

Cabinet

Agenda

Thursday 11 July 2019

The Cabinet will meet at SHIRE HALL, WARWICK on Thursday 11 July 2019 at 13.45.

Please note that this meeting will be filmed for live broadcast on the internet and can be viewed on line at warwickshire.public-i.tv. By entering the meeting room and using the public seating area you are consenting to being filmed. All recording will be undertaken in accordance with the Council's Standing Orders.

Prior to the commencement of the meeting **Hannah Owens, the Young Poet Laureate for Warwickshire** will recite a couple of her poems for Cabinet.

The agenda will be:

1. General

1) Apologies for Absence

2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election or appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with.
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the Code of Conduct. These should be declared at the commencement of the meeting.

3) Minutes of the meeting held on the 11 June 2019

To approve the minutes of the meeting held on 11 June 2019.

4) Public Speaking

To note any requests to speak in accordance with the Council's Public Speaking Scheme (see footnote to this agenda).

2. Treasury Management Outturn 2018/2019

This report concerns Treasury management defined as: "The management of the local authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

Cabinet Portfolio Holder: Councillor Peter Butlin

3. Annual Governance Statement 2018/19

This report presents the Annual Governance Statement for 2018/19 for consideration prior to submission to Council.

Cabinet Portfolio Holder: Councillor Kam Kaur

4. Education (Schools) Capital Programme 2019/20 and approval of the change of age range at Northlands Primary School, Rugby.

This report recommends proposals for allocating resources in the Education (Schools) Capital Programme to specific projects. The report also covers the change of age range at Northlands Primary School, Rugby

Cabinet Portfolio Holder: Councillor Colin Hayfield

5. Primary and Secondary School Fair Access Protocol

This report asks that Cabinet agree the Warwickshire County Council Fair Access Protocol for Mainstream Primary and Secondary Schools 2019/2020.

Cabinet Portfolio Holder: Councillor Colin Hayfield

6. Commissioning Intentions Performance Framework

This report asks Cabinet to agree to the introduction of the Commissioning Intentions Performance Framework from 1st October 2019 with reporting against the new set of Key Business Measures commencing for quarter 3.

Cabinet Portfolio Holder: Councillor Kam Kaur

7. Appointment of a Chief Transformation and Digital Officer

This report seeks Cabinet approval to appoint a Chief Transformation and Digital Officer post on a fixed term contract for a two-year period.

Cabinet Portfolio Holder: Councillor Kam Kaur

8. Communities Overview and Scrutiny Committee's scrutiny of Warwickshire Major Roads Network (MRN) - Proposed Scheme Programme and Priorities

This report concerns discussion held by the Communities Overview and Scrutiny Committee regarding the Major Roads Network report considered and agreed by Cabinet on 11 June 2019.

Cabinet Portfolio Holder: Councillor Jeff Clarke

9. Any Urgent Items

Any other items the Chair considers are urgent

10. Reports Containing Confidential or Exempt Information

To consider passing the following resolution:

'That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972'.

11. Exempt Minutes of the meeting of the 11 June 2019

To approve the exempt minutes of the meeting held on 11 June 2019.

12. Commissioning of Short Breaks for Disabled Children

This report seeks Cabinet approval to proceed with an appropriate procurement process for the provision of the overnight residential and community short breaks for children and young people with disabilities from April 2020 with new arrangements to be in place from April 2020 until April 2025.

Cabinet Portfolio Holder: Councillor Jeff Morgan

13. Authorisation to Re-Tender Tracking and Supporting the Participation of 16 -17 (up to 25 SEND) Year Olds into Education, Employment or Training

This report asks Cabinet to approve proceeding with an appropriate shared procurement process with Coventry City Council for the provision of services to track

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and support young people aged 16-17 to participate in education, employment or training and to provide targeted support to those who are identified as not participating.

Cabinet Portfolio Holder: Councillor Colin Hayfield

14. Land at Higham Lane, Nuneaton

This report concerns the disposal of Council owned land in Nuneaton

Cabinet Portfolio Holder: Councillor Peter Butlin

15. (To Follow) Land Acquisition and Education & Social Care Provision – Nuneaton & Bedworth

This report concerns the acquisition of a site and education & social care provision in Nuneaton and Bedworth

Cabinet Portfolio Holder: Councillor Colin Hayfield

16. Tender for a Local Framework of Supported Accommodation Providers

This report asks Cabinet to approve proceeding with a tender process to procure a new local framework of supported accommodation providers.

Cabinet Portfolio Holder: Councillor Jeff Morgan

17. Warwickshire Fire and Rescue Service – Approach to Transformation

This report sets the direction of travel for Warwickshire Fire & Rescue Service under the leadership of a new Chief Fire Officer. This direction supports a step change in integration between WFRS and the wider County Council, building on the Council's new Target Operating Model.

Cabinet Portfolio Holder: Councillor Andy Crump

18. A46 Stoneleigh Junction Improvements

This report concerns ongoing work on the project to enhance the A46 Stoneleigh Junction.

Cabinet Portfolio Holder: Councillor Jeff Clarke

19. Old Shire Hall Operating Model Update

This report concerns the future shape of operation at Old Shire Hall, Warwick

All public papers are available at www.warwickshire.gov.uk/cmis

Cabinet Portfolio Holder: Councillor Kam Kaur

Monica Fogarty
Chief Executive
Warwickshire County Council
July 2019

Cabinet Membership and Portfolio Responsibilities

Councillor Izzi Seccombe OBE (**Leader of the Council and Chair of Cabinet**)
cllrmsseccombe@warwickshire.gov.uk

Councillor Peter Butlin (**Deputy Leader, Finance and Property**)
cllrbutlin@warwickshire.gov.uk

Councillor Les Caborn (**Adult Social Care and Health**)
cllrcaborn@warwickshire.gov.uk

Councillor Jeff Clarke (**Transport & Planning**)
cllrclarke@warwickshire.gov.uk

Councillor Andy Crump (**Fire & Rescue and Community Safety**)
cllrcrump@warwickshire.gov.uk

Councillor Colin Hayfield (**Education and Learning**)
cllrhayfield@warwickshire.gov.uk

Councillor Kam Kaur (**Customer and Transformation**)
cllrkaur@warwickshire.gov.uk

Councillor Jeff Morgan (**Children's Services**)
cllrmorgan@warwickshire.gov.uk

Councillor Heather Timms (**Environment and Heritage & Culture**)
cllrreilly@warwickshire.gov.uk

Non-voting Invitees -

Councillor Jerry Roodhouse (**Leader of the Liberal Democrat Group**),
cllrroodhouse@warwickshire.gov.uk

Councillor Richard Chattaway (**Leader of the Labour Group**)
cllrchattaway@warwickshire.gov.uk

or their representatives.

All public papers are available at www.warwickshire.gov.uk/cmis

Public Speaking

Any member of the public who is resident or who works in Warwickshire may speak at the meeting for up to three minutes on any item on the agenda for this meeting. This can be in the form of a statement or a question. If you wish to speak please notify Paul Williams (see below) in writing at least two clear working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders (Standing Order 34).

General Enquiries: Please contact Paul Williams, Democratic Services Team Leader

Tel 01926 418196 or email: paulwilliamscl@warwickshire.gov.uk

**Minutes of the meeting of the Cabinet
held on 11 June 2019**

Present:

Cabinet Members:

Councillors	Izzi Seccombe OBE	Leader of Council and Chair of Cabinet
	Peter Butlin	Deputy Leader (Finance and Property)
	Les Caborn	Adult Social Care & Health
	Jeff Clarke	Transport & Planning
	Andy Crump	Fire & Rescue and Community Safety
	Colin Hayfield	Education and Learning
	Jeff Morgan	Children's Services
	Heather Timms	Environment and Heritage & Culture

Non-Voting Invitees:

Councillor Jerry Roodhouse Leader of the Liberal Democrat Group

Other Councillors:

Councillors Adkins, Chilvers, Golby, P Williams, Kondakor, Olnor, Phillips, Rickhards, Webb

Public attendance:

None

Chair's Announcement

Prior to the commencement of the meeting Councillor Izzi Seccombe (Leader of the Council and Chair of Cabinet) welcomed Councillor Heather Timms in her new role as Portfolio Holder for Environment and Heritage & Culture.

1. General

(1) Apologies for absence

Councillor Kam Kaur
Councillor Richard Chattaway

(2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests

None

(3) Minutes of the meeting held on 16 May 2019 and Matters Arising

The minutes of the meeting held on 16 May 2019 were agreed as an accurate record and signed by the Chair.

(4) Public Speaking

None

2. One Organisational Plan Quarterly Progress Report – April 2018 to March 2019

Councillor Peter Butlin (Deputy Leader – Finance and Property) introduced the report thanking its authors for their hard work.

Referencing section 3.1 of the report Councillor Butlin pointed out a significant underspend of £17.560 million compared to a previously forecast underspend of £1.651 million as reported in January 2019. Cabinet was referred to page 28 of 37 and the table setting out the nature of the components making up the underspend. Of particular note was additional income above budget of £9.637 million. This, Councillor Butlin suggested, could be attributed to greater commercial awareness within the organisation and improved ability to bring money in. Other areas of underspend highlighted were unfilled vacancies, the late receipt of government grants, slippage of projects and the early delivery by officers of savings.

On the subject of financial management Councillor Peter Butlin observed that the level of underspends can have an impact on reserves and how they are managed. A report on this will be presented later in the year.

Councillor Bill Olnier observed that underspends have developed in part because projects are not progressing at a fast enough pace. He suggested that more should be done to address this.

Concerning delayed transfer of care (DTCO) as reported on page 11 of 37 of the report, Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group) asked that he be provided with a briefing note setting out more detail on changing patterns of delays. Councillor Les Caborn (Portfolio Holder for Adult Social Care and Health) agreed to arrange for the briefing note to be provided. He added that levels of delayed transfers had fallen but this had revealed the more challenging areas that will require attention.

Regarding levels of self-harm Councillor Jerry Roodhouse reminded the meeting that it had been agreed that a Task and Finish Group to explore this area would be established. Progress, he added, had been too slow and he called on officers and members to expedite this quickly. In response Councillor Les Caborn acknowledged the need for pace but added that work with partners can bring delays.

Councillor Alan Webb called for vacant posts to be filled quickly. These vacancies, he suggested may be one of the reasons that projects are not proceeding as fast as they might otherwise do. In response, Cabinet was informed that the current employment market is very competitive and it can be difficult to attract good candidates. The most important consideration is that the right people should be appointed and there should be no compromise around this.

It was suggested that if additional funds are identified following year end then it would be useful to have a reserve list of projects that could quickly benefit from it.

Referencing page 17 of 37 of the report Councillor Keith Kondakor observed that there had been six fire related deaths in the County; a notable increase over previous years. A recent incident in Bedworth was cited where the fire appliance was not available to attend a fire as it was already at another incident. Cabinet was informed by Councillor Andy Crump (Portfolio Holder for Fire & Rescue and

Community Safety) that Councillor Kondakor had received a separate briefing note on this.

Regarding employment levels as set out on page 19 of 37 it was suggested that the lag between collecting the data and reporting on it mean that is often out of date. Councillor Kondakor suggested that it might be better to collect and report on unemployment levels.

Councillor Jeff Morgan (Portfolio Holder for Children's Services) observed that the number of child protection plans produced had decreased significantly in 2018/19. This was a good result attributable to a more rigorous approach being taken. The number of social workers remains an area of concern and whilst the service has been able to recruit staff, retention continues to be an issue.

In response to members' comments Councillor Peter Butlin observed that the rate at which projects progress is determined by many factors. For example, it is currently difficult to get contractors to tender for work as they are fully occupied elsewhere.

Resolved

That Cabinet:

- 1) Notes the progress of the delivery of the One Organisational Plan 2020 for the period as contained in the report;
- 2) Notes explanations for business unit spending variances, as outlined in Appendix A of the report;
- 3) Notes the 2018-19 revenue and capital outturn position and the cumulative performance against the savings plan, as outlined in background Annexes A to O;
- 4) Notes the level of reserves held by the Authority, as outlined in Appendix B of the report;
- 5) Notes the total movements in the revenue budget throughout the year as reported in quarterly OOP progress reports, as outlined in Appendix C of the report;
- 6) Approves the use of £2.595 million of reserves to support spending in 2019-20, as outlined in Table 2 of the Financial Commentary; and
- 7) Approves the approach to funding business unit overspends in 2018-19, as outlined in section 3.1 of the report.

3. Early Intervention, Prevention and Community Capacity Fund 2019-20 – Tranche 1 Allocations

Councillor Peter Butlin introduced the report outlining the two schemes that had been proposed for support.

Members were collectively supportive of both schemes.

Resolved

That Cabinet approve that the Enhanced Time Banking and Good Gym proposals are funded from the Early Intervention, Prevention and Community Capacity Fund at a cost of £148,000.

4. Warwickshire Major Road Network (MRN) – Proposed Programme and Priorities

Councillor Jeff Clarke (Portfolio Holder for Transport and Planning) set out the key elements of the report before proposing an amendment to the published recommendations. The amendment would see “ensuring effective engagement with local members” added to recommendation one.

Concerning the proposal for Avon Mill/Hunters Lane, Rugby Councillor Jerry Roodhouse stated that he would seek reassurance over the future operation of the household waste recycling centre. In addition, he asked that consideration be given to whether the route to Technology Drive could be made bus-only. Councillor Roodhouse welcomed the principle of the amendment to recommendation one but considered that it was not sufficient. He asked that the matter should be deferred until members had had more to me explore the proposals further.

Councillor Clive Rickhards expressed his concern that the A435 Alcester to Gorcott Hill had not been given greater priority. This road, he added, has experienced increasing traffic levels over many years and is now very congested.

In response to member concerns over levels of engagement Councillor Izzi Seccombe proposed that a member seminar be arranged so that all the schemes set out in the report can be considered. This was agreed.

Councillor Keith Kondakor welcomed a number of the elements of the schemes put forward but noted that they are focused on car usage and road building. Alternative modes of transport such as cycling and walking should also be considered. In addition, efforts should be made to improve air quality.

Councillor Jonathan Chilvers (Leader of the Green Group) expressed surprise at the apparent order of priority of the schemes set out in the report. Regarding the proposed dualling of the A452 it was suggested that the indicative design has provided little evidence of the benefits it would bring to users. He asked that recommendations 1 and 3 be deferred pending further consideration by members.

Councillor Bill Olnier highlighted a number of challenges regarding traffic in Nuneaton town centre. Much of this traffic, Councillor Olnier observed, was crossing the town as there was no way round it.

Councillor Alan Webb welcomed the Avon Mill/Hunters lane scheme in Rugby but questioned whether something larger might be required.

Councillor Peter Butlin emphasised that the Major Routes Network initiative is country-wide. Its purpose is to identify highways where there are significant challenges. The Regional Evidence Base has been developed by Midlands Connect

with government providing most of the money for implementation. The primary consideration is the impact the schemes will have on the region's economy. Cabinet was reminded that poor air quality is often the result of traffic remaining stationary. Initiatives that assist traffic flow can serve to improve air quality.

Resolved

That Cabinet:

- 1) Agrees the proposed Warwickshire Major Road Network (MRN) programme and priorities ensuring effective engagement with local members;
- 2) Approves the submission of a Strategic Outline Business Case (SOBC) for the proposed A426/A4071 Avon Mill/Hunters Lane Improvement scheme in Rugby as the initial MRN priority for delivery during the period 2020-2025; and
- 3) Notes scheme development work already undertaken or in progress on the other initial priority schemes and proposed longer-term priorities for delivery during the next MRN period 2025-2030.
- 4) Agrees that a member seminar be arranged for details of the schemes referred to in the report to be explored.

5. Consultation on the Draft Warwickshire Careers Strategy

Councillor Colin Hayfield (Portfolio Holder for Education and Learning) introduced the report informing Cabinet of a proposed change to the date for commencement of the consultation exercise. The original proposed start date was 24 June. This would now be the 19 June.

Councillor Izzi Seccombe emphasised the link between careers guidance and the Council's drive to develop skills for employment grow the economy. The consultation will involve engagement with young people, care leavers and adult learners as well as schools. Of particular importance is support for vulnerable people who may struggle to find work.

Councillor Bill Olnier stressed the need to engage with academies. Councillor Helen Adkins expressed her disappointment that careers advice in schools and colleges had reduced as funding had been cut.

Resolved

That Cabinet approves the undertaking of a public consultation on the draft Warwickshire Careers Strategy to run from 19 June-26 July 2019.

6. Any Urgent Items

None

7. Reports Containing Confidential or Exempt Information

Resolved

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS)

8. Exempt Minutes of the meeting held on 16 May 2019

The exempt minutes of the meeting held on 16 May 2019 were agreed as an accurate record and signed by the Chair.

9. ICT Operating System

Cabinet considered the report as presented by Councillor Peter Butlin.

Resolved

Cabinet agreed the recommendations as set out in the exempt minutes.

10. Employment of Staff in Adoption Central England (ACE) Proposed TUPE Arrangement

Cabinet considered the report as presented by Councillor Jeff Morgan.

Resolved

Cabinet agreed the recommendations as set out in the exempt minutes.

11. Tender for Accommodation Based Housing Related Support for Young People aged 16-25

Cabinet considered the report as presented by Councillor Les Caborn.

Resolved

Cabinet agreed the recommendations as set out in the exempt minutes.

The meeting rose at 15.12.

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Cabinet

11 July 2019

Treasury Management Outturn 2018/19

Recommendation

That Cabinet considers and comments on Treasury Management outturn in respect of 2018/19.

1 Introduction

1.1 Warwickshire County Council complies with the requirements of The Chartered Institute of Public Finance and Accountancy's (CIPFA's) Code of Practice (COP) on Treasury Management (Revised) 2009. The primary requirements of the Code are the:

- creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- production of an Annual Treasury Management Strategy Report for the year ahead, a midyear review report (as a minimum) and an annual review report of the previous year.
- delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices, and for the execution and administration of treasury management decisions.

1.2 Under the CIPFA Code, it is necessary to report on the outturn of the annual treasury management activity for the authority, and to provide a monitoring report during the year.

1.3 Treasury management in the context of this report is defined as:

“The management of the local authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.” (*CIPFA Code of Practice*).

2 Investments

- 2.1 The Council has an investment portfolio consisting of reserves and cash arising from daily receipts being in excess of payments on a short term basis.
- 2.2 Security and liquidity of cash was prioritised above the requirement to maximise returns. The Council adopted a cautious approach to lending to financial institutions, and continuously monitored credit quality information regarding the institutions on the Council's approved Lending List.
- 2.3 The Council's investment portfolio at the end the financial year 2018/19 was as follows:

Table 1: Investment Position at 31 March 2019

	Invested at 31st March 2018	Additions (Withdrawals)	Invested at 31st March 2019
In house deposits	25.036	142.487	167.523
Money Market/External Funds	240.280	- 66.827	173.453
Total Treasury Management Investments	265.316	75.660	340.976
Cash	18.970	- 0.917	18.053
Total Cash and Cash Equivalents and Short Term Investments	284.286	74.743	359.029

- 2.4 Balances overall have increased to £359m. This is partly an intentional outcome of a prudent Minimum Revenue Provision approach, where cash is set aside (£12.4m this year) annually in advance of needing to make loan repayments – and significant loan repayments (£30m) are due over the next couple of years. In addition, reserves have been increased as a result of a revenue underspend of £17.6m and a capital underspend leading to unused capital receipts and grants totalling £23m. These unused funds will be used to finance future spending. The capital underspend has meant that it was not necessary to increase borrowing during the year. Further capital and revenue grants of £23m were received in advance, for example grants from government for the 2019/20 financial year.
- 2.5 The mix of in house and externally managed funds has changed as a result of action to reduce concentration risk in money market funds. Appendix A illustrates the deposits making up the £359m of cash held at the year end. This includes reference to £18m of cash.
- 2.6 The performance of the Council's internally and external managed investments (weighted) versus the benchmark is set out in Table 2:

Table 2: Investment Performance to 31 March 2019

	Average Interest rate year to date	Target rate: Average YTD 7 day LIBID	Variance
	%	%	%
In house deposits	0.68	0.51	0.17
Money Market/External Funds	1.08	0.51	0.57
Total	0.98	0.51	0.47

2.7 The investment environment in 2018/19 continued to be a challenging one for investors, however the average return achieved of 0.98% is an improvement on the previous year which was 0.87%. The increase in the bank rate and an increase in the proportion of funds being placed in longer dated deposits that provide higher returns have contributed towards this.

2.8 Appendix B illustrates the mix of treasury management investment returns from the different deposits held at the end of the year. Returns vary from 0.51% to 4.36% however risk also varies with return. This analysis excludes cash balances which are not investments and long term investments that are not held for treasury management purposes.

2.9 The interest earned on the Council's investments was as follows:

Table 3: Interest Earned to March 2019

	Year to date Gross £m	Costs £m	Year to date Net £m
In house deposits	0.582	n/a	0.582
Money Market/External Funds	2.859	0.394	2.465
Total	3.441	0.394	3.047

2.9 Externally managed funds incur management fees which are noted in Table 3. Internally managed funds do not present fees in the same way, either county council cash is lent to other institutions (e.g. other local authorities) who pay fees as the borrower, or are invested in deposit funds that present net returns rather than gross returns with costs.

2.10 The Council also received income from longer term investments that are held for service reasons rather than treasury management purposes, including for example the University of Warwick Science Park and Educaterers Ltd. Long term investments total £2m, and the total interest earned by the Council when including these additional funds was £3.5m.

2.11 The costs in Table 3 relate to the direct fees of fund managers. In addition to these costs there are costs of managing the treasury management service

and tax advice which bring total costs associated with income earned to £0.5m.

- 2.12 Most of the deposits simply provide a return and the deposit value is static. However two funds are of a nature where the deposit itself has a value which can rise or fall, presenting an opportunity for higher returns but with higher risk. These are the CCLA Property Fund and the Threadneedle Social Bond Fund. The changes in the underlying asset value of these investments are not reflected in investment returns above but would be realised upon selling. The movements in asset value during 2018/19 are illustrated in Appendix C. The property fund has increased in value, the social bond fund reduced in value and then returned close to its initial value.
- 2.13 Further information about funds held (duration and Fitch rating) is summarised in Appendix D. This information focuses on treasury management investment returns and so excludes cash balances which are not investments, and long term investments which are not held for treasury management purposes.
- 2.14 Table 4 details our consultant’s view on interest rates. With continued uncertainty over the final terms of Brexit, the base rate and money market rates are likely to remain at low levels until mid-2020. The impact of this is the continuation of low returns on cash deposits and money market funds. Further commentary on the wider economic environment from our external advisers (Link) is provided at Appendix E. Note that this commentary relates to what was known at the time of the outturn but some events, in particular in relation to Brexit have moved on since then.

Table 4: Interest Rate Forecast

	Present – May 2019 %	Jun 2019 – Feb 2020 %	Mar 2020 – Aug 2020 %	Sep 2020 – May 2021 %	Jun 2021 to Feb 2022 %	Mar 2022 onward s %
Interest Rate Forecast	0.50	0.75	1.00	1.25	1.50	1.75

Source: Link Asset Services

- 2.15 The Council does not currently hold any variable rate debt and so is not exposed to interest rate risk on debt. However increasing rates mean that the duration of cash investments needs to be short enough that they are not locked into rates that are then left behind as better rates become available, with this risk being balanced against the fact that longer dated investments get higher returns.

3 Debt Financing

- 3.1 The authority had borrowing held with the Public Works Loans Board (PWLB) of £352m of principal, and the total balance outstanding at the 31st March 2019 was £359.9m after including accrued interest. The weighted average interest payable on the loans during 2018/19 was 4.85%. Total interest payable for the year was £17.054m.
- 3.2 During the financial year, the authority had no maturing debt. The County did not undertake any new long term borrowing in 2018/19 and borrowing remained within the prudential limits. The profile of when debt was taken out and when it is due to mature is set out in Appendix F.
- 3.3 A review of PWLB debt was undertaken, driven by the relatively high rates being paid compared to what is currently available. It was not appropriate to refinance this debt due to the early redemption fees put in place by HM Treasury to protect from the loss of income that would result if local authorities did refinance to lower rates. This position will be kept under review.

4 Compliance with Treasury Limits and Prudential Indicators

- 4.1 During 2018/19, the Council operated within the treasury limits and Prudential Indicators set out in the Council's Treasury Policy Statement and Treasury Management Strategy. Full details of the Prudential Indicators set for 2019/20 are shown in Appendix G. Explanations of the terminology employed is set out in Appendix H.

5 Sensitivity Analysis

- 5.1 For the purposes of disclosure on Market Risk a sensitivity analysis has been carried out to show the impact of a change in interest rates of + 1% on the debt portfolio.
- 5.2 The following table shows the results of the sensitivity analysis:

	Actual	+1% increase in Base Rate	
	F.V. at 31.03.2019 £m	F.V. at 31.03.2019 £m	Difference £m
Debt (new borrowing)	550.224	468.153	82.071
Debt (early repayment)	648.788	543.447	105.341

- 5.3 The above table demonstrates how as interest rates rise the fair value of a given level of debt reduces. The early repayment figures are higher than the new borrowing figures, and this illustrates the early redemption penalties for Public Works Loan Board debt.

