Cabinet

Date: Thursday 14 July 2022
Time: 1.45 pm
Venue: Committee Room 2, Shire Hall

Membership

Councillor Isobel Seccombe OBE (Chair)
Councillor Margaret Bell
Councillor Peter Butlin
Councillor Andy Crump
Councillor Andy Jenns
Councillor Kam Kaur
Councillor Jeff Morgan
Councillor Wallace Redford
Councillor Heather Timms
Councillor Martin Watson

Items on the agenda: -

1. **General**

    (1) Apologies

    (2) Disclosures of Pecuniary and Non-Pecuniary Interests

    (3) Minutes of the Previous Meeting   5 - 10
    To approve the minutes of the meeting held on 16 June 2022.

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

2. **A Financial Framework for the 2023/24 Medium Term Financial**   11 - 24
   Strategy Refresh
   A report seeking agreement to the financial framework for the
   2023/24 MTFS refresh, including the agreement to the key strategic
   principles and areas of activity required.

   Portfolio Holder - Councillor Peter Butlin

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10. **Brownsover Community Infant School Change in Age Range**   167 - 174

A report seeking approval for a change of age range at Brownsover Community Infant school from age 3-7 to 3-11 and associated capital works.

Portfolio Holder - Councillor Kam Kaur

11. **Adoption of the Warwickshire Minerals Local Plan 2018-2032**   175 - 180

A report seeking endorsement of the Warwickshire Minerals Local Plan 2018-2032.

Portfolio Holder - Councillor Wallace Redford

12. **Reports Containing Exempt or Confidential 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 Schedule 12A of Part 1 of the Local Government Act 1972'.

13. **Blue Boar Farm Minerals Update**   181 - 296

An exempt report providing an update on mineral extraction.

Portfolio Holder - Councillor Peter Butlin

14. **Integrated Sexual Health service - joint service with Coventry. Approval to Tender**   297 - 328

An exempt report regarding the commissioning of an Integrated Sexual Health service.

Portfolio Holder - Councillor Margaret Bell

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

Warwickshire
County Council

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- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- 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 relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web
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Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter that features on the agenda. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two 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.

COVID-19 Pandemic
Any member or officer of the Council or any person attending this meeting must inform Democratic Services if within a week of the meeting they discover they have COVID-19 or have been in close proximity to anyone found to have COVID-19.

Cabinet

Thursday 16 June 2022

Minutes

Attendance

Committee Members
Councillor Isobel Seccombe OBE (Chair)
Councillor Margaret Bell
Councillor Peter Butlin
Councillor Andy Crump
Councillor Andy Jenns
Councillor Kam Kaur
Councillor Jeff Morgan
Councillor Heather Timms
Councillor Martin Watson

Others Present
Councillor Sarah Feeney
Councillor John Holland
Councillor Jerry Roodhouse

1. General

The Leader welcomed Councillor Martin Watson to his first meeting of Cabinet as Portfolio Holder.

Councillor Andy Jenns extended the Cabinet's congratulations to Andre Russell, one of the Council's apprentices, who had been part of a winning team at the Local Government Apprentice of the Year event which had taken place on 25 May 2022.

Congratulations was also extended to members of the Council's Legal Team who had won awards at the Lawyers in Local Government Awards - Jack Cantwell (for Project Lawyer of the Year) and the Children's Legal Service Team (for Team of the Year). The Council's Monitoring Officer, Sarah Duxbury, had also been nominated at the awards for a lifetime achievement award.

(1) Apologies

Councillor Wallace Redford

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

None.

(3) Minutes of the Previous Meeting

The minutes of the meeting of Cabinet held on 12 May 2022 were agreed as an accurate record.

(4) Public Speaking

None.

2. Council Plan 2020-2025 Year End Performance Progress Report

Councillor Andy Jenns (Portfolio Holder for Customer and Transformation) introduced the published report and summarised its key elements. Members' attention was drawn to the positive shift in the number of indicators being reported on-track, up from 53% of 47 indicators in quarter 3 to 65.9% of 54 indicators in quarter 4. Of these, there were several measures of note which were fully detailed in the report. Of the 34.1% (16) indicators that were not on track, there were 7 measures which were subject to exception reporting and the report provided detailed performance narrative, improvement activity and explanation of the projected trajectory in relation to those measures. Comprehensive performance reporting was enabled through Power BI. The report represented the final performance commentary against the Council Plan 2020-2025 and future performance reporting would be based on the new Council Plan 2022-2027.

In response, Councillor Roodhouse expressed concern regarding the human resource elements of the report, noting that improvements against these indicators would take time while recruitment and retention was addressed. Councillor Roodhouse also raised concern at the continuing position regarding learning disabled indicators and hoped to see these improving soon.

Councillor Seccombe noted that employment issues were a key concern as a strong and committed workforce was required to deliver Council services and it was important that the Council was an employer choice. The Council was very proud of its staff and applauded their achievements.

Resolved

That Cabinet notes progress made in relation to the delivery of the Council Plan 2020 - 2025 for the period 1 April 2021 to 31 March 2022.

3. 2021/22 Financial Outturn report

Councillor Peter Butlin (Deputy Leader, Finance and Property) summarised the published report, noting that for the majority of 2021/22, the Council had continued to manage the impact of, and looked to start recovery from, the Covid-19 Pandemic. Other international, national and regional events had now combined with Covid-19 to create a volatile and unpredictable financial environment, making forecasting difficult throughout the year. The Council had concluded the year with a £10.5m underspend, after allowing for investment fund reprofiling of £7.1m, net Covid costs of £10.6m and movements into earmarked reserves of £9.0m, there was a net remaining underspend of £8.6m. However, this masked some significant variances at individual service level as set out in the report. In terms of the Capital outturn, the delivery of schemes had continued to

be heavily impacted by the availability of labour and materials, which among other issues, had led to further reprofiling of the capital programme.

Councillor Jeff Morgan, Portfolio Holder for Children and Families, noted that projected overspend in his portfolio area was due to demand for placements, which was intended to be addressed by the investment in Children's Homes.

In response to a question from Councillor Roodhouse regarding delegated budgets, Councillor Butlin advised that work was taking place to ensure that expectations could be accurately managed.

Resolved

That Cabinet:

1.   Notes the net spend in 2021/22 and the consequent revenue underspend for the organisation at the end of the year;

2.   Notes the explanations and mitigating actions for variations to budgets, and the implications on the Medium-Term Financial Strategy, as set out in Appendix A to the report;

3.   Notes the capital spend in 2021/22 and its financing and the explanations for variations on individual projects set out in the report at paragraph 5.6 and Appendix B;

4.   Approves the £3.473m carry forward of specific services' revenue funding originally expected to be spent in 2021/22, to support the delivery of the Council Plan in 2022/23, as outlined in the report at paragraph 4.4 and Appendix D;

5.   Approves the £6.958m carry forward of funding originally approved to be resourced from the Revenue Investment Funds in 2021/22 to support the delivery of the Council Plan in 2022/23, as outlined in the report at paragraph 4.8 and Appendix E;

6.   Approves the reprofiling of the capital programme as set out in Annexes A to M to the report and require Corporate Board to give an enhanced focus to the accurate phasing of capital spend in 2022/23 and over the medium term; and

7.   Notes the current reserves position for the organisation as set out in the report at Section 4 and Appendix N.

4. Treasury Management Outturn Report 2021/22

Councillor Peter Butlin (Deputy Leader, Finance and Property) opened this item by explaining that overall cash balances had risen to £458m over the year, up £63m. However, financial markets remained volatile and returns had generally been weak as a result of this and low interest rates. The overall return was below the original budget target but had still outperformed benchmarks. The actual return shortfall to the budget would be dealt with through interest rate volatility reserve, specifically held for this purpose. Despite the difficult conditions, the Treasury Management Team had done a good job of balancing returns against the overriding principles of security and liquidity

and it was pleasing that a 'substantial' audit opinion was given for the controls relating to Treasury Management activity.

Andy Felton, the Assistant Director for Finance was invited to respond, to a question from Councillor Andy Crump regarding driving improvement in the control framework. He stated that a focus on the requirements of the prudential code was at the heart of strong treasury management, together with ensuring that the right processes and procedures were in place to enable an understanding of where cash flow existed and the investments that could be made as a result.

Resolved

That Cabinet notes the Treasury Management outturn for 2021/22.

5. Corporate Peer Challenge - Outcome

Councillor Isobel Seccombe introduced this report, placing on record her thanks to the Peer Review Team. Overall, it had been a positive review with good outcomes as set out in the report and some recommendations to take forward.

In response to a question from Councillor Sarah Feeney regarding the development of a climate change action plan, Councillor Heather Timms advised that the review had recognised the journey of the Council in this regard, including the work of the Council's cross party working group. She noted that that the Sustainable Future Strategy was under development and was due to be placed before the Cabinet in October 2022, alongside a costed action plan.

Councillor Jerry Roodhouse considered that the review had provided a fair and honest reflection, and that the key to improvement would be how the findings were translated into an action plan. The sought involvement for Scrutiny in the development of the action plan. In response, Councillor Seccombe welcomed wider input into the development of the plan.

Councillor Kam Kaur highlighted the need for the organisation to do more to address digitalisation and Councillor Butlin shared his pride at the review, particularly comments regarding the Council's "sound financial management". Councillor Seccombe echoed these views and recognised that whilst the Council was in a good position, there was still more to do.

Resolved

That Cabinet:

1.   Notes the LGA Peer Challenge report attached to the report at Appendix 1.

2.   Authorises the Chief Executive, in consultation with the Leader, to develop an action plan to address the themes identified by the Peer Challenge as set out at Appendix 2 to the report.

6. Coventry and Warwickshire's Living Well with Dementia Strategy (2022-2027)

Councillor Margaret Bell, Portfolio Holder for Adult Social Care & Health summarised the published report, noting that there were two elements: the comprehensive strategy and the underpinning

delivery plan that would be refreshed annually. She explained the background to the development of the strategy and the partnership approach to its delivery.

Councillor Jerry Roodhouse, reflecting on the popularity of the virtual dementia bus at a recent fun day in Rugby, commented on the need to raise awareness and deliver training for the community and local businesses.

Councillor Isobel Seccombe welcomed the strategy and shared her personal experience of caring for her mother, noting that patients and carers would have different needs at different times and the importance of training for care workers.

Councillor Bell advised that extensive engagement on the strategy had taken place and echoed the view that patients needed independence and control for as long as possible. She also recognised that community training was required.

Resolved

That Cabinet:

1. Supports Coventry and Warwickshire's Living Well with Dementia Strategy (2022-2027) and authorises the Strategic Director for People, in consultation with the Portfolio Holder for Adult Social Care and Health, to finalise the strategy taking into account feedback from partners.

2. Approves the approach to the development of the associated annual strategic Delivery Plans and authorises the Strategic Director for People in consultation with the Portfolio Holder for Adult Social Care and Health, to work with partners to develop and implement the Delivery Plans.

7. All Age Community Autism Support Services

Councillor Margaret Bell introduced this report which sought approval to go out to tender for a redesigned service as set out in the report. Councillor Jeff Morgan welcome the all-age approach being taken.

Councillor John Holland welcomed the proposals as part of a bigger strategy, particularly noting concerns from residents regarding diagnosis times and the support available.

Councillor Jerry Roodhouse sought clarification behind the rational of the short contract length and was advised that this an assurance measure to test a new partnership alongside a new type of commission.

Resolved

That Cabinet:

1. Approves proceeding with an appropriate procurement process for the provision of Coventry and Warwickshire's All-Age Community Autism Support Services by the Council on behalf of Coventry City Council and Coventry and Warwickshire Clinical Commissioning Group (CCG).

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2. Approves and authorises the Strategic Director for People in consultation with the Portfolio Holder for Adult Social Care and Health and the Portfolio Holder for Children and Families to enter into all relevant contracts for the provision of Coventry and Warwickshire's All-Age Community Autism Support Services on terms and conditions acceptable to the Strategic Director for Resources.

8. Age Range Changes – Arley and St John's Primary Schools

Councillor Kam Kaur (Portfolio Holder for Education) summarised this paper which was seeking approval to change the age range at both Arley and St John's Primary Schools from 3-11 to 4-11 with effect from September 2022.

Resolved

That Cabinet approves the change of age range at both Arley and St John's Primary Schools from 3-11 to 4-11 with effect from September 2022.

