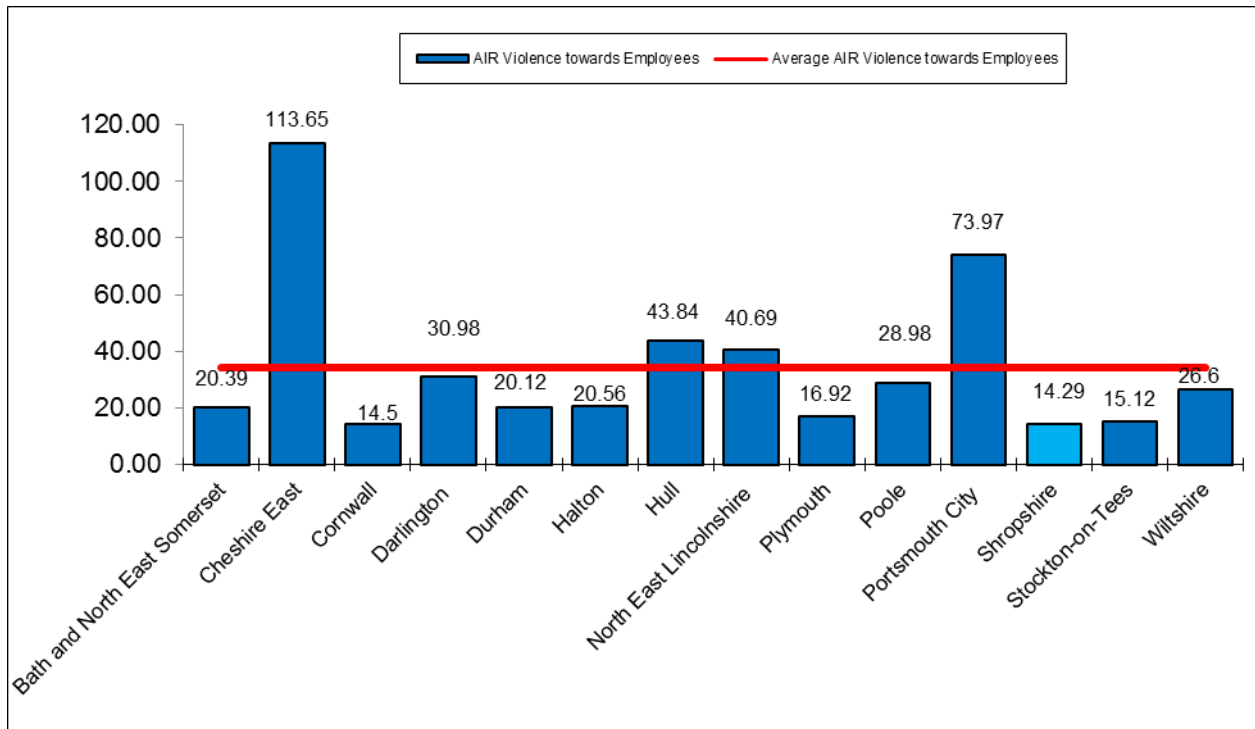
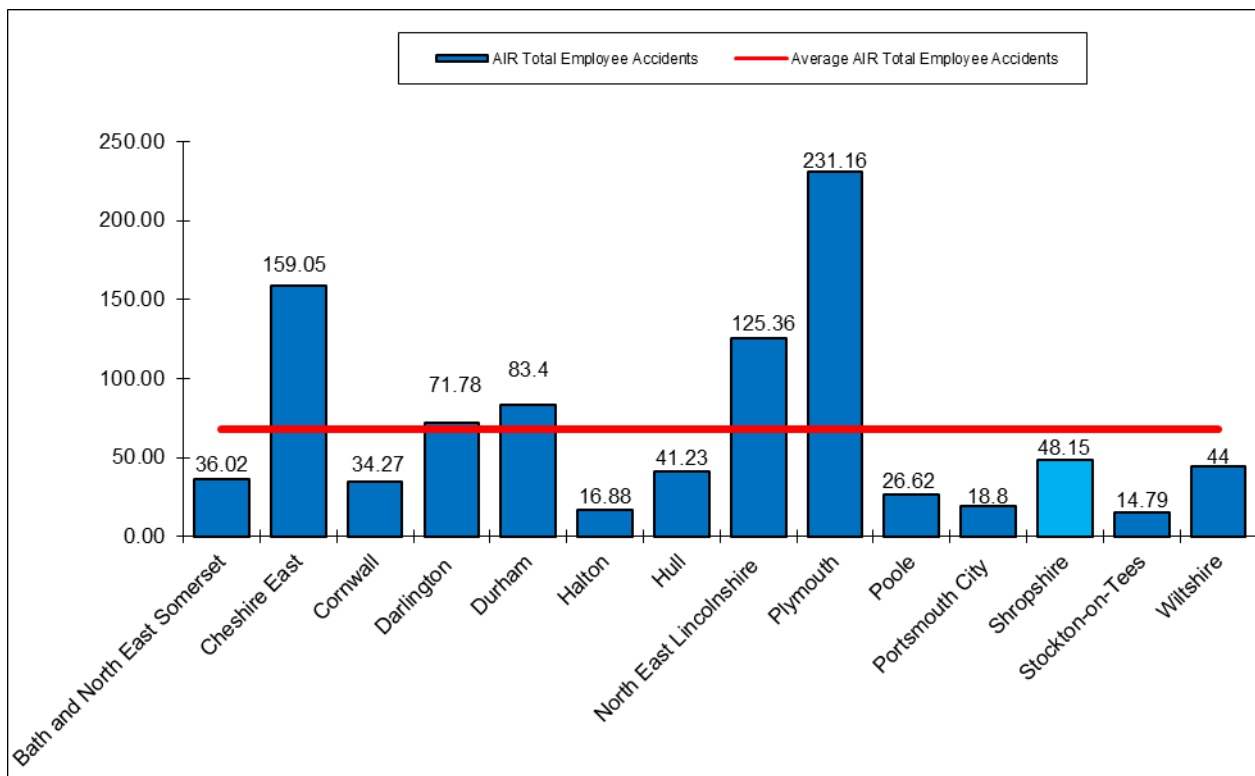