6.0 Financial Implications

6.1 The financial implications of the Treasury Management outturn are set out in the body of the report.

Background Papers

None

	Name	Contact Information
Report Author	Chris Norton	07767003428 chrisnorton@warwickshire.gov.uk
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Portfolio Holder (Finance and Property)	Peter Butlin	01788 816488 cllrbutlin@warwickshire.gov.uk

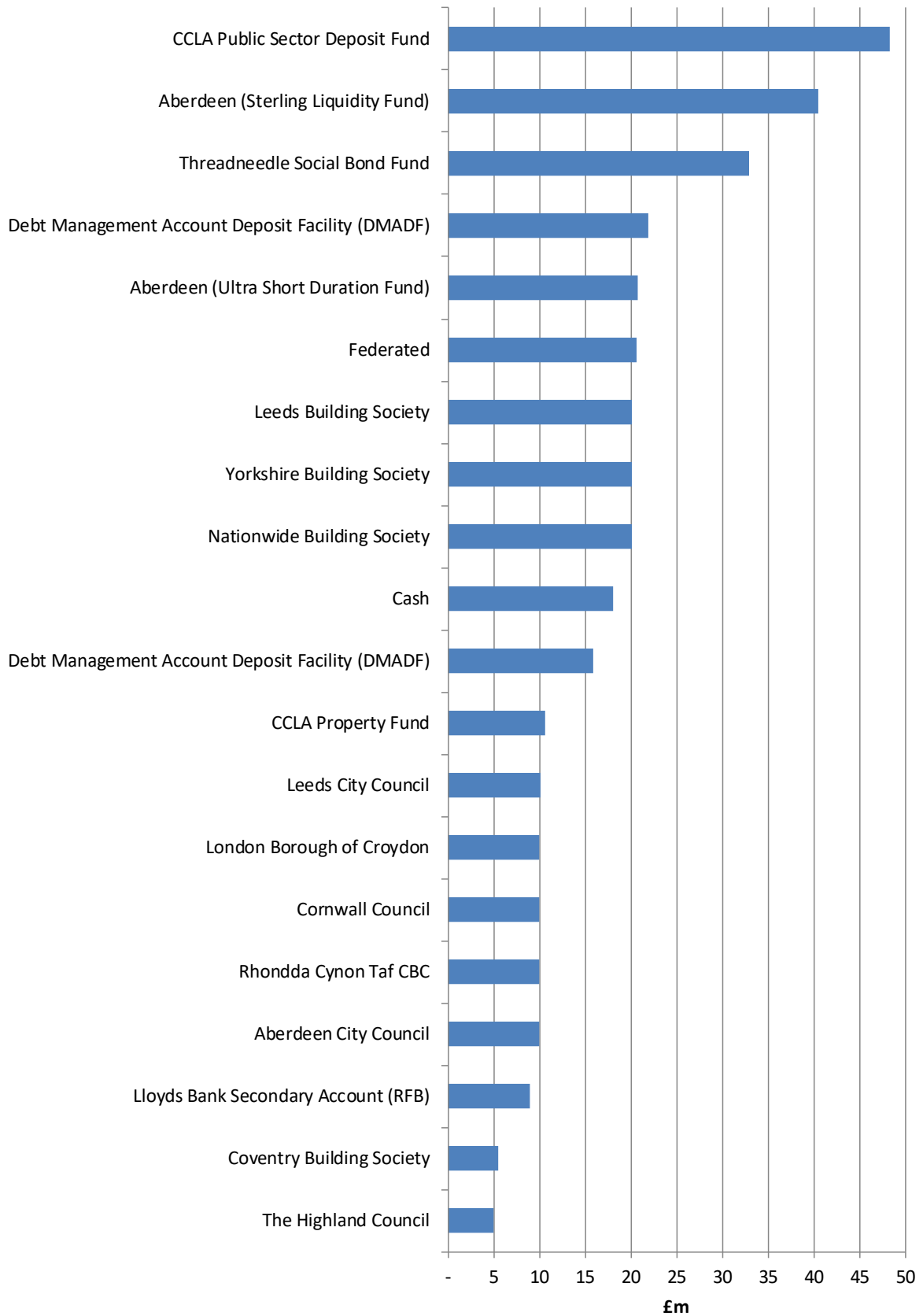
The report was circulated to the following members prior to publication:

Local Member(s): N/A

Other members: Councillors Singh Birdi, Roodhouse, Chilvers, O'Rourke, Butlin, Boad, Timms

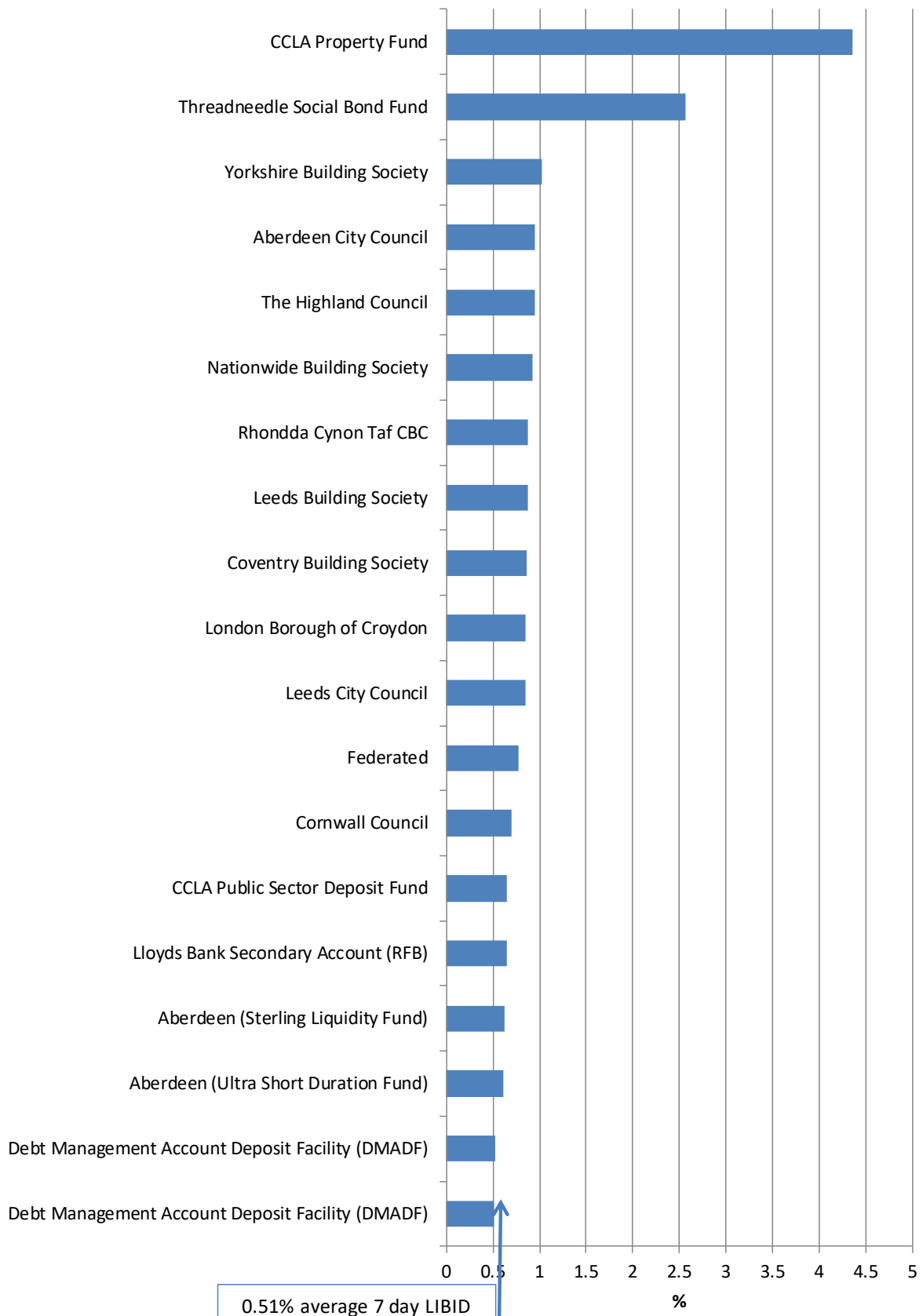
£359m Closing Balances at 31/3/2019

Appendix A



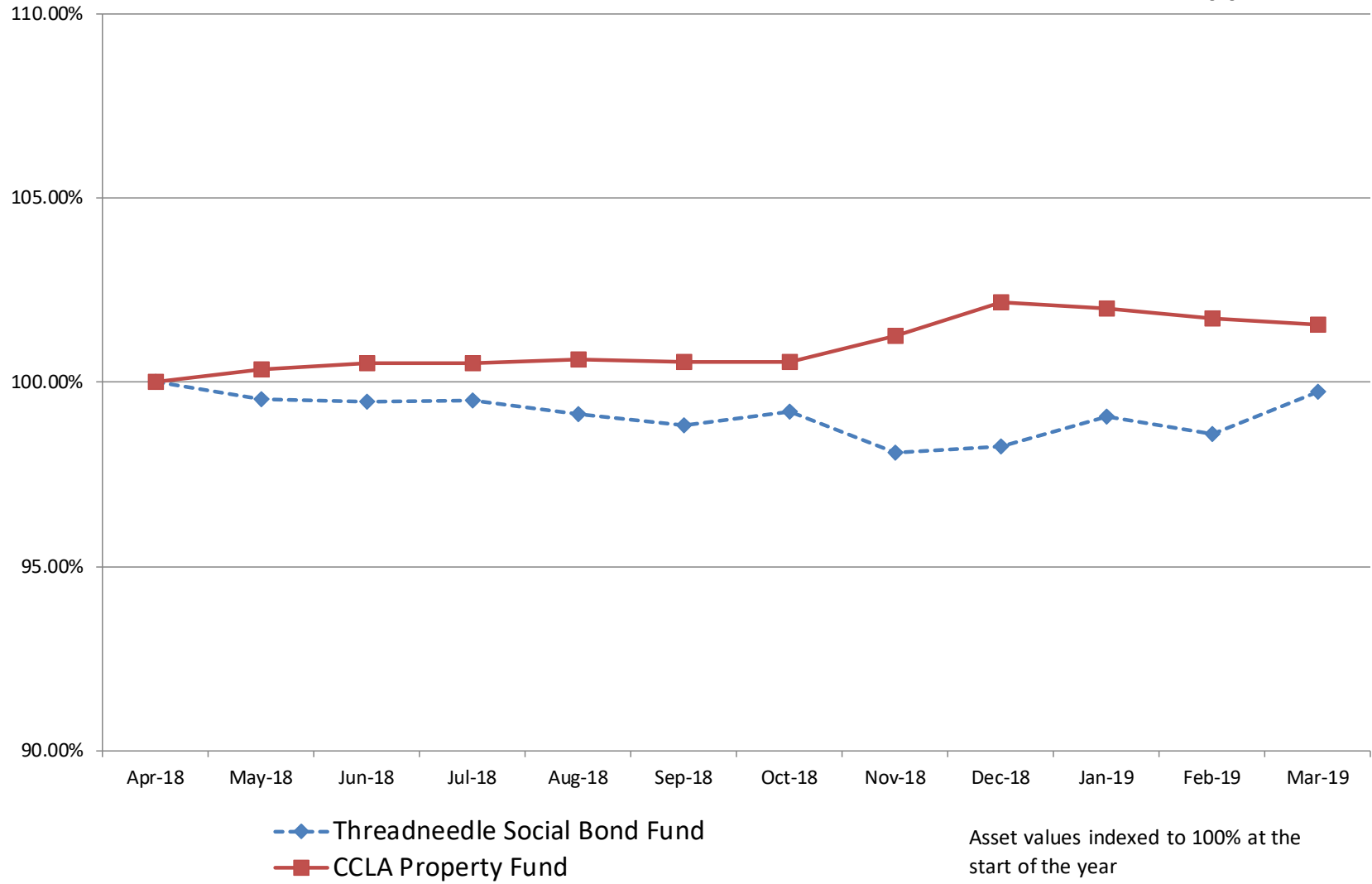
Net Return %

Appendix B



Change In Asset Value During Year

Appendix C



Cash Funds Summary

Appendix D

Internally Managed Funds	Total £m	Net % Rate	Duration (days From 31/3/2019) Note 1	Duration (total days from inception) Note 2	Fitch Long Term Credit Rating
Lloyds Bank Secondary Account (RFB)	9.0	0.65	same day	same day	A+
Leeds Building Society	20.1	0.87	12	182	A-
Leeds City Council	10.0	0.85	37	183	A-
Yorkshire Building Society	20.1	1.02	138	273	A-
Cornwall Council	10.0	0.70	3	90	AA
London Borough of Croydon	10.0	0.85	127	214	AA
Coventry Building Society	5.5	0.86	47	128	A
The Highland Council	5.0	0.95	198	273	AA
Rhondda Cynon Taf CBC	10.0	0.88	114	181	AA
Nationwide Building Society	20.0	0.92	61	120	A
Aberdeen City Council	10.0	0.95	127	181	AA
Debt Management Account Deposit Facility (DMADF)	21.9	0.51	8	28	AA
Debt Management Account Deposit Facility (DMADF)	15.8	0.52	25	29	AA
	167.5				

Externally Managed Funds	At 31 March 2019 £m	Net Return %	Duration (Days From 31/3/2019)	Duration (total days from inception)	Fitch Long Term Credit Rating
CCLA Public Sector Deposit Fund	48.2	0.65	same day	same day	AAA
Aberdeen (Sterling Liquidity Fund)	40.4	0.62	same day	same day	AAA
Aberdeen (Ultra Short Duration Fund)	20.7	0.61	next day	next day	AAA
Federated	20.6	0.78	next day	next day	AAA
Threadneedle Social Bond Fund	32.9	2.56	4 days	4 days	
CCLA Property Fund (Note 3)	10.7	4.36	up to 30 days	up to 30 days	
Total	173.5				

Note 1 - This records the duration from the end of the year to give an indication of overall liquidity at one point in time.

Note 2 - This records the overall duration of each asset to give an indication of how long cash is placed for in each fund.

Note 3 - The CCLA Property Fund has a monthly dealing date so the maximum wait would be 30 days.

Fees

Internally managed funds do not have gross fees - a net return on investment is received.

Externally managed funds have fees in the range 0.1% to 0.65%, but the returns quoted above are net of fees.

The Economy and Interest Rates

UK. After weak **economic growth** of only 0.2% in quarter one of 2018, growth picked up to 0.4% in quarter 2 and to a particularly strong 0.7% in quarter 3, before cooling off to 0.2% in the final quarter. Given all the uncertainties over Brexit, this weak growth in the final quarter was to be expected. However, some recovery in the rate of growth is expected going forward. The annual growth in Q4 came in at 1.4% y/y confirming that the UK was the third fastest growing country in the G7 in quarter 4.

After the Monetary Policy Committee raised **Bank Rate** from 0.5% to 0.75% in August 2018, it is little surprise that they have abstained from any further increases since then. We are unlikely to see any further action from the MPC until the uncertainties over Brexit clear. If there were a disorderly exit, it is likely that Bank Rate would be cut to support growth. Nevertheless, the MPC has been having increasing concerns over the trend in **wage inflation** which peaked at a new post financial crisis high of 3.5%, (excluding bonuses), in the three months to December before falling only marginally to 3.4% in the three months to January. British employers ramped up their hiring at the fastest pace in more than three years in the three months to January as the country's labour market defied the broader weakness in the overall economy as Brexit approached. The number of people in work surged by 222,000, helping to push down the unemployment rate to 3.9 percent, its lowest rate since 1975. Correspondingly, the total level of vacancies has risen to new highs.

As for **CPI inflation** itself, this has been on a falling trend since peaking at 3.1% in November 2017, reaching a new low of 1.8% in January 2019 before rising marginally to 1.9% in February. However, in the February 2019 Bank of England Inflation Report, the latest forecast for inflation over both the two and three year time horizons remained marginally above the MPC's target of 2%.

The rise in wage inflation and fall in CPI inflation is good news for consumers as their spending power is improving in this scenario as the difference between the two figures is now around 1.5%, i.e. a real terms increase. Given the UK economy is very much services sector driven, an increase in **household spending power** is likely to feed through into providing some support to the overall rate of economic growth in the coming months.

Brexit. The Conservative minority government has so far, (8.4.19), been unable to muster a majority in the Commons over its Brexit deal. The EU has set a deadline of April 12 for the House of Commons to propose what form of Brexit it would support. If another form of Brexit, other than the proposed deal, does get a majority by April 12, then it is likely there will need to be a long delay to Brexit to allow time for negotiations with the EU. It appears unlikely that there would be a Commons majority which would support a disorderly Brexit or revoking Article 50, (cancelling Brexit). There would also need to be a long delay if there is no majority for any form of Brexit. If that were to happen, then it increases the chances of a general election in 2019; this could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up.

USA. President Trump's massive easing of fiscal policy in 2018 fuelled a (temporary) boost in consumption in 2018 which generated an upturn in the strong rate of growth; this rose from 2.2%,

(annualised rate) in quarter 1 of 2018 to 4.2% in quarter 2, 3.5% in quarter 3 and then back to 2.2% in quarter 4. The annual rate came in at 2.9% for 2018, just below President Trump's aim for 3% growth. The strong growth in employment numbers has fed through to an upturn in wage inflation which hit 3.4% in February, a decade high point. However, CPI inflation overall fell to 1.5% in February, a two and a half year low, and looks to be likely to stay around that number in 2019 i.e. below the Fed's target of 2%. The Fed increased rates another 0.25% in December to between 2.25% and 2.50%, this being the fourth increase in 2018 and the ninth in the upward swing cycle. However, the Fed now appears to be edging towards a change of direction and admitting there may be a need to switch to taking action to cut rates over the next two years. Financial markets are now predicting two cuts of 25 bps by the end of 2020.

EUROZONE. The European Central Bank (ECB) provided massive monetary stimulus in 2016 and 2017 to encourage growth in the Eurozone and that produced strong annual growth in 2017 of 2.3%. However, since then the ECB has been reducing its monetary stimulus measures and growth has been weakening - to 0.4% in quarters 1 and 2 of 2018, and then slowed further to 0.2% in quarters 3 and 4; it is likely to be only 0.1 - 0.2% in quarter 1 of 2019. The annual rate of growth for 2018 was 1.8% but is expected to fall to possibly around half that rate in 2019. The ECB completely ended its programme of quantitative easing purchases of debt in December 2018, which means that the central banks in the US, UK and EU have all ended the phase of post financial crisis expansion of liquidity supporting world financial markets by purchases of debt. However, the downturn in growth, together with inflation falling well under the upper limit of its target range of 0 to 2%, (but it aims to keep it near to 2%), prompted the ECB to take new measures to stimulate growth. With its refinancing rate already at 0.0% and the deposit rate at -0.4%, it has probably reached the limit of cutting rates. At its March 2019 meeting it said that it expects to leave interest rates at their present levels "at least through the end of 2019", but that is of little help to boosting growth in the near term. Consequently, it also announced a third round of Targeted Longer Term Refinancing Options; this provides banks with cheap borrowing every three months from September 2019 until March 2021 which means that, although they will have only a two-year maturity, the Bank is making funds available until 2023, two years later than under its previous policy. As with the last round, the new Targeted Longer Term Refinancing Options will include an incentive to encourage bank lending, and they will be capped at 30% of a bank's eligible loans.

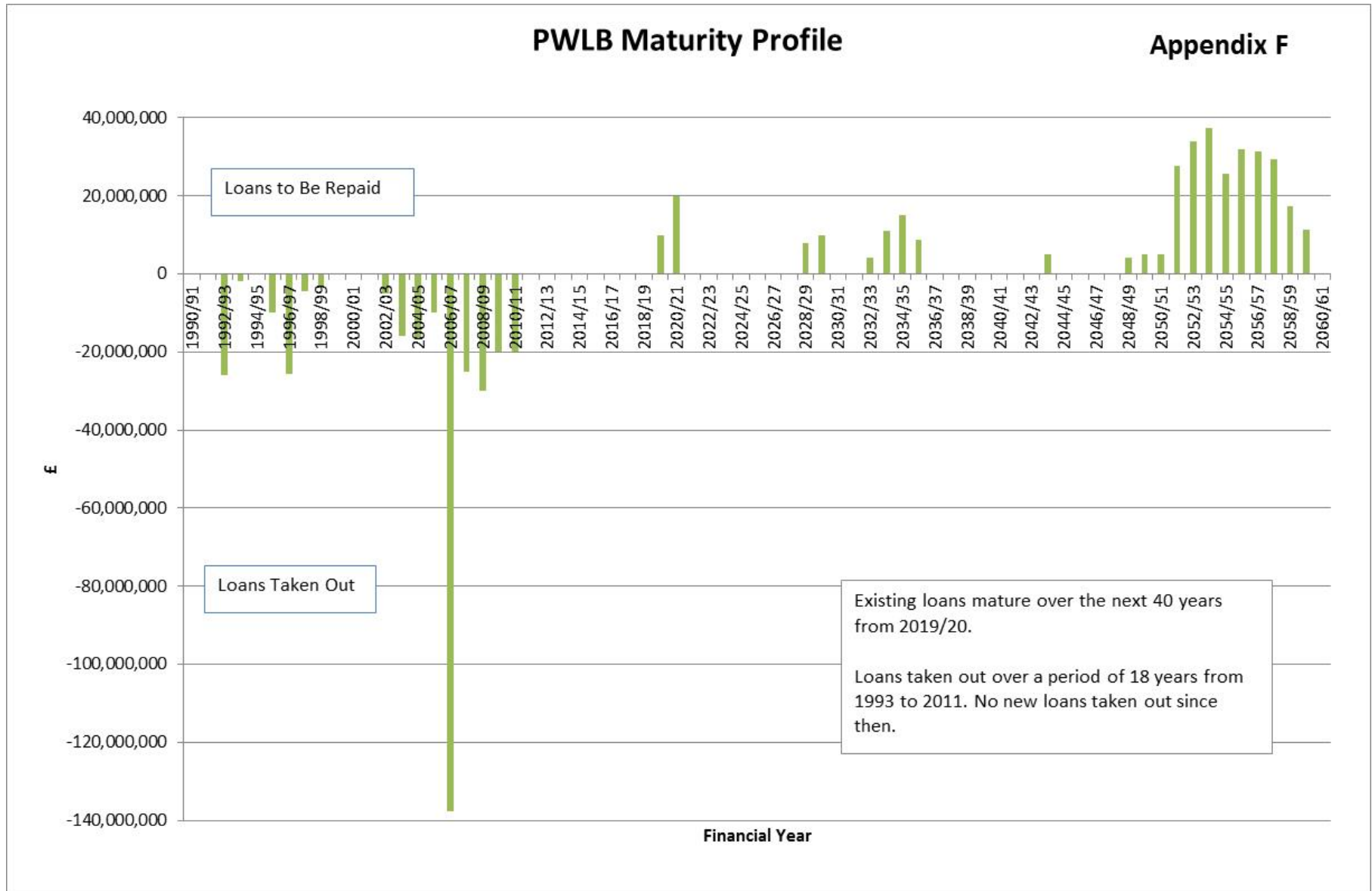
CHINA. Economic growth has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of unsold property, and to address the level of non-performing loans in the banking and credit systems.

JAPAN - has been struggling to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.

WORLD GROWTH. Equity markets are currently concerned about the synchronised general weakening of growth in the major economies of the world: they fear there could even be a recession looming up in the US, though this fear is probably overdone.

PWLB Maturity Profile

Appendix F



Prudential Indicators

Appendix G

(1). AFFORDABILITY PRUDENTIAL INDICATORS	2017/18	2018/19	2019/20	2020/21	2021/22
	Actual	Actual	estimate	estimate	estimate
Capital Expenditure	£'000 78,344	£'000 84,077	£'000 230,593	£'000 55,489	£'000 7,261
Ratio of financing costs to net revenue stream	%	%	%	%	%
	7.10	6.99	6.78	7.66	7.57
Gross borrowing requirement	£'000	£'000	£'000	£'000	£'000
Gross Debt	362,274	362,274	352,274	332,274	332,275
Capital Financing Requirement as at 31 March	313,947	301,581	407,734	392,611	377,098
Under/(Over) Borrowing	(48,327)	(60,693)	55,460	60,337	44,823
In year Capital Financing Requirement	£'000 (2,746)	£'000 (12,367)	£'000 106,154	£'000 (15,123)	£'000 (15,513)
Capital Financing Requirement as at 31 March	£'000 313,947	£'000 301,581	£'000 407,734	£'000 392,611	£'000 377,098
PRUDENTIAL INDICATOR	2017/18	2018/19	2019/20	2020/21	2021/22
(2). TREASURY MANAGEMENT PRUDENTIAL INDICATORS	Approved	Approved	estimate	estimate	estimate
Authorised limit for external debt -	£'000	£'000	£'000	£'000	£'000
Borrowing	549,049	516,818	547,273	541,125	498,510
other long term liabilities	12,000	12,000	12,000	12,000	12,000
TOTAL	561,049	528,818	559,273	553,125	510,510
Operational boundary for external debt -	£'000	£'000	£'000	£'000	£'000
Borrowing	457,540	430,681	456,061	450,938	415,425
other long term liabilities	10,000	10,000	10,000	10,000	10,000
TOTAL	467,540	440,681	466,061	460,938	425,425
Upper limit for fixed interest rate exposure					
Net principal re fixed rate borrowing / fixed term investments	100%	100%	100%	100%	100%
Upper limit for variable rate exposure					
Net principal re fixed rate borrowing / fixed term investments	25%	25%	25%	25%	25%
Upper limit for total principal sums invested for over 365 days (per maturity date)	£'000 £0	£'000 £60,000	£'000 £60,000	£'000 £60,000	£'000 £60,000
Maturity structure of new fixed rate borrowing during year	upper limit	upper limit	lower limit		
under 12 months	20%	20%	0%		
12 months and within 24 months	20%	20%	0%		
24 months and within 5 years	60%	60%	0%		
5 years and within 10 years	100%	100%	0%		
10 years and above	100%	100%	0%		
Maturity structure of new variable rate borrowing during year	upper limit	upper limit	lower limit		
under 12 months	20%	20%	0%		
12 months and within 24 months	20%	20%	0%		
24 months and within 5 years	60%	60%	0%		
5 years and within 10 years	100%	100%	0%		
10 years and above	100%	100%	0%		

Note – The top line capital expenditure figures represent currently approved capital expenditure and hence they tail off in future years. However as new capital expenditure plans are developed and approved the actual capital spent in future years will be higher than is set out here.

Prudential Indicators Glossary

Ratio of financing costs to net revenue stream

The ratio of financing costs to net revenue stream shows the estimated annual revenue costs of borrowing, less net interest receivable on investments, plus repayments of capital, as a proportion of annual income from council taxpayers and central government. The estimates of financing costs include current and future commitments based on the capital programme.

Gross Borrowing

Gross borrowing refers to the Authority's total external borrowing and other long term liabilities versus the Capital Financing Requirement.

Actual and Estimated Capital Expenditure

Actual and estimates of capital expenditure for the current and future years.

Capital Financing Requirement

The Capital Financing Requirement (CFR) represents capital expenditure financed by external debt and not by capital receipts, revenue contributions, capital grants or third party contributions at the time of spending. The CFR measures the Authority's underlying need to borrow externally for a capital purpose. The Authority has a treasury management strategy which accords with the CIPFA Code of Practice for Treasury Management in the Public Services.

Authorised Limit

In respect of its external debt, the Authority approves authorised limits for its total external debt gross of investments. These limits separately identify borrowing from other long-term liabilities such as finance leases. Authorised Limits are consistent with the Authority's current commitments, service plans, proposals for capital expenditure and associated financing, cash flow and accord with the approved Treasury Management Policy statement and practices. The Authorised Limit is based on the estimate of most likely prudent, but not necessarily the worst case scenario and provides sufficient additional headroom over and above the Operational Boundary.

Operational Boundary

The Operational Boundary for external debt is based on the same estimates as the authorised limit but reflects the Head of Finance's estimate of the most likely, prudent but not worst case scenario, without the additional headroom included within the authorised limit to allow for unusual cash movements, and equates to the maximum of external debt projected by this estimate. The operational boundary represents a key management tool for in-year monitoring. Within the operational boundary, figures for borrowing and other long-term liabilities are separately identified.

Limits on Interest Rate Exposure

This means that the Authority will manage fixed and variable interest rate exposure within the ranges. This provides flexibility to take advantage of any favourable movements in interest rates.

Cabinet

11 July 2019

Annual Governance Statement 2018/2019

Recommendation

That Cabinet endorses the Annual Governance Statement for 2018/19 prior to submission to Council for approval.

1.0 Key Issues

- 1.1 This report presents the Annual Governance Statement (AGS) for 2018/19 for consideration, see the appendix.
- 1.2 The Accounts and Audit Regulations 2015 require the authority to conduct a review, at least once in a year, of the effectiveness of its system of internal control and to prepare an AGS.
- 1.3 The results of the review and the draft AGS were considered by the Audit and Standards Committee at its meeting on 23 May. The AGS was also provided to External Audit for review. Subsequent updates have been made to the AGS at Section 5, Governance Issues, to reflect comments of the Committee and of External Audit. The updated AGS will also be considered by the Audit & Standards Committee at its meeting on 24 July.
- 1.4 The AGS will then be submitted, alongside the Council's accounts, to Council for approval on 25 July.

2.0 Financial Implications

- 2.1 There are no financial implications identified.

Background papers None

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The report was not circulated to any members prior to publication.

APPENDIX

Annual Governance Statement

Year ended 31 March 2019



*Working for
Warwickshire*

Annual Governance Statement 2018/19

Contents

		<u>Page</u>
1	What are we responsible for?	3
2	The aim of the Governance Framework	3
3	The Governance Framework	4
4	Review of Effectiveness	9
5	Governance Issues	10
6	Certification	14

1. What are we responsible for?

We are responsible for carrying out our business in line with the law and proper accounting standards, and for using public money economically, efficiently and effectively, and accounting for it properly. We also have a duty under the Local Government Act 1999 to continually review and improve the way we work, while at the same time offering value for money and an efficient and effective service.

To meet our responsibility, we have put in place proper governance arrangements for overseeing what we do. These arrangements are intended to make sure that we do the right things, in the right way, for the right people, in a timely, open and accountable manner. These arrangements consist of all the systems, processes, culture and values which direct and control the way in which we work and through which we account to, engage with and lead our communities.

We have approved and adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework *Delivering Good Governance in Local Government (2016)*. Further information is on our website:

<http://www.warwickshire.gov.uk/corporategovernance>

This statement explains how the Council has complied with its Code of Corporate Governance and also meets the requirements of the Accounts and Audit Regulations 2015. It also covers the governance control and risk management arrangements of the Warwickshire Local Government Pension Scheme and Firefighters' Pension Scheme.

2. The aim of the governance framework

The framework allows us to monitor how we are achieving our strategic aims and ambitions, and to consider whether they have helped us deliver appropriate services that demonstrate value for money.