The meeting rose at 2.52pm

………………………….
Chair

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Cabinet

14 July 2022

A Financial Framework for the 2023/24 Medium Term Financial Strategy Refresh

Recommendations

Cabinet is recommended to:

1) Note the emerging financial position within which the 2023/24 budget and 2023-28 Medium Term Financial Strategy will be developed;

2) Agree the strategic principles that will form the basis of the Medium Term Financial Strategy, as set out in paragraph 2.4;

3) Subject to the agreement of the principles, approve the proposals for the refresh of the 2023/24 Medium Term Financial Strategy and Capital Strategy, as set out in Sections 3 and 4;

4) Note the requirement for the Authority to set a sustainable balanced budget which shows how income will equal spend over the short- and medium-term; and

5) Approve the timetable for agreeing the 2023/24 budget and Medium Term Financial Strategy Refresh.

1.   Purpose of the Report

1.1.   Over the five years to 2026/27 the Medium Term Financial Strategy (MTFS) approved in February 2022 was balanced, considering likely additional spending need and the expected level of resources. It required the delivery of £65.7m of savings and the use of £41.1m of reserves.

1.2.   The 2023/24 MTFS refresh therefore has a strong and robust starting point. It will update the figures for additional spending need and the resource forecasts based on the latest information available and reflect how the current year's

(2022/23) financial position looks compared to the planned budget. It will also extend the MTFS into 2027/28 so the commitment to having a balanced five-year rolling MTFS is maintained.

1.3.   The context in which the 2023/24 refresh is happening has moved on from being dominated by Covid. Instead this has been replaced by a fundamental financial uncertainty around the current inflationary pressures and the consequent impact on both the cost of service we deliver and the demand for services as households and communities struggle with the rising cost of living. These inflationary impacts are not only a short-term issue but are likely to result in a permanent uplift in our cost base.

1.4.   Added to this are significant uncertainties around Government policy and the timing of any changes in terms of local government funding reforms, major reforms to Social Care, the opportunities and challenges of Devolution and Levelling Up, the White Paper on Fire Reform and possible reform of the Planning system.

1.5.   As a consequence, the economic situation remains hugely challenging, with the direct and indirect impacts of all these factors on the County Council as well as our partners both unknown and highly volatile at this stage.

1.6.   The purpose of this report is to bring these strands together and to provide a framework for the 2023/24 MTFS refresh for Cabinet to consider. The recommended approach will enable the Council to respond effectively to changing circumstances while maintaining a longer-term focus on the Council's financial sustainability. It seeks agreement to a set of strategic principles that will form the basis of the MTFS Refresh before going on to set out the key areas of activity and proposed timetable of key dates between now and the budget setting Council meeting in early February 2023.

2.   Framework for a Robust, Sustainable and Financially Resilient Warwickshire

2.1.   An effective MTFS ensures the Authority has the financial strategies, plans and financial decision-making framework in place that will deliver a financially resilient and sustainable Authority over the short, medium and long-term. The key components are:
   • A 5-year Revenue Plan to balance annual funding and expenditure;
   • A Capital Strategy and Capital Investment Programme to optimise the way in which we generate, manage and allocate the capital funds at our disposal;
   • A Reserves Strategy and an associated programme of reserves reviews to

make sure the money we hold is effectively managed to meet the financial risks and uncertainties; and

- Treasury Management and Investment Strategies that govern how, and to what extent, we can use our cash reserves and balance sheet strength to invest in the Council's priorities and plans.

2.2. The MTFS framework set out in this report will cover all of these issues. It will determine the likely levels of resources and balance sheet capacity available over the medium term, the level of spending priority commitments arising from the Authority's ambitions over the medium term and their subsequent prioritisation and the impact on the Authority's balance sheet and cash resources; and, given that there is likely to be a gap, identify additional options to deliver budget reductions that can be evaluated alongside spending priorities.

2.3. The approach set out in the report is a holistic one which combines the uncertainty over our medium-term resource levels, growing demand and cost pressures and the effect of the use of our balance sheet to invest in the Warwickshire Property and Development Group (WPDG) and the Warwickshire Recovery and Investment Fund (WRIF). Driven by the priorities set out in the Council Plan and the associated Delivery Plan, the impact of any proposals on both the MTFS and our balance sheet will be considered together. These factors, along with the inflationary risk, mean the 2023/24 MTFS refresh will be more complex than usual. It is likely to provide Members, with some difficult choices about priorities and the risk appetite around the potential significance and volatility of our assumptions requiring scenario planning and sensitivity analysis.

2.4. Cabinet are therefore asked to agree a set of key strategic principles as a starting point within which the 2023/24 MTFS will be developed. The key strategic principles are:

Principle 1: The inflationary uplift is not a temporary phenomenon. Prices expected to revert to increasing at roughly 2% per annum after a step change in 2022/23. The MTFS should provide for that step change.

Principle 2: At this stage planned Council Tax increases are likely to be essential to a balanced and sustainable MTFS.

Principle 3: The impact of inflationary pressures in 2022/23 will, as far as possible, be manged in year through robust budget management and, where necessary the use of the reserves specifically set aside for this purpose in the budget agreed in February 2022.

Principle 4: Given the estimated inflationary impacts, there will be a <u>very</u> high bar for new permanent allocations and a clear expectation that existing planned budget reductions will be delivered.

Principle 5: Substantial increases in the cost of capital projects will mean not everything currently on the books or planned to meet our ambitions can go forward. We will be able to afford to do less. This means a greater need for prioritisation, and we will inevitably need to pause/stop/rescope certain projects as our capital budgets will buy much less than originally expected.

Principle 6: The review/prioritisation of the capital programme and pipeline will be based on the return on investment relative to the Areas of Focus in the Delivery Plan, the impact on Levelling up priorities, the overall balance of the programme and deliverability risk.

2.5. All of the elements of a sustainable and financially resilient MTFS will require a range of activity, information and intelligence gathering and reports that will need to be brought together before decisions are made over the next six months. The overall objective is to ensure a transparent approach, taking into account the full risks and implications for services and communities, to meet the overarching aim of being a robust, sustainable and financially resilient Authority well-placed to rise to the challenge of meeting the ambitions set out in the Council Plan in a post-Covid environment.

2.6. More details on the proposed activities and how they will contribute to meeting our financial aims are set out in Sections 3 and 4.

3.   2023/24 MTFS Refresh

3.1. The starting assumption for the 2023/24 MTFS refresh is that the impact of inflationary pressures in 2022/23 can be manged in year through robust budget management and, where necessary the use of the reserves specifically set aside for this purpose in the budget agreed in February 2022. If this proves not to be the case, then the approach set out in the report and the rigour with which it is pursued becomes even more important.

3.2. Diagram 1 shows the areas of activity that will need to be undertaken to deliver a refreshed 2023/24 MTFS, alongside a further review of reserves.

Diagram 1: Areas of Activity to Deliver a Refreshed MTFS
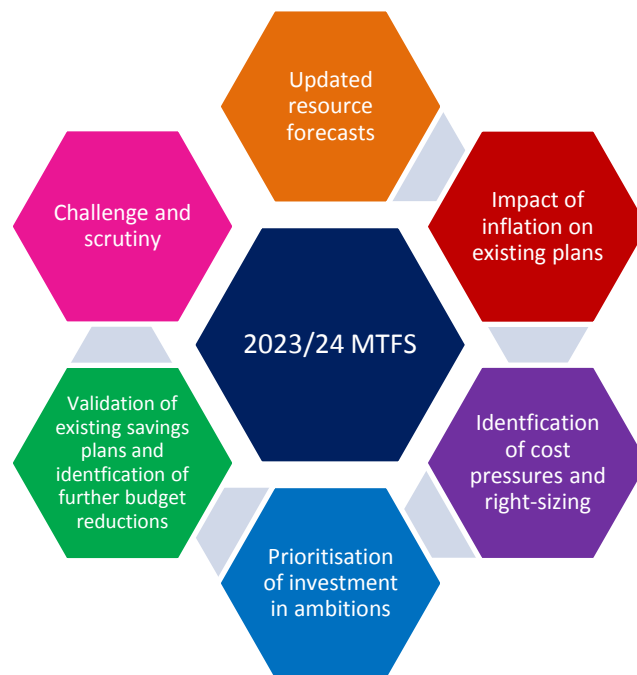
3.3. Updated Resource Forecasts

The basic model of resource forecasting used for the 2022/23 MTFS remains valid. However, the level of uncertainty we continue to face means, at least initially, we will need to plan for a range of potential resource scenarios. We will only be able to narrow these down as the economic position and the Government's national approach becomes clearer.

Table 1 summarises the level of additional budget reductions required from 3 broad scenarios. and **Appendix A** outlines the assumptions that underpin them. The scenarios are broadly based on:

- Best Case – economy returns to pre-covid levels of growth and inflation peaks during 2022/23, returning to historic trends by April 2023;
- Most Likely – minimal economic growth, with gradual recovery and stabilisation of inflation to historic trends over the next two years through to mid-2024; and
- Worst Case – medium term recession and stabilisation of inflation to historic trends only from year three onwards.

Table 1: Additional MTFS Budget Reductions Required as part of 2023/24 MTFS Refresh			
	Best Case	**Most Likely**	**Worst Case**
New savings in 2023/24	£0m	£3m	£18m
New savings over MTFS (including the figures above)	£0m	£15m	£75m

The key variables in all the scenarios are the annual growth in the council tax taxbase, inflation assumptions and then the variables over which we have more influence – the DSG deficit, the level of additional spending allocations whether driven by demand or Council priorities and the delivery of the approved savings plan. All scenarios assume Members' support continuing to increase the council tax by 2% per annum and take the additional 1% adult social care levy increase in 2023/24 and 2024/25. A reduction of 1% in the council tax increase in any one year would increase the level of savings required by £3.5m.

The 'most likely' scenario assumes an annual increase in the council tax taxbase of 2% per annum, in line with recent trends. Currently there is speculation about a potential slowdown in the housing market as a result of the increased cost of living, rising interest rates and increased supply costs reducing the viability of developments. A 0.5% reduction in the growth in the taxbase (equating to around 1,000 fewer Band D equivalent properties) will reduce available resources by £2m. Trends in the housing market over the short and medium term will need to be kept under review.

These resource assumptions will determine the level of further budget reductions or additional income generation the Authority will need to plan for over the period 2023-28. The 'most likely' scenario is that £15m additional savings will be needed in addition to £55.4m already included in the MTFS approved in February 2022 and the £115.3m delivered since 2014.

The need to make the 'right' savings that support the delivery of the Council Plan and do not stifle recovery, increases the on-going importance of effectively managing the Council's spend. Maximising the availability of reserves will be critical to allowing the managed, effective implementation of the necessary changes to services. However, it should be noted that any use of reserves to help balance the MTFS in the early years impacts potential to increase the Investment Funds and the resources available to invest in the delivery of the Areas of Focus in the Council Plan.

3.4.   Impact of Inflation on Existing Plans
Managing the impact of inflation is the biggest additional factor to accommodate within the MTFS refresh this year. A strategic view of how inflation may impact on the County Council needs to recognise that neither our type of spending nor the inflationary risk is uniform. As a result the assessment of how inflationary pressure will impact is complex. It will vary between:
- The revenue budget and the capital programme;
- The type of spending/income; and
- The extent and increased cost can be managed without impacting on service delivery and/or capacity.

There are no absolutes in inflation forecasting, the approach taken will, of necessity, be a matter of judgement.

The MTFS approved in February 2022 included provision for £70m inflationary uplift over the next five years, of which £20m relates to 2022/23. Any need to provide for increased inflationary costs, above the level provided for in the MTFS will need to be a first call on the £34.0m (£9m in 2023/24) for future indicative spending pressures, thereby reducing the amount available to meet increases in demand, investment to deliver on the Council's priorities or to alleviate savings targets.

At this point, it is estimated:
- Pay inflation will result in an increased provision of £6m to £8m being needed over the next two years;
- The forecasts of National Living Wage (NLW) increases will require an additional cost of at least £2m a year for adult social care provider inflation in each of the next two years. Although recent speculation about future NLW levels may increase this cost further;
- An additional provision of up to £4m may be required in 2023/24 to re-base the budgets for transport and premises costs; and
- Outside of these specific elements the provision for price inflation in the MTFS is sufficient.