Chart 6: Benchmark for Total Accidents to Employees



Benchmarking with other Unitary Councils

Council	Number of Employees (Head Count)	Reportable Employee Accidents	AIR* (Reportable Employee Accidents)	Violence to Employees	AIR* (Violence to Employees)	Total Employee Accidents /Incidents	AIR* (Total Employee Accidents)
Bath and North East Somerset	6524	20	3.07	133	20.39	235	36.02
Cheshire East	3766	17	4.51	428	113.65	599	159.05
Cornwall	11380	24	2.11	165	14.50	390	34.27
Darlington	2647	13	4.91	82	30.98	190	71.78
Durham	17398	64	3.68	350	20.12	1451	83.40
Halton	4620	15	3.25	95	20.56	78	16.88
Hull	7277	41	5.63	319	43.84	300	41.23
North East Lincolnshire	2433	4	1.64	99	40.69	305	125.36
Plymouth	7921	31	3.91	134	16.92	1831	231.16
Poole	4245	12	2.83	123	28.98	201	26.62
Portsmouth City	6435	15	2.33	476	73.97	121	18.80
Shropshire	7767	18	2.32	111	14.29	374	48.15
Stockton-on-Tees	6017	15	2.49	91	15.12	89	14.79
Wiltshire	11543	23	1.99	307	26.6	508	44.00

4. Financial Implications

There are no financial implications associated with this report. There may be future financial implications in respect of the Actions for 2016/2017 although these will be approved by Senior Managers before they are progressed.

5. Conclusions

This report indicates that the health and safety performance of Shropshire Council has been managed well over the last twelve months.

The next twelve months will continue to see new challenges in light of the financial climate. It is important to maintain focus on sensible risk management so that risks can be managed sensibly, appropriately and proportionately.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) None

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights Act 1998.

Environmental Appraisal N/A

Risk Management Appraisal

The contents and key actions of this report are in compliance with good risk management.

Community / Consultations Appraisal

Mechanisms are in place for consultation with employees and Trade Unions.

Cabinet Member

Michael Wood

Local Member

N/A

Appendices - 3

Appendix One – Progress on Action Plan for 2015/2016

Appendix Two – Accident Charts for Shropshire Council

Appendix Three – Benchmarking with other Unitary Councils

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of the Local Government Act 1972.

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