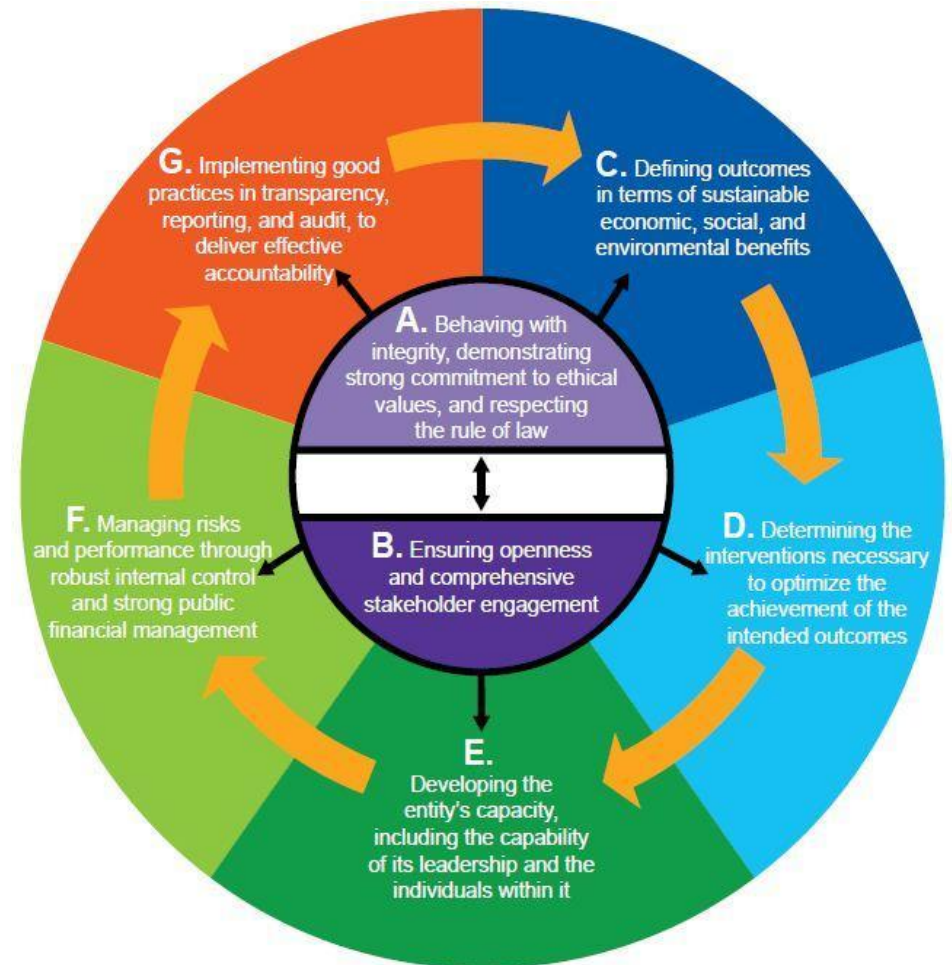


Figure 1 CIPFA's Principles of Good Governance

The system of internal control is an important part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failing to achieve our policies, aims and objectives, so it can only offer

reasonable assurance and not absolute assurance of effectiveness. The

system of internal control is based on continuing processes designed to:



Figure 2 Warwickshire's Six Key Behaviours

- identify and prioritise the risks that could prevent us from achieving our policies, aims and objectives;
- assess how likely it is that the identified risks will happen, and what will be the result if they did; and
- manage the risks efficiently, effectively and economically.

The governance framework has been in place at the Council for the year ended 31 March 2019 and up to the date of approval of the Annual Governance Statement and Statement of Accounts.

3 The Governance framework

Our code is aligned to the CIPFA/SOLACE Framework Delivering Good Governance in Local Government (2016). A description of the arrangements which we have put in place to secure robust corporate governance are summarised below. The full detail of these arrangements can be found in the Code of Corporate Governance.

Core Principle A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

As part of our governance framework we apply six key behaviours which provide a clear framework on the behaviours we should be demonstrating on a day to day basis to support the cultural change and transformation of the organisation. The behaviours are integral to 1:1s and appraisal conversations as well as key to the way we recruit and develop our colleagues. <http://www.warwickshire.gov.uk/ourbehaviours>

We have arrangements in place to provide assurance that our behaviours are being upheld and that members and officers demonstrate high standards of conduct. These include:

- codes of conduct for officers and members (including gifts and hospitality, registering interests, anti-fraud and whistleblowing); and

- inclusion of ethical values in policies and procedures for all areas including procurement and partnership working. <http://www.warwickshire.gov.uk/conduct>

Complaints and compliments help us improve the services we provide to all customers. We have a corporate complaints and feedback procedure to ensure that all complaints are investigated properly and are responded to as quickly as possible. <http://www.warwickshire.gov.uk/complaints>

We appreciate the diversity of our customers, workforce and the wider Warwickshire community and are committed to Equality and Diversity. This is integral to everything we do including policy development, service delivery and partnership working to ensure we meet the Public Sector Duty as set out in the Equality Act 2010 and that we do not unlawfully discriminate with services we deliver or commission <http://www.warwickshire.gov.uk/equality>

Our Constitution sets out the conditions to ensure that all officers, key post holders and Members are able to fulfil their responsibilities in accordance with legislative requirements so that we are efficient, transparent, accountable to our citizens and compliant with the law. Roles and responsibilities for individual Members, the Council, Cabinet and senior officers, along with the delegation of statutory powers and executive functions, and protocols on member / officer relations are documented. <http://www.warwickshire.gov.uk/constitution>

We have consistent governance arrangements for our two wholly owned trading companies; Warwickshire Legal Services Trading Ltd and Educaterers Ltd:

- the shareholder agreement governs our relationship with each company and sets out which decisions require shareholder approval;
- Annual General Meetings are held to ensure we are fully informed of the company's performance;

- Directors of each company have received “conflict of interest” awareness training and we actively monitor the risk of potential conflicts.

Also, in the case of Educaterers, the larger of the two companies, a shareholder representative attends company board meetings to keep updated on company matters.

Core Principle B. Ensuring openness and comprehensive stakeholder engagement

We have a Consultation and Engagement Framework in place, owned by a lead officer, which provides staff with up to date guidance and tools for planning and conducting consultation activities.

As part of our approach to consultation the Ask Warwickshire website is a portal for consultation exercises taking place within Warwickshire. We use a variety of methods to undertake consultation.
www.warwickshire.gov.uk/ask

We value the contribution from our employees and have an Employee Engagement Strategy in place which sets out how we ensure employees have a voice, managers and leaders are focusing, coaching and developing their people and there is clear communication about where our authority is going. This is supported by bi-annual staff surveys and pulse surveys which measure employee engagement and our direction of travel against a number of staff related measures.
<https://www.warwickshire.gov.uk/employeeengagement>

We actively contribute to and collaborate with partners to promote good governance and achieve the delivery of outcomes through increased joint working and economies of scale. We are members of a number of sub-regional partnerships and groups which have member and / or officer

representation. Each partnership has its own governance arrangements in place. <http://www.warwickshire.gov.uk/partnerships>

We are registered as a data controller under the Data Protection Act as we collect and process personal information and we have a named Data Protection officer. We have introduced enhanced GDPR compliant procedures that explain how we use and share information and arrangements for members of the public to access information. We have also adopted the model publication scheme produced by the Information Commissioner’s Office (ICO), in accordance with the Freedom of Information Act 2000. <http://www.warwickshire.gov.uk/lists-data-and-information>

Core Principle C. Defining outcomes in terms of sustainable economic, social, and environmental benefits

A Corporate Plan and Medium Term Financial Plan covering the period 2017 – 2020 has been approved in response to the Local Government Finance Settlement and the longer term implications for the authority.

2018-19 is the penultimate year of The One Organisational Plan (OOP 2020). The plan was informed by extensive public consultation and the results of analysis undertaken by the Insight Service, all contributing to the evidence base. <http://www.warwickshireobservatory.org>.

OOP 2020 and the MTFP focuses on the role of local government and public services going forward and the redesign of the organisation. It sets out our vision for Warwickshire and the journey the authority will take to deliver this vision and outcomes over the life of the plan. Progress implementing the OOP 2020 is reported to full Council and it is subject to an annual review, only making changes where necessary. Plans are already in place for the development of the Corporate Plan and integrated MTFP beyond 2020. <http://oop.warwickshire.gov.uk/>.

Our core purpose: **'We want to make Warwickshire the best it can be'**. This is supported by outcomes which will form the focus of our work moving forward:

Warwickshire’s Communities and Individuals are supported to be safe, healthy and

2020 outcomes and agreed savings plans. This provides the necessary framework to deliver change management and transformation and to ensure clear line of sight in the delivery of WCC's Core Purpose and Outcomes at strategic, group and service level so that Members and Officers have a clear picture of how well the Organisation is progressing against the delivery of the outcomes set out in the OOP Our outcomes framework includes the following mechanisms:

- progress against the OOP and the delivery of savings is reported to Overview & Scrutiny and Cabinet on a quarterly basis. This information is also available electronically via a Member Dashboard;
- a management information dashboard is in place which provides HR, finance and performance data to Strategic Directors, Heads of Service and third tier managers for their areas of responsibility. This enables managers to interrogate information quickly and efficiently, making key indicators easier to monitor;
- arrangements are in place to report critical management information on the key aspects of the delivery of the OOP 2020 including finance, projects and performance to Corporate Board on a quarterly basis to Cabinet and Overview & Scrutiny;
- Each Directorate has arrangements in place for reporting performance to its Directorate Leadership Team;
- The Project Hub, an on-line system for monitoring and reporting progress with projects and programmes has been rolled out which improves the delivery and performance of projects and programmes delivered across the Council against corporate objectives.

Core Principle E. Developing the entity's capacity, including the capability of its leadership and the individuals within it

Our Workforce Strategy 2014 – 2018 is being refreshed and a new People Strategy has been developed to ensure our workforce can deliver the organisation's new Operating Model and stays aligned with our vision and outcomes. Priority actions to underpin the Strategy have been agreed with action plans in place, focusing on delivery. There is ongoing

The Council's programme of Transformation, Doing Things Better, has defined a New Council wide Operating Model and a set of Design Principles to direct change and transformation, governed by Corporate Board acting as a single Design Authority. The Operating Model has been developed with information and data about current activity and it supports the transition to a more commissioning driven organisation.

Target Operating Models are being developed for service areas, and are designed to maintain alignment with the budget approved by the Council, the key outcomes contained in the One Organisational Plan and with future Corporate Plans as these are developed. Each service area has Key Performance Indicators which are monitored and included in quarterly performance reports to Service Management Teams, Overview and Scrutiny committees and Cabinet.

Core Principle D. Determining the interventions necessary to optimise the achievement of the intended outcomes

The One Organisational Plan and the Council's Medium Term Financial Plan are aligned to ensure a joined up approach to delivering the OOP

engagement with staff in this area and direction and progress continues to be governed and monitored by the Our People Board.

To enable our employees to be the best they can be we have a corporate process for annual appraisals, supported by regular 1:1 conversations. This provides the necessary clarity on expectations and behaviour, direction, support and opportunities for growth and development and allows employees and managers to have constructive discussions on performance, progress against outcomes, wellbeing and development. Since April 2017 our corporate appraisal process has been aligned to the Behaviours Framework.

<http://www.warwickshire.gov.uk/gatewaytolearning>

Our Senior Leadership Forums and planned events and workshops aim to share our Transformation plans more widely and build the skills and capabilities needed to successfully deliver those plans. These have continued throughout 2018-19 and have supported the transition to a new leadership structure, which went live in October 2018.

We have invested in the Health & Wellbeing of our staff with a Workplace Wellness Strategy, supporting process including those to manage sickness absence.

A member development programme is agreed each year to ensure core development needs of members aligned to their respective roles are met and to take account of new and emerging issues.

Core Principle F. Managing risks and performance through robust internal control and strong public financial management

The One Organisational Plan provides the necessary framework to deliver change management and transformation and to ensure clear line of sight in the delivery of WCC's Core Purpose and Outcomes. The outcomes framework ensures that Members and Officers have a clear picture of how

well the Organisation is progressing against the outcomes set out in the Plan as well as the key business outcomes that support and underpin it. These processes are continuing for the delivery of OOP-2020.

We have started work on reviewing how we will operate beyond 2020 to ensure we have strong arrangements in place to deliver future strategic plans and savings, as the authority's financial envelope continues to be constrained and demand for services increases.

Risk management is an integral part of good management and corporate governance and is therefore at the heart of what we do. It is essential to our ability to deliver public services and as a custodian of public funds. Our approach to managing risk is explained in the Risk Management Strategy. <http://www.warwickshire.gov.uk/riskmanagementstrategy>.

An external Health Check of the Council's entire risk management approach against a national good practice framework was completed during the year. This resulted in an action plan to deliver improvements to our risk management approach and will inform updates to the Risk Management Strategy next year.

Financial Regulations set out our financial management framework for ensuring we make the best use of the money we have available to spend. They outline the financial roles and responsibilities for staff and Members and provide a framework for financial decision-making. Where there are specific statutory powers and duties the Financial Regulations seek to ensure these are complied with, as well as reflecting best professional practice and decision-making.

<https://www.warwickshire.gov.uk/standingorders>

We have adopted the CIPFA Code of Practice for Managing the Risk of fraud and corruption and this is reflected in our anti-fraud policy.

<http://www.warwickshire.gov.uk/antifraud>

Core Principle G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

We endeavour to always be open and transparent. We have a forward plan which provides information about all of the decisions that the Council has scheduled. Formal agendas, reports and minutes for all committee meetings are published on our website which ensures that people know what decisions the Council is planning to take, and the decisions taken.

<http://www.warwickshire.gov.uk/democracy>

Overview and Scrutiny Committees act as a critical friend and hold Cabinet to account for its decisions. The terms of reference for all O&S Committees are defined in the Constitution.

<http://www.warwickshire.gov.uk/scrutiny>

The Audit and Standards Committee has oversight of internal and external audit matters, the council's arrangements for corporate governance and risk management and any other arrangements for the maintenance of probity.

Each year we publish information on our website outlining how we spend Council Tax income. <http://www.warwickshire.gov.uk/counciltaxspending>

Arrangements are in place to ensure that we fully comply with the requirements of the Public Sector Internal Audit Standards and CIPFA Statement on the Role of the Head of Internal Audit. The Internal Audit and Insurance Manager is designated as the Head of Internal Audit and had regular formal meetings during the year with the Joint Managing Director (Resources), Assistant Director Finance & ICT and Assistant Director Governance and Policy and does not take any part in any audit of risk management or insurance. An External Quality Assessment of the Internal Audit shared service was completed in February 2018 resulting in positive feedback on the quality of internal audit provided to its clients.

<http://www.warwickshire.gov.uk/audit>

4. Review of effectiveness

We have responsibility for conducting, at least annually, a review of the effectiveness of our governance framework including the system of internal control. The review of effectiveness is informed by the work of managers within the Authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by comments made by external auditors and other review agencies and inspectorates.

The review of effectiveness was co-ordinated by an evaluation panel consisting of representatives from each group, Internal Audit and chaired by the Internal Audit and Insurance Manager. In carrying out their review, the evaluation panel:

- considered the approach of the Authority to establishing its principal statutory obligations and organisational objectives;
- considered the approach of the Authority to identifying principal risks to the achievement of those obligations and objectives;
- identified the key control frameworks that the Authority has in place to manage its principal risks;
- obtained assurance from managers on the operation of key control frameworks and on the results of relevant external or internal inspection; and
- evaluated the assurances provided and identified gaps.

The evaluation panel took into account the strategic risk register prepared by executive managers and approved by Corporate Board. In addition Assistant Directors have confirmed that they have complied with the risk management framework throughout the year. Consideration was also given to the results of reviews carried out by external agencies during the year including the external audit of the accounts. The work of the evaluation panel was scrutinised by the Assistant Director Governance and Policy (Monitoring Officer) and the Interim Assistant Director Finance

and ICT (Section 151 Officer) before being submitted to the Audit and Standards Committee for further scrutiny and reported to Cabinet and Council.

The Authority's governance arrangements have been reviewed and improved throughout 2018/19 in a number of ways including:

- new Contract Standing Orders, updated financial regulations and officer delegations have been approved by Members;
- a follow up audit of pension fund investments and controls, including the Council's governance of arrangements with Border to Coast Pension Partnership was included in the 2018/19 internal audit plan and resulted in a substantial opinion;
- the Council's Integrated Capital Strategy has been reviewed and updated in line with the CIPFA code, approved by Council in April 2018 and is being further developed with the Capital Working Group
- Council meetings are web-streamed and a web based election results system introduced, improving transparency of decision making and public accessibility;
- the Council's external website was redeveloped and went live in January 2019, with improved signposting and navigation for site users and more interaction with our customers;
- we responded to Ofsted's inspection of our Children's Services in May 2017, resulting in an overall grade of "requires improvement", with a 12 point action plan owned at senior management level;
- WFRS received a positive inspection by HMICFRS in July 2018 including overall good judgements for the efficiency and effectiveness of the service;
- Warwickshire Youth Justice Service was assessed by HM Inspectorate of Probation and received an overall grade of "Good" in December 2018;
- the Audit & Standards Committee completed a self-assessment against the CIPFA guidance in November 2018 confirming the Committee is operating effectively;

- a report from the independently chaired review of the New Kenilworth Station project was presented to Communities Overview & Scrutiny in January 2019, with key recommendations on the governance and control of future major transport projects.

The results of Internal Audit work were reported to the Audit and Standards Committee throughout the year and the individual reviews feed into the overall Internal Audit Annual Report. The Committee has also considered in greater detail areas where limited assurance opinions have been provided including; Information Governance, Safeguarding in Schools, Payroll, Pensions Investment Management and Contracting Arrangements in Heritage and Environment. In addition, the results of investigations following up concerns about irregularities and poor financial management at a small number of schools have been reported, but these are not considered to be indicative of wider financial control issues. This report concludes that the Authority's control environment provides substantial assurance that the significant risks facing the Authority are addressed. The internal audit findings, including those with a limited assurance opinion, were duly considered in the preparation of this statement.

5. Governance issues

We have not experienced any significant governance failures during the last year and our arrangements continue to be regarded as fit for purpose in accordance with the governance framework. However, the matters listed below have been identified as major challenges for the Authority. These governance challenges are reflected in the organisation's strategic risk register and have accompanying actions. The risk register highlights the actions taken and successes achieved in addressing the challenges of the past twelve months. A prime purpose of the governance framework is to minimise the occurrence of strategic risks and to ensure that any such risks arising are highlighted so that appropriate mitigating action can be taken. We are satisfied that the challenges identified are addressed by

corporate business plans and that the actions identified in those plans will address the issues highlighted in our review of effectiveness. The following paragraphs summarise the risks contained in the strategic risk register in the context of good governance.

Government policies, new legislation, austerity measures and demographic pressures present challenges to sustainable service delivery.

The outlook for Local Government remains demanding with a number of central government policies combined with the national economic situation and post Brexit uncertainty presenting significant challenges to us. We are preparing for the change to local retention of business rates from 2020 and await the outcome of the Treasury's spending review in 2019. Decreasing Designated Support Grant funds and the projected increase in demand for school places is also a concern. We will continue to maintain a watching brief on government statements to identify potential policies which may have a significant impact for local government.

Our One Organisational Plan for the period 2017-2020 identifies savings of £67m during this period. This creates financial pressures meaning that the organisation faces significant challenges to meet its aims and objectives. The savings and transformation plans that are being delivered are realistic but challenging and the potentially significant impact on services that we provide to the public is being actively managed through Transformation Programme workstreams. Our pension fund is in excess of £2bn and we work closely with our Investment Committees, pooling partners and advisers to ensure we maximise the value of our assets and maintain effective governance and reporting arrangements. The major focus for us in the coming year is to:

- provide clarity about our priorities based on an analysis of need and budget plans, as part of the transformation programme and the development of Target Operating Models for services;

- carry out Strategic Reviews of critical service areas;
- implement Functional Operating Models for Finance, Business Support & Customer Services and Human Resources & Organisational Development to deliver effective and sustainable solutions;
- ensure the effective use of all funds allocated to the Council's Transformation Programme to support delivery of OOP-2020 and help manage the impact of changes to services that we provide to the public and the effect this may have on partners, other authorities and the voluntary sector;
- continue to monitor the implementation of savings and project plans and ensure that revenue and capital budgets are managed in a clear and prudent manner, with a focus on the quality of in-year forecasting to inform timely resource allocation decisions;
- participate in national and sub-regional working groups to support and influence the development of the Business Rates Retention system;
- continue to work closely with Border to Coast Pension Partnership on the full implementation of the revised asset pooling requirements;
- continue to explore and engage in the debate around the implication of national policy direction on local public service delivery and what it may mean for Warwickshire;
- work with our key partners to engage proactively with the UK Government to manage any financial consequences of exit from the EU.

Continuing pressure on Adult Social Services, Health, and Special Educational Needs & Disability (SEND) provision.

There continues to be a number of pressures that have a fundamental impact on the funding and provision of adult social care and SEND services in Warwickshire. Inflation and demographic pressures, combined with the impact of the national living wage, means that demand and costs for providing care and support continue to rise. In addition market pressures on providers increases the risk that they either leave the

market or that services provided fail to meet minimum statutory requirements.

We have taken action to address pressures and increasing demand on adult social care services by utilising, for the third year, the 2% Adult Social Care Levy as part of our budget setting. We have also been allocated over £17 million extra for adult social care over 3 years - £8.3m in 2017/18, £6.3m in 2018/19 and £3.1m in 2019/20.

During the next year we will continue to shape and commission our services and will have a focus on the following:

- stronger integration with our health partners and strengthening the role of the Community and Voluntary sector;
- progressing reablement workstreams to address demand for social care services;
- progressing transformation of the “customer journey” for children and adult services with customers and carers at its heart;
- further evolve our approach to commissioning and delivering high quality services with providers ensuring that we minimise the risk of market failures;
- our Demand Management Programme is informing decisions about models of provision in Adult Social Care, Health and SEND, including school transport;
- implementing the Sufficiency Strategy 2018-2023 commitment to incorporate SEND facilities within mainstream schools and expand capacity.

Safeguarding Children and Vulnerable Adults in our community - ability to take action to avoid abuse, injury or death.

In light of high profile safeguarding cases at a national level, we cannot be complacent about protecting children and vulnerable adults from harm.

Responding to increasing levels of referrals against the backdrop of financial austerity requires careful judgements to be made both in terms of managing our exposure to risk and the associated increase in costs and substantial budget pressures in Children’s Services.

Following the Ofsted Inspection of Children’s Services and the Peer Review in 2017 we have progressed planned actions in key improvement areas and have refocused resources on specific early intervention initiatives. We received a Focused Visit by Ofsted in 2018 which was positive about our child protection and child in need work. The Council is also focused on addressing high demand for children’s services and following a strategic review have redesigned pathways around the Multi Agency Safeguarding Hub (MASH) and early help. We continue to improve our safeguarding arrangements with a focus on working more effectively with families in the community.

The Warwickshire Safeguarding Adults & Children’s Board has implemented a programme of regular multi-agency audits. The two boards are working to develop new arrangements to be ensure greater alignment and a whole family approach.

Ability to maintain the security of personal or protected data and protect our systems from disruption as result of cybercrime.

Information security is a key issue for all public sector organisations in light of well publicised data losses and cyber security incidents affecting many public bodies. A robust process for investigating incidents is in place and we continue to protect our systems and data of our staff and customers. We ensure that data is stored securely, legally and in accordance with Council policy. We have reviewed our information

security guidance as a method of increasing overall awareness, and signposting staff to our more detailed advice and guidance. To improve awareness, and ensure that all members of staff understand their information security responsibilities, we require staff to undertake e-learning and formally accept their responsibilities. In response to GDPR compliance requirements we have implemented a detailed action plan which will move to business as usual from April 2019 and have introduced routine compliance reporting to Corporate Board.

Along with all other organisations, we have seen an increase in the number of attacks on Warwickshire websites and systems arising from hacking, denial of service, ransomware and phishing. In response, we continue to review and develop our network and information security arrangements and invest in those resources, following an agreed ICT security roadmap.

The ability to secure economic growth in Warwickshire.

We are a member of The Coventry and Warwickshire Local Enterprise Partnership (CWLEP) and have representation on the CWLEP Programme Board with oversight of key funding strands and provide the Chair for the Transport & Infrastructure Board. We work with CWLEP to support ongoing planning, delivery and review of the Strategic Economic Plan (SEP). Internally we monitor the implementation and economic benefits of CWLEP Growth Funded projects and we also have a dedicated HS2 Project Team. We will continue to:

- support the CWLEP Growth Hub in assisting SMEs and work to help the Hub become self-financing;
- work with partners on the development of HS2 and maximising the economic benefits and managing the impacts on our communities;
- contribute to CWLEP sub-group work looking at the impact of Brexit on skills, employment and infrastructure in Coventry and Warwickshire;

- continue to work with our partners to develop the Skills for Employment programme to improve the employability skills and attributes of young people;
- identify opportunities to invest in education infrastructure as informed by our Sufficiency Strategy projections alongside developing a coordinated approach to Infrastructure Funding and Delivery overseen by the Infrastructure Development Board;
- coordinate Brexit contingency planning and the management of risks including workforce, data handling, civil unrest and supply chain impacts, with lead officers identified from each Directorate.

At a wider, regional level the West Midlands Combined Authority (WMCA) has been established with the challenge to create jobs, enhance skills, develop prosperity and drive economic growth. The Council has joined WMCA as a non-constituent member and continues to play a full part in the development of the Authority, actively engaging with regards to transport, planning, housing and economic development. The leader of the Council has been Chair of WMCA Wellbeing Board since June 2018.

Ability to keep our communities safe from harm.

There are many challenges on the horizon nationally and locally for the services we provide that keep our communities safe. This particularly includes the Fire and Rescue Service, highways maintenance and corporate arrangements for business continuity, and we recognise that we need to become increasingly flexible if we are to meet our current and emerging challenges. During the course of the next year we will have a focus on the following areas:

- develop and deliver an annual action plan as part of the Integrated Risk Management Plan (2017 - 2020) for the Fire & Rescue Service, which also responds to improvement areas identified in the HMICFRS inspection;
- continue to review and test all our business continuity and emergency plans;

- Warwickshire Local Resilience Forum, Safer Warwickshire Partnership, collaborates with Category 1 and 2 Responders on county wide emergency response and contingency planning;
- move forward our collaborative arrangements with West Midlands Fire & Rescue Service;
- establish a Fire Service training hub model at key locations in the County;
- develop an evidence based Asset Management regime for the efficient and effective maintenance of the Highway Network, targeting the most critical areas of the Network;
- continue to direct Trading Standards resources to support a Rapid Response Unit, targeting criminal and other high risk activity in the community.

Successfully delivering the pace and extent of change required from the Transformation Programme to deliver required outcomes.

Successfully delivering the Transformation Programme, Doing Things Better, is critical to the Council’s longer term core strategy and savings targets beyond 2020. The new Operating Model and clearly defined Design Principles set the framework for change. Transformation programme management and governance is in place to control change, including four programme boards:

- Demand Management
- Our People
- Digital by Design
- ICT

To maintain momentum and join up transformation activity, there is a dedicated internal communication resource and an embedded corporate consultation process. A new Change Management Framework means all transformation projects, from April 2019, are given early consideration by

a Gateway process before further development and any recommendations to Corporate Board.

A revised ICT and Digital Strategy will underpin the work of each Programme Board. The Executive Leadership structure is approved and vacant posts at Tier 2 have been appointed to.

As well as Transformation Programme progress being reported to Cabinet in Quarterly OOP monitoring reports, all service level Key Business Measures are kept in view. A Performance Review Project will refresh finance and performance reporting, improving the automation of reporting and strengthening links to our outcomes. Corporate Board maintain monthly oversight and assurances on critical projects.

6. Certification

We will continue to manage the risks detailed above and further enhance our governance arrangements over the coming year. We are satisfied that the risks we have identified are in corporate business plans and the corporate risk register and that the actions identified will address the need for improvements that were highlighted in our review of effectiveness.

These are monitored and reported to members and Corporate Board as part of the corporate performance management framework. We will monitor their implementation and operation as part of our next annual review.

.....
Monica Fogarty
Chief Executive/ Head of Paid Service

.....
Councillor Izzi Seccombe
Leader of the Council

Cabinet

11 July 2019

Education (Schools) Capital Programme 2019/20 and approval of the change of age range at Northlands Primary School, Rugby.