The inflationary outlook is volatile with material changes on a monthly basis. The position will be kept under close review over the coming months as work on the 2023/24 MTFS refresh continues, to ensure our financial strategy and approach remains robust.

The focus of discussion around the impact of inflation will need to extend beyond costs, to the impact on our income. The approved provision for price inflation in the MTFS assumes that Services increase fees and charges at the same rate as the provision for cost increases and council tax is increased in line with the referendum limits set by the Government. Any decision not to do so will increase the level of savings required. The cost increases assumed to be funded from the income will still need to be funded and we will also need to put in place plans to accommodate the loss of income.

In 2023/24 the estimated permanent increase in inflationary provisions needed will use all of the £9m provision in the MTFS for future indicative cost pressures. In addition, a further £6m is likely to be needed in 2024/25 for pay awards and the impact of the NLW. Essentially the working assumption for the MTFS is that any demand/cost pressures as a result of anything other than inflation and not matched by additional resources (e.g. through increases in fees and charges/council tax/government grant), or any non-delivery of the approved

savings plan, will require additional savings to be identified on a £-for-£ basis.

Furthermore, the existing planned use of reserves and the potential that additional reserves may be needed to meet any inflationary impact in 2022/23 in excess of the approved budget is likely to mean any further budget reductions will need to be delivered straight away (or those in the current plan brought forward). There is likely to be insufficient capacity in reserves to enable any additional budget reductions to be delivered 2 or 3 years into the future.

3.5.   <u>Identification of Unavoidable Cost Pressures and Right-Sizing</u>
The approved MTFS included between £7.5m and £9.0m a year for new cost pressures. This is in addition to the £41.8m (over £10m a year) for known areas of cost pressure already included within remaining four years of the MTFS.

The identification of unavoidable cost pressures therefore has two elements – a review of those pressures already indicatively approved in the MTFS and identification of any new pressures that have emerged over the last six months.

A robust, evidence-based approach to both elements will be put in place that will cover the cause of the need for an additional budget allocation, the actions the Service has put in place to manage the cost and the implications for service delivery if the allocation is not supported, as well as a detailed calculation of the expected cost and how the funding will be used. This will be accompanied by any further opportunities for right-sizing identified through in-year budget monitoring.

3.6.   <u>Prioritisation of Investment in Ambitions and Funding Options</u>
The 2022/23 MTFS retained £10m in the Revenue Investment Funds and included an expanded Capital Investment Fund (CIF) to deliver on the ambitions of the Council Plan. The Investment Funds are currently secured as sufficient resource has been set aside as part of the Reserves Strategy for the Revenue Investment Fund and through the provision to meet the cost of servicing the borrowing costs that fund the CIF made in the MTFS.

The approach adopted this year and proposed for the 2023/24 MTFS refresh is for a closer alignment of the Investment Funds to proposals in the Delivery Plan.

As part of the refreshed MTFS a prioritised pipeline of projects will be developed that is affordable within the level of resources available. Currently, the level of resources available in both the Revenue Investment Fund and CIF is insufficient to meet the ambitions of the organisation or deliver the full pipeline of projects. Given the inflationary pressures on the budget it is unlikely material additional resources will be available in the short-term. Clear prioritisation to ensure best use is made of the scarce resources available will be key.

3.7. <u>Validation of Existing Savings Plans and the Identification of Further Budget Reductions</u>
Even before the impact of changes to resource forecasts and inflationary and demand pressures the existing MTFS requires the delivery of £55.4m of savings over the next four years. It is therefore essential to validate that the plans and savings being targeted are deliverable. The 2023/24 refresh will require action plans for the delivery of planned savings in each of the next two years and outline plans for those in the last two years of the current MTFS.

Any reduction in the level of budget reductions delivered, whether as a result of deliverability or acceptability, will increase the level of new savings that need to be identified. The working assumption is that where, as a result of developing robust delivery plans, the existing MTFS savings cannot be delivered alternative deliverable savings will be brought forward for consideration. These alternative savings would be in addition to the budget reductions needed to balance the MTFS.

The need for additional budget reductions will be identified through an approach that ensures they are the 'right' spending reductions for the organisation over the medium term. This will include the increased use of benchmarking and comparative information to identify potential areas where value for money could be enhanced further and to provide some strategic insight to potential target areas for reduced spending.

Alongside this work on identifying budget reductions there will be a further review of reserves to see if we can free up some capacity to allow the lead-in time for any transformation and innovation activity to be delivered. This may also need to include choices around the balance of using reserves for investment and the short term off-setting of savings.

3.8. <u>Challenge and Scrutiny</u>
The challenge and scrutiny of proposals will include:
- Scrutiny and assessment of spending/savings proposals brought forward for consideration in much the same way as has been put in place for the Investment Funds, providing clear recommendations that supports the balancing of priorities;
- The use of evidence, such as benchmarking information, insight into the relationship between cost and performance and learning from innovative developments across the sector, to provide a more robust assurance about current base budgets, and to support the proactive challenge and validation of spending proposals; and
- Analysing the alignment of spend with the Council Plan objectives and the impact of proposals on performance.

4. Capital Programme

4.1. A new approach to future decisions on capital investment need and the management of the programme was approved alongside the 2020-25 Council Plan and MTFS and consists of three core elements:
- the Capital Strategy;
- the resulting Capital Programme/Pipeline of projects - the content of the capital programme (including schemes to be delivered in 1-3 years); and
- the Capital Framework which demonstrates our compliance with the Prudential Code and sets out the governance and resourcing arrangements needed to deliver and administer the pipeline/programme.

4.2. Local authorities are required to approve a Capital Strategy on an annual basis. For 2023/24 the annual refresh will ensure the Strategy is consistent with the priorities and outcomes of the Council Plan and associated Delivery Plan and aligned to the emerging thinking on long term place-shaping. This is consistent with the intention of the Capital Strategy to shift to a 20-30 year line of sight and create a more strategic focus to our approach to capital investment.

4.3. A fourth area of activity that will form part of the 2023/24 MTFS refresh is the changes to the governance arrangements for the capital programme that have been reported to Cabinet previously, in particular the enhanced focus on monitoring the delivery and impact of the capital programme.

4.4. Any progress on the delivery of the approved programme and the prioritisation of the CIF pipeline will, this year, be driven by the impact of inflation on the capital programme. Capital projects are one-off in nature and by and large the Authority has choice over the level of investment. Therefore, any increase in the cost of projects means we will be able to afford to do less. In the simplest of terms, it means there will be a greater need for prioritisation, with only those projects that are unavoidable (e.g. school places) or deliver the greatest benefits and higher returns on investment being approved.

4.5. Currently the sectors of the economy facing the greatest inflationary pressure – construction and transport - comprise the majority of the Authority's capital programme and therefore it is likely, outside of the impact of the NLW, the area of activity where the effect will be most marked.

4.6. An average 10% increase in the cost of schemes would increase the cost of the approved programme by around £20m to £30m, depending on the extent to which this can be accommodated within project contingencies and/or increases

in third-party funding. This equates to a 20% reduction in the overall CIF funding available for new schemes. However, this would not impact evenly across the years. The majority of the additional cost will impact in the next two years, reducing the investment capacity by up to 40% in each year. If the average inflationary impact is above 10% then the remaining investment capacity will reduce proportionately.

5. The Need for a Balanced Budget

5.1. In putting forward their proposals Members are reminded that local authorities are required by law to have a balanced budget. However, what is meant by 'balanced' is not defined in law. A prudent definition of a sustainable balanced budget is a financial plan based on sound assumptions which shows how income will equal spend over the short- and medium-term. For the purposes of the proposals being developed the medium term has been taken as the five years 2023/24 to 2027/28.

5.2. To avoid an unbalanced budget the Local Authority has to be financially resilient. Setting a clear MTFS helps clarify expected income and expenditure. Awareness of the funding available in the forthcoming years means the Council stands a better chance of balancing the budget. Reserves are a useful option for balancing the budget in the short-term, but they can only be used once. Consequently, proposals will be developed on the basis that reserves should not be used to pay for day-to-day expenditure and that they will be replenished when the short-term need has passed, subject to a risk assessment. This will ensure the MTFS for 2023-28 will be fully balanced on an ongoing basis.

5.3. This approach is consistent with the Reserves Strategy approved as part of the MTFS in February 2022.

6. Next Steps

6.1. The starting assumption for the 2023/24 MTFS refresh is that the impact of the current inflationary pressures in 2022/23, in excess of the approved budget, can be manged in year through robust budget management, including the early tackling of emerging areas of overspend, and the use of reserves. If this proves not to be the case, then the approach set out in the report and the rigour with which it is pursued becomes even more important.

6.2. The approach set out in the report is a holistic one which combines the uncertainty over our medium-term resource levels, growing inflationary risk,

continued high levels of demand and the resourcing of the delivery of the Council Plan, including the use of our balance sheet. This means the 2023/24 MTFS refresh will be more complex than usual and is likely to require some difficult choices about priorities.

6.3. Following Cabinet's approval of the approach outlined in the report Services will begin work identifying and quantifying any costs pressures, the opportunities for investing in the Council's ambitions and options for future budget reductions and invest-to-save proposals. This work will continue to be aligned to the approach to Integrated Planning and informed by the considerations of the Conservative Budget Working Group.

6.4. The next report to Cabinet will be the first 2022/23 Financial Monitoring report in September 2022. This will start to clarify the assumptions made in setting out the forecast resource forecasts that underpin the MTFS.

6.5. The proposed timetable of formal reports through to Council agreeing the 2023/24 budget and MTFS in February 2023 is shown below.

Approach to Agreeing the 2023/24 Budget and 2023-28 MTFS	
Date	Report
9 September 2022	• Report to Cabinet on the 2022/23 Quarter 1 Financial Monitoring
25 November 2022	• Report to Cabinet on the 2022/23 Quarter 2 Financial Monitoring
15 December 2022	• Report to Cabinet on the draft 2023/24 budget proposals, MTFS, capital strategy and review of reserves
December and January	• Political Groups continue to work on their budget and MTFS proposals
27 January 2023	• Report to Cabinet outlining final information to be used in setting the budget and the Strategic Director for Resources reserves risk assessment • Report to Cabinet on the 2022/23 Quarter 3 Financial Monitoring • Cabinet release the Conservative Group's 2023/24 budget resolution(s)
Late January 2023 to early February 2023	• Opposition Groups release any amendments to the Conservative Group's proposals
7 February 2023	• Council sets 2023/24 budget and council tax, 2023-28 MTFS, the Capital Strategy and the 2023/24 Treasury Management and Investment Strategies

7.   Financial Implications

7.1.   There are no direct financial implications as a result of this report. The report sets out the proposed approach to ensuring the Authority remains financially resilient and sustainable going forward.

8.   Environmental Implications

8.1.   There are no direct financial implications as a result of this report. The Council's Delivery Plan will set out the actions and activity planned to address climate change and environmental issues. These in turn will inform the allocations made as part of agreeing the 2023/24 Budget and 2023-28 MTFS.

9.   Background Papers

9.1.   None

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Elected Members have not been consulted in the preparation of this report.