Recommendations

That Cabinet:

- 1) Agrees to change the age range of Northlands Primary School from 3-11 to 4-11 from September 2019, as outlined in Section 4.
- 2) Approves the addition of £1,676,811 to the capital programme to deliver the schemes outlined in Section 3.
- 3) Authorises, subject to the approval of recommendation 2, the Strategic Director Communities to invite tenders and enter into the appropriate contracts on terms and conditions acceptable to the Strategic Director Resources, or (where the scheme is school-led) to make the necessary funding arrangements for these schemes.

1.0 Key Issues

- 1.1 This report recommends proposals for allocating resources in the Education (Schools) Capital Programme to specific projects set out in Section 3. Some of the proposals include funding from developer contributions.
- 1.2 Overall numbers in secondary schools have been growing since September 2015 as larger cohorts transfer from primary schools, we are currently expecting numbers to peak in September 2022 to correspond with the Reception peak seven years earlier.
- 1.3 Where possible, and where economies of scale allow, expansions and building works will also address other factors such as: encouraging infant and junior to become primary, pre-school requirements in an area, providing specialist SEN provision, and any outstanding DDA requirements.

- 1.4 Proposals to increase the number of pupils admitted at schools across a wide area of Warwickshire are explained within this report.
- 1.5 Whilst the issue of sufficiency of provision has to take priority, it is important to ensure that schools that are not expanding are able to continue to operate within their existing accommodation. Details of proposed schemes to make improvements to existing schools are set out below. It is also important to recognise that whilst we are committed to offering good or outstanding places and investing in these schools, we are also committed to investing in schools struggling with improvements where the investment addresses capacity, education delivery, half forms to whole forms of entry and defects.
- 1.6 All proposed education capital projects are considered against independently published third-party data to benchmark the cost to the County Council of providing school places and ensuring effective allocation of resources. The cost per additional mainstream place utilises the Department for Education Local Authority School Places Scorecard, while SEND places utilise the National School Delivery Cost Benchmarking for SEND places report as published by the Local Government Association.
- 1.7 The current available funding is set out in Section 2.
- 1.8 This report also reports on the outcome of formal consultation on a proposal to change the age range at Northlands Primary School from 3-11 to 4-11.

2.0 Available Funding

- 2.1 Allocations of grant funding from the Department for Education for the 2019/20 financial year were notified to the authority in February 2017. Allocations are paid annually and are not available for expenditure until the start of the financial year within which they are received.

2.2 Breakdown of available funds

Balance of unallocated capital funds received	£14,602,923
Relevant developer funding received	£964,191
Total	£15,567,114

3.0 Proposals for addition to the 2019/ 2020 Capital Programme

Cabinet is asked to allocate the following additional Education capital resources to the capital programme:

3.1 Weddington Primary School, Nuneaton

Large scale housing development in the North of Nuneaton has increased the number of in year applications to schools in the planning area of Nuneaton North and East. Whilst the schools in the immediate area are full there is currently capacity in neighbouring schools to accommodate in year pressure for all the primary year groups, except current Year 1 (Year 2 for September 2019). It is anticipated that the continued housing development in the North of Nuneaton, will further add to the demand for places as this cohort of children move through KS1 and into KS2. There are limited places available in the wider Nuneaton area consequently increasing transport costs for the LA and journey times for families.

It is therefore proposed to open an additional Year 2 class at Weddington Primary School from September 2019 to provide additional capacity in the area. Additional accommodation is required to enable Weddington Primary School to accommodate an in year class of up to 30 pupils from September 2019. This will be delivered as permanent modular accommodation on site or small extension to the existing building but given the timescales for delivery and to ensure the additional capacity is available from September an interim solution is required prior to planning permission for a permanent solution and associated infrastructure.

The cost provided below is to enable the provision of the interim accommodation

Cabinet are asked to agree the proposal to allocate £150,000 to the interim solution with the permanent solution being the subject of a future Cabinet report, as follows:

Developer Funding	£150,000
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3.2 Southam Primary School/Southam Primary Pre-School, Southam

Southam Primary Pre-School is currently based in a classroom within the Key Stage 1 area of Southam Primary School. All facilities such as toilets, storage and kitchen facilities required by the nursery are shared with the school.

In order for Southam Primary School to organise more effectively across their Key Stage 1 year groups and in preparation for the anticipated demand on primary school places in Southam over the next five years as a result of housing development in the area, it is proposed to move the pre-school from its current location in the Key Stage 1 area of the school, into a new standalone building set in the school grounds.

It is anticipated that the location of the new building with its own entrance will provide greater opportunity and flexibility in the provision that can be offered. The proposed new building will comprise the required classroom space together with ancillary facilities such as toilets, storage, kitchen and office space. The proposal also includes the necessary external works to provide a playground area, and new secure perimeter fencing and entrance gates.

The project will also include a small amount of refurbishment work to the classroom vacated by the Pre School, allowing the school to create an effective learning environment for the pupils, ensuring the Key Stage 1 year groups are kept together and preventing one class being isolated in another area of the school.

Cabinet are asked to agree the proposal to allocate £424,124, as follows:

Developer Funding £424,124

3.3 High Meadow Infant School, Coleshill

In November 2017 Cabinet gave funding approval for the extension of the age range at High Meadow Infant School, and funding approval for the associated capital works, for the school to operate as a primary school from September 2019 increasing capacity by an additional 120 places across the school over the next four years

The existing capital project is to deliver a new 4 classroom extension and internal alterations required for the school to operate as a primary school from September 2019. The current project budget stands at £1,650,000.

During the feasibility and design process there were a series of challenges due to the size and accessibility of the school site which have led to an increase in costs. The rear of the site has significant overhead power lines managed by Western Power which has inhibited design and the proposed working area. After reviewing a variety of options for the location of the development it has been determined that the current location and design not only suits the needs to the school but due to the level changes in other

areas of the site is our most feasible option cost wise. The project has looked at a simpler rear extension and extending at the front however due to the overall accessibility / level changes of the site the costs have either been on par with or in excess of that outlined.

In addition delays in the feasibility and design have led to slips in the programme and it is now required to provide a temporary classroom on site for 52 weeks while the main build is completed at a cost of £66,000.

Following design and development process the total project costs now stand at £2,334,903, a £684,904 shortfall against the existing approved budget.

Some 80% of the total cost increase (£549,000 out of £684,904) is attributable to the increased estimated construction cost and this is a direct result of the particular difficulties this site poses, the design & construction solutions necessary to overcome them, inflation and the increased construction period needed because of the very restricted site access. Of this £549,000 construction cost approximately £100,000 is the incorporation of inflation and the increase in risk allowance.

The remaining 20% of the total cost increase (£135,904 out of £684,904) predominantly relates to the requirement to provide a temporary classroom and the additional cost of professional fees, surveys and statutory costs.

Given the challenges outlined above the revised total cost for this project is slightly above the average cost reported for primary school expansion projects on the Department for Education Local Authority School Places Scorecard. The per place cost of increasing capacity by 120 additional pupils equates to £19,457 per place compared to the average cost of £16,088 per place.

However prior to the extension of the age range at High Meadow Infant School children transferred to Coleshill C of E Primary School for KS2. In November 2017 Cabinet approved funds for KS1 expansion at Coleshill C of E Primary School. The 210 places created in combination with KS1 expansion at Coleshill Primary School give a total combined cost of £2,634,903 (£300,000 at Coleshill Primary) with a cost per place across the two projects of £12,547, well below the national average.

Cabinet are asked to agree the proposal to allocate £684,904, as follows:

Education capital resources £684,904

3.4 Harbury Primary, Harbury

Given the rural location Harbury is likely to experience localised pressure for school places as families move into the area due to housing development in the immediate area currently building out, with further development proposed. The proposed project provides the school with increased flexibility to meet the needs of existing children in the school and provide additional capacity should it be required.

The project proposes several internal alterations to the KS2 class rooms and surrounding ancillary spaces including redevelopment of some existing class bases within the school in order to ensure that all classrooms can accommodate at least 30 children, including amendments to the current physical layout of one class base that only provides accommodation for 24 children and reorganisation of KS2 class bases to provide capacity to admit an additional 4 children per class at KS2 to meet local demand as it arises.

The project also proposes to develop the existing nurture provision for children with additional needs, creating a low stimulus space with the necessary furniture and resources to meet the needs of those children accessing that provision and allocation of funding towards the creation of a new outdoor teaching space.

There is a total of £59,097 of received and unallocated developer contributions associated with primary provision at Harbury C of E Primary School. Reorganisation and redevelopment of internal spaces has been costed at £47,356 with the remaining £11,741 to be allocated towards the creation of a new outdoor teaching space costed at £30,000. The remaining funding required for the outdoor teaching space will be met by the school/PTA

Cabinet are asked to agree the proposal to allocate £59,097, as follows:

Developer funding	£59,097
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3.5 Harbury Pre-School, Harbury

Housing development in the village of Harbury has created a growing demand for early years provision. Harbury Pre-School has responded to this demand by lengthening their operating hours and would like to increase and develop the learning space available to continue to meet the demand for early years places.

It is proposed to reconfigure a store room and corridor within the current accommodation to create an additional learning space through the development of a Resource Room.

Cabinet are asked to agree the proposal to allocate £23,320, as follows:

Developer Funding £23,320

3.6 The Avon Valley School, Rugby

The Avon Valley School are proposing to establish alternative provision facilities that better equips the school to intervene quickly for children at risk of permanent exclusion, and to ensure the most effective provision is put in place for these students who may be excluded.

Students currently accessing this provision are accommodated in temporary accommodation on site which has time limited planning consent. The current accommodation is remote and poorly supported by the main school. This isolation puts both students and staff at unnecessary risk and means the school carries additional supervisory costs.

The project includes remodelling of a large multi-use classroom that is situated on the front façade of the school. Building works propose to create a doorway into the unit that leads from a large separate entrance to the school.

Repurposing two current office spaces to create a bespoke and self-contained toilet and kitchenette area would allow the unit to be secure and to cater effectively for the needs of staff and students. The current classroom is large, and it is proposed to use hip-height wall structures with fit-for-purpose safety glass to divide the room into three suitable teaching and learning spaces.

Agreeing to this proposal enables permanent accommodation to be provided ensuring the continuity of provision and the benefits this will bring with respect to improving the well-being and outcomes for pupils, and reducing the risk of exclusion and need to access external alternative provision together with the additional cost associated with this for both the school and Local Authority.

The project is costed at £28,216, of which the school are contributing £500 from their capital allocation, leaving funding of £27,716 required to deliver this project.

Cabinet are asked to agree the proposal to allocate £27,716, as follows:

Education capital resources £27,716

3.7 Bidford Bright Stars Nursery, Bidford on Avon

There is an identified need for early year's places in Bidford on Avon, predominantly as a result of housing development in the village and the surrounding area. Circa 400 of the 700 homes approved in Bidford on Avon have been completed.

Bidford on Avon currently only has one nursery in the town that provides 20 places for children age 2 years up to reception age term time only. They do not provide facilities for babies, before and after school cover, or any holiday clubs.

Bright Stars have purchased a 1.1 acre site on Waterloo Road, Bidford on Avon, Warwickshire and plan to deliver a dedicated building designed around the needs of supporting the learning and development needs of the children. Planning permission was granted October 2018 and building is underway for completion in September 2019. The new nursery will support up to 80 children, birth to pre-school across four dedicated classrooms. The nursery will also be providing before and after school child care services and holiday clubs during school holidays. Total cost of the project is approx. £1,500,000. The provider is meeting the cost of the build and is requesting a contribution from the Local Authority via the developer contributions collected from housing development in the local area.

This new provision will be a significant asset in meeting the needs of the community and it is proposed to allocate £57,650 of developer contributions received for early years provision in the area towards the cost the new nursery. Because Bright Stars is a private provider, this contribution will be subject to a funding agreement including appropriate clawback provisions.

Cabinet are asked to agree the proposal to allocate £57,650, as follows:

Developer funding £57,650

3.8 New All through School, Bishops Tachbrook/ South Leamington

As part of the strategic urban extension in South Leamington/ Warwick land has currently been secured, via s106 agreement, for new standalone primary and secondary provision in line with development across the area.

WCC Education and Learning are working with Warwick District Council and housing developer AC Lloyd to bring forward an alternative site that would allow for the provision of a new all-through school and allow opportunities for this new provision to link with the proposed Country Park and provide community sports provision.

It is expected this new provision may be required to admit pupils as early as September 2023.

It is proposed £250,000 of received developer contributions are allocated to allow work to commence on full design and all feasibility studies required for the delivery of the new provision and to inform the full costings.

The full capital funding required to deliver this new provision will be subject to a further report to Cabinet at a later date.

Cabinet are asked to agree the proposal to allocate £250,000, as follows:

Developer funding £250,000

4.0 Consultation Outcomes for Statutory Proposals

4.1 Northlands Primary School, Rugby

In April 2019 The County Council Education Portfolio Holder gave approval to go out for consultation to change the age range at Northlands Primary School from 3-11 to 4-11 from September 2019. The published admission number (PAN) for the main school will not be affected by these proposals. The PAN for the maintained nursery class will cease to exist, and nursery provision will be offered at other local providers instead of at the school.

The proposed changes at Northlands Primary School are related to changes at national level, with many families now entitled to 30 hours per week of funded early education, instead of the 15 hours per week they were previously entitled to. Parents are increasingly seeking more flexibility from nursery places, to support them with work commitments. This is difficult to manage when nursery places are offered via a maintained nursery class, where there is less scope for flexibility.

Whilst the maintained nursery class will cease to exist, children will still be able to attend a nursery place in their local area, as there are sufficient places available at other providers nearby.

A statutory consultation was carried out between 3rd May 2019 and 19th June 2019. Five responses were received to the consultation. Three responses

supported the proposal to change the age range from 3-11 to 4-11. One response neither disagreed nor agreed with the proposal stating that it was a shame there would not be a nursery at the school going forward but recognised the difficulty in maintaining viability with low numbers and meeting the increasing demand for more flexible childcare. A further respondent would like to see the nursery provision retained if possible.

Summary of comments received provided in **Appendix B**.

Cabinet is requested to approve the following proposal:

- To change the age range at Northlands Primary School from 3-11 to 4-11 from September 2019. The published admission number (PAN) for the main school will not be affected by these proposals. The PAN for the maintained nursery class will cease to exist, and nursery provision will be offered at other local providers instead of at the school.

5.0 Financial Implications

- 5.1 Details of currently available capital funding are listed in Section 2 of the report. This available funding is a total of **£15,567,114**
- 5.2 The project costs outlined within this report total **£1,676,811**, of which £964,191 is from developer funding, and £712,620 is from Education capital resources.
- 5.3 This leaves a balance of **£13,890,303** for future education capital projects. All future capital projects would be subject to a separate report to Cabinet.
- 5.4 See **Appendix A** for breakdown of income and expenditure.
- 5.5 Where schools are expanding at the request of the Local Authority, there is often a revenue implication in that additional teaching staff are required in the September but the schools budget does not reflect this until the following April. The Schools Forum have agreed a policy to provide interim funding to schools to account for this and resources are allocated from within the Dedicated Schools Grant (DSG) to meet these short-term additional revenue costs.

6.0 Timescales associated with the decision and next steps

6.1 The Government is reviewing the responsibilities of local authorities in relation to children, although responsibility for ensuring every child has a school place and ensuring the needs of vulnerable learners are met are expected to remain. Any implications for the proposals in this report that may arise as further details of these future proposals emerge will be brought back to Elected Members.

7.0 Background papers

Equality Impact Assessment.

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Local Members: See below.

Other Members: this report was circulated to the following members prior to publication:

Cllr Colin Hayfield
Cllr Jeff Morgan
Cllr Yousef Dahmash
Cllr Chris Williams
Cllr Corinne Davies
Cllr Jerry Roodhouse

Schools Capital Programme - Finance Breakdown

		Available Basic Need Resources £	
Balance following April 2019 Cabinet report		14,641,127	
Increased cost of existing projects approved through quarterly monitoring reports		-38,204	
Total Available Resources		£14,602,923	
Projects Recommended for Support in April 2019 Cabinet Report	Total Additional Cost £	Proposed Use of Basic Need Resources £	Proposed Use of s106 Resources £
3.1 Weddington Primary School – Bulge Class	150,000	-	150,000
3.2 Southam Primary/ Pre-School – Pre-school relocation	424,124	-	424,124
3.3 High Meadow Infant School – additional funds	684,904	684,904	-
3.4 Harbury Primary – Internal redevelopment and reconfiguration	59,097	-	59,097
3.5 Harbury Pre-School – Reconfiguration	23,320	-	23,320
3.6 The Avon Valley School - Alternative provision accommodation	27,716	27,716	-
3.7 Bidford Bright Stars Nursery – External equipment	57,650	-	57,650
3.8 New All Through School – Design and feasibility work	250,000	-	250,000
Total Proposed Use	1,676,811	712,620	964,191
Revised Unallocated/ (Shortfall) in Basic Need Resources		£13,890,303	

Comment
<p>Agree that sensible proposal as a number of good quality alternative nurseries and childcare providers locally. Current provision at Northlands is very inflexible and does not work for many parents, in particular those in work. Will free up a classroom in a school that currently has very limited space, this could be put to good alternative use by the school e.g. as an additional practical area or IT suite. If provision age is changed, would be good if school could develop good working relationship with both local nurseries so that children have some knowledge of Northlands before they start at school.</p>
<p>Both my children have been lucky enough to enter Northlands Primary School at the age of 3. The Nursery class has been a great first step into the school environment and was great preparation for Reception. I highly praise the Nursery class teachers my children have had, so it is a shame the Nursery class won't be available in the future. Having said that, I completely understand it is difficult to justify the continuation of the Nursery class with dwindling numbers. Plus, finding a solution to allow the Nursery class to be open all day to accommodate the demand for 30 hours / week nursery care is even more difficult. It will be sad to see the Nursery class go, but I feel lucky my children were able to benefit from it.</p>
<p>It saddens me that Northlands proposes no longer to have a nursery class. Both my children have attended Northlands nursery class. Both have been very happy there and it has meant that they have been perfectly comfortable with starting school in Reception class. The nursery has been a wonderful nurturing learning environment and a great introduction to and preparation for school life. For our older child in particular the opportunity to send them to the nursery helped us very much in choosing which school to apply for. It allowed us to understand the school and its community in a way that reading reports and attending open days cannot. The nursery teachers and TAs my children have had have been fantastic.</p> <p>It has not been easy with either child to manage five half days of attendance....However, it has been worth the trouble as I wanted all of us to be happy that Northlands was the right school for us.</p> <p>Ideally I would like to see Northlands retain a nursery if at all possible. The ideal would be for provision to be fully flexible but even the offer of three full days, in place of 5 mornings, would help parents enormously. The current nursery class has only eight children but I understand it has been a relatively low birth year, as reflected in 2019 reception class admissions. I'm not convinced it is safe to assume that next year's nursery class would be so small, even if only half days continue to be offered. If three full days could be offered I see no reason why the school nursery could not successfully compete with other providers, particularly as others cannot offer such a valuable introduction to Northlands' school life and community. As far as I recall, the 15/30 free hours can be used across more than one provider so it ought not to be a problem if Northlands cannot offer the full allowance. The nursery is an asset to the school and has been invaluable to our family. It would be a real shame to see it go.</p>

Cabinet

11 July 2019

Warwickshire County Council Fair Access Protocol for Mainstream Primary & Secondary Schools

Recommendation

That Cabinet agrees the new Warwickshire County Council Fair Access Protocol for Mainstream Primary and Secondary Schools as set out in Appendix B.

1.0 Key Issues

- 1.1 Each local authority must have a Fair Access Protocol (FAP), agreed with the majority of schools in its area, in which all schools including Academies must participate. The purpose of the FAP is to ensure that – outside the normal admissions round – unplaced children, especially the most vulnerable, are offered a school place as quickly as possible, so that the amount of time any child is out of school is kept to a minimum. The local authority must ensure that no school, including those with available places is asked to take a disproportionate number of children who have been excluded from other schools or who have challenging behaviour.

2.0 The Proposals

- 2.1 The current Secondary Fair Access protocol was updated and consulted on last year and 33 out of 36 Secondary Schools were in favour of its implementation. Following agreement at Cabinet on 14th June 2018 this protocol was adopted as of 1st September 2018. The current Primary Fair Access Protocol has been in use since September 2017 and was due to be updated as the Memorandum of Understanding (MOU) formed a large part of the Primary Fair Access Protocol and this will not continue from the end of this academic year.

Secondary

- 2.2 The changes to the part of the Fair Access Protocol which covers Secondary Schools are minimal compared to the changes to the Primary Fair Access section, as several changes were made last year. There are some wording changes to provide more clarity in the context and overview sections of the document in addition to more robust changes as follows:

- 2.2.1 The placing of children without a school place, who fall under the Fair Access Protocol, now takes place at the Area Behaviour Partnership (ABP) Meetings which are held every 4/5 weeks across the County.

The panels now include other agencies i.e. Warwickshire Youth Justice Service (WYJS), Early Help and Education Psychology (EPS) as well as a member of each schools Senior Leadership Team (SLT) and colleagues from Admissions and Children Missing Education. Paperwork is sent out to all schools, securely, 5 days in advance of the meeting so that schools can familiarise themselves with the details of the children needing a school place ahead of the meeting and then placements can be made at the panel meeting to the most appropriate school, using the database for guidance.

2.2.2 Children are placed on the roll of that school within 5 school days, even if a phased reintegration programme has been agreed, keeping the time a child is without a school place to a minimum.

2.2.3 Warwickshire County Councils criteria i), j), k) and l) have been reworded to emphasise that these apply to **Unplaced** children only, which is defined as - any child who is not on a school roll or is on a school roll but no longer resident within a 'reasonable travelling distance of that school (reasonable distance is determined by Warwickshire County Council). The wording is also more specific regarding WCC needing documented evidence if these criteria are being used to refuse a school place to a child.

2.2.4 The additional list of categories of children who could not be refused a school place under the FAP, but where their admission to school would gain the school points towards FAP allocations, (which was introduced in the last protocol update) remains in place. This has proved a robust way of ensuring these children are taken quickly into schools and not disadvantaged by having to go through the FAP process. This includes Year 11's, children previously Home Educated and children securing places through the managed move process.

2.2.5 The managed move process has its own protocol so they do not get placed through the FAP. However, points are awarded for successful managed moves to acknowledge these children have been placed.

2.3 The points system remains in place as a way of noting students placed within each Secondary School across the County and information on the current status of the database with points and rankings is sent out along with the paperwork for the children who are to be placed via each ABP panel. The points system will continue to be reviewed annually and takes into account the following information for all schools;

- Geo-demographic Factor (now based on Free School Meals data)
- Pupils whose Home Language is not English
- SEN
- Mobility
- Prior Attainment
- Size of School

The points system enables the Local Authority to use this as a guide in identifying the most appropriate school, thereby ensuring no school is asked to accept a disproportionate amount of pupils with challenging behaviour,

even if places are available. The points system is designed to enable the placement into schools facing less challenge, in terms of general poor behaviour of pupils.

- 2.4 For any school to refuse to accept a pupil via the protocol, they must fully demonstrate why their school is not able to support the placement. Furthermore, they must be able to demonstrate they have a higher than average number of challenging pupils on roll, and that the placement of the pupil will significantly affect the efficient and effective use of resources. We have added an Exceptional School Circumstances Submission form which, if validated by the Local Authority, would give exemption to a school in one or more year groups from taking a Fair Access child for a period of up to 12 weeks.
- Primary
- 2.5 The changes to the part of the Fair Access Protocol which covers Primary Schools are more significant and aims to replicate the secondary panel model. This will align both panels to cover the placement of all school aged children across all areas and key stages.
- 2.6 The Primary Assessment Gateway Panel will be introduced from September 2019 and will meet monthly. Due to the number of Primary Schools it will not be possible to have a member from each school in the area present at each meeting. Discussions are underway with the Local Area Analysis Group Chairs as to the exact make-up of the panels, but they will include colleagues from Admissions, Children Missing Education, Early Help, Warwickshire Youth Justice Service and potentially SENDAR and other agencies as needed.
- 2.7 Paperwork will be circulated, securely, prior to the meetings taking place to at least the six closest schools in any one area taking into account the child's home address and a range of other factors. Currently children are placed only at the next closest school. This has become unworkable due to the numbers of children needing to be placed, primarily through permanent exclusion.
- 2.8 The Exceptional School Circumstances Submission form can be completed by schools, which if verified by Local Authority Officers, would give exemption to a school in one or more year groups from taking a Fair Access child for a period of up to 12 weeks.
- 2.9 Again, due to the number of Primary Schools, it will not be possible to administer a database in the same way as we do for Secondary Schools, however, scoring grids and spreadsheets will be kept to denote where children have been placed in order to advise on future placements as the academic year progresses. This information will be shared amongst all Primary schools following each panel, to ensure transparency and fairness for all.

3.0 Consultation

- 3.1 Prior to the consultation being sent to all mainstream State Funded Primary and Secondary School Headteachers in Warwickshire, a revised draft protocol was produced with input from the Lead Officer for Fair Access and WCC Legal Team and shared with the ABP Steering Group (a group of 10 Primary and Secondary Headteachers from across the County). Meetings have been held with this Steering Group on 7th February, 28th March and 16th May 2019 to consider the draft Fair Access Protocol and gain an update on the consultation.
- 3.2 Feedback from this group was considered by the Admissions and Legal teams and changes made as appropriate. Agreement was sought from Councillor Hayfield and permission given for a Consultation process to begin. The updated Draft Fair Access Protocol for Primary and Secondary Schools was emailed out to all Headteachers Thursday 2nd May 2019 for consultation advising that the consultation would run until Friday 7th June 2019. Due to time constraints there was insufficient time to go back out to consultation following feedback, however, all feedback was discussed again with the Lead Officer for Fair Access and the Legal Team and further responses sent directly to Headteachers.
- 3.3 At the close of the consultation 157 out of 230 (68%) of Primary and Secondary schools provided a response to the proposed protocol. Of these, 144 (92%) of schools that responded, said 'Yes' to the statement 'Do you agree to the implementation of this Fair Access Protocol for September 2019?' with 13 (8%) of those who responded, replying 'no'. This means that 63% of all schools supported implementation of this Fair Access Protocol, with 5% disagreeing with it and 32% not responding.
- 3.4 The statutory guidance requires that the Protocol is agreed with the majority of relevant schools in the County. It is clear from the responses received during the consultation, that the majority of mainstream Primary and Secondary Schools are content with the proposed protocol.
- 3.6 Comments received from schools through the consultation process are attached in Appendix A along with Local Authority responses (in red).

4.0 Financial Implications

- 4.1 There are not expected to be any cost implications as a result of introducing the Joint Primary and Secondary Fair Access Protocol beyond those already planned for within the Education Services budget. This will be kept under review. The Fair Access Protocol is designed to access mainstream education where appropriate, however, if a child initially requires a period of time in Alternative Provision this will be organised through the ABP and monitored. At an appropriate point children will then be referred back to the panels for placement into a school.

5.0 Summary

- 5.1 The Local Authority has a statutory duty to provide a Fair Access Protocol. The consultation indicates the majority of schools agree with the principles of the new proposed protocol. The requirement for transparency whilst ensuring pupils are not out of school for long periods continues to be addressed by the proposed protocol.

6.0 Timescales Associated with Next Steps

- 6.1 If Cabinet approve the document, full implementation will commence in September 2019 at the start of the new academic year 2019/20.

Background papers

None.

Appendices

Appendix A – Consultation responses

Appendix B – Fair Access Protocol for Mainstream Primary & Secondary Schools

Appendix C – Equality Impact Assessment/Analysis (EqIA)

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The report was circulated to the following members prior to publication:

Elected Member(s):

Councillors Hayfield, Williams, C.Davies, Roodhouse, Dahmash, Chattaway, Morgan and Chilvers.

Appendix A: Fair Access Protocol Primary & Secondary Schools Consultation – Comments, Queries and Concerns.

Comments from each Headteacher, or school representative below have been taken directly from the consultation feedback forms. WCC Responses are in red.

I was not sure whether to put 'yes' or 'no' as I understand the reasons why a protocol needs to be in place. I am particularly worried about violent/aggressive children being placed as part of FAP. I think schools need to be able to decide on an individual basis about whether violent/aggressive children are best placed in their school, without being judged. It sometimes feels so faceless when we are approached via email/letter. Parents often have not been to see if the school meets the needs of their children. The flow chart makes it sound really officious. When headteachers 'refuse' to take children it takes a lot of soul searching. Schools have to balance teacher wellbeing/retention/recruitment with the needs and lived experience of existing children in their setting. If there was some financial support guaranteed to help toward support of children in school then this may help schools to feel secure that they can meet the needs of the child.

We held an extraordinary meeting of the Chairs of the Primary Consortia this morning to go through the background and logistics of this protocol in more detail so that they can cascade the message back to their Consortia. Could you have a discussion with one of them to find out more detail about what was discussed today, as there was a lot more detail than we have been able to put into the actual protocol. I would be more than happy to have further discussions with you once you have caught up with your colleagues if you still have concerns.

I had a conversation via email with Cheryl from the team who put my mind at rest that lots of discussion had been had prior to sending out the protocol. I feel heard. Thank you.

Clarity with the process is key for the implementation and for its success. I'm sure there will be some cases that will not fall into this agreement, but there does seem to be some room for these to be discussed and agreed.

Further meetings are planned to discuss the Assessment Gateway and make-up of the panel. Details of decisions made will be shared with all Headteachers prior to September 2019.

I believe there has to be further developments in the transparency of which schools have been approached and which schools have taken pupils on to their roll. As part of the working group that wrote the current protocol, we were most keen for there to be a transparency between all schools, so that the protocol could seem to be fair. Unfortunately this has not happened. This means at present there are continual whispers that "this or that" school has wriggled out of taking any pupils, while other local schools have taken several pupils in a school year. A simple termly report emailed to all schools would solve the perception that the Fair Access Protocol is not always fair!

Agreed and points noted. As discussed in previous emails we have taken on board your comments about transparency and of course, using the panels as detailed, we will be able to disseminate that information at each panel (monthly) and so there will be the transparency needed. We held an extraordinary meeting of the Chairs of the Consortia this morning. Could you have a conversation with your representative regarding the wider picture which was shared this morning as it contained much more about the process than we have been able to include in the actual protocol and I think will help to alleviate some of your concerns.

I have two concerns: Code g. Firstly I would like to note the paragraph 6.32 of the SEN code of practice: 'Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder.' and additionally, page 11 of the draft document under discussion here which states: 'where an admission authority does not wish to admit a pupil with challenging behaviour outside the normal admissions round, even though places are available, it can refuse to admit the child if the FAP protocol applies. The results of these criteria is that if a school has not recognised that a child's poor behaviour is linked to an undiagnosed SEMH need and placed them on the register and started to work proactively with the child and the family then the child cannot be refused under G on the grounds that they are not on the SEN register. This means that if a school is not inclined to work proactively with students with behaviour issues or considers that the issues are not related to SEN then the student cannot be refused by another

school despite the fact that the issue may be to do with unmet SEN need. This may incline schools to not attempt to meet need as placing the child on the SEN register means that they can be refused under FAP, whereas ignoring the need and not placing them on the register means that they cannot be refused and the school benefits as they then move on to another school. This threatens to seriously disadvantage inclusive schools who work hard to recognise and diagnose need. The final point I would like to make regarding this also relates to the statement from the draft protocol where it says that turn down 'will only normally be appropriate where a school has a particularly high proportion of children with challenging behaviour...'. The way this is written implies that it is possible to refuse even if a FAP code does not apply as long as the child has challenging behaviour. This is despite the fact that the previous sentence says 'can refuse to admit the child if the Fair Access Protocol applies' which implies turn down is only possible if FAP is met. This is confusing and I think needs clarification. Codes i,j,k and l. I am concerned about the use of the word 'unplaced' in these definitions. The inclusion of the word 'unplaced' means that students who exhibit these behaviours and are on a school roll can move around the system from one school to another with ease whilst students who do not have a place can be refused under FAP and kept out of education. I think the use of 'unplaced' was to deter parents from taking children off roll so that they can then apply to another school but in preventing this behaviour you then leave schools vulnerable to parents moving challenging students across the system with schools having no ability to refuse as they are on roll. We regularly receive applications for students with low attendance and /or with behaviour logs that show persistently challenging behaviour but are now unable to refuse under FAP as they are 'on roll' somewhere and therefore not 'unplaced'.

A meeting was held with the Headteacher to go through these concerns in more detail. The word 'unplaced' has to be in the protocol as Fair Access only applies to pupils if they are not on a school roll. There is a robust Managed Move process in place which should be used for the movement of children already on a school roll but exhibiting challenging behaviour. Although managed moves don't go through the protocol, points are awarded in recognition of schools accepting these children if the managed move has been successful. We have clarified the wording around when schools can legitimately refuse a school place and the process around that, but clearly stating that this still enables parents to appeal against the refusal if they wish to.

Though I still have concerns about aspects of the protocol, I appreciate having had the opportunity to talk these through. I do understand that the legal position around admissions makes it difficult to set up the protocol and trying to please everyone is extremely hard!

On the whole I like the draft document, just a couple of questions:- Under Section 2 - point viii - it states 'if they have a higher percentage' - do you have a numerical value to this?

There is not currently a numerical value placed on this point, it will be done on a school by school basis depending on the current circumstances. We will add this for discussion at the Assessment Gateway panel planning meeting to see if this can be clarified further.

In Section 3 - point iv - it talks about school support - what will this support entail and with diminishing financial budgets how will this support be funded?

Every available source of funding and support is being sought, but no firm details are available at this point. This will form part of the further Assessment Gateway meetings and will be fed back to schools prior to September 2019.

In Section 6 - point ii - Will there be different heads in different regions as the heads of Bedworth do not understand the issues in Rugby etc....

The detail of the make-up of the panel is still in discussion and will form part of the ongoing Assessment Gateway meetings and be fed back to schools prior to September 2019.

My only concern is getting professionals outside of education to attend the FAP Panels regularly (e.g. health, CAMHS etc). I think it would also be beneficial to include FAP information in Headteacher induction meetings.

We have been successful in getting other professionals to attend the Secondary ABP meetings for the last few panels and we anticipate this will continue for the Primary Assessment Gateway also. We will pass your second point on to the team who facilitate the Headteacher induction meetings.

I agree with the protocol in general but I'd make the following comment: Para 2 iv - this is very unclear. It appears to be saying that schools can't cite oversubscription (in other words the fact that they are full) as a reason for not taking FAP pupils but can refuse to accept FAP pupils if they are full (which only happens when they are oversubscribed). The code, 2.14 (cited in this paragraph) simply says: "those allocated a place at the school in accordance with a Fair Access Protocol, must take precedence over those on a waiting list" It doesn't say anything about a school being full. I'd suggest, therefore, that references to schools not being able to turn down transfers under FAP because they are full are removed from this paragraph. I'm happy to be corrected, but I can't see

anything in the code that says schools have to take above PAN just because a child is under FAP; the code merely says that such pupils would take precedence over others on the waiting list. There is a list of reasons which may not be used to refuse a place (Code para 2.9) but being full is not one of those reasons.

Agreed. We have deleted part of the paragraph so that it reads more clearly.

Para 7 ii - Sub-paragraph iv notes that it is the responsibility of the School Admissions team to compile information to support the ABP in deciding which school will admit which pupil. Sub-paragraph ii says that "no case can be deferred for discussion..." However, to be fair to schools, I'd suggest that there is a caveat added to sub-para ii to the effect that "no case can be deferred for discussion...except where sufficient information has not been available to the ABP to allow a decision to be made."

We have a commitment to ensure that the information is correct and available prior to the placement of children at panels. This will be robustly adhered to so that decisions can be made on the day at panel thus ensuring there is no further delay to a child being placed on roll.

Paragraph 9 - It would be useful to make this paragraph clearer. The paragraph states that the process operates independently of FAP which implies that points aren't awarded; however Chart 2 on Page 9 makes it clear that points are awarded for taking managed move pupils. It's not a problem but it could be clearer.

Agreed – we have added the following paragraph - Points are awarded (see Chart 2) to acknowledge support of schools with vulnerable children needing to change schools.

Ensure support for pupil/school during transition and post entry to school

Noted.

I would like to request that something is added with regard to support, and where the support would come from, for transition for a child into the receiving school and also support for the child once in their new school to make the move as successful as it could possibly be.

Noted – Further discussion on the logistics of the panels and support and funding will be addressed in future meetings to discuss the Assessment Gateway. This will be reported back to Headteachers prior to September 2019.

Whilst working in Coventry, they introduced a system of asking all school's to indicate at least one year group that they considered would have the capacity to take a child through FAP. This allowed Headteacher's and governors to make informed decisions and to consider the needs of all the pupils. Making informed decisions based on their unique knowledge and understanding of the own school which in turn would lead to better transitions for these vulnerable pupils and minimize impact on current pupils.

Thank you for this insight, we will put this forward to the Assessment Gateway panel meeting discussion.

Representation of the head teachers on the panel needs to ensure that all types of school are represented. They should be from all areas of the county and represent large and small school and those that have split sites. I believe that it is very important to have all different types of school represented by the panel. Preferable one member of each consortium to attend so that schools are represented fairly.

This will be discussed further at the Assessment Gateway panel meeting discussions and responses will be fed back to Headteachers prior to September 2019.

Clarification on 7ii and 8ii as they discuss timescales for children to be placed on roll at school. 7 ii sites 5 days and 8ii sites 7 days.

This has been rectified in the protocol – it is 5 school days on both now.

All agencies eg Admissions, SENDAR, Virtual School, Sustainability teams need to have shared intelligence of pupil numbers, current SEND, numbers in year groups and numbers of looked after children. Also financial restrictions meaning smaller school impact of having to front load with the first £6000 for SEND.

Meetings have been held and further discussion will take place during the summer holidays with the Insight Team to look at how we will pull through the information needed so that we know the make-up of each school, in order to make informed decisions at the Assessment Gateway panel meetings.

Headteacher representation on the panel is an important feature of the new protocol. I would like to know how panel members are chosen and would like reassurance of representation from our consortium where placement in one of our schools is being discussed. The needs of different types of primary schools vary considerably and it is essential that this is understood when making decisions regarding the placement of vulnerable children as any new school placement we would hope to be successful. Representation from the consortium would assist with this and if required, I

would be happy to be involved. In addition, there needs to be an improvement in information systems regarding admissions to schools to give a clearer picture of individual schools. So many departments / agencies are involved in placing vulnerable children, in addition to the FAP team. A database to show placements through FAP, SENDAR, virtual school, cross border, STS (eg managed move), and ideally SEN make-up etc etc would help to give a clearer picture when deciding on which school to approach.

The details of the logistics of the panels are still being worked on and decisions will be fed back to Headteachers prior to September 2019. All comments received through the consultation will be taken into account. Link work is being developed between Admissions and SENDAR so that we all know which schools are being approached at any one time.

I agree that the policy has to change as the current policy is not leading to success for the children who are placed, or for children currently in the schools these children are being placed into. I would also like to point out that as a head I believe in inclusion, giving children a chance to succeed where it has previously failed for whatever the reason. The problem is there just simply isn't the financial support to make it work. This results in the vulnerable children currently on role failing too as resources just won't stretch to accommodate the complex needs these children present. It isn't the fact we don't want to solve this issue, it's the fact we can't solve it without financial support. I have a number of concerns with the FAP 1 8 i) specifies that an admission should not be delayed in order for SEND assessment to take place. I think there are some circumstances where it is important that a pupil is not set up to fail in a placement, owing to the receiving school having insufficient assessment and guidance about how best to meet the pupil's needs. Schools need to be FULLY aware of the challenging nature of a pupil's behaviour and, if a delay to admission is needed for full evidence to be gathered and a proper support plan to be put in place, then the admission should be delayed.

8 i) is from the School Admissions Code (Section 3.13)

8 iv) outlines 3 reasons why a school might justifiably resist an admission under the FAP - I think the second one is either unclear, or questionable: does it mean that schools with a high rate of exclusions might be 'let off' an admission? If so, that seems to penalise inclusive schools which resist excluding pupils, and to potentially result in high excluding schools being treated with kid gloves.

The aim of this is to treat all schools equally, but schools will have to justify why they are refusing and the Local Authority will need to agree based on evidence.

9) Very supportive of the inclusion of a section on managed moves.

2 iv) is confusing and apparently contradictory, to my mind. Is 'over-subscription' and 'being full' a reason for seeking an exemption over an admission through the FAP or not? Elsewhere it seems to make it clear that the year group in question being up to PAN is NOT a reason for non-acceptance of a pupil under the FAP. This point seems a bit confused throughout the document, though I'm sure what their intention is.

Agreed – we have changed this point in the protocol and made it clearer.

Things that must be considered as part of the consideration of current schools context: 1. How much a school currently tolerates prior to excluded, this is hugely different across settings. 2. EP / STS , how much is being done prior to exclusion , some schools have a high level of support as they commit more of their budget to this . Others , its not a priority. 3. Children we currently hold onto until appropriate provision is found are at a disadvantage currently as the process takes so long and their are no places in the appropriate provision. Therefore excluding them is often a quicker way for the child to get what they required. There are schools that take this approach 4. Funding , there simply isn't enough higher needs, if this was addressed most of the children who are at risk of exclusion could be supported appropriately. The cost given to schools for each child with an EHCP is minimal compared to taxi costs and placement costs at special school . This si the frustrating issue . Many children wouldn't need special provision if the higher needs funding was addressed.

All feedback from the consultation will be considered and discussed as part of the ongoing discussions regarding the Assessment Gateway. This will be fed back to schools prior to September 2019.

I feel that the exemption time scale of just 12 weeks is too short- school circumstances are unlikely to change significantly in a term and would suggest a term for this. I also feel that the time allowed for members of the Fair Access and Gateway Panel to read and assimilate the papers prior to a panel hearing would need to be longer than 5 days

Points noted and will be fed back to the Assessment Gateway discussions. However, the exemption time has already been extended from 6 to 12 weeks.

Much better!

Pupils should be placed in the most appropriate school to meet their needs. Schools who are full should not be forced to take pupils, adding additional strain on already over stretched budgets, unless the school has been properly identified as the very best place for that pupil.

Under Fair Access oversubscription does not apply as children can be admitted over PAN. Clearly discussions will need to take place to ensure that the placement is the most appropriate for the child in question, regardless of whether it is a school which is full or has a space.

Lack of support for schools that have to take in children excluded from another school.

The proposed protocol has been formulated to ensure there is support for the vulnerable children needing to be placed through the Fair Access Protocol and that it is done through a fair and transparent process.

Additional support provided for identified children should be transferable with them to provide increased consistency.

We will add this to the discussion items for the Assessment Gateway.

Children should only enter into new schools with the support needed to ensure success. Moving children from one school to another without this support is damaging to them. If one school has felt the need to excluded - what will actually be different about the provision and expertise in the next school to ensure success for the child? When children have missed significant amounts of time in school - can provision be based on the child's needs. For example A child spending six weeks in year 6 after missing a number of years of education, will not have the skills needed to be successful in secondary school. Whilst money is tight - it is unfair that a child is repeatedly moved from setting to setting without addition support.

The majority of children being placed through the Fair Access Protocol in Primary have been permanently excluded and so must be found an alternative education setting. Through the Assessment Gateway Panel it is hoped that managed moves can be used to avoid permanent exclusion and that appropriate support will be sought and given to ensure successful placements. Further discussion will be had during meetings to discuss the logistics of the Assessment Gateway.

Having looked at the protocol there seems much to be positive about. Section D providing a list of interventions and outside agencies that should be exhausted before considering moving the child is a good step. However, this could be more explicit. This section should also reduce knee jerk responses or the we've tried everything but nothing works (when actually only scant adaptations have been made or limited external advice sought and implemented). Trial placement and early termination of the new placement is also positive. Rather than the historical approach of moving the child and then the home school using the 'washing their hands' approach. A thought would be to include a section on the home school meeting (some of?) the costs of the managed move- possibly to include staffing, professional advice(Ed. Psych)?

These points will be put forward for further discussion regarding the Assessment Gateway and how things will work.

ALL schools need to be approached rather than schools in more challenging areas as this seems to have been a bit of an issue historically with the same schools being approached time after time whilst others are rarely, if ever, approached. Schools need to be listened to about whether they can realistically provide the suitable care and learning opportunities for a named child, rather than it purely being an expectation that they can.

The Assessment Gateway Panels will provide this and the distribution of vulnerable children will be fairer and more transparent.

I believe it will be supportive of pupils and schools moving forwards

I do not agree with the following points: 7.ii 'No case can be referred for discussion with the head teacher...' as head teacher I reserve the right to make final decisions on such matters. The statement in 7. ii '...placed on role within five calendar days' would be better phrased as the process begun within five school days. Similarly, under section 8.vii there is reference to 7 calendar days, rather than school days.

We have a commitment to ensure that the information is correct and available prior to the placement of children at panels. This will be robustly adhered to so that decisions can be made on the day at panel thus ensuring there is no further delay to a child being placed on roll. The days have been changed to read 5 school days throughout.

Under section 11, school days are referenced, which seems more appropriate and should therefore be consistent across the document. Section 11 could be more cooperatively phrased as language of 'non-cooperation and 'escalated' actions is provocative; there are situations where

schools cannot operate with vulnerable families in such strict time frames, despite all best efforts, and this should not be represented as non-cooperation.

I am concerned at the overly prescriptive system for the secondary ABP as outlined in section 7. This approach has been controversial since its initial use, and head teachers find it unsatisfactory. Reasoned concerns have been expressed in previous meetings, yet these views have not been reflected in the protocol. ABP support has been reduced and the integration and support for vulnerable pupils has been passed directly to schools who do not have the staff to replicate work previously undertaken by the ABP. The combination of these cuts and the suggestion that schools have to accept the decision of a panel without reference to the head teacher result in non agreement with the proposed FAP.

We have noted your concerns, and we remain committed to working collaboratively with all schools to ensure the most appropriate placements continue to be made. Short timeframes for children to be on roll of a school once it is identified will ensure that children are not out of school for longer than is absolutely necessary.

For the protocol to be fair, county must publish the numbers of children excluded from each school together with the numbers of children taken by each school under FAP . In addition, headteachers need complete transparency about the spending by each school on services such as EP as this varies between institutions, which have vastly different thresholds for determining a PX.

We will be publishing this data through the Assessment Gateway Panels so that all schools are aware of the situation and it is fair and transparent.

I have long been in discussion with the LA about the exceptional financial and resource circumstance that my school is in. Therefore Governors and I have requested that these exceptional circumstances be taken into automatic consideration before my school is approved with children in more challenging circumstances.

Your comments have been noted.

Need a HT on the panel who have info on schools ahead of the panel meeting Longer term support from panel if things aren't going well Bedworth should not be included with Nuneaton; different needs Need a rep from each of five areas to ensure local knowledge of schools discussed. Could use CC as a base to pre-discuss schools being raised at panel Should be a weighting criteria for primary as there is for secondary Should consider putting funding into a school prior to exclusion; more cost effective. Need to consider those families who keep moving children due to 'fall-outs' with schools.

Noted, this will be fed back to the Assessment Gateway Panel discussions.

Although the new implementation has positive improvements there are still points that need addressing.

We are aware that work like this is ever evolving. We will be considering all the feedback received and monitoring progress.

At times, vulnerable children who are seeking places under IYFAP have additional needs which need support to be in place before they can attend a school. The time limit of placing a child on roll within 7 days if an additional adult is needed to support does not give schools the time to recruit or move staff. In addition time is needed to ensure that the classroom environment can be adapted if necessary and an integration plan can be agreed if needed.

Your point is noted and will be fed back, however we must ensure children are placed on roll as quickly as possible and a phased integration planned.

2.vii mentions pupils not suitable to attend mainstream school when 2 previous placements have broken down. Does this include managed moves ? It's not clear

In some cases this may include managed moves, but will be looked at case by case to account for all circumstances.

3.iv talks about securing a placement in alt provision but these pupils still need to be on the role of a school don't they ? That isn't mentioned.

This depends on which alternative provision the child is placed in.

p10 mentions the makeup of the ABP and we are not quite there yet; there really should be someone from SEND on the ABP - it's a big gap given that many of the students have SEN of one sort or another. However, this FAP provides a fairer, more transparent structure to ensure that all students and schools are treated appropriately.

Your point has been noted and will be discussed further at the ABP Steering Group. Link work is being developed between Admissions and SENDAR so that we all know which schools are being approached at any one time.

Whilst I accept that the current system requires review and that the proposed FAP is improved I feel that I am unable to accept due to the following points The primary review panel: the draft

proposal states that this panel will consist of 5 heads only, in a county as diverse as Warwickshire, a panel of only 5 heads can not be expected or be able to understand the situations of all schools, this is only likely to be achieved if there is a representative from each consortium on the panel. For example it is easily assumed that small schools are able to provide a nurturing environment for vulnerable pupils, however the reality of small schools is that many of the teachers already coordinate 3-4 subjects, are working without full times TAs and there may be little or no breakout space, additionally many heads within small schools function with DHT and also teach themselves. A headteacher from a multi form entry school in the north of the county is unlikely to understand this just as a head from a mixed age rural school in the South will not be likely to know the specifics of a school in Rugby or Bedworth. In addition the special circumstances exemption form should also include information relating to school building capacity, for example whether there are spare classrooms, breakout areas, whether there are any non teaching members of staff or whether the school has a DHT etc.. The ability of the school to also fit an additional pupil into a classroom should be taken into consideration.

Noted. Further discussions are to be held at the Assessment Gateway meetings as to how the panels will operate and who will sit on them, however, there will be opportunity for schools to feed into these panels.

Please give consideration to how the Fair access and assessment Gateway is set up, ensuring that all heads have opportunity to sit on the panel. Furthermore, that regional differences within the county are given consideration as to the heads that are sitting on the panel at the time.

Noted. Further discussions are being held and this will be fed back to Headteachers prior to September 2019.

Heads are struggling to get to meetings about this. They will be positive, but headteacher's conference is best time to get their attention

Mainstream schools should be able to reject a pupil if they consider they are unable to meet the pupil's needs or if they consider the pupil is like to have a negative impact on the learning or health and safety of other pupils. The local authority should then provide specialist provision to support such a pupil.

Through the Assessment Gateway Panel, robust triage of cases will ensure the most appropriate placement is sought for the vulnerable children who need to be placed.

Needs further consultation for time frames of admissions (7 days isn't enough to put in a plan and resources for a child with additional needs that has struggled in the past, why would changing a venue without support be the solution)

Noted. However, we must ensure that children are placed back into an appropriate educational setting in a timely manner to ensure they do not miss out on education. The protocol asks that they be put on roll within 5 school days even if a phased reintegration is planned.

I assume that in KS1 the limit of 30 per class still applies no matter what.

Yes, Infant Class Size (ICS) cannot be breached for Fair Access.

It is positive to hear that the FAP will follow a similar model to the one used by secondary schools which has resulted in a 50% reduction in permanent exclusions. It is positive that there will be five Head teachers (from AAG), Health, Social Services, Educational Psychologist (for advice), WCC officers, SENDAR and Mental Health represented on the panel. Thanks to Tammy Mason's support, MOU has worked very successfully during this academic year for a child at risk of permanent exclusion and I am concerned that the FAP wouldn't be able to offer the same level of support. We have children with an EHCP who, despite high levels of adult support, still remain at risk of exclusion. I have concerns over how the Fair Access Protocol will allow us to support these children.

Your concerns are noted and will be discussed at the meetings for the Assessment Gateway. Decisions will be fed back to Headteachers prior to September 2019.

We have discussed previously, taking into account the size of the school when looking to place via IYFAP and the numbers of students previously taken by a school. It was felt that larger schools should take a proportionally larger number. NASHCL members were in agreement with this proposal.

Your point is noted and will be fed back for further discussion. Meetings have taken place to further develop the database to capture this information.

Although not by any means the finished article, the current MOU is not meeting need and this needs to be looked at as a priority as too many children are slipping through the net. I agree to the implementation on the basis that the document is then held under scrutiny and amended to become more suitable and fit for purpose.

Your comments have been noted. This protocol and its processes will be monitored and will need to be reconsidered every year to ensure it is meeting the needs of the vulnerable children needing to be placed.

I am agreeing in the understanding that the Assessment gateway group mentioned in the FAP is adequately supported in its work and that the money to ensure support for the FAP children discussed by the assessment group is also granted.

Your comments have been noted and passed on for further discussion at the Assessment Gateway panel planning meetings.

This seems a clearer and fairer process

I am unsure of the inclusion of home educated children in the criteria listed on 5ii. I think some parents might take advantage of the system.

We do monitor this very carefully, so hopefully it won't cause an issue.

Schools that are full should not have to take additional children more specialist places should be made available for these children there are already too many children in the system who are waiting for or should be in a specialist provision.

Your comments have been noted and forwarded for discussion. However, with a lack of Specialist provision readily available we do need to seek appropriate education for these vulnerable children. The School Admission Code states that being over PAN cannot be used to avoid taking a child through Fair Access.

Many reasons, other local schools have lots of places spare and we are full with large waiting lists. Our school building is a stretch with the amount of children that we have e.g. hall, playgrounds, cloakrooms, parking etc. Our classrooms are very small and cannot take over number due to breach in size of classrooms.

Your comments are noted. All cases will be looked at as to the most appropriate setting for the particular vulnerable child. It is hoped that by working collaboratively we will achieve this, taking all information into consideration.

I support many of the statements made in the proposal, but I am very concerned about situations where classes would be oversubscribed, and there would not be enough funding to be able to support the child. For example, I have children in my school with challenging behaviour issues that require one to one support. There is no money in the school budget for this and despite the children's high level of need, they will not be able to get an EHCP. I am particularly concerned about the burden that this will place on teachers who may not have the specialised skills to work with vulnerable children, without the support of an extra adult.

We are aware of the difficulties some schools face and all avenues of funding and support are being explored.

The support for school is not in place to deliver the fair access protocol.

We fully agree with the Fair Access Protocol but feel that the support needs to be put in place by Warwickshire to ensure placements are successful and the children's needs can be met.

Noted. We are looking at every opportunity for support and funding to be in place to meet the needs of these vulnerable children to get them back into education.

We are concerned about the section that refers to students being taken on roll at a school when they will be in alternative provision full time (in effect being taken on roll although the school will never see them in lessons). It is felt that due to the fact that these students will not be taught in lessons at the school, their ability level should not be taken into account. We feel that Grammar schools should take a fair share of those students who are to be on roll but being educated in alternative provision - regardless of their student's ability. We believe this should be included in 2.ix. It is important the grammar schools play a fair part in this process as all schools should be similarly affected by the impact on their progress data. We feel that it is discriminatory to demand already vulnerable students, often facing challenging circumstances beyond their control, to take tests for which they are ill-prepared (not having had the benefit of preparation or external tuition for these assessments) before they take these students on roll. If they are to be compared to the cohort, then surely they must first benefit from tuition and support in the same way as the cohort does. Surely there must first be equity before we can expect all students to be treated equally? The same applies to schools. If the above is addressed we will support the protocol.

Your comments are noted. We do always look for opportunities for Grammar Schools to support vulnerable children. We have moved away from the scenario of children going on roll 'in name only' and so this shouldn't be applicable now, as children on a school roll will be attending unless they are put into alternative provision by the school they are on roll at.

I feel that it is better than what is in place now. However, it is very vague around exceptional circumstances and what that means?

Your comment is noted and will be passed on for further clarification. It is anticipated that the use of this form will not happen on a regular basis, but will be in exceptional circumstances and will need to be verified and agreed by the Local Authority robustly.

This is a positive move forward. It is far more fair and transparent.

I think more time is needed once an application has been made for the school to be able to find out information about the new child to ensure they are the most suitable destination and can meet the needs of the new child while continuing to meet the needs of the rest of the cohort, particularly where there may be significant challenging behaviour or Special Educational Need coming into a cohort that already has significant need.

Noted. It is anticipated that through the Assessment Gateway this information will be gathered and shared to enable suitable decisions to be made.

This is an improvement though I do feel that 'exceptional circumstances' is still rather vague and needs to be clarified.

This will be monitored robustly and will need to be agreed by the Local Authority based on strong evidence provided by a school.