Resource Scenarios and Underlying Assumptions

	Best Case	Most Likely	Worst Case
New savings in 2023/24	£0m	£3m	£18m
New savings over MTFS, including extra in 2023/24	£0m	£15m	£75m
Assumptions			
Core BCF/iBCF funding	All social care grants continue for MTFS period with Public Health Grant increase by 2%	All social care grants continue for MTFS period cash flat	1% annual reduction in core government grants
Council Tax Collection Fund Deficit	£2m a year surplus	Nil across the period of the MTFS	£2m a year deficit
Council tax taxbase	3% a year	2% a year	1% a year
Council tax increase	2% per annum plus 1% adult social care levy in 2023/24 and 2024/25	2% per annum plus 1% adult social care levy in 2023/24 and 2024/25	2% per annum plus 1% adult social care levy in 2023/24 and 2024/25
Business rates income	Annual 1% growth in taxbase, 2% inflationary uplift	Flat taxbase as reliefs drop out, 2% inflationary uplift	5% reduction in taxbase in 2023/24 and 2024/25 as reliefs drop out, flat thereafter, 2% inflationary uplift
High Needs DSG deficit	High Needs DSG brought into balance by 2025/26 reserve provision remains unchanged	50% reduction in the High Needs DSG deficit from 2025/26 onwards as a result of additional Government funding and the success of the transformation projects	As per current DSG recovery plan
Additional permanent spending pressures	No spending pressures beyond the available provision in the MTFS, £9m in 2027/28 including £3.2m for capital financing and £4m for adult social care demography	£5m a year in 2023/24 and 2024/25. Thereafter revert to available MTFS provision plus £15m in 2027/28 including £3.2m for capital financing and £4m for adult social care demography	Increase provision from to £10m a year plus £3.2m for capital financing and £4m for adult social care demography in 2027/28
Price/Income Inflation	Maintained at 2% per annum plus £4m for transport and utilities in 2023/24 and £2m for the NLW in 2023/24 and 2024/25	Maintained at 2% per annum plus £4m for transport and utilities in 2023/24 and £2m for the NLW in 2023/24 and 2024/25	Increased to 3% per annum plus £4m for transport and utilities in 2023/24 and £2m for the NLW in 2023/24 and 2024/25
Pay Inflation	4% in 2023/24 and 2024/25, 2% per annum thereafter	4% in 2023/24 and 2024/25, 2% per annum thereafter	5% in 2023/24, 4% 2024/25, 3% per annum thereafter
Non-delivery of existing savings plan	Current savings plans delivered in full, or alternatives identified	Current savings plans delivered in full, or alternatives identified	20% non-delivery of current savings and no alternatives identified

Cabinet

14 July 2022

Education Capital Programme 2022/23

Recommendations

That Cabinet:

1.   Recommends to Council that it:
   a) Increase the Capital Programme allocation for Oakley Grove All-through School by £6.000 million to £56.000 million to be funded from Department for Education Grant.
   b) Increase the Capital Programme allocation from Stratford-upon-Avon High School by £2.2 million to £13.773 to be funded from the Department for Education grant
   c) Add the scheme for refurbishment and remodelling of Shipston High School and the addition of a sports hall to the Capital Programme at a cost of £10.532 million funded by £10.023 million from the Department for Education grant and £0.509 million from developer contributions

2.   Approves the addition to the capital programme of £2.361m funded from the Department for Education grant and developer contributions to deliver the remaining schemes outlined in Section 3.

3.   Authorises, subject to Council's agreement to the required addition to the capital programme, the Strategic Director for People, in consultation with the Portfolio Holder for Finance and Property, to invite tenders and enter into the appropriate contracts on terms and conditions considered acceptable to the Strategic Director for Resources.

1.   Executive Summary

1.1   This report recommends proposals for allocating resources in the Education (Schools) Capital Programme to the specific projects set out in Section 3. The proposals include funding from developer contributions.

1.2   Proposals to increase the number of pupils admitted at schools across a wide area of Warwickshire are explained within this report. Further information relating to how the Council plans for and anticipates the growth in demand for school places, is laid out in the Education Sufficiency Strategy and Annual Sufficiency Update.

1.3   All proposed education capital projects are considered against independently published third-party data to benchmark the cost to the Council of providing school places and ensuring effective allocation of resources.

1.4   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.

1.5   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.

1.6   The current available funding is set out in Section 2.

1.7   There has recently been a significant increase in construction cost inflation with contributing factors such as international conflicts, rising energy prices, HS2, EU exit and to a lesser extent Covid-19 impacting the market. This is resulting in both labour and material shortages resulting in higher tendered prices than have been usual in recent years. The likely ongoing impact of HS2 and EU exit over the next few years mean that these pressures are anticipated to continue. As a result, contractors are factoring in both known and likely future cost increases into their tenders. Further, inflation provision within contracts may mean price adjustments over the life of longer term projects.

1.8   Although Education Services are the overall commissioner of the schemes outlined in this report, there is a close working relationship with Strategic Asset Management and Enabling Services to ensure a joined up approach across the Council at each stage of project delivery.

2.   Financial Implications

2.1   The total estimated cost of the proposals in this report is £21.093 million. The spend will be funded from £0.673million of developer funding and £20.420 million of Basic Need capital grant funding from the Department for Education.

2.2   The current balance of Basic Need capital grant received but unallocated is £11.007 million. The Department for Education have confirmed the Council will receive further Basic Need capital grant allocations of **£40.850 million** in 2023/24 and **£21.366 million** in 2024/25.

2.3   The proposals in this report will be funded from within the remaining unallocated DfE capital grant available in 2022/23, plus draw down on future years' confirmed funding as shown in the table below.

	Total Education Capital Funds £m	Proposed Use £m	Remaining Basic Need Grant £m
Balance of Unallocated Education Capital Funds	73.223	20.420	52.803

2.4   In order to mitigate against a shortfall in available resources in any given year, regular monitoring of the profile of expenditure on Basic Need funded projects is undertaken to ensure alignment between the timing of the expenditure being incurred over multiple years and receipt of the grant. Current monitoring indicates that no shortfall is expected.

2.5   Where the use of developer contributions is outlined in section 3 it has been confirmed that those funds have been received and that the outlined use is in line with the obligations set out in the relevant S106 agreement.

2.6   If the current market conditions continue some projects within the current Education Capital Programme, where we haven't already costed in excess inflation, could see a further increase in costs over the next 6 to 12 months. It is difficult to predict what the exact increases might be, but Consumer Price Index (CPI) for the construction sector currently is running at 25-30%. The size of any increases will be largely dependent on when original estimates we drawn up, the level of contingency originally provisioned for and what mitigations are realistically possible for a project.

2.7   It should be appreciated that costing accuracy typically increases as a project proceeds through its development through to delivery. Projects that are at the stage of Strategic Business Case development have about a 40% costing confidence evolving through the outline business case (60%); detailed business case (planning) 85% and to the point where a Contractor is under contract (97%).

2.8   As part of project assurance, the Council will work with cost consultants to scrutinise and challenge contractor costs where needed. There is also ongoing work within projects to value engineer certain elements of a project where feasible. Options such as splitting out different parts of a project to different contractors and putting in early orders on materials where possible to prevent further price increases are also considered.

3.   Proposals for addition to the 2022/2023 Education Capital Programme

Bishops Tachbrook CofE School, Warwick District

3.1   The delay to the building of Oakley Grove All Through School has left a forecast shortfall in Reception places for September 2023 of between 1 to 2 forms of entry (30 to 60 places). The proposal is to provide these places in existing schools and pupils would remain in the schools for the seven years.

3.2   It is forecast that there will to be a higher than usual birth cohort in Bishops Tachbrook CofE Primary School's priority area. An additional class at the school would allow the school to accommodate all likely demand from the village and some of the development in the Oakley Grove/Heathcote area. A permanent modular classroom with toilets plus a new kitchen opening to facilitate the flow of additional pupils is proposed. The total cost of the project is £0.400 million.

3.3   It should be appreciated that costing accuracy typically increases as a project proceeds through its development through to delivery. This project is still at an early stage of development (Strategic Business Case) with a 40% costing confidence and therefore could be subject to further cost increases prior to a contract being awarded.

3.4   Cabinet are asked to agree the proposal to allocate £0.400m funded as follows:
Education Capital Resources   £0.400 million

Briar Hill Infant School and St Margaret's CofE Junior School, Warwick District

3.5   A further solution to resolve a shortfall of reception places in the South Leamington / Warwick area caused by the delay to Oakley Grove opening that would be utilised if necessary is works to Briar Hill Infant School and its federated junior school, St Margaret's CofE Junior School. Works would have to take place at both schools as the infant children would move into the junior school.

3.6   All relevant data will continue to be reviewed to determine whether this solution at Briar Hill / St Margaret's is still required, leaving enough time for the works to be completed for the start of the 2023/24 academic year if it is deemed necessary.

3.7   At Briar Hill the internal courtyard would be converted into learning space and incorporate an extension to the undersized hall. At St Margaret's there would be a classroom extension. The construction period for all options is circa 5-6 months. The total cost of the projects at is £0.786m.

3.8   It should be appreciated that costing accuracy typically increases as a project proceeds through its development through to delivery. This project is still at an

early stage of development (Strategic Business Case) with a 40% costing confidence and therefore could be subject to further cost increases prior to a contract being awarded.

3.9 Cabinet are asked to agree the proposal to allocate £0.786m funded as follows:
Education Capital Resources   £0.786 million

Oakley Grove All Through School

3.10 In September 2021, Cabinet approved delivery of a new All-through School in South Leamington/ Warwick (Oakley Grove) with a budget of £50.150 million to accommodate the expected increase in pupil numbers. A main contractor has been appointed and are aiming to submit a reserved matters planning application in July/August 2022, with start on site for January 2023 and completion June 2024.

3.11 The original feasibility study by the architects set the approved budget at £50.050 million (subject to site surveys), making this one of the highest value & high profile construction projects delivered by the Council. The main contractors have now completed their own Feasibility Study Review and high level cost estimate to check the validity of the current outline design & Order of Cost Estimate. The total estimated project cost is now estimated to be in the order of £55.738 million. This updated figure is still an estimate and is still subject to the results of all the site surveys and development of the detailed design.

3.12 Based on Willmott Dixon's current cost estimate of £55.738 million an additional funding of £5.738 million would be necessary at this time, without significant alterations to the scheme. A further 0.262 million is estimated to be required for highways works to create the right-hand turn lane and the diversion of overhead electricity cables. The total additional funding required is £6.000 million. It is proposed this addition would be funded from unallocated education capital resources. The most significant increases in funding are attributed to inflation and complying with Building Regulation changes which came into force June 2022, with further increases also attributed to enabling / site works, works to the sports hall and fees. There is limited opportunity to reduce project scope, however value engineering is ongoing to help reduce further cost increase on the budget as the impact of inflation is likely to continue.

3.13 It should be appreciated that costing accuracy typically increases as a project proceeds through its development through to delivery. This project is considered to be at the detailed business case stage with an 85% costing confidence.

3.14 Cabinet are asked to agree the proposal to allocate £6.000 million funded as follows and recommend to Full Council its addition to the Capital Programme:

Education Capital Resources   £6.000 million

Griffin School (Rugby Gateway)

3.15   Cabinet approved the project to deliver a new 1 form entry primary school in July 2015. Delays outside the Council's control led to the transfer of the site and the school's opening date being pushed back. As a result of these delays the budget was increased to £5.415 million in November 2019. Further delays in reaching the trigger point together with the impact of market volatility resulted in a further shortfall on the current project of £0.744 million the funding of which was approved by Cabinet in March 2022.

3.16   The land trigger has now been reached but the Council are currently negotiating with the developer regarding the transfer and servicing of the land and securing access to the site meaning the project team's estimated start date on site is likely to be pushed back from June 2022 to July/August 2022.

3.17   The main contractor has recently reported back costs from suppliers subsequently increasing costs above budget. Package returns have been 5% to 15% higher than originally estimated. The cost consultant has reviewed and challenged the costs with the contractor and some value engineering has taken place to reduce the shortfall by £0.200 million. The revised total cost is £6.970 million making the final shortfall £0.811 million, this includes a £0.200 million contingency. A further 0.200 million is also estimated to be needed to rectify the level change on the school site as a result of previous site occupation since designs for the school were determined. The total additional funding required is £1.011 million. Further developer funding is due to be received from the development. It is proposed to fund the shortfall from education capital resources prior to the developer funding being received.

3.18   The reasons for the cost uplift are primarily a result of significant market volatility particularly in relation to the increasing cost of materials. In looking to manage the variable and increasing costs the order for steel has been placed, to lock in the cost and to prevent further price rises on this material.

3.19   It should be appreciated that costing accuracy typically increases as a project proceeds through its development through to delivery. This project is considered to be at the detailed business case stage with an 85% costing confidence.

3.20   Cabinet are asked to agree the proposal to allocate £1.011m funded as follows:
Education Capital Resources   £1.011 million

Stratford upon Avon High School

3.21   Cabinet approved a project to deliver a 2FE (300 place) expansion in December 2020 with a budget of £11.573 million. The project would also deliver additional post 16 spaces. Prior to this, in July 2020 Cabinet approved a £1.3 million extension to the dining hall, kitchen and servery. These works

were completed in July 2021.

3.22 The current project is aiming for the planning application to be submitted July/August 2022, with, subject to planning, a start on site of Spring 2023 and completion for September 2024. Planning approval has been obtained for the additional land adjacent to the school and works to create additional recreational space and parking for the school will start in Autumn 2022.

3.23 Cost consultants have reviewed the works with an estimated construction cost for the proposed project of £13.773 million. This is an increase on the current budget of £2.200 million. The primary reason for the increase is the inflation increase to an estimated mid-point of contract quarter 3 2023 from the previously budgeted quarter 2 2022. This is a construction inflation of 31% and forecasts have been based upon the latest information available from the supply chain.