3.iv) WCC will record the impact of the children placed through the protocol. Who will be responsible for this? How will the impact be measured? When placing pupils consideration must be given to the size of the school - the impact of a PEX pupil into a cohort of 100 is far greater than into a cohort of 200 for example. The P8 position of the school should also be considered re: the ability of the school to be able to absorb any historical underperformance of FAP pupils without significant impact upon key measures.

Your comments have been noted and will be fed back for further discussion and response. The introduction of the 'W' Code should help with some of your concerns. Meetings have been held regarding data gathering to provide more information for the database on school sizes.

More clarity around class size - What is defined large class size? In our school PAN is 70, so class sizes are 35 each. Would this be an exceptional circumstance?

It wouldn't necessarily be an exception unless there are other issues for the year group concerned. If a school is capable of handling a larger class size then this will be taken into account. Cases will be looked at individually and appropriate placements sought by working collaboratively.



Warwickshire County Council Fair Access Protocol for Mainstream Primary and Secondary Schools 2019/2020

DRAFT PRIMARY/SECONDARY FA ACCESS PROTOCOL MAY 2019

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Index

Introduction	Page 3
Warwickshire context and statutory guidance	Page 3, 4 & 5
Overview and Aims of the Fair Access Protocol	Page 5 & 6
Exceptional Circumstances in Schools	Page 6
Who will the protocol cover?	Page 7 - 10
Operation of the Fair Access Protocol at Primary Phase	Page 10 & 11
Operation of the Fair Access Protocol at Secondary Phase	Page 11 & 12
Refusal to admit children and Direction to admit	Page 12 & 13
Managed Move Process	Page 13
Referral process from Schools to Panels	Page 13 & 14
Monitoring the Operation of the Protocol	Page 14
Protocol Review	Page 14
Appendix A – Exceptional Circumstances	Page 15
Appendix B – In Year Admissions process	Page 16
Appendix C – Primary Fair Access process	Page 17
Appendix D – Secondary Fair Access process	Page 18
Glossary	Page 19

1. Introduction

- i) The School Admissions Code 2014, issued under Section 84 of the School Standards and Framework Act 1998, requires each local authority to have in place a Fair Access Protocol (FAP) agreed with the majority of schools in its area. (SA Code 3.9). The requirement is supplemented by further advice from the Department for Education (DfE) in 'Fair Access Protocols: Principles and Process' published in November 2012. This sets out principles to clarify the expectations on all state funded mainstream schools (including academies and free schools) as well as all other admission authorities to ensure that FAP's operate effectively at a local level.
- ii) The purpose of the Protocol is to ensure that, outside the normal admissions round, **unplaced** children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. The Protocol also seeks to ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.
- iii) Fair Access Protocols should not be used as a means to circumvent the normal in year admissions process. A parent can apply for a place as an in year admission for their child at any time, to any school outside the normal admissions round and is entitled to an appeal when a place is not offered, even if the reason for refusal is for FAP-related reasons.
- iv) All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.
- v) A Fair Access Protocol **must not** require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school. (SA Code 3.14)

2. Warwickshire context and statutory guidance

- i) The Fair Access Protocol (FAP) for Warwickshire has been written in accordance with paragraphs 3.9 – 3.23 of the School Admissions Code 2014 and the DfE's departmental advice of November 2012 in partnership with the Area Behaviour Partnership (ABP) Steering Group, who review the process on a regular basis;
- ii) All admission authorities must participate in the Fair Access Protocol (including Academies, all types of Free Schools, University Technical Colleges and Studio Schools) in order to ensure that unplaced pupils are allocated a school place quickly. (SA Code 3.11 & DfE Guidance Nov 12)

- iii) The operation of the Fair Access Protocol is outside the arrangements of co-ordination and is triggered when an eligible pupil has not secured a school place under normal in-year admission procedures. The Fair Access protocol is operated in addition to, and not as a replacement for, our other in-year procedures. (SA Code 3.10, 2.21 & DfE Guidance Nov 12)
- iv) Children allocated a place under the Fair Access Protocol will take precedence over those children already on the school's waiting list. (SA Code 2.14).
- v) Specific to Secondary Schools - Year 11 pupils, unless falling into a relevant category within Chart 1, are not part of the protocol and **schools will be expected to admit Year 11 pupils in accordance with their published admission arrangements**. We do not advise that year 11 pupils transfer school as a pupil can be greatly disadvantaged by a change of school during their GCSEs, particularly when the same subjects and/or syllabi may not be available upon such a change.

When deciding on whether to apply for a transfer out of the current school parents will be advised to consider that work is not transferable between schools and exam boards can rarely be matched and coursework is monitored and cannot be re-done.

- vi) All parents/carers should discuss any requests to transfer with the current school to see if any issues can be resolved and if the child can continue their education without interruptions to their SATS or GCSEs.
- vii) A child without an Education, Health and Care Plan may be assessed as not being suitable to attend a mainstream school where at least two previous mainstream school placements have irretrievably broken down for reasons relating to behaviour, attendance, mental health or other related reasons. Final decisions will be taken by Warwickshire County Council, informed by all circumstances relevant to the case and a decision made as to what education the child is able to access and where the education could be accessed from.
- viii) Challenging behaviour is defined as children who:
- have been permanently excluded;
 - have received a number of fixed term exclusions; or
 - present with a number of behaviours that are anti-social and are exhibited through constant disruption, aggression or minor criminal activities.
- These behavioural issues must be agreed and documented by a range of professionals who are currently involved with the child.

Schools will be considered to have a particularly high proportion of children with challenging behaviour or previously excluded children” if they have a higher percentage of these children across their school than other schools in their network area or consortium. The definition of ‘challenging behaviour’ will be kept under regular review.

- ix) Warwickshire has a number of grammar schools, all of whom participate in the operation of the protocol. If a grammar school is identified as the most appropriate setting for a pupil that is currently being placed via the protocol, the following process will be followed; If the pupil has not previously taken a test to identify their levels of ability then they will sit such a test to determine whether they may cope with the academic structure and curriculum within grammar schools. The results will be compared to those of the cohort that they would be joining. If the child has been found to fall within a range consistent with the cohort for the relevant academic year at the grammar school in question then consideration will be given by the grammar school for a placement.

Grammar schools are also encouraged to support the Fair Access process in other ways where appropriate.

3. Overview and Aims of the Fair Access Protocol

- i) The Fair Access Protocol’s aim is to ensure every pupil residing within Warwickshire, eligible to be placed via the protocol, has access to the most appropriate education provision within a timely manner, thus avoiding time out of education. Once a pupil has had an in-year application for a place refused on the grounds that the protocol applies, the process timeline will be followed as set out in the attached appendix. **Parental preference does not need to be followed.**
- ii) When seeking to place a pupil under the Fair Access Protocol, all schools should be treated in a fair, equitable and consistent manner. (DfE Guidance Nov. 12)
- iii) All schools should work together collaboratively, taking into account the needs of the pupil and those of the school. (DfE Guidance Nov. 12)
- iv) Warwickshire County Council will pursue the following additional aims through the Protocol -
- Acknowledge and assess the real needs of vulnerable children.
 - Support Schools/Academies with their vulnerable children to avoid exclusion.
 - Ensure appropriate placement is identified either in mainstream or Alternative Provision.
 - Recognise and support Schools/Academies that have a disproportionate number of children with behavioural needs.
 - Record the destination and impact of the children placed through the protocol.
 - Increase participation of children within schools and academies.
 - Reduce the amount of permanent exclusions.

Please note – The placing of unplaced children through the protocol will take precedence if there is no solution to be found for the admission of any one child which meets all other aims.

Circumstances in which an admissions authority can refuse to admit a child

Section 86B of the School Standards and Framework Act 1998 requires admission authorities to comply with parental preferences for school places except where “compliance with the preference would prejudice the provision of efficient education or the efficient use of resources”. This is generally interpreted within Warwickshire as meaning that an admission authority can refuse admission in the following circumstances:

- Where the year group to which the child would be admitted is full, and it would be prejudicial to the provision of education and/or the welfare of pupils and staff to admit any additional pupils;
- Where the child in question falls under the Fair Access Protocol, and it would be prejudicial to the provision of education and/or the welfare of pupils and staff to admit that particular child; or
- Where the child in question does not fall under the Fair Access Protocol, but the admission authority can demonstrate to the satisfaction of Warwickshire County Council that it would be prejudicial to the provision of education and/or the welfare of pupils and staff to admit that particular child due to the school having a particularly high proportion of children with challenging behaviour or previously excluded children. This category can only be used in exceptional circumstances.

In all the above circumstances, parents have a right to bring an appeal against the refusal to admit their child. The law also requires admission authorities to refuse to comply with Section 86B if doing so would lead to a breach of the ‘infant class size limit’, except in some limited exempt cases, but again parents have a right to appeal such a refusal. Admission authorities are permitted to refuse to admit twice permanently excluded pupils in circumstances when Section 87 of the 1998 Act applies.

4. Exceptional Circumstances in Schools

All schools are in scope for admitting children placed through Fair Access. However, there may be exceptional circumstances that justify temporary exemption from the Fair Access process. Schools will be able to present their case for exemption to the Local Authority via the Lead Officer for Fair Access. Schools will be required to complete the School Exceptional Circumstances pro-forma (**Appendix A**) and any granted exemption will only be considered valid for a maximum period of 12 weeks.

5. Who will the protocol cover?

The difference between In Year Admissions and Fair Access:

- i) In Year Admissions relate to all admissions to school from reception to Year 11 which are not covered by phase transfer schemes. In most cases the admissions process is straightforward. A parent applies for a place in a school where there is a vacancy and the child is admitted to school if a place is available.
- ii) In other cases there may be extenuating circumstances as to why the child's admission is not deemed to be a straightforward in-year admission and the child is refused a place through the in-year admissions process. The child will then need to be placed in a school via the Fair Access Protocol, despite places being available within the relevant year group. **See chart 1**

The circumstances can include;

- an unplaced child who was not previously permanently excluded but who was attending a Pupil Referral Unit (PRU).
 - an unplaced child whose parent/carer states that the child has medical or educational needs but does not have an Education, Health and Care Plan (All information will be explored to determine the best possible route for admission. (WCC officers may refer to the ABP Steering Group members for advice)
 - an unplaced child who has not previously attended a mainstream school or who has not attended a mainstream school for more than 1 school term (For example a home educated child or persistent non-attender)
- iii) All parents/carers who wish to apply for an in-year school place are required to complete an In Year Online Application Form through the parent portal on Warwickshire's website (www.warwickshire.gov.uk) unless it is a school who administer their own in-year admissions. Details of these schools are on the Warwickshire County Council website.
 - iv) Although parental preference does not need to be complied with when placing under the Fair Access Protocol, the wishes of parents should be taken into account to avoid possible non-attendance (everything will be done to manage expectations).
 - v) Where a parent names a preferred school, but Warwickshire County Council would not place there under any of the processes outlined in this protocol, Admission Officers will inform parents of this outcome and of their right to appeal but will not pursue the place at that school.
 - vi) Schools are responsible for presenting any cases listed above to the Lead Officer for Fair Access. The Lead Officer for Fair Access may utilise the local representative from the ABP Steering Group for guidance and reference;

however, the Local Authority reserves the right to start the formal process of direction to a school, if a school refuses admission and no local agreement can be reached. If schools have Academy status, referral to the ESFA will follow.

- vii) The Local Authority will take all reasonable steps to ensure that admission authorities are provided with all relevant information to ensure that decisions can be made by the admission authority as to whether the Fair Access Protocol applies. If an application is deemed to fit the criteria for placement under the Fair Access protocol, (see Chart 1), a school **may** refer the case back to the Local Authority and refuse admission, even if they have places available. Parents retain the right to appeal this decision through the usual admission appeal route.
- viii) The Admissions Team will undertake appropriate due diligence on all Fair Access cases to ensure that as full as possible an understanding of each child's case is available both to itself and to the relevant placement panels and schools in order for an informed decision to be made as to the child's educational setting placement. It may be a school will accept a pupil even though they are not next on the points system to be considered, in which case they will be given the points for the child as if placed via the protocol.
- ix) The groups of children and young people placed via the protocol are in many cases likely to be classed as vulnerable for various reasons. If after admission, a school identifies that a child presents issues of concern, they should take appropriate steps to engage other agencies, for example through initiating an Early Help Assessment.
- x) If a child's circumstances are not covered in Chart 1 then the child does not form part of the FAP, and they therefore cannot be refused a place by a school on that basis. It is acknowledged however by the local authority that some other groups of children admitted to a school do pose some additional challenges, and therefore points will be awarded for admitting pupils fulfilling the criteria set out in Chart 2, so long as these are notified appropriately to the local authority
- xi) The list of children to be included in a FAP is to be agreed with the majority of schools in the area but **must** as a minimum, include the following children of compulsory school age who have difficulty securing a school place: each of these categories is weighted as agreed by the steering group. (SA Code 2014, 3.15).

Chart 1 – FAP applies and admission can be refused

Weighting priority Points

a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education	1	50
b) children who have been out of education for two months or more	7	30
c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;	3	50
d) children who are homeless;	9	20
e) children with unsupportive family backgrounds for whom a place has not been sought;	8	20
f) children who are carers; and	10	20
g) children with special educational needs, disabilities or medical conditions (but without an Education, Health and Care Plan).	4	50

Warwickshire defines g) SEN as a child currently being supported for SEN and exhibiting challenging behaviour.

In addition to the minimum requirements listed in the SA Code 2014, Warwickshire's protocol includes the following:

h) Children who have been permanently excluded and who have no school place as a result	2	50
i) Unplaced children currently actively known to other professional agencies under CIN or CP plans.	11	20
j) Unplaced children whose attendance was below 85% or who were classed as persistent non-attenders in the current or last academic year, thus allowing for transfer phases. <i>The local authority will need to see evidence of this.</i>	12	20
k) Unplaced children for whom there is documented evidence that they were previously identified as being at risk of permanent exclusion in the current or last academic year, thus allowing for transfer phases. <i>The local authority will need to see evidence of this.</i>	5	40
l) Unplaced children for whom there is documented evidence that demonstrates persistently challenging behaviour in the current or last academic year. For example; a consistently high volume of FTE's per term in the current or previous academic year, thus allowing for transfer phases. <i>The local authority will need to see evidence of this.</i>	6	40

Under this protocol 'Unplaced' is defined as any child who is not on a school roll or is on a school roll but no longer resident within a *reasonable travelling distance of that school. *Reasonable distance is determined by Warwickshire County Council

Chart 2 – FAP does not apply but points awarded for admission

Children who have been accepted permanently into a school following a successful managed move	40
Children whose managed moves broke down or ended after a minimum of six weeks	20
Child Looked After	30
Year 11 pre January census;	40
Year 11 post January census;	10
Children who have been removed by their parents from a school roll to be home educated and are now seeking another school place.	20
Children with an Education, Health and Care Plan	25

6. Operation of the Fair Access Protocol at Primary Phase

- i) At Primary Phase all Fair Access referrals will be considered by a central Fair Access and Assessment Gateway panel that will meet monthly with dates set in advance for the whole school year.
- ii) Membership of the Primary Fair Access and Assessment Gateway.
 - Five Primary Headteacher representatives identified by Local Area Analysis Groups.
 - Multi agency representatives' e.g. social care, youth offending, RISE, SENDAR, Strengthening Families.
 - Lead officer for CME and EHE
 - Lead officer for In Year Admissions and Fair Access
 - Primary Fair Access Lead.
- iii) For each referral, the School Admissions team will compile centrally held information to inform and support the panel to make decisions. Fair Access decisions will be based on ensuring all schools take a fair share of pupils and the number admitted through fair access over the past three terms will count as a significant factor for allocation.
- iv) The following factors will also be considered when making decisions at panel meetings:
 - distance from home
 - OFSTED category,
 - % of pupils with EHCP
 - % of CLA pupils

- number on roll in the relevant year group
 - exceptional school circumstances
 - ensuring no breach of infant class size laws
 - parental preference
- v) Where schools in particular areas are experiencing higher demand for Fair Access placements, scoring grids may extend beyond the six nearest schools to the child's home address in order to ensure fairness and equity of placements.
- vi) A spreadsheet will be kept updated for each area denoting placements made at panel meetings. This will be used at the following panel meeting to advise whether students allocated previously are now on the roll of that school and to inform new placement decisions.

7. Operation of the Fair Access Protocol at Secondary Phase

- i) At Secondary Phase all Fair Access referrals will be considered through the Area Behaviour Partnership for each area which will meet every 4/5 weeks with dates set in advance for the whole school year. The responsibility for representation at the Secondary ABP Leads meeting lies with the schools. This must be a colleague who is on the SLT and has full decision making authority. Colleagues will collaborate to find the best possible placement for the child, sharing best practice on how to support the admissions of any hard to place students.
- ii) No case can be deferred for discussion with the Headteacher following the meeting. **All decisions regarding the admission of any child made at the ABP leads meetings are final and the child should be placed on the roll of the identified school within 5 school days, even if there is to be a phased integration.**
- iii) Membership of the Area Behaviour Partnerships
- A member of the Senior Leadership Team, (SLT) with full decision making authority, from each of the secondary schools within each of the ABP's.
 - ABP coordinators
 - Multi agency representatives' e.g. social care, youth offending, RISE, SENDAR, Strengthening Families.
 - Lead officer for CME and EHE
 - Lead officer for In Year Admissions and Fair Access
- iv) For each referral, the School Admissions team in conjunction with the Education Entitlement Team will compile centrally held information to inform and support the panel to make decisions. The centrally held database for Secondary School Fair Access placements will also be used to ensure all schools take a fair share of pupils.

- v) The following factors will also be considered when making decisions at panel meetings:
- Distance from home/transport links
 - Exceptional school circumstances
 - The ranked order of schools in an area in accordance with the protocol points based system operated by the Local Authority
 - Schools previously attended by the child, including under a managed move. Consideration will be given to any previous serious breakdown in relationships between a school and the family to include failed managed moves and peer relationship breakdown.
 - Parental preference

Please note: The database incorporates all previous placements along with census information pulled through on a yearly basis. Children who are still on the roll of the school at the start of the next academic year will be carried over to the new database.

8. Refusal to Admit Children and Direction to Admit

- i) Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs. (SA Code 3.13) before admission would be considered.
- ii) Where a pupil has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so), and children with Education, Health and Care Plans.' (SA Code 3.8). It also does not apply to any exclusion which has been quashed by an Independent Review Panel.
- iii) Where an admission authority does not wish to admit a pupil with challenging behaviour outside the normal admissions round, even though places are available, it can refuse to admit the child if the Fair Access Protocol applies, but **must** refer the case to the local authority for action under the FAP. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. This provision will not apply to a looked after pupil, a previously looked after pupil or a pupil with an Education, Health and Care Plan naming the school in question, as these children **must** be admitted and requests for admission of such children must not be turned down on Fair Access grounds. (SA Code 3.12).

- iv) If the admissions authority refuses to admit a child on Fair Access grounds, the case must be referred to the Lead Officer for Fair Access for consideration. The Lead Officer will expect to see evidence in such circumstances of the:
- particularly high proportion of children with challenging behaviour, and/or,
 - particularly high proportion of previously excluded children, and/or
 - implications of the admission of an additional pupil with challenging behaviour.
- v) The Lead Officer will then consider the case made by the school. The Lead Officer may consult with a member of the ABP Steering Group for the area in deciding whether the FAP does apply.
- vi) **Admission authorities in Warwickshire are required to comply with the terms of this Fair Access Protocol and, as a result, should therefore admit any pupil referred to the school under the FAP.** If an admission authority refuses to admit a child, but the County Council remains of the view that it is the most appropriate school for the child, then the County Council will follow statutory steps under the School Standards and Framework Act 1998, either to direct admission or to make an application for direction to the ESFA, as appropriate.
- vii) Children placed through either panel should be on roll at the receiving school within 5 school days, even if the child is starting on a phased reintegration plan.

Please Note: A school/academy placement through the Fair Access Protocol will **NOT** remove a parent/carer's right of appeal for any school/academy for which they have been refused a school place. Parents will be guided to the process of appeals if necessary. Appeal panels will be made aware of the conditions of this protocol.

9. Managed Move Process

A managed move protocol is in place which works to support the transfer of pupils between schools for children who are at risk of losing their school place. Such processes operate independently of the Fair Access Protocol, but are designed to support difficult cases. Points are awarded (see Chart 2) to acknowledge support of schools with vulnerable children needing to change schools.

Please note that any form of managed move must be with the full agreement of the family and used as a support mechanism.

10. Referral Process from Schools to Panels

- i) All Fair Access cases will be processed and presented at either the Primary Assessment Gateway or the Area Behaviour Partnership Leads meetings by the Local Authority's Fair Access Team.

Direct referrals from schools can be made in the following cases:

- **Primary Schools:** referrals directly from schools, via the Warwickshire County Council Fair Access Protocol (FAP) process, for consideration for a managed move or in cases where a Headteacher would like to seek advice on any further interventions which could be accessed or signposted.
 - **Secondary Schools:** referrals directly from schools, via the Area Behaviour Partnership process, for consideration for a managed move or to access alternative provision.
- ii) All referrals must be made using the Warwickshire Learner Information Form (LIF). The form must be completed in full to support a smooth and efficient process for the child. All completed forms must be sent by email in line with the agreed deadlines for consideration at the relevant panel meeting.
- iii)

11. Monitoring the Operation of the Protocol

Any concerns over lack of cooperation with the FAP process will be escalated to relevant Warwickshire County Council colleagues. This will include any School/Academy that has not taken a child on roll within 10 school days of the placement decision being made.

If there is an unavoidable delay beyond 10 school days, the Fair Access Team must be notified to ensure the correct safeguarding is in place for the child.

12. Protocol Review

The Fair Access Protocol will be reviewed on an annual basis by the Local Authority in conjunction with Headteachers.

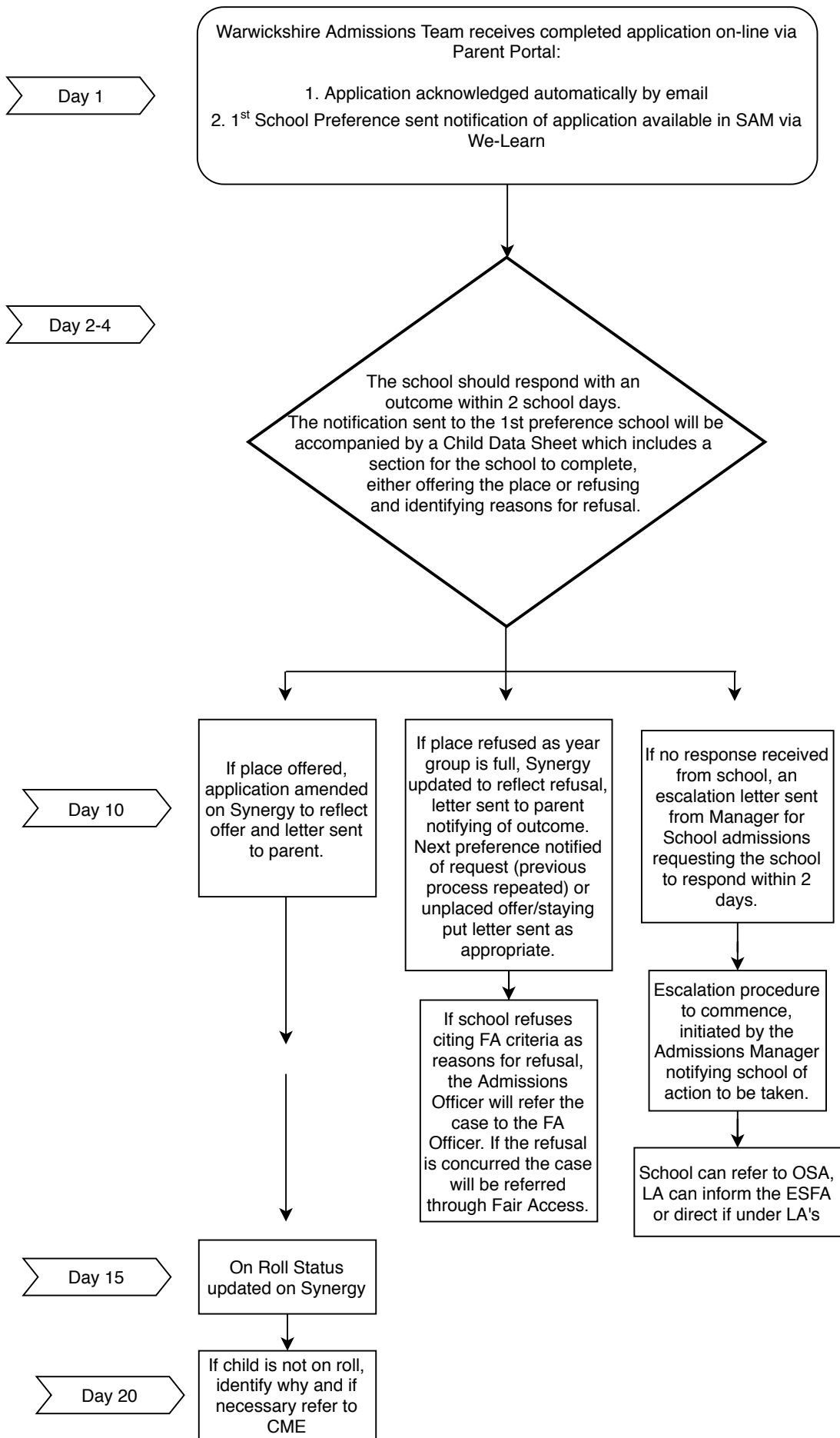
Appendix A - Fair Access request – Exceptional School Circumstances Submission

All schools are required to participate in admissions through the Local Authority Fair Access protocol. Under exceptional circumstances, a school may wish a Fair Access panel to consider exemption from taking a Fair Access student in one or more year groups. Being full in the year group cannot be a reason for exemption. Schools wishing to be considered for exemption should complete the additional information below for the panel to consider. **Information is required across each year group for which exemption is required.**

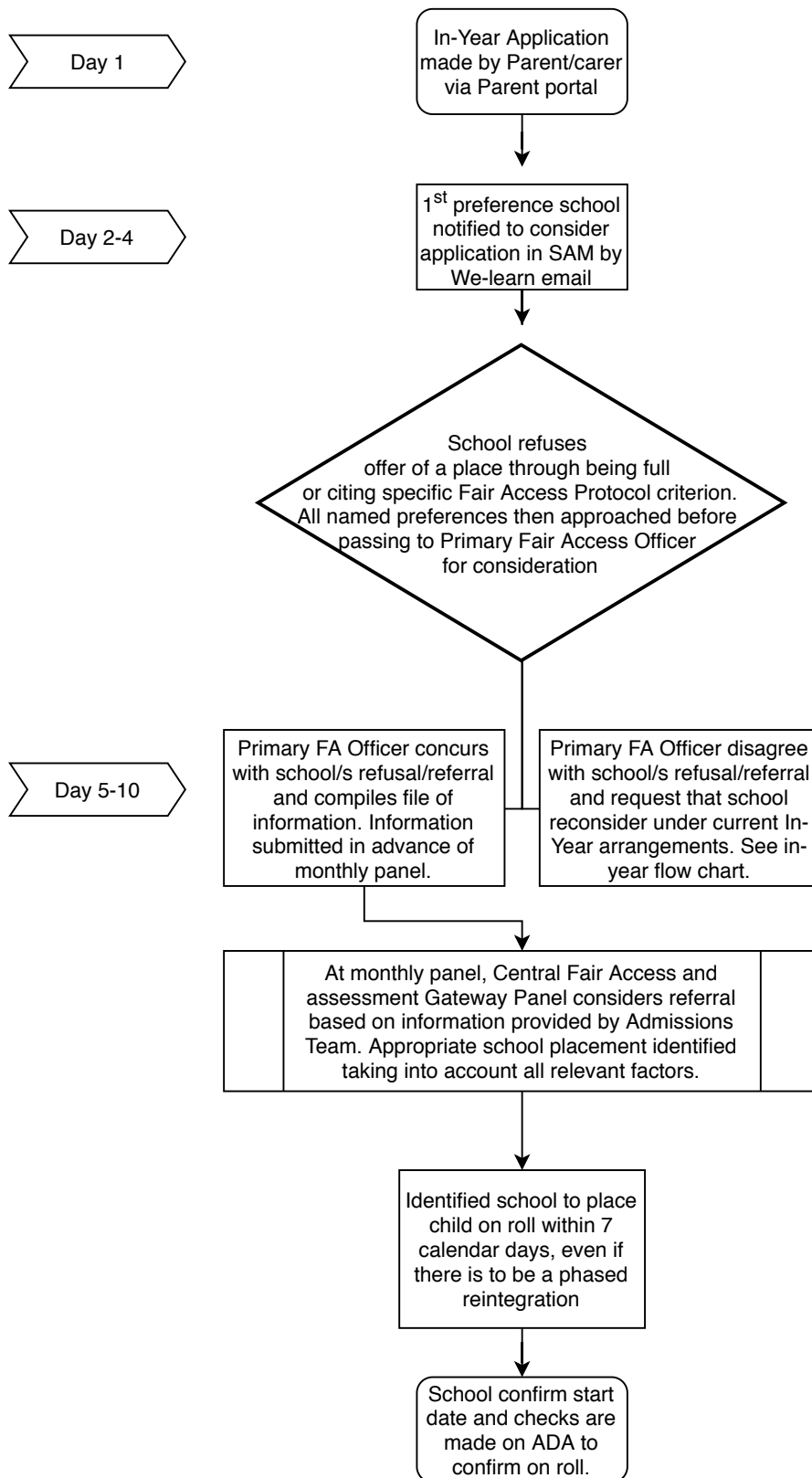
	Yr	Yr	Yr
Number of pupils on roll in each year group			
Number currently over PAN in each year group (please enter zero if not over PAN)			
Number of pupils admitted into each year group through Fair Access in the last 12 months			
Number of fixed term exclusions in each year group in the last 12 months			
Number of permanent exclusions in each year group in the last 12 months			
Number of pupils with behaviour support plans on roll in each year group			
Number of pupils with an EHCP on roll in each year group			
Number of CLA's on roll in each year group			
Number of pupils with additional needs who attract additional funding on roll in each year group			
Number of pupils open to Children's Services/Early Help			
Ofsted rating/AAG rating. Last Inspection Date			
Any other exceptional circumstances (Please note, general level of behaviour of the receiving cohort is not classified as an exceptional circumstance). Please continue of the page if necessary.			