3.24 The project underwent considerable value engineering before approval in December 2020 with further deductions in December 2021 to reduce budget creep, but further reductions would impact on the curriculum requirements and the necessary accommodation for over 2000 pupils.

3.25 It should be appreciated that costing accuracy typically increases as a project proceeds through its development through to delivery. This project is considered to be at the detailed business case stage with an 85% costing confidence.

3.26 Cabinet is asked to agree the proposal to allocate £2.200m funded as follows and recommend to Full Council its addition to the Capital Programme:
Education Capital Resources   £2.200 million

Shipston High School, Stratford-upon-Avon District:

3.27 Shipston High School is the only school in the Shipston planning area in the South of Warwickshire. The planning area is currently forecast to require more capacity moving forward due to housing development and larger primary cohorts moving through into secondary. The planning area is large and rural in nature, consequently there can be longer travel times to the next nearest school with places available. The school offered additional places over PAN for September 2021 and have done the same for September 2022. The number of places they can offer over their PAN is restricted by the accommodation available.

3.28 The proposal looks to refurbish and remodel existing buildings, provide a new sports hall and related changing and storage facilities, and convert a pond area to courtyard to provide additional informal hard standing / external teaching areas. These works will facilitate a much needed 1FE expansion (150 places) increasing the school's PAN from 120 to 150. Provision has also been made for additional parking on site.

3.29 The sports hall will be sized to reflect any potential future expansion to 6FE

based on BB103 requirements (DfE area guidelines for schools). The sports hall size is important for teaching PE and for the location of examinations. The school are currently lacking the appropriate indoor sports and examination facilities and therefore the provision of the sports hall is essential for them to be able to operate at the increased PAN. It is not typical to provide a new sports hall as part of a secondary school expansion and therefore costs will be higher than benchmark comparisons.

3.30   In Stratford District Council (SDC)'s January 2019 Sports Facility Strategy, Shipston High is itemised as being key to delivery. SDC endorse the principle of the programme including the location for the new sports hall.

3.31   The total cost of the project is £10.532 million. It is proposed it will be funded by £0.508 from developer funding contributions and £10.532 from unallocated education capital funding. The project is still at an early stage of development and therefore vulnerable to further budget increase. LA officers have included a level of contingency to absorb some of the further inflationary increase that is likely to occur and any abnormals that may arise as surveys and design work progresses.

3.32   It should be appreciated that costing accuracy typically increases as a project proceeds through its development through to delivery. This project is considered to be at the strategic business case stage with a 40% costing confidence and therefore could be subject to further cost increases prior to a contract being awarded.

3.33   Cabinet are asked to agree the proposal to allocate £10.532 million funded as follows and recommend to Full Council its addition to the Capital Programme:
Education Capital Resources   £10.023 million
Developer Funding   £0.508 million

Lighthorne Heath Primary School refurbishment, Stratford-upon-Avon District:

3.34   As part of the 3,000 new dwellings planned for Gaydon Lighthorne Heath, with the early phases now under construction, it is proposed to relocate and expand the existing Lighthorne Heath Primary School. This relocation is not expected to be undertaken until at least September 2025.

3.35   Section 106 funding has been secured from developers delivering the initial phases of housing explicitly for improvements to the existing Lighthorne Heath Primary School prior to the new school being built. It is anticipated that these improvements will provide a more attractive and stimulating learning environment, for existing pupils and those pupils moving into the area as part of the development.

3.36   The programme of improvements will include full refurbishment of the Early Years, Infant and Junior toilets, conversion of a group space into an additional classroom and the conversion of an existing ICT space to an intervention/nurture space.

3.37 The total cost of the project is £0.164 million and will be funded from developer contributions.

3.38 Cabinet are asked to agree the proposal to allocate £0.164m funded as follows:
Developer Funding   £0.164 million

4. Environmental Implications

4.1 Where feasible, the County Council will look to use modern methods of construction to achieve efficiencies and benefits particularly in terms of time, cost, and the environment.

4.2 Environmental risk assessments, together with mitigation statements to reduce any potential environmental impacts, are required for any capital project.

4.3 Larger scale projects will follow design objectives to ensure revenue costs are reduced and sustainable schemes are delivered within the financial envelope. This will be done incorporating design features to minimise heating and cooling demands, the careful selection of building materials, air tightness, and the inclusion of renewable energy features where economically feasible.

4.4 Proposed schemes aim to ensure the sufficiency of, and accessibility to, provision in local settings avoiding the need to travel further afield to access education or childcare provision.

5. Timescales associated with the decision and next steps

5.1 Subject to Cabinet approval, those schemes requiring Council approval will be submitted to Council for approval on 19 July 2022.

Appendices
1. Appendix 1

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

Local Member(s): Cllr Jan Matecki, Cllr Judy Falp, Cllr Jill Simpson-Vince, Cllr Jenny Fradgley, Cllr Kate Rolfe, Cllr Jo Barker, Cllr Chris Mills, Cllr Peter Butlin

SCHOOL CAPITAL PROGRAMME - FINANCE BREAKDOWN **APPENDIX 1**

	Available Basic Need Resources £m
Balance following May 2022 Cabinet report	20.632
Changes to existing projects and funding received	-9.625
2022/23 Available Resources	**11.007**
2023/24 Confirmed Basic Need Grant	40.850
2024/25 Confirmed Basic Need Grant	21.366
Total Available Resources	**73.223**

Projects Recommended for Support in July 2022 Cabinet Report	Total Cost £m	Proposed Use of Basic Need Resources £m	Proposed Use of Developer funding Resources £m	Other Funding £m
Bishops Tachbrook CofE Primary School	0.400	0.400	0.000	0.000
Briar Hill Infant School/St Margaret's CofE Junior School	0.786	0.786	0.000	0.000
Oakley Grove All Through School (additional funding)	6.000	6.000	0.000	0.000
Griffin School (Rugby Gateway) (additional funding)	1.011	1.011	0.000	0.000
Stratford upon Avon High School (additional funding)	2.200	2.200	0.000	0.000
Shipston High School	10.532	10.023	0.509	0.000
Lighthorne Heath Primary School refurbishment	0.164	0.000	0.164	0.000
Total	**21.093**	**20.420**	**0.673**	**0.000**
Revised Unallocated/ (Shortfall) in Basic Need Resources		**52.803**		

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Cabinet

14 July 2022

A Countywide Approach to Levelling Up in Warwickshire

Recommendation

That Cabinet:

Approves and adopts the Levelling Up approach as attached in Appendix 1

1. Background and context

1.1 On 2 February 2022 the Government published the Levelling Up White Paper, followed by the Levelling Up and Regeneration Bill in May 2022.

1.2 Together with related national policy change for Education, Integrated Health and Social Care, Local Enterprise Partnerships (LEPs) and Sustainability, as well as anticipated changes in rural policy, this constitutes a significant shift in national policy direction.

1.3 The White Paper outlines the Government's strategy to "spread opportunity and prosperity to all parts of the country" by 2030, through twelve national missions. This will also include stronger oversight of local government on performance against these missions.

1.4 Anticipating the publication of the White Paper, the Council Plan approved by full Council in February 2022 committed to develop a countywide approach to Levelling Up with the aim of publishing this by July 2022, recognising the urgency of this work to achieve progress against the Government's missions by 2030.

1.5 In March and May 2022 Cabinet considered reports outlining the Council's proposed approach to responding to the Levelling Up and associated devolution framework.

1.6 Subsequently work has been underway to develop a countywide Levelling Up approach for Warwickshire with significant engagement with, and input from, our key partners and stakeholders, most notably the District and Borough Councils. This will provide an overarching framework for Warwickshire to deliver against the twelve national missions, as well as informing and framing ongoing work to develop proposals for a devolution deal for Warwickshire to enable delivery against countywide and national levelling up priorities.

1.7   This report presents the final approach and seeks Cabinet approval to it.

2.   Our Approach

2.1   Our countywide approach to Levelling Up in Warwickshire marks the recognition of all that has come before and signals the start of a new journey and approach to tackling longstanding, intractable inequalities.

2.2   Compared to previous initiatives such as Total Place and Big Society, Levelling Up takes a new approach by being evidence-led and targeted in its aims and creative and innovative in its methods. The approach has been developed in partnership across local government and with wider partners to support its delivery. Our Levelling Up approach will operate as a golden thread through all our strategies instead of an addition and complements our own Council Plan Integrated Delivery Plan, which includes a number of deliverables directly relevant to Levelling Up, as well as the Council's new Performance Management Framework.

2.3   Our countywide approach to Levelling Up in Warwickshire sets out:
- **Definition** - defines the key challenges relating to Levelling Up and what this means for Warwickshire;
- **Principles** - states the principles for how we will approach Levelling Up;
- **Communities of place** - identifies a series of priority places and communities which would most benefit from Levelling Up;
- **Communities of interest** - identifies a series of priority themes for Levelling Up across the county and in specific places, e.g. educational attainment, health inequalities and standards of living, among others; and
- **Objectives and priority actions** - sets the countywide objectives for Levelling Up and the priority actions.

2.4   Working closely with our partners, the approach has been designed to draw together and prioritise collective effort and activity across the county and in specific places and communities

2.5   By definition, this will mean prioritising effort in these areas, whilst recognising and protecting the unique strengths and assets that make us the county we are.

2.6   Levelling Up in Warwickshire will require focus and effort at different geographical levels. The countywide priorities represent the places where, if Levelling Up challenges are tackled successfully, the whole county will benefit. They are not exclusive, and we will review and refresh the list over time.

2.7   Our approach also anticipates working with the District and Borough Councils, and Integrated Care System 'places' (Warwickshire North, South

Warwickshire and Rugby) to develop local Levelling Up plans and priorities. Our intention is that these should follow a consistent format and align with the countywide approach, but critically will enable other local priority places and cohorts to be identified and supported across all five districts and boroughs areas. The approach also anticipates a hyper-local focus on community-driven Levelling Up. In this way, the countywide approach is as inclusive as possible while also recognising the need, at a county level, to set some clear priorities.

2.8   Levelling Up also has a significant impact on our current and future strategies, in particular work to develop a long-term Infrastructure Strategy, Warwickshire Economic Strategy and our Sustainable Futures 2050 Strategy. It will also inform plans to deliver against existing strategies on the economy, education, health inequalities and social inequalities which, among others, will need a strong emphasis on Levelling Up delivery.

2.9   Our new performance management framework, agreed by Cabinet in March 2022 will enable us to track delivery of the Levelling Up priorities, particularly through the Warwickshire Outcome Measures. As Government finalises its national measurement framework, we will review our outcome measures and recommend any changes if required.

2.10   Our work on Levelling Up has emphasised the importance of and connection to Community Powered Warwickshire. Our strongest communities have capacity in abundance, recognise this, and use it effectively. Communities experiencing inequality often lack the same level of capacity, or do not recognise this. Working with partners, a key strand to any Levelling Up approach must therefore be to raise community capacity, which is fully reflected in our local definition of Levelling Up.

2.11   The countywide approach sets out a number of immediate actions to deliver early progress, which are further set out in the Next Steps section below.

3.   Evidence base and engagement

3.1   To be credible Levelling Up relies on robust analysis of accurate data and evidence. The approach sets out the key challenges and the supporting evidence base for Levelling Up in Warwickshire.

3.2   Warwickshire is taking an evidence-led approach to identifying our priority places and communities. We are using robust, trusted data at a variety of geographical levels to determine where our interventions can have the biggest impact. Specifically, we will use the following frameworks:

   o   The Indices of Deprivation – this is the recognised, nationally-published dataset that enables us to analyse inequalities and need at a local level across a range of domains.
   o   The 12 Levelling Up Missions – these are the themes set out in the Government's Levelling Up paper.

In delivering our Levelling Up activities, we will supplement these two frameworks with the use of additional nationally and locally produced intelligence.

3.3   We have also engaged extensively with partners and stakeholders:

District & Boroughs – There have been two dedicated sessions involving the Leaders and Chief Executives of the six Councils to inform the content of the countywide approach to Levelling Up and ongoing work on devolution. Senior officers have also engaged regularly with District and Borough Council Chief Executives on Levelling Up throughout the development of the approach.

Voice of Warwickshire - we engaged our Voice of Warwickshire residents' panel and analysed a representative sample of close to 500 responses, which have informed the approach and content. Headline messages included:

- there was overall agreement on all four elements of our working definition;
- 67% agreed or strongly agreed with the proposed principles to guide work on Levelling Up (a joint mission; a long-term approach; addressing root causes; strengths-based; and data- driven);
- when asked 'thinking about the place where you live what actions would you like us to take to achieve the Levelling Up objectives' the most common themes suggested were community events, improved public transport and improved education;
- when asked how they thought about the place they live, rural residents are more likely to consider their local village/town as the 'place' they associate with; more urban areas such as Nuneaton, think in terms of their local neighbourhood (e.g., street, estate);
- when asked to select the top three priorities to improve the place where you live, the most common options chosen were: 'access to health provision (e.g., GPs, hospitals, dentists)' (49.6%), 'how safe it is to live here' (43.5%) and 'high street or town centre' (39.9%); and
- the top three priorities differed by area with 'transport links' being chosen more frequently by respondents in North Warwickshire Borough; and 'how safe it is to live here' being the top priority for residents in Nuneaton and Bedworth Borough and Warwick District.

Warwickshire Youth council - The Leader of the Council and senior officers have engaged directly with the chairs of the Youth Council, seeking views on both content and approach. Headline messages included:

- a positive response to our definition and principles of Levelling Up;
- the prioritisation of skill provision for young adults and improving transport connections were welcomed;
- town centre regeneration was a key priority;
- young people in Warwickshire should be engaged with and have opportunities to input into the Levelling Up journey; and

- an emphasis on engagement with businesses on how social value and corporate social responsibility can support Levelling Up and young people.

'Team Warwickshire' – We have worked closely with key stakeholders both through bilateral meetings and a 'Team Warwickshire' workshop involving key partners to understand the challenges and opportunities in the county related to Levelling Up as well as informing priority communities of place and of interest. There is a strong appetite among partners to work collaboratively on this inherently cross-cutting agenda.

Overview & Scrutiny Committees – All four committees have considered papers on Levelling Up, looking at key elements of the approach and considering the specific connections relevant to the remit of their committee. Headline feedback included:
- recognition that this is the start of a long-term journey;
- the importance of robust data and being evidence-led;
- the need to recognise and build on existing community strengths and share learning between communities;
- emphasis on early action and the need for high-impact projects;
- recognition of the sub-groups within our identified communities of interests; awareness of needs; and clarity of actions;
- the need to ensure we have clear milestones and measures of impact;
- the importance of the unique role, and value, Elected Members can add to Levelling Up at both County and local levels;
- the need to reflect on past activity and what has worked well to ensure the new approach is innovative;
- the importance of avoiding a one size fits all approach; and
- the importance of attracting external funding and resources to support our Levelling Up priorities.
- the need to take a holistic and joined up approach to Levelling Up with our partners

Cross-party member group – a cross-party member group has been set up to advise Cabinet on the development of a devolution deal for Warwickshire, and held its first meeting on 13 June 2022. It will meet regularly to support the development and negotiation of a devolution deal for Warwickshire.

Best practice – We have considered approaches to Levelling Up being taken by other areas and local authorities to inform the Warwickshire approach, including Essex County Council, West Midlands Combined Authority, Birmingham City Council and Coventry City Council. We are similarly examining existing devolution deals to inform and shape our proposals for a county deal for Warwickshire.

4.   Next steps

4.1   Levelling Up is a long-term commitment. However, there are things we can do immediately to mobilise our approach as both a County Council and with partners. Features of this will include:

Our Team Warwickshire partnership approach will
- develop, with partners, targeted approaches to delivering impact for identified priority communities of place and communities of interest;
- create District, Borough and Integrated Care System (ICS) place-level Levelling Up delivery plans, using a common format to ensure alignment with the countywide approach, appropriate local nuance and priorities, and to present a coherent and co-ordinated approach in discussions with key stakeholders, in particular Government, external investors and the West Midlands Combined Authority;
- develop the Community Powered Warwickshire 'offer', supporting the specific projects in priority places/for community groups where community powered approaches can help; and emphasising Community Powered Warwickshire as the foundation for Levelling Up work in all places across the county;
- develop a clear countywide pipeline of Levelling Up projects for funding bids and external investment;
- support coordination of Levelling Up funding bids within the County; and
- continue to build on the 'Team Warwickshire' approach with partners to inform the emerging work and content of a devolution deal for Warwickshire.

Warwickshire County Council will:

- embed Levelling Up in future county-wide strategies notably economic growth, sustainable futures, health inequalities and social inequalities;
- build Levelling Up into the 2023/24 business cycle as part of the integrated planning approach;
- refresh the performance management framework, if necessary, as further detail of the national measurement framework emerges;
- develop the Elected Member role in Levelling Up;
- link Levelling Up and Community Power Warwickshire and its various workstreams, including the development of an "Offer" between the Council, its partners, and communities; and
- create a countywide pipeline of potential Levelling Up projects and talk to external/institutional investors about the potential to invest in Levelling Up in Warwickshire.

4.2   A dedicated communication plan will be developed to raise internal and external awareness and understanding of the Levelling Up approach.

5.   Financial Implications

5.1   There are no direct financial implications associated with this report, but significant indirect ones that have long-term implications for the county.

5.2   The Levelling Up approach will help with prioritising resource allocations (revenue, revenue investment funds and capital) and in particular regeneration. There is also significant funding available from Government via the Levelling Up Fund, Shared Prosperity Fund, Towns Fund and Community Renewal Fund, among others. Securing external investment will also be a key feature of our approach, and is an area where we will look to enhance our approach, capability and alignment with the District and Borough Councils and West Midlands Combined Authority.

5.3   Levelling Up will therefore be a key consideration in developing and prioritising any future pipeline of projects.

5.4   Any future devolution deal for Warwickshire would seek to achieve the devolution of greater powers, functions, and/or funding from Government. Consideration of the financial implications, alongside developing a deeper understanding of the implications for both access to funding and our tax base will be a critical part of this work.

6.   Environmental Implications

6.1   Sustainable Futures is one of the four agreed elements of our definition and both a cornerstone of what Levelling Up means in Warwickshire and a key part of any future devolution deal for the county.

6.2   The emerging Sustainable Futures Strategy and plan will further help embed work on climate and Levelling Up will be a key element of this.

6.3   Climate Change and Sustainability are also key themes in the West Midlands Combined Authority Trailblazer Devolution Deal, which is anticipated to be submitted to Government in Autumn 2022.

Appendices

Appendix 1 – A countywide approach to Levelling Up in Warwickshire

Background Papers

Voice of Warwickshire – Levelling Up Survey
Levelling Up in Warwickshire Evidence Base

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

Local Member(s): n/a - countywide
Devolution Working Group Members – Cllr Izzi Seccombe, Cllr Jerry Roodhouse, Cllr John Holland, Cllr Jonathan Chilvers, Cllr Jack Kennaugh, Cllr Martin Watson, Cllr Chris Mills, Cllr Yousef Dahmash, Cllr Peter Gilbert

Spreading opportunity, embedding aspiration and tackling disparities

A countywide approach to Levelling Up in Warwickshire

Foreword

Warwickshire is county with a proud history and a bright future.

The county has huge strengths and generally performs very well as a place to live, work and do business; however, for some groups of people, and some places, there are significant disparities which limit people's opportunities, aspiration and social mobility. These are longstanding, complex issues, which demand a new and reinvigorated approach.

Our Levelling Up approach is designed to set out a collective commitment to understand and tackle these disparities, build stronger communities and increase opportunity in the short, medium and long-term, working towards 2030 and beyond.

Everyone who chooses to work, study, visit or live in Warwickshire should be able to live their best lives and fulfil their potential, taking pride in their county, town, community, neighbourhood and street. This means tackling the symptoms and root causes of inequalities and ensuring we build a sustainable future for the next generations.

Levelling up in Warwickshire is about long-term, generational changes, with first target dates being set at 2030. It's about transforming our towns strengthening our communities and improving individual life opportunities; tackling the inequalities that exist around health, education, skills, housing, connectivity that hold them back; and making sure the economy is strong, inclusive and works for everyone.

To succeed Levelling Up will need to make sense locally. Our communities have the strengths, knowledge, and capability to define their own priorities and be part of solutions to these.

Working with communities, district, borough, town and parish councils, health partners, emergency services, education, universities, voluntary and community groups and businesses can make a difference by prioritising our efforts and resources. We have developed this approach through rigorous data analysis and by working in very close collaboration with our partners, testing the approach with our residents panel and youth council.

Collectively we want to take a 'Team Warwickshire' approach to Levelling Up – bringing together the strengths of our partners and public agencies and targeting this for the benefit of people and places across the county.

Our approach to Levelling Up in Warwickshire will define, champion and drive the changes we need. We will sustain our many strengths and improve where things are uneven, making a difference to the lives and aspirations of our communities now and for the long term. This approach will combine our countywide scale and reach with a very local focus and action.

Cllr Izzi Seccombe OBE *Leader of Warwickshire County Council*

Background and purpose

The Government published the Levelling Up White Paper in February 2022 and provided further detail about the Levelling Up and Regeneration Bill in the Queen's Speech in May 2022.

The Government's Levelling Up White Paper sets out four core objectives:
1. boost productivity, pay, jobs, and living standards by growing the private sector, especially in those places where they are lagging;
2. spread opportunities and improve public services, especially in those places where they are weakest;
3. restore a sense of community, local pride and belonging, especially in those places where they have been lost; and
4. empower local leaders and communities.

Key features of the Levelling Up agenda included:
- *creation of 12 National Missions* – covering the different aspects of Levelling Up;
- *a framework for devolution* - and the opportunity for every area in the country to negotiate a devolution deal with Government to secure new powers and funding streams;
- *a reporting framework and greater accountability* - with the development of metrics to measure the success of the missions and the creation of a statutory responsibility to report on progress;
- *new funding* - guidance for the Levelling Up Fund was published alongside the White Paper along with a commitment to simplify future growth funding; and
- *future policy changes* - future legislation will be introduced to create an obligation on the Government to publish an annual report on progress and to strengthen devolution legislation in England.

The aim of this document is to set out a countywide approach to Levelling Up in Warwickshire – it marks the recognition of all that has come before and signals the start of a new journey and approach to tackling longstanding, intractable inequalities.
It aims to:
- **translate** the national Levelling Up missions and policy for Warwickshire;
- **focus on** the specific challenges and opportunities for our county;
- **share** our commitment to Levelling Up with our communities;
- **complement and influence** existing activity and future ways of working; and
- **recognise and build** on the power of all our communities, partnerships, networks, and forums.

The following sections set this out in more detail.

Why Levelling Up matters

Warwickshire is a great place to live, work and do business, it is a destination and location of choice with an international profile and reputation. We enjoy unrivalled connections to the region and to the rest of the UK.

We enjoy one of the UK's most dynamic and rapidly growing economies with strong relationships at sub-regional and regional level.

We are home to a world class university, international business and sector leaders as well as SMEs, with particular strengths in automotive and battery technology, as well as gaming, logistics, digital and creative sectors.

As a county we generally perform well and are relatively affluent compared to other areas of the country. We have a strong economy, good services and mature partnerships.

Warwickshire's Key Strengths

- Warwickshire's strengths mean it has high potential to bounce forward and level up, both within county and contributing to UK-wide levelling up missions.

- Warwickshire is ambitious and has further growth potential and strong local economic levers. This includes a top performing Coventry and Warwickshire Local Enterprise Partnership, a wide-ranging composition of businesses; a strong track record in research and development; and innovations in local housing. Together with the £140m Warwickshire Recovery Investment Fund and County Council owned Warwickshire Property Development Group, the county is primed for a strong economic future.

- Warwickshire has a rich heritage with an international profile. Home to Shakespeare, George Eliot, castles, canals and the birthplace of Rugby, tourism is worth over £1.1billion to the local economy. Across the county there are clusters of creative producers, artists, venues and attractions.

- Warwickshire's mature health and social care partnerships and integration provides an opportunity to be an exemplar for population health management and enhancing quality of life.

- Warwickshire is stepping forward to harness the power of communities, building on their strengths and assets with a well-developed community powered approach for the county.

- Warwickshire's Sustainable Futures net zero plan for 2050 will help future proof levelling up benefits for the next generations.