Thank you for your responses. These factors will be considered by the relevant Fair Access Panel as part of the placement process.

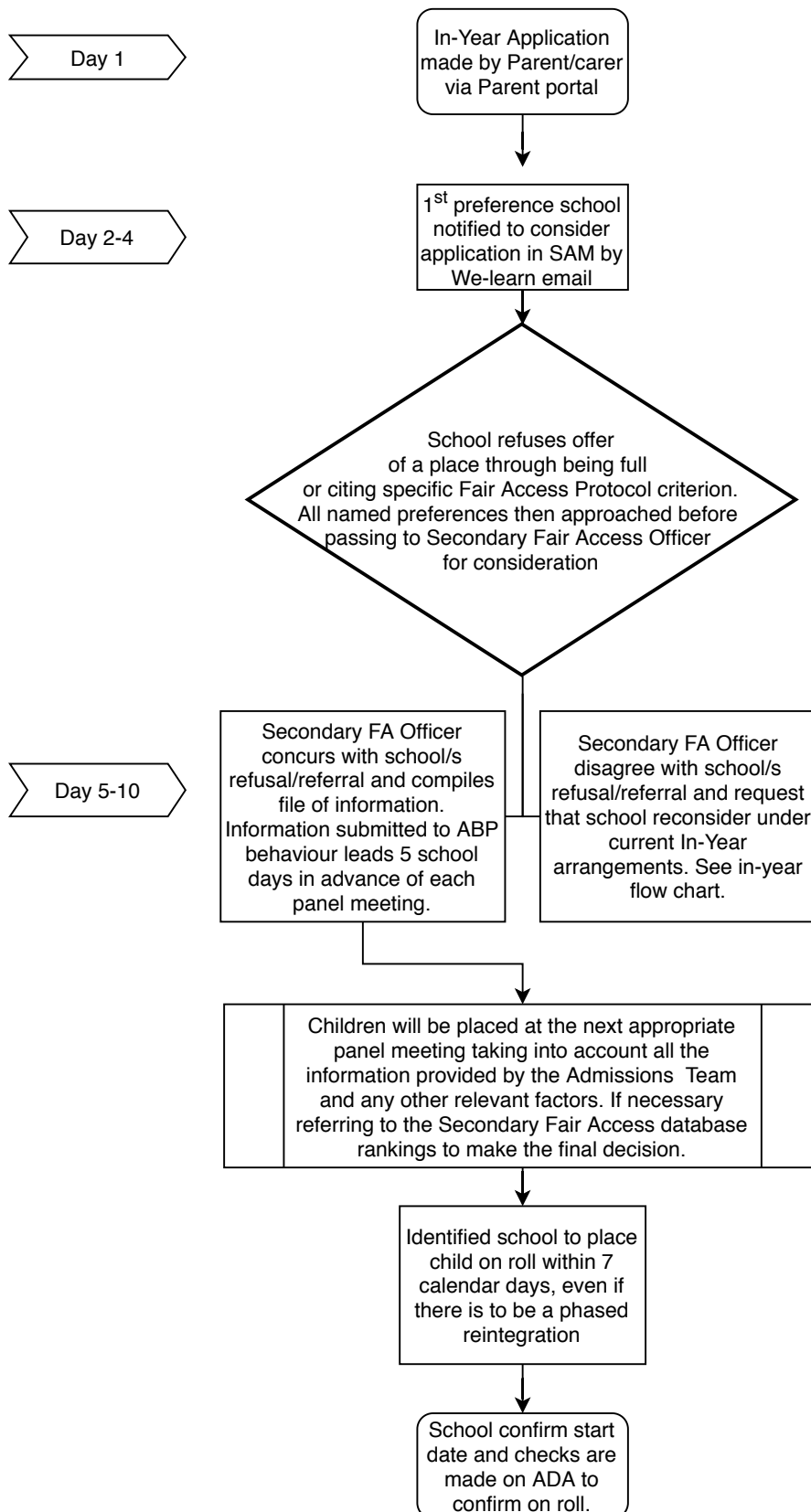
Appendix B - In Year Admissions



Appendix C - Primary Fair Access process



Appendix D - Secondary Fair Access process



Glossary

EHCP	Education, Health and Care Plan
CLA	Child Looked After
RISE	Rise is the name for all emotional well-being and mental health services for children and young people who are registered with a Coventry or Warwickshire GP.
SENDAR	Special Educational Needs and Disability Assessment and Review Team
CME	Children Missing from Education
EHE	Electively Home Educated
ABP	Area Behaviour Partnership
FAP	Fair Access Protocol
SA Code	School Admissions Code
DfE	Department for Education
ESFA	Education and Skills Funding Agency
PRU	Pupil Referral Unit
WCC	Warwickshire County Council
CIN	Child in Need
CP	Child Protection
SLT	Senior Leadership Team
LIF	Learner Information Form
PAN	Published (or Planned) Admission Number
AAG	Area Analysis Groups
OfSTED	Office for Standards in Education, Children's Services and Skills

EQUALITY IMPACT ASSESSMENT/ ANALYSIS (EqIA)

Primary & Secondary Schools Fair Access Protocol

Warwickshire County Council

Equality Impact Assessment/ Analysis (EqIA)

Group	Communities Directorate
Business Units/Service Area	Education and Learning
Plan/ Strategy/ Policy/ Service being assessed	Primary & Secondary Fair Access Protocol
Is this is a new or existing policy/service?	It is an existing policy / service which is subject to review.
If existing policy/service please state date of last assessment	Primary September 2017 Secondary June 2018
EqIA Review team – List of members	Cheryl Wild
Date of this assessment	17/06/2019
Signature of completing officer (to be signed after the EqIA has been completed)	C. Wild
Are any of the outcomes from this assessment likely to result in complaints from existing services users and/ or members of the public? If yes please flag this with your Head of Service and the Customer Relations Team as soon as possible.	<u>YES</u> / NO
Name and signature of Head of Service (to be signed after the EqIA has been completed)	Ian Budd
Signature of GLT Equalities Champion (to be signed after the EqIA is completed and signed by the completing officer)	Barnaby Briggs

A copy of this form including relevant data and information to be forwarded to the Group Equalities Champion and the Corporate Equalities & Diversity Team

Appendix C

Form A1

INITIAL SCREENING FOR STRATEGIES/POLICIES/FUNCTIONS FOR EQUALITIES RELEVANCE TO ELIMINATE DISCRIMINATION, PROMOTE EQUALITY AND FOSTER GOOD RELATIONS



High relevance/priority



Medium relevance/priority



Low or no relevance/ priority

Note:

1. Tick coloured boxes appropriately, and depending on degree of relevance to each of the equality strands
2. Summaries of the legislation/guidance should be used to assist this screening process

Business Unit/Services:	Relevance/Risk to Equalities																										
State the Function/Policy /Service/Strategy being assessed:	Gender			Race			Disability			Sexual Orientation			Religion/Belief			Age			Gender Reassignment			Pregnancy/ Maternity			Marriage/ Civil Partnership (only for staff)		
	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						
Fair Access Protocol	✓			✓			✓			✓			✓			✓			✓								
Are your proposals likely to impact on social inequalities e.g. child poverty for example or our most geographically disadvantaged communities? If yes please explain how. N/A																								YES/ <u>NO</u>			
Are your proposals likely to impact on a carer who looks after older people or people with disabilities? If yes please explain how.																								YES/ <u>NO</u>			

Appendix C

Form A2 – Details of Plan/ Strategy/ Service/ Policy

<u>Stage 1 – Scoping and Defining</u>	
(1) What are the aims and objectives of Plan/Strategy/Service/Policy?	<ul style="list-style-type: none"><li data-bbox="869 454 2114 746">i) The School Admissions Code 2014, issued under section 84 School Standards and Framework Act 1998, requires each local authority to have in place a Fair Access Protocol (FAP) agreed with the majority of schools in its area. The requirement is supplemented by further advice from the Department for Education (DFE) 'Fair Access Protocols: Principles and Process' published in November 2012. This sets out some principles to clarify the expectations on all state funded schools (including academies and free schools etc.) as well as all other admission authorities to ensure that FAP's operate effectively at a local level.<li data-bbox="869 783 2114 1007">ii) The purpose of the Protocol is to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. The Protocol also seeks to ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.<li data-bbox="869 1043 2114 1193">iii) Fair Access Protocols should not be used as a means to circumvent the normal in year admissions process. A parent can apply for a place as an in year admission for their child at any time, to any school outside the normal admissions round and is entitled to an appeal when a place is not offered.<li data-bbox="869 1230 2114 1262">iv) All admission authorities must participate in the Fair Access Protocol in order to

Appendix C

ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

2. The Warwickshire context and statutory guidance

- i) The Fair Access Protocol (FAP) for Warwickshire has been written in accordance with paragraphs 3.9 – 3.23 of the School Admissions Code 2014, and the DFE's departmental advice November 2012 in partnership with a representative from a local school in each area of the County forming an Area Behaviour Partnership (ABP) Steering Group that will review the process annually;
- ii) 'All admission authorities must participate in the Fair Access Protocol (including Academies, all types of Free Schools, University Technical Colleges and Studio Schools) in order to ensure that unplaced pupils are allocated a school place quickly'; (SA Code 3.11 & DFE Guidance Nov 12)
- iii) 'The operation of the Fair Access Protocol is triggered when an eligible pupil has not secured a school place under normal in-year admission procedures'. The Fair Access protocol is in addition to our In Year procedures. (SA Code 3.10, 2.21 and DFE Guidance Nov 12)
- iv) Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it

Appendix C

been practicable to do so), and children with special educational needs statements or Education, Health and Care Plans. (SA Code 3.8 & DFE Guidance Nov 2012).

- v) Children allocated a place under the Fair Access Protocol will take precedence over those children already on the school's waiting list; 'Fair Access Protocol, must take precedence over those on a waiting list.'(SA code 2.14).
- vi) Schools cannot cite oversubscription as a reason for not admitting a pupil under the Fair Access Protocol. Year 11 pupils, unless falling into a relevant category within Chart 1 are not part of the protocol and schools will be expected to accept Year 11 pupils in accordance with their published admissions arrangements. We do not advise that year 11 pupils transfer school as a pupil can be greatly disadvantaged by a change of school during their GCSEs, particularly when the same subjects and/or syllabi may not be available upon such a change. When deciding on whether to apply for a transfer out of the current school parents will be advised to consider that work is not transferable between schools and exam boards can rarely be matched and coursework is monitored and cannot be re-done.
- vii) All parents/carers should discuss any requests to transfer with the current school to see if any issues can be resolved and if the child can continue their education without interruptions to their GCSEs.
- viii) Warwickshire has a number of grammar schools all of whom wish to participate in the operation of the protocol. If a grammar school is identified as the most appropriate setting for a pupil that is currently being placed via the protocol, the following process will be followed. If the pupil has not already been found to be of suitable academic ability for the relevant cohort then they will sit a test to identify

Appendix C

	<p>their levels of ability and whether they may cope with the academic structure and curriculum within grammar schools. The results will be compared to those of the cohort that they would be joining. If they fall within the range set out by each grammar school consideration will be given by the grammar school for a placement.</p>
(2) How does it fit with Warwickshire County Council's wider objectives?	<p>By ensuring children are able to continue to access education. It aligns with WE 2 of the Education Strategy.</p>
(3) What are the expected outcomes?	<p>The Fair Access Protocol's aim is to ensure every pupil residing within Warwickshire, eligible to be placed via the protocol, has access to the most appropriate education provision within a timely manner, thus avoiding time out of education.</p>
(4) Which of the groups with protected characteristics is this intended to benefit? (see form A1 for list of protected groups)	<p>The Fair Access Protocol is designed to ensure all children have access to the most appropriate education provision. This could benefit any of the above groups with protected interests.</p>
<u>Stage 2 - Information Gathering</u>	
(1) What type and range of evidence or information have you used to help you make a judgement about the plan/ strategy/ service/ policy?	<p>The School Admissions Code 2014, issued under section 84 School Standards and Framework Act 1998, requires each local authority to have in place a Fair Access Protocol (FAP) agreed with the majority of schools in its area. The requirement is supplemented by further advice from the Department for Education (DFE) 'Fair Access Protocols: Principles and Process' published in November 2012. This sets out some principles to clarify the expectations on all state funded schools (including academies and free schools etc.) as well as all other admission authorities to ensure that FAP's operate effectively at a local level.</p>

Appendix C

	<p>Data evidenced pupils out of education for long periods of time showed the need for a more robust system of challenge and fair distribution of challenging pupils. The policy is designed to reduce time out of education by implementing the legal process of direction much earlier.</p>		
<p>(2) Have you consulted on the plan/ strategy/ service/policy and if so with whom?</p>	<p>Details of the proposed new Primary & Secondary Fair Access Protocol were emailed to Warwickshire State Funded Primary & Secondary School Headteachers on Thursday 2nd May and advised the consultation process would run until Friday 6th June 2019. They were asked to acknowledge receipt and give feedback by the deadline.</p> <p>At the close of the consultation 157 out of 230 (68%) of Primary and Secondary Schools provided a response to the proposed protocol. Of the schools that responded, 144 (63%) said 'Yes' to the statement 'Do you agree to the implementation of this Fair Access Protocol for September 2019?' 13 (5%) of schools replied 'No' and 73 (32%) of schools did not respond.</p>		
<p>(3) Which of the groups with protected characteristics have you consulted with?</p>	<p>Details of the proposed new Fair Access Protocol were emailed to Warwickshire State Funded Primary & Secondary School Headteachers.</p>		
<p>Stage 3 – Analysis of impact</p>			
<p>(1) From your data and consultations is there any adverse or negative impact identified for any particular group which could amount to discrimination?</p> <p>If yes, identify the groups and how they are affected.</p>	<p>RACE</p>	<p>DISABILITY</p>	<p>GENDER</p>

Appendix C

	MARRIAGE/CIVIL PARTNERSHIP	AGE	GENDER REASSIGNMENT
	RELIGION/BELIEF	PREGNANCY MATERNITY	SEXUAL ORIENTATION
(2) If there is an adverse impact, can this be justified?	N/A		
(3)What actions are going to be taken to reduce or eliminate negative or adverse impact? (This should form part of your action plan under Stage 4.)	N/A		
(4) How does the plan/strategy/service/policy contribute to promotion of equality? If not what can be done?	The purpose of the Protocol is to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. The Protocol also seeks to ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The policy does not		

Appendix C

	distinguish between race, gender etc. but does ensure equality across all pupils who are placed via this process.
(5) How does the plan/strategy/service/policy promote good relations between groups? If not what can be done?	<p>In implementing the Fair Access Protocol we will work closely with schools, colleges, parents, students and all other relevant parties to ensure children are allocated a suitable education provision.</p> <p>The policy does not include pupils who would be in receipt of an EHCP as these pupils are placed via our SEND team.</p>
(6) Are there any obvious barriers to accessing the service? If yes how can they be overcome?	N/A
(7) What are the likely positive and negative consequences for health and wellbeing as a result of this plan/strategy/service/policy?	It is not anticipated that the proposed changes will have a negative impact on health and wellbeing. The positive impact will be children quickly provided with education provision.
(8) What actions are going to be taken to reduce or eliminate negative or adverse impact on population health? (This should form part of your action plan under Stage 4.)	It is not anticipated that the proposed changes will have a negative or adverse impact on population health.
(9) Will the plan/strategy/service/policy increase the number of people needing to access health services? If so, what steps can be put in place to mitigate this?	No.

Appendix C

(10) Will the plan/strategy/service/policy reduce health inequalities? If so, how, what is the evidence?	No.
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<u>Stage 4 – Action Planning, Review & Monitoring</u>					
If No Further Action is required then go to – Review & Monitoring	EqIA Action Plan				
(1) Action Planning – Specify any changes or improvements which can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.	Action	Lead Officer	Date for completion	Resource requirements	Comments
	To review / revise the document following consideration by Corporate Board / O&S.	Cheryl Wild	January – May 2019		Completed
	To review / revise the document following consultation exercise	Cheryl Wild	May – June 2019		Completed

Appendix C

	To review / revise the document following implementation.	Cheryl Wild	February 2020		
(2) Review and Monitoring State how and when you will monitor policy and Action Plan	The policy will be regularly reviewed as the proposals move through the democratic services / consultation process.				

Please annotate your policy with the following statement:

'An Equality Impact Assessment/ Analysis on this policy was undertaken on 17/06/2019 and will be reviewed on an annual basis.

Cabinet

11 July 2019

Commissioning Intentions Performance Framework

Recommendation

That Cabinet agree to the introduction of the Commissioning Intentions Performance Framework from 1st October 2019 with reporting against the new set of Key Business Measures commencing for quarter 3.

1.0 Key Issues

- 1.1 With the ongoing transformation of the Council into a commissioning organisation, the Performance Management Framework, which was agreed at the end of last year required review. The previous framework contained a set of Key Business Measures based on the Councils existing strategic outcomes and objectives.

2.0 Options and Proposal

- 2.1 The introduction of the Commissioning Intentions Performance Framework enables:-

- the Chief Executive to cascade / embed key priorities within the framework;
- Commissioners to set commissioning priorities;
- performance measures and responsibility for performance to be developed;
- the development of the Council Plan 2025.

- 2.2 The process of setting commissioning outcomes / intentions means that the measures have now been refreshed and these will drive personal scorecards and performance for the Chief Executive, Strategic Directors, Assistant Directors, and their reports.

- 2.3 **Appendix A** provides more detail around the Commissioning Intentions Performance Framework.

Appendix B provides a summary of the Key Business Measures for the Commissioning Intentions Performance Framework which will be used for reporting levels of success from quarter 3.

3.0 Financial Implications

3.1 None

4.0 Timescales associated with the decision and next steps

4.1 The proposed implementation date of the new framework is 1st October 2019, with a view to present the first reporting period (Quarter 3) at the Cabinet meeting on 30th January 2020. In preparation for the proposed implementation date there are a number of key deliverables;

- further refinement of measures with new stakeholders;
- the completion of the baselines / target setting piece of work between Assistant Director's and the Performance Team in the Commissioning Support Unit;
- further stakeholder engagement across the Organisation to ensure a smooth transition from the 1st October;
- a review of the current process for performance reporting and determine improvements;
- Assistant Directors for Commissioning to proceed with development of commissioning agreements.

It should be noted that the performance framework will be refined over the next year.

Background papers

None

	Name	Contact Information
Report Author	Vanessa Belton	vanessabelton@warwickshire.gov.uk
Assistant Director Commissioning Support Unit	Steve Smith	stevesmith@warwickshire.gov.uk
Strategic Director Resources	Rob Powell	robpowell@warwickshire.gov.uk
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This report was circulated to the following members prior to publication:

Councillors Roodhouse, Chilvers, Kaur, O'Rourke, Chattaway Boad, Singh Birdi and Timms



Appendix A Commissioning Intentions Performance Framework

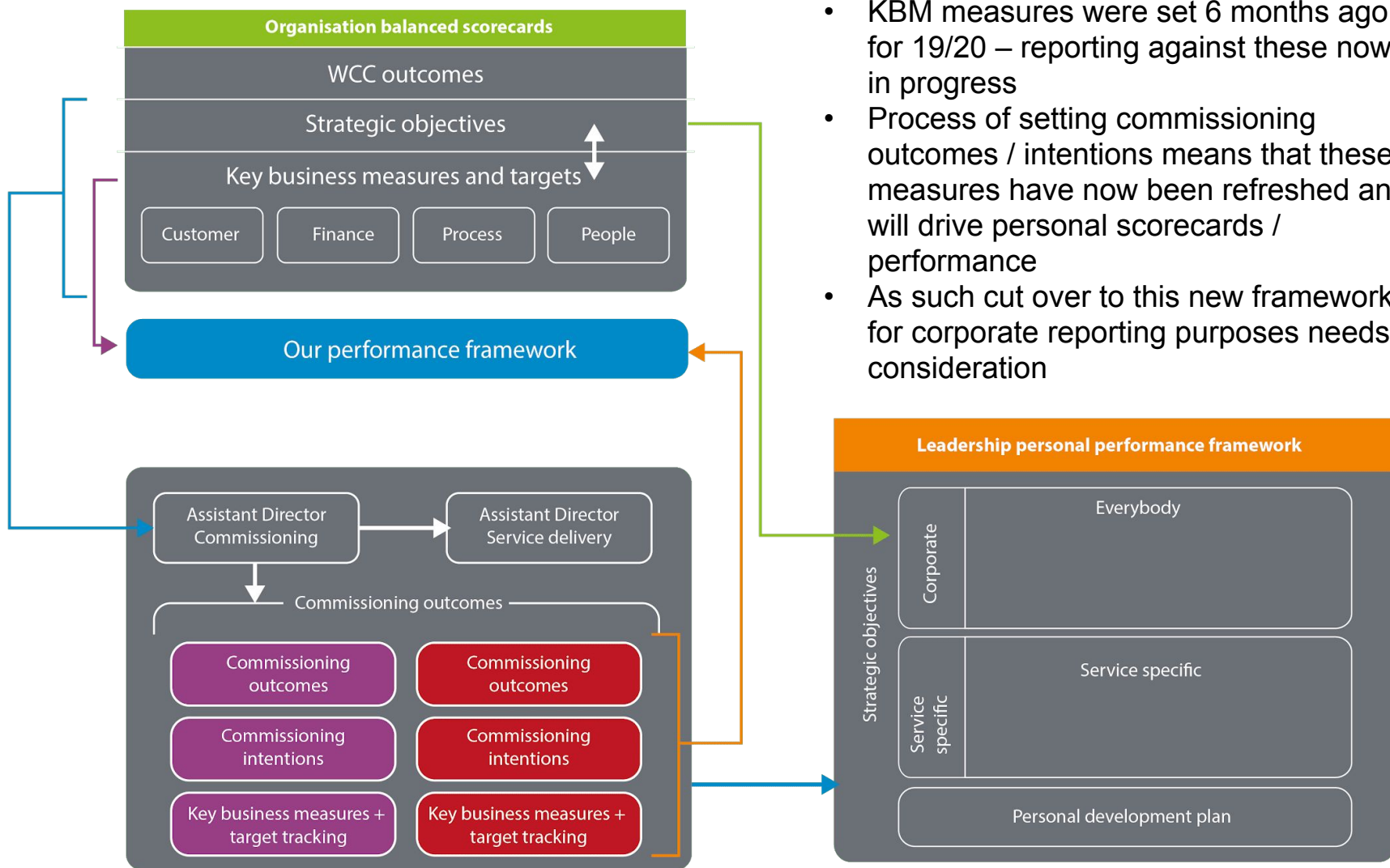
Steve Smith



Why develop commissioning outcomes and intentions?

The introduction of the Commissioning Framework framework enables:-

- the Chief Executive to cascade / embed key priorities within the commissioning framework;
- Commissioners to set commissioning priorities;
- performance measures and responsibility for performance to be developed;
- the development of the Council Plan 2025.

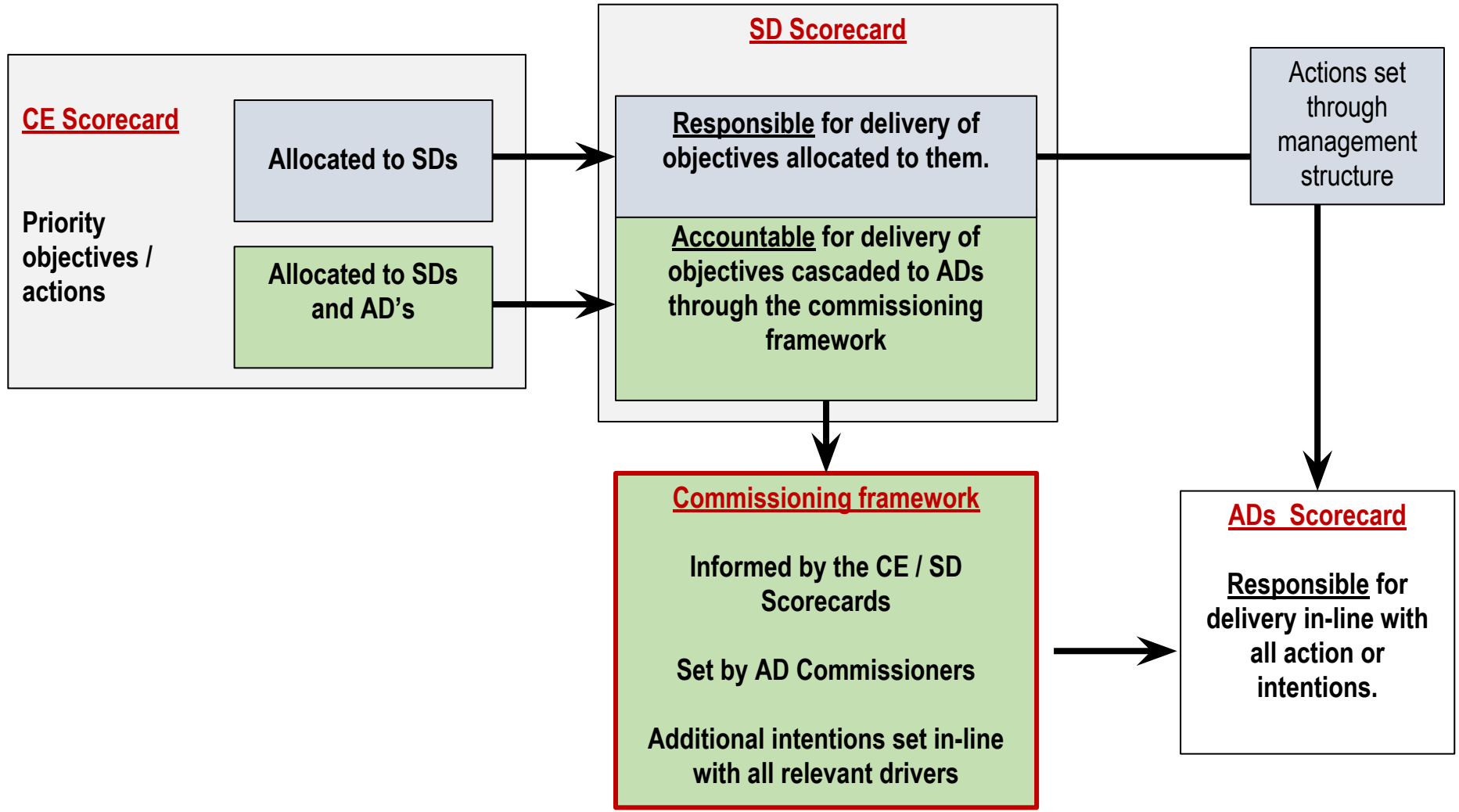


- KBM measures were set 6 months ago for 19/20 – reporting against these now in progress
- Process of setting commissioning outcomes / intentions means that these measures have now been refreshed and will drive personal scorecards / performance
- As such cut over to this new framework for corporate reporting purposes needs consideration



Each Commissioner has set out their commissioning outcomes and intentions; these in turn have formed the basis on each ADs personal performance dashboard.