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We also know that this view doesn't tell the whole story for residents and it can feel quite different depending on where in Warwickshire someone lives and even where they were born.

6.5%

of people living in Warwickshire live in the 20% most deprived areas in England.

Warwickshire has six Lower Super Output Areas (LSOAs) in the 10% most deprived nationally, but 42 LSOAs in the 10% least deprived.

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In 2021, at Key Stage 4 there was a 37% gap in educational attainment between disadvantaged pupils and non-disadvantaged pupils.

Life expectancy at birth

is 8.3 years lower for men

and 6.3 years lower for women

in the most deprived areas of Warwickshire than in the least deprived areas.

Adults and children in Year 6 in the north of the county are more likely to be overweight or obese than in the south of the county.

In 2019, residents in Warwick District had

£9,344

more gross disposable income than residents in Nuneaton & Bedworth Borough

The average travel time using public transport to the nearest large employment site is significantly greater in our rural areas than in other parts of the county.

The percentage of premises with gigabit-capable broadband varies within Warwickshire from 81.9% in Nuneaton & Bedworth Borough to 33.7% in North Warwickshire.

In 2021 the percentage of children under 16 in low income families varied across districts and boroughs from 10.2% to 18.0%.

In 2021 the crime rate per 1,000 population in Nuneaton & Bedworth Borough was

50% greater

than in South Warwickshire

Housing is generally less affordable in the south of the county, with a considerably higher ratio of house prices to income levels. The ratio between the lowest house prices and lowest incomes is particularly high.

In some LSOAs in Nuneaton and Bedworth Borough, all postcodes are categorised to be in the least financially resilient deciles.

By looking more closely at long term inequalities and disparities that exist locally and for specific communities of people and places the Levelling Up approach can make a real difference for our county, the region and nationally.

If we could bring the weakest-performing areas of Warwickshire's economy up to the level of the strongest, the county's economy would be boosted by £3bn a year. If we could match economic performance in the south-east, excluding London, Warwickshire would contribute £6.2bn to the UK economy as an engine of growth. By doing all of this, and investing in people's skills, the county's economy would become more inclusive. People would see their household incomes rise, addressing a gap of over £9k a year between average household incomes in Nuneaton and Bedworth Borough and those in both Stratford-on-Avon District and Warwick District.

We know that the Covid-19 pandemic has both highlighted and accentuated inequalities, but the long-term impact of this is still emerging. The rising cost of living also makes Levelling Up all the more relevant now.

The problems levelling up is aiming to tackle are not new and instead span multiple generations. There have been numerous initiatives in the past trying to solve inequalities in England such as Total Place and Big Society but Levelling Up is about building upon the lessons learnt through these programmes and being creative and innovative in our approach. Can we change to Our Levelling Up approach seeks a new outlook on these challenges by being evidence-led and bold in our prioritisation of people and places that are most in need of levelling up.

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Data driven approach

We are taking an evidence-led approach to identifying our priority places and communities. We are using robust, trusted data at a variety of geographical levels to determine where our interventions can have the biggest impact. Specifically, we will use the following frameworks:

- *The Indices of Deprivation* – this is the recognised, nationally-published dataset that enables us to analyse inequalities at a local level across a range of domains.

- *The 12 Levelling Up Missions* – these are the themes set out in the Government's Levelling Up White Paper.

In delivering Levelling Up for Warwickshire, we will supplement these two frameworks with the use of additional nationally and locally produced intelligence. Our priorities, that will govern resource allocation, have been built upon the data shown in our State of Warwickshire 2022 report and Levelling Up evidence base. To track and report on our progress this will include, but not be limited to, the following:

- Office of National Statistics Health Index;

- Experian Financial Resilience dataset;

- Warwickshire County Council Performance Framework;

- State of Warwickshire 2022 Report;

- Warwickshire place-based Joint Strategic Needs Assessment;

- Voice of Warwickshire residents' panel survey results; and

- Warwickshire Poverty Dashboard.

Measuring our impact

To support the Levelling Up agenda the Government is creating a new Levelling Up Advisory Council and a statutory duty for local authorities to publish an annual progress report. As well as following this new procedure, Warwickshire County Council is committed to being transparent about the progress of levelling up in the county. To ensure the success of levelling up in Warwickshire, in line with our Performance Management Framework, our programmes of activity will be subject to regular review and reflection so that we can be quick in responding to changes in need and making improvements.

Warwickshire County Council's Integrated Delivery plan will be a key reference point for Levelling Up activity across the council. We will also develop delivery plans with key milestones and specific Levelling Up measures of impact that will report regularly on progress. Utilising our existing partnerships in the county we will influence partnership plans to further reflect delivery activity linked to levelling up.

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Listening to the residents of Warwickshire

In developing our approach to Levelling Up Warwickshire County Council talked to its residents panel, the Voice of Warwickshire, about what Levelling Up means to them and asked them about their proposed approach.

476 panel members responded and told us:

- There is agreement on all four elements of our definition of Levelling Up.

- The three most important things for a great place to live are parks and outdoor spaces, shops and local facilities, and education provision/schools.

- The top things that made people proud to live in their local area were parks and open spaces and how safe they felt to live there.

- There are differences at district/borough level of what makes people proud of where they live. For example, respondents living in Warwick District were more likely to say local businesses compared to respondents in Nuneaton and Bedworth Borough; respondents living in Rugby Borough were more likely to say transport links compared to respondents in Stratford-on-Avon; and respondents in Nuneaton & Bedworth Borough were more likely to say affordability of housing than respondents in Warwick District.

- Overall, residents' priorities for improving to the place where they live are access to health provision, levels of safety and improved high streets and town centres with some variation at a district/borough level.

Of all panel members responding

- **90%** selected parks and outdoor spaces as an aspect of a place that makes it a great place to live.

- **73%** said parks and open spaces made them proud of the place where they live followed by **65%** saying how safe it is to live there.

- **50%** selected access to health provision as one of their top three priorities to improve the place where they live, 43% selected improvement in how safe it is and 40% selected improvements to high street or town centre.

- **60%** were either very active or involved to some extent in their local community; with 25% saying they would definitely consider getting more involved.

- ***Almost 50%*** had lived where they currently live for over 20 years.

- **67%** agreed or strongly agreed with the proposed principles to guide work on Levelling Up.

Of the proposed high-level themes:

- **80%** agreed or strongly agreed with sustainable futures.

- **80%** agreed or strongly agreed with reducing disparities, addressing gaps and inequalities.

- **79%** agreed or strongly agreed with increasing opportunity and social mobility.

- **73%** agreed or strongly agreed with building community power.

Warwickshire Youth Council

Warwickshire County Council recognises the value of listening to the young people living in the county. The Leader of the Council and senior officers have engaged directly with the chairs of the Youth Council, seeking views on both content and approach.

Their feedback included:

- Positive response to our definition and principles of Levelling Up
- Pleased to see the prioritisation of skill provision for young adults and improving transport connections
- Emphasised the need for engagement with businesses on how social value and corporate social responsibility can support Levelling Up and young people
- Passionate about town centre regeneration
- Keen for young people in Warwickshire to be engaged with and have opportunities to input and share during the Levelling Up journey

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Our Levelling Up principles

Our commitment to Levelling Up means partners and communities working together more closely with an even greater focus.

Finance, resources and capacity will remain tight, so our approach to Levelling Up will need to go beyond seeking Government funding. We will need to be flexible and innovate to make the best possible use of existing resources, capacity and capability, and be dynamic in seeking external investment into Warwickshire.

The key principles set out below have been tested and refined with partners. They will shape and underpin the long-term approach to Levelling Up:

1. *A joint mission and holistic approach -* we will bring together partners from across Warwickshire's public, private, voluntary and community sectors to work together on Levelling Up and our shared challenges as Team Warwickshire. We will work closely with Government and regional / sub-regional bodies so that Warwickshire benefits from opportunities to do more locally and deliver on wider national and regional agendas.

2. *A long-term approach -* addressing disparities and increasing social mobility will take decades. This approach will commit to making sustainable progress on long-term issues while delivering early results where possible.

3. *Addressing root causes -* we will use data, insight and partnerships to tackle the root causes of complex issues, rather than the symptoms, prioritising prevention and early intervention to prevent long-term problems.

4. *Strengths-based -* we will build on the strengths of individuals, communities, places and interest groups to improve quality of life for them. This approach will not hold back other places or groups with a stronger starting position. Our approach will combine our countywide scale and reach with a very local focus and action.

5. *Data-driven -* we will use data and insight to identify the things and places we need to target, and help us adapt as we learn. We will, track and report transparently on progress to our communities and inform work with our partners, using national benchmarks wherever possible.

6. *Targeted and tailored to communities of place and of interest -* based on data and insight, we will prioritise and engage the communities of place and interest that need most support, building community power and influence. We will capitalise on their strengths to help them build the capacity to improve things in the long-term, tailoring approaches to local circumstances.

Our response to the Levelling Up White Paper

Levelling up is complex and multi-dimensional so we've tried to keep it simple and think about 4 core elements of Levelling Up for Warwickshire:

12 national missions from the Levelling Up White Paper

The national missions set out the overall context for Levelling Up across the country. They exist in their own right and relate to each other, making them easy to group and show how progress in one will benefit others, for example the link between living standards and health and wellbeing.

The 12 missions also map well onto local strategies and organisational plans. There is a strong link between the 12 missions and the County Council's own priorities and areas of focus as set out in the Council Plan. They will also form the cornerstone of any devolution deal for Warwickshire that we develop with partners in the future.

The missions provide an opportunity for organisations to join together to positively affect overall life experiences and opportunities.

Key partners have worked together closely to develop a definition of what Levelling Up means for Warwickshire.

Our Levelling Up definition

Our Levelling Up definition for Warwickshire means:

Fairness: Increasing opportunity and social mobility: ensuring the success you enjoy in life is less dependent on where you live, your background and who your parents are by:

- spreading opportunity and embedding aspiration;

- fulfilling people's potential in life; and

- building inclusive economic growth to ensure valued, well-paid and high-quality jobs.

Reducing disparities: addressing gaps and inequalities in:

- standards of living;

- health, happiness and well-being;

- educational attainment;

- access to good, affordable housing; and

- connectivity (transport and digital).

Building community power:
Increasing pride in the place you live in, and unleashing the potential of communities by increasing your voice and influence over your places.

Creating sustainable futures:
Ensuring climate change and adaptation are a central part of Levelling Up so future generations can live in a sustainable county with good opportunities and quality of life, including standards of living.

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This diagram outlines the 12 national missions mapped against the four elements of Warwickshire's Levelling Up definition.

1. Research & Development

2. Local Leadership

3. Pride in Place

4. Skills

5. Education

6. Well-being

7. Health

8. Crime

9. Housing

10. Digital Connectivity

11. Transport Infrastructure

12. Living standards (pay, employment and productivity)

Fairness

Opportunity

Community power

Sustainable Future

People, places priorities
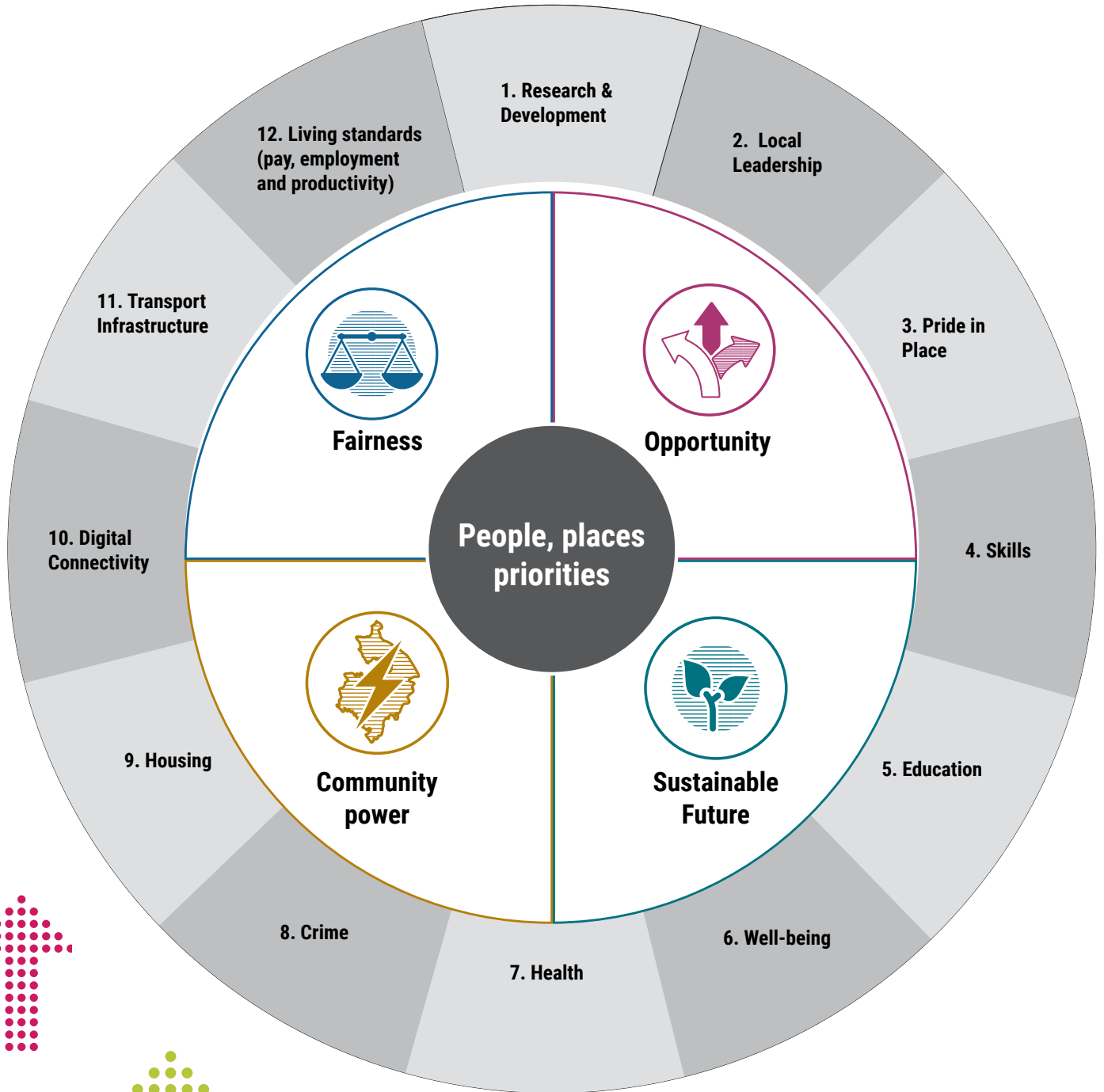
Our focus

Levelling Up will run through all we do

Building from the definition, we must prioritise our focus and resources based on local priorities and seek to maximise impact, avoiding a one size fits all approach.

Levelling Up is relevant to all places and people in Warwickshire. The priorities reflect our need to prioritise and target activity where it can deliver the greatest Levelling Up impact against the national missions and our local definition of Levelling Up.

We have worked to identify countywide priorities in three main aspects, which we will review and update from time to time.

1. People

Focusing on specific groups, cohorts and communities who face particular challenges in terms of Levelling Up, by tackling the long-term factors that affect their quality of life and living standards.

2. Places

Identifying priority places which demonstrate multiple, connected disparities, which require joined-up, concerted effort and focus to level up, taking into account the different needs and priorities of different places.

3. Priorities

Identifying the actions and activities that will continue to protect our collective strengths and normal business activity, whilst accelerating efforts and impact for those people and places where there is greatest need.

Page 58
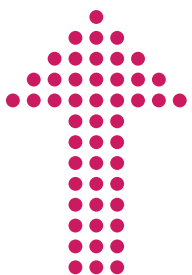
People

Using a range of data sets we have identified the following communities and groups to be a focus for Levelling Up in Warwickshire:

Alongside this list, we will be considering the needs of global ethnic majorities and transient communities as well as looking at emerging and new areas/communities of need post-pandemic. This list is not static – it will change by location and over time.

Income levels

- Households with gross disposable income below the England average.

- Children living in low income households.

- People who are just coping financially and/or using food banks including those in work but on benefits.

Connectivity

- Communities with poor transport links to large employment centres and local facilities.

- Those at risk of social isolation.

- Communities at risk of digital exclusion.

Education and Young People

- Early years - pupils at the end of early years foundation stage not ready for the next stage of education, Key Stage One.

- Pupils in primary school not meeting the expected standard in reading, writing and maths.

- Pupils in secondary education not achieving GCSEs in English and Maths by age 19.

- School aged children who are missing 10%+ of possible school sessions.

- Young people with special educational needs and disabilities.

Health

- Overweight and obese adults and children.

- Adults at risk of chronic health conditions such as cardiovascular and respiratory disease

- Young people and adults at risk of or with poor mental health and wellbeing.

Skills and employment

- Adults in unskilled employment.

- Adults with no qualifications above a level 3.

- School leavers that are not going into education, employment, or training.

- Long-term unemployed seeking sustainable careers.

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Place

Focusing on the Lower Super Output Areas (LSOAs) in the 20% most deprived nationally, against the Index of Multiple Deprivation, the following places will be a focus for Levelling up in Warwickshire. Historically these areas have multiple, long-standing issues that will need concentrated, co-ordinated, long-term action, alongside additional investment, to address the root causes. District and borough Levelling Up plans will provide tailored approaches for supporting these areas and may highlight additional priority places.

Through our Levelling Up approach these areas will be prioritised initially when deciding where additional activity is needed but not to the disadvantage of places not listed below. This priority list will be kept under review to ensure we continue to target the right areas. We will do this in a way that ensures our focus on these priority places does not 'level down' places currently doing better.

Nuneaton and Bedworth Borough (28,800)

Bar Pool North & Crescents

Kingswood Grove Farm & Rural

Camp Hill Village & West

Abbey Town Centre

Middlemarch & Swimming Pool

Abbey Priory

Hill Top

Camp Hill East & Quarry

Kingswood Stockingford Schools

Abbey North

Bede East

Bede Cannons

Poplar Coalpit Field

Camp Hill North West & Allotments

Riversley

Bede North

Poplar Nicholas Chamberlain

North Warwickshire Borough (3,800)

Mancetter South & Ridge Lane

Atherstone Central - Centre

Rugby Borough (4,100)

Brownsover South Lake District North

Rugby Town Centre

Warwick District (1,300)

Lillington East

See map showing Index of Multiple Deprivation in Warwickshire on following page

Figure in brackets denotes population in each District/Borough living in the 20% most deprived nationally, against the Index of Multiple Deprivation

Beyond the 22 LSOAs listed above, there is the opportunity to develop District and Borough plans which would shape tailored local approaches, that will address the specific levelling up needs of each area.

Index of Multiple deprivation in Warwickshire

Index of Muliple Deprivation deciles
1 = Most deprived
2
3
4
5
6
7
8
9
10 = Least deprived
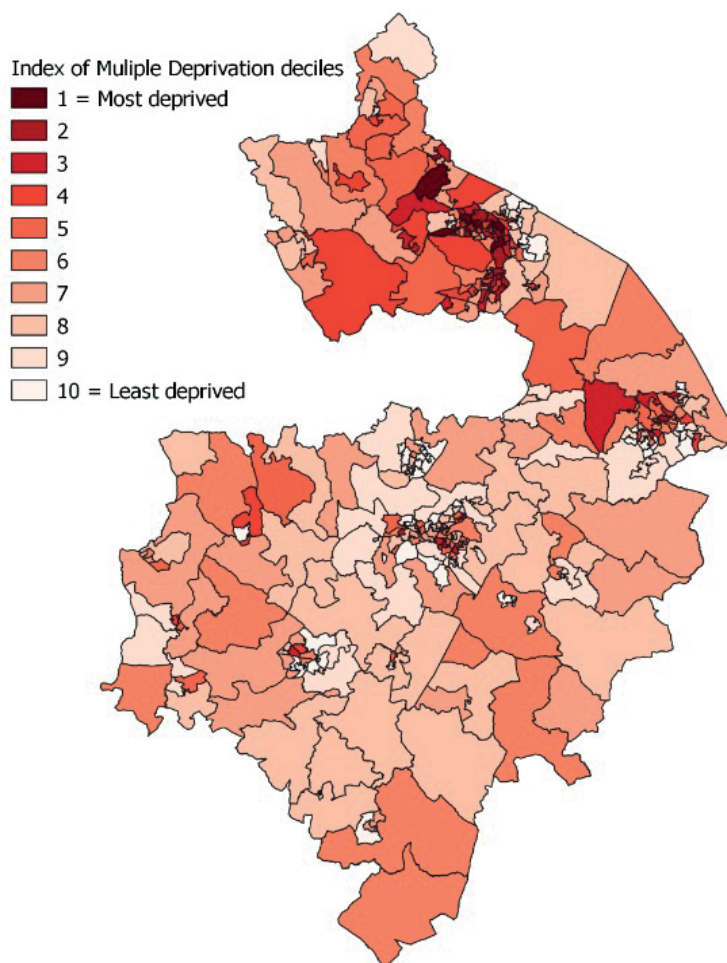
Additionally, we will look at the following factors to ensure our understanding of communities is refined and reflective of local need and knowledge:

- Hyper-local pockets of need including community powered investments, with a particular focus on the 22 LSOAs listed on page 16.

- Town centres linked to existing and future schemes/projects; Nuneaton, Bedworth, Atherstone, Rugby, Leamington Spa and ensuring the whole county benefits from its world-class heritage and culture assets.

- Rural areas and communities with a particular focus on digital connectivity and transport.

- Emerging and new areas/communities of need and opportunities for interconnectivity between existing and newly formed communities at a local level.

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Countywide priorities:

To make sure that Levelling Up is a success for Warwickshire, the following Levelling Up objectives for the county, in line with the national framework, are priorities for progress towards the 2030 targets.

1. ***Improve educational attainment and adult skills in priority places, as the key enabler of levelling up:***

   a. Improve school readiness and experiences for Early Years so all children achieve their potential, particularly those from disadvantaged backgrounds.

   b. Deliver against the Government target that by 2030, 90% of children achieve expected levels of reading, writing and mathematics at the end of primary school, and the worst performing areas will have increased by one third.

   c. Significantly increase the numbers of people successfully completing high quality skills training annually, with a particular focus on improving the % of 16-64 year olds with a Level 3 qualification or better in the 16 LSOAs in the bottom quartile (generally in North Warwickshire and Nuneaton and Bedworth).

2. ***Develop an inclusive, high performing economy for all:***

   a. Bring the worst performing areas economically up to the county average, then target matching the best performing areas in the county.

   b. Levelling up Warwickshire's economic performance nationally by matching the best in the South East (excluding London).

   c. Promoting economic inclusion by enabling everyone to fulfil their potential through specific targeting of small geographies and disadvantaged/under-represented groups, ensuring no one is left behind.

   d. Starting with strengths by focusing on the key priority sectors in Warwickshire and future growth potential, but ensuring benefits are spread and accessible to all.

3. **Improve healthy life expectancy at birth across the county by 5-years by 2035 from 64.6 to 69.6 years for males and from 64.1 to 69.1 years for females.**

   To do this we will focus on reducing the proportion of children and adults who are overweight, preventing premature death from cardiovascular disease, facilitating earlier diagnosis of cancer and supporting improvements in mental health and wellbeing.

4. **Focus on town centre regeneration in priority towns in every district and borough.**

5. **Improve access to gigabit-capable broadband and 4G coverage, and 5G connectivity, across the county, with a particular focus on Stratford-on-Avon and North Warwickshire.**

6. **Deliver against the Government target to reduce homicide, serious violence and neighbourhood crime levels by 10% in the worst affected areas, with a particular focus on Nuneaton and Bedworth.**

7. **Improve access to affordable housing, especially in Stratford-on-Avon.**

8. **Improve transport connectivity in Stratford-on-Avon and North Warwickshire.**

Page 63
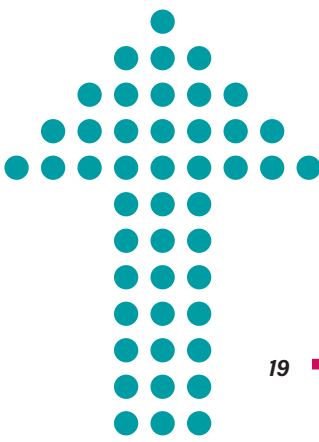
How we will work

To make Levelling up work our approach will operate at multiple spatial levels, sometimes simultaneously and always for the benefit of communities and residents.

COUNTYWIDE

People · Priorities · Places

COMMUNITY FOCUSED