What	Description	Owner
KBM	A quantifiable measure that is used to track and assess the status of a specific objective.	AD Commissioning
Outcome	What will be achieved, as a result of commissioning decisions made.	
KBI	Operational measures aligned with the KBMs	AD Delivery
Intentions	At a high level what is being commissioned either from the AD Delivery or the market. This would be delivery of a specific service or the achievement of a particular milestone	



Two examples



1. Integrate Health and Social Care

SD is responsible for delivery and will set specific actions for each relevant AD



AD deliver specific actions that relate to integration of H&SC

2. Delivery of balanced budget

SD Resources is accountable and allocates responsibility to all AD's through the commissioning function



AD Commissioning Finance sets more detailed intentions / KBIs around this



All ADs have specific actions in relation to delivery of the balanced budget

	KBI	INTENTION	OWNER
Delivery of balanced budget	• Milestone	• Deliver a sustainable MTFP and capital strategy	AD SCFI
	• % of capital expenditure against budget	• Deliver capital spend projects on time	All ADs
	• % net variation to budget (0/-2%)	• Manage revenue budgets in agreed budget envelope	All ADs
	• No. of schools with a deficit budget	• Deliver adequate management accounting support	AD SCFI
	• % of statutory reports completed by the required timescales		



There has been a considerable refocusing on **KBMs**; largely owing to a greater emphasis on:-

- Strategic (rather than operational measures) for the Resources Directorate and
- Measures which can demonstrate progress towards achieving outcomes in year rather than high level measures which do not change in year for the People Directorate

For the new set of 63 Commissioning KBM's

- 23 are existing KBM's
- 40 are New KBMs

The new KBM's will come into play on October 1st 2019 and the first Member reporting will be from quarter 3 2019/20.



Performance dashboards

- Each AD will have a performance dashboard which will set out the KBMs and KBI measures and baselines and targets to be achieved.
- Current gaps in baselines and targets are being addressed by each AD Commissioner working with the corporate performance team. See appendix.

Performance Scorecards

- Based on the CE objectives and commissioning outcomes / intention set, each AD will have a performance scorecard that will be put in place by each SD setting out the specific actions that need to be delivered over 19/20.



In a number of cases determining realistic KBM's that align to outcomes has not been straightforward for particular reasons – therefore proxy measures have been introduced; some examples are set out below

- **Strategic ICT.** Much of the project activity in ICT contributes to productivity improvements which are not always possible to capture other than as cashable savings where appropriate and possible. Therefore ROI from ICT projects has been identified as a broad measure of success.
- **Public Health.** Longer term measures of Health improvement measures such as Obesity are a Partnership effort with a significant contribution being made from Health. Therefore KBMs have focused on input measures where WCC can make progress towards achieving higher level Health improvement measures.
- **CSU change Management.** Similar to Strategic ICT the project activity contributes to improvements across a broad spectrum of activity. Therefore a measure related to number of business cases that deliver to target has been used.



In preparation for the proposed implementation date there are a number of key deliverables;

-
- further refinement of measures with new stakeholders;
- the completion of the baselines / target setting piece of work between Assistant Director's and the Performance Team.
- further stakeholder engagement across the organisation to ensure a smooth transition from the 1st October
- a review of the current process for performance reporting and determine improvements
- ADs for Commissioning to proceed with development of commissioning agreements

It should be noted that the performance framework will be refined over the next year



Appendix B

Commissioning Intentions Performance Framework Key Business Measures



Strategy and Commissioning of Finance and IT



Strategic Finance

- Put our resources in the right place to support the Organisation's priorities and balance the books



% of capital expenditure against budget

KBM

% of revenue growth achieved against target

% of revenue savings achieved against target

% net variation to budget

No. of instances of unauthorised expenditure from failure to follow standards.

% of reports with substantial assurance level or above

Pension Fund valuation maintained within specified deficit margin.

- Develop our workforce so that it has the right skills and capabilities to get the job done



% reduction in agency, contractor or consultancy spend



Strategic IT

- Put our resources in the right place to support the Organisation's priorities and balance the books



% of business cases involving ICT aligned to the Digital strategy

- Make it easy for customers to access our information and services so they have a positive experience of our services



% customer satisfaction with ICT Services

- Reduce demand and reduce cost through innovative and effective service redesign



% Strategic delivery investment



% of ICT return on investment (ROI)

- Support communities and businesses to develop the digital skills and tools they need in an increasingly digital economy



% Warwickshire broadband coverage



Strategy and Commissioning of People



Health, Well-being and Self Care



Integrated and Targeted Support



Specialist Provision

- Support the most vulnerable and disadvantaged adults in Warwickshire to enjoy life; achieve and live independently



% of carers in receipt of Self Directed Support on the final day of the reporting period

No. of people assisted to live independently in their own home through provision of Social Care standard equipment

- Support the most vulnerable and disadvantaged adults in Warwickshire to enjoy life; achieve and live independently



No. of people with a learning disability or autism in an inpatient unit commissioned by the CCG.

% of working age people with learning disabilities and mental health issues in settled accommodation

No. of permanent admissions to residential or nursing care (65 + and Under 65)

- Support the most vulnerable and disadvantaged adults in Warwickshire to enjoy life; achieve and live independently



No. of people in receipt of an adult social care service

% of placements for adults in provision of good or outstanding quality as rated by Care Quality Commission

No. of individuals receiving a WCC commissioned service placed outside of Warwickshire

- Support our most vulnerable and disadvantaged children reducing the need for children to become, or remain looked after.



No. of children open to an Early Help assessment

- Support our most vulnerable and disadvantaged children reducing the need for children to become, or remain looked after



No of children looked after with a disability



% of children and young people seen within 18 weeks (Referral to Treatment Time) amalgamated across the three CCGs

- Support our most vulnerable and disadvantaged children reducing the need for children to become, or remain looked after.



No. of children looked after (CLA) excluding unaccompanied asylum seeking children (UASC)

% of care leavers (relevant and former relevant 16-21) who are not in education, employment and training (NEET)

% of children looked after (CLA) aged under 16 who have been looked after continuously for at least 2.5 years, who were living in the same placement for at least 2 years, or are placed for adoption

- Support Warwickshire residents to take responsibility for their own health and wellbeing and reduce the need for hospital or long term health care



% of women who smoke at the time of delivery across Warwickshire

% of children receiving a 6-8 week health check

% of Year 6 children (aged 10-11 years) in Warwickshire who are classified as obese



Strategy and Commissioning of Education



Education

- Support and enable children and young people to access a place in high quality education settings



KBM

% of Warwickshire pupils attending schools (including nursery schools) judged Good or Outstanding by Ofsted

% of Warwickshire pupils achieving the expected standard for reading, writing and maths at key stages 1 and 2, and level 4 English and maths at key stage 4

% of disadvantaged pupils in Warwickshire achieving the expected standard for reading, writing and maths at key stages 1 and 2, and level 4 English and maths at key stage 4

- Reduce demand and reduce cost through innovative and effective service redesign



KBM

Cost (£) of Home to School transport provision



Strategy and Commissioning of Communities



Infrastructure and Sustainable Communities

Work with communities to reduce crime and disorder and promote safety across Warwickshire



- Rate of total recorded crime per 1000 population
- No. of properties better protected from flooding
- % times an fire appliance arrives at life risk or property incidents within agreed response standards
- No. of fire related deaths
- No. of fire related injuries



Transport and Highways

Manage and maintain Warwickshire's transport network in a safe, sustainable and integrated way



- % of Warwickshire road network meeting specified condition
- No. of journeys on public transport services supported by WCC

Work with communities to reduce crime and disorder and promote safety across Warwickshire



- No. of people killed or seriously injured on our roads



Economy and Skills

Attract economic investment and maximise the rate of employment, business growth and skill levels in Warwickshire



- Gross Value Added (GVA) per employee as a % of the England average
- % of residents in Warwickshire aged 16+ who are in employment, compared to the England average



Waste and Environment

Increase reuse, recycling and composting rates and reduce waste across Warwickshire



- Total waste (kg) per household
- % of household waste reused, recycled and composted
- % biodiversity net gain in Warwickshire



Strategy and Commissioning of Governance and Policy



Business and Customer

● Make it easy for customers to access our information and services so they have a positive experience of our services.

% customer satisfaction level with Customer Contact Centre

Reduce demand and cost through innovative and effective service redesign.

% reduction in the cost of Customer Contact services



Property

● Put our resources in the right place to support the Organisation's priorities and balance the books

% of Capital construction projects which fully deliver defined business case criteria
Total asset management cost per m2
% utilisation of WCC office portfolio



Legal, Democratic Services and Comms

● Make it easy for customers to access our information and services so they have a positive experience of our services

No. of Local Government and Social Care Ombudsman, Judicial Review cases or Information Commissioner's Office adverse decisions for WCC

● Put our resources in the right place to support the Organisation's priorities and balance the books

% of plans which support the Strategic Objectives

● Reduce demand and reduce cost through innovative and effective service redesign

% of change projects which fully deliver defined business case criteria



Policy

TBD



HR

● Develop our workforce so that it has the right skills and capabilities to get the job done

Number of days sick leave per FTE (rolling 12 months)
% of staff retention
% staff satisfaction with modern working arrangements
% leaders and managers driving a high performance culture'
% of staff aware of the Council's vision, values and objectives

● Pursue leadership excellence and high performance at all levels

Ratio of internal promotions and appointments as a % of total appointments

● Put our resources in the right place to support the Organisation's priorities and balance the books

Cost (£) of HR delivery

Reduce demand and reduce cost through innovative and effective service redesign

% HROD priorities completed

Cabinet

11 July 2019

Appointment of a Chief Transformation and Digital Officer

Recommendations

That Cabinet:

- 1) Supports the creation of a Chief Transformation and Digital Officer post on a fixed term contract for a two-year period, on terms and conditions set out in paragraphs 2.2 – 2.6 of this report
- 2) Recommends the creation of this post to full Council for approval

1. Background

- 1.1. We are at a critical point in our transformation journey. We have invested time and resource in our transformation activity and as a result, much has been delivered in a short period of time and our transformation programme has delivered at pace.
- 1.2. There is a continuing need to maintain this level of transformational delivery as we move into the next phase of the programme. This is even more relevant in the context of the development of our Council Plan and Medium Term Financial Strategy. It is essential to the delivery of our transformation programme over the next 24 months that we continue to invest in senior strategic leadership capacity by appointing an individual who can maintain a focus on, and will be accountable for, delivery of the Council-wide transformation programme and its associated savings plan. Up to this point, we have employed the support of a contracted Transformation Lead who will move on in the Autumn. The scale, complexity and ambition of the transformation programme requires us to maintain dedicated capacity at this level, enabling senior leaders to continue to focus on delivering and embedding our new target operating model.

- 1.3. This report therefore proposes the creation of a time limited post which provides the continued strategic leadership capacity to focus on delivery of our transformation programme and builds on the progress we have made to date to ensure that it remains sustainable into the future.

2. The Post of Chief Transformation and Digital Officer

- 2.1 The role of Chief Transformation and Digital officer will focus on transforming our business processes, implementing customer focused digital solutions and improving our customer experience. Of equal importance, will be their role in enabling our transition to becoming a high performing culture and delivering the priorities of Our People Plan.
- 2.2 With direct responsibility for all transformation related activities across the Council the successful candidate will have accountability for the delivery of the significant contribution of savings which the transformation programme will deliver from 2019/20 onwards. A detailed job description reflects these responsibilities and is available should members wish to see it. The role will have line management responsibility for the Transformation Team and also budget management responsibility.
- 2.3 It is proposed that day to day line management of the role will be the responsibility of the Strategic Director for Resources with a matrix management reporting line to the Chief Executive. The **Appendix** sets out the revised senior leadership structure to include this post. The successful candidate will be a member of the Council's senior officer Leadership Team.
- 2.4 It is recognised that the next 24 months is a critical period in terms of delivery of our transformation programme. In light of this is it is proposed that the post is created for a fixed period of 2 years on terms and conditions consistent with senior staff appointed to posts at this level.
- 2.5 In order to assess the most appropriate banding for this post, officers have undertaken an external benchmark assessment with two leading executive search agencies. The role has been benchmarked against recent similar roles in local government and also across central government, health and education in comparable organisations. This benchmarking exercise indicates a salary above £100k pa but with a recommended upper ceiling and this has been taken into account when determining the appropriate salary range for this post.

- 2.6 It is therefore proposed that in order to attract the calibre of candidates within the context of the Council's transformation ambitions, this post should be advertised for a fixed term period of up to two years at a salary range which reflects the external advice received as to the market rate for a post of this level, covering this breadth of delivery and requiring this level of accountability. Details of the proposed salary range are available to members on request. Should the successful candidate be appointed on a spot salary (rather than aligned to the Hay management bandings), the Council's Annual Pay Policy will be updated to reflect the position in relation to this post.

3. Financial Implications

- 3.1 The total cost of the proposal over a two year period including on-costs is expected to be circa £351k and will be met from the transformation reserve. The cost is likely to be spread over 3 financial years assuming a start date during 2019/20.

4. Arrangements for the Appointment

- 4.1. As a new post which has a salary package exceeding £100k pa, the approval of full Council is required. Subject to Cabinet endorsement of this proposal, a report will be submitted to Council for consideration on 25 July 2019.
- 4.2. Subject to Council approval, the post would be advertised externally and appointment of the successful candidate would follow our usual employment procedures for posts at this level as set out in the Officer Employment Standing Orders. This would involve an assessment process and interview by officers before formal appointment by members through an Appointments Sub-Committee.

5. Background Papers

None

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Portfolio Holder	Cllr Kam Kaur	kamkaur@warwickshire.gov.uk

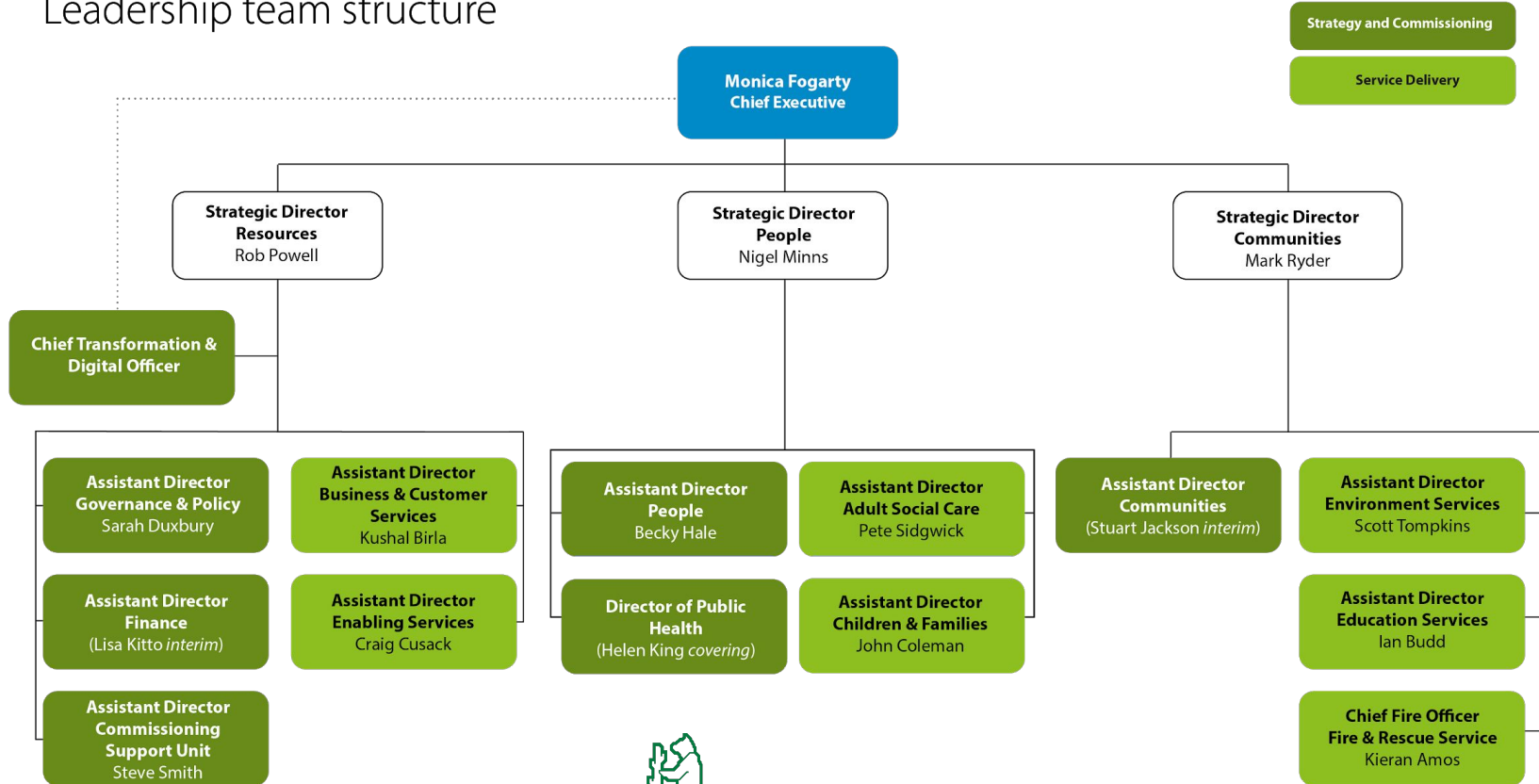
The report was circulated to the following members prior to publication:

Local Elected Member: None.

Other Members: Councillors Warwick, Singh Birdi, O'Rourke, Boad, Chattaway, Roodhouse, Chilvers, Kaur



Leadership team structure



Strategy and Commissioning

Service Delivery

Cabinet

11 July 2019

Communities Overview and Scrutiny Committee's scrutiny of Warwickshire Major Roads Network (MRN) - Proposed Scheme Programme and Priorities

Recommendations

That Cabinet:

1. Commissions a report that considers how the Major Road Network proposals fit into Warwickshire County Council's wider transport strategy, including how Major Road Network Projects will contribute towards meeting the goals of Warwickshire County Council's Local Transport Plan in particular to reduce climate change emissions and encourage modal shift.
2. Publishes appropriate supporting evidence for each scheme as soon as possible and if necessary re-evaluate the prioritisation of the schemes and investigate alternatives.

1.0 Key Issues

- 1.1 Communities Overview and Scrutiny Committee considered the Warwickshire Major Roads Network (MRN) - Proposed Scheme Programme and Priorities report on 19 June 2019 after the report had first come to Cabinet on 11 June 2019. The Committee agreed to make two recommendations to Cabinet following its discussion of the report and the draft minutes of the meeting are attached as appendix A.

2.0 Financial Implications

- 2.1 Not related to this report.

	Name	Contact Information
Report Author	Tom McColgan	tommccolgan@warwickshire.gov.uk Tel: 01926 418079
Assistant Director	Sarah Duxbury	sarahduxbury@warwickshire.gov.uk
Strategic Director	Rob Powell	robpowell@warwickshire.gov.uk
Portfolio Holder	Councillor Jeff Clarke	cllrclarke@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Councillors Alan Cockburn (Chair of the Communities OSC), Dave Shilton (Deputy Chair), Richard Chattaway (Labour Group Spokes), Keith Kondakor (Green Group Spokes) and Jenny Fradgley (Liberal Democrat Group Spokes)

**Extract of the minutes of the meeting of the
Communities Overview and Scrutiny Committee
held on 19 June 2019**

Present:

Members of the Committee

Councillors: Alan Cockburn (Chair), Mark Cargill, Corrine Davies, Jenny Fradgley, Seb Gran, Andy Jenns, Keith Kondakor, Bhagwant Singh Pander, Caroline Phillips and Dave Shilton

Portfolio Holders

Councillor Andy Crump, Fire & Rescue and Community Safety
Councillor Kan Kaur, Customer & Transformation
Councillor Izzi Seccombe, Leader of the Council
Councillor Heather Timms, Environment and Heritage & Culture

Other County Councillors

Councillor Sarah Boad
Councillor Jonathan Chilvers
Councillor Nicola Davies
Councillor Clive Rickhards

Warwickshire County Council Officers

David Ayton-Hill, Strategy and Commissioning Manager (Economy & Skills)
Nicholas Dauncey, Principal Transport Planner
Ruth Dixon, Waste Strategy and Commissioning Manager
Alan Law, County Transport Modeller
Tom McColgan, Senior Democratic Services Officer
Stephen Rumble, Transport Planning Team Leader
Mark Ryder, Strategic Director for Communities
Scott Tompkins, Assistant Director for Environment Services

Also in Attendance

John Brennan
James Edwards, Vectos
Roger Hollerton

9. Any Urgent Items

The Chair stated that a request had been received from a number of Councillors to consider a report on Warwickshire Major Road Network (MRN) - Proposed Programme and Priorities which had been previously considered by Cabinet on 11 June 2019 as an urgent item.

Officers introduced the report and highlighted that the schemes approved by Cabinet were vital to ensuring the road network had enough capacity to account for the expected growth in traffic resulting from development both within and outside the County. Without the additional lanes the A46 could see potentially 100 – 800 metres of queuing beyond the length of the slip lane in the morning rush hour by 2028 and 650 – 900 metres in the afternoon; rendering the A46 effectively blocked at peak travel times. This would cause issues for any emergency vehicles trying to use the route and would encourage drivers to take alternative routes through residential areas causing air quality and safety issues.

The Chair thanked officers for the report and stated that as a local member representing Kenilworth he welcomed the scheme and could see the potential benefits for Kenilworth. There had been a long held ambition for a Kenilworth to Leamington cycle route which had been delayed due to the expense of building a bridge over the river and bringing this forward as part of the A46/A452 scheme was a great step in the right direction.

Councillor Kondakor stated that there were numerous schemes outlined in the report all of which had the potential to drive modal shift but could also create more traffic. Councillor Kondakor stated that he was concerned that if schemes did create more trips it would increase pressure on other parts of the network which in turn would create the need for more road expansions. There was a need for Councillors to take a strategic view of the Major Road Network and to scrutinise schemes to ensure that they aligned with the priorities that had been identified in the Local Transport Plan 3.

Councillor Kondakor proposed two recommendations:

That the Communities Overview and Scrutiny Committee recommends that Cabinet:

- 1) Commissions a report that considers how the Major Road Network proposals fit into Warwickshire County Council's wider transport strategy, including how Major Road Network Projects will contribute towards meeting the goals of Warwickshire County Council's Local Transport Plan in particular to reduce climate change emissions and encourage modal shift.
- 2) Publishes all supporting evidence for each scheme as soon as possible and if necessary re-evaluate the prioritisation of the schemes and investigate alternatives.

The motion was seconded by Councillor Fradgley.

Councillor Kondakor stated that the motion he had proposed was not designed to stop Major Road Network proposals but rather to ensure that the schemes were done in a way which supported the goals of the Local Transport Plan in the best way possible.

Councillor Seccombe asked if Councillor Kondakor and Fradgley would be willing to change the wording of the second recommendation in the proposed motion to delete the word 'all' and replace it with 'appropriate' as there may be some commercially sensitive and confidential information included as part of the evidence base for schemes which would not be suitable for publication.

Councillor Kondakor stated that he was happy to accept the change as a friendly amendment.

Councillor Boad stated that as a councillor representing Leamington Spa she considered herself to be a local member for the A46 scheme and yet she had not been notified of or consulted on the scheme before it went to Cabinet nor had any of the Leamington Spa councillors. Councillor Boad stated that she agreed with Councillor Kondakor's comments about a need for modal shift, she was concerned that all the proposed A46/A452 scheme would achieve was to move congestion down the road while not actually addressing any of the underlying causes.

Officers responded that the A46/A452 scheme had been developed as part of the Warwick District Local Plan and was seen as necessary to support the housing development identified in Kenilworth, without the scheme the adopted local plan would not be achievable. The A46 was part of the strategic road network and the majority of traffic on the road was generated by strategic journeys which were long distance and were not trips that could be switched to walking or cycling. The congestion on the A46 created a real safety concern in the short term that needed to be addressed. Officers stated that the evidence base suggested that the scheme would not simply move traffic further down the road as the dual carriage way would allow cars to move to the Thickthorn Island at which point traffic would begin to dissipate with less vehicles moving onto the single lane road beyond.

Councillor N Davies reiterated the points raised by Councillor Boad about consulting with local members. Councillor N Davies stated that as a Leamington Spa councillor she did not necessarily object to the A46/A452 scheme but without any briefing prior to the report coming to Cabinet she had had to join other members in bringing the report in for additional scrutiny. Councillor N Davies asked officers to provide an expected timescale for the completion of the entire length of the Leamington to Kenilworth cycle route as a few hundred metres of safe route on an otherwise perilous cycle path did not help to drive modal shift.

Scott Tompkins apologised that local Kenilworth and Leamington Spa members had not been consulted on the report prior to it coming to Cabinet and stated that he would arrange a briefing session for councillors. Stephen Rumble added that the bridge across the river was the main barrier to completing the Leamington to Kenilworth cycle route and the Council would seek to complete the entire length of the route once a suitable bridge could be delivered. Officers were mindful that the road scheme did not have a set timeframe and so were seeking to deliver an interim solution in the short term with a temporary bridge structure for pedestrians and cyclists.

Councillor Chilvers stated that he was concerned about the structure of the report as a whole as well as the specifics of the A46/ A452 scheme as a Leamington Spa member. Councillor Chilvers stated that the report laid out a series of projects for the major road network that could be read as the equivalent to a transport strategy that was being agreed without first being scrutinised against the priorities identified in the Local Transport Plan by Councillors.

Councillor Seccombe stated that she did not see any issues with the motion proposed by Councillor Kondakor coming back to Cabinet should the Committee be minded to agree it. Councillor Seccombe stated that the A426/A4071 scheme had been identified by Midlands Connect and there was a fast approaching deadline to apply for funding and she was keen to avoid any delays which would prevent the Council from securing funding for the project. Councillor Seccombe stated that for the two other projects identified in the Cabinet report the Council would be seeking to apply for funding that the Department for Transport had made available for improvements to major road networks. Councillor Seccombe agreed that it was important to drive modal shift but for strategic roads people would always chose a car or bus or rail link and it was important to look at how the strategic roads could be kept free to enable those strategic journeys.

Scott Tompkins clarified that the major road network in Warwickshire had been defined by the Government and the Department for Transport's fund was only open to schemes on the major road network that helped to bring forward housing and deal with congestion issues.

Councillor Rickhards stated that he would like to support the motion proposed by Councillor Kondakor and in particular recommendation 2 which suggested a re-evaluation of the prioritisation of schemes. Councillor Rickhards stated that he felt residents in his division and neighbouring divisions would be disappointed with the lack of priority given to the A435 scheme. There had been a long running campaign in the area to increase major road capacity and with developments in Redditch and Alcester along with an already acknowledged air quality issue in Studley there was an even greater demand now for increased capacity on the A435.

The Chair called a vote on the motion proposed by Councillor Kondakor and seconded by Councillor Fradgley which was carried unanimously.

Resolved

That the Communities Overview and Scrutiny Committee recommends to Cabinet that it:

- 1) Commissions a report that considers how the Major Road Network proposals fit into Warwickshire County Council's wider transport strategy, including how Major Road Network Projects will contribute towards meeting the goals of Warwickshire County Council's Local Transport Plan in particular to reduce climate change emissions and encourage modal shift.
- 2) Publishes appropriate supporting evidence for each scheme as soon as possible and if necessary re-evaluate the prioritisation of the schemes and investigate alternatives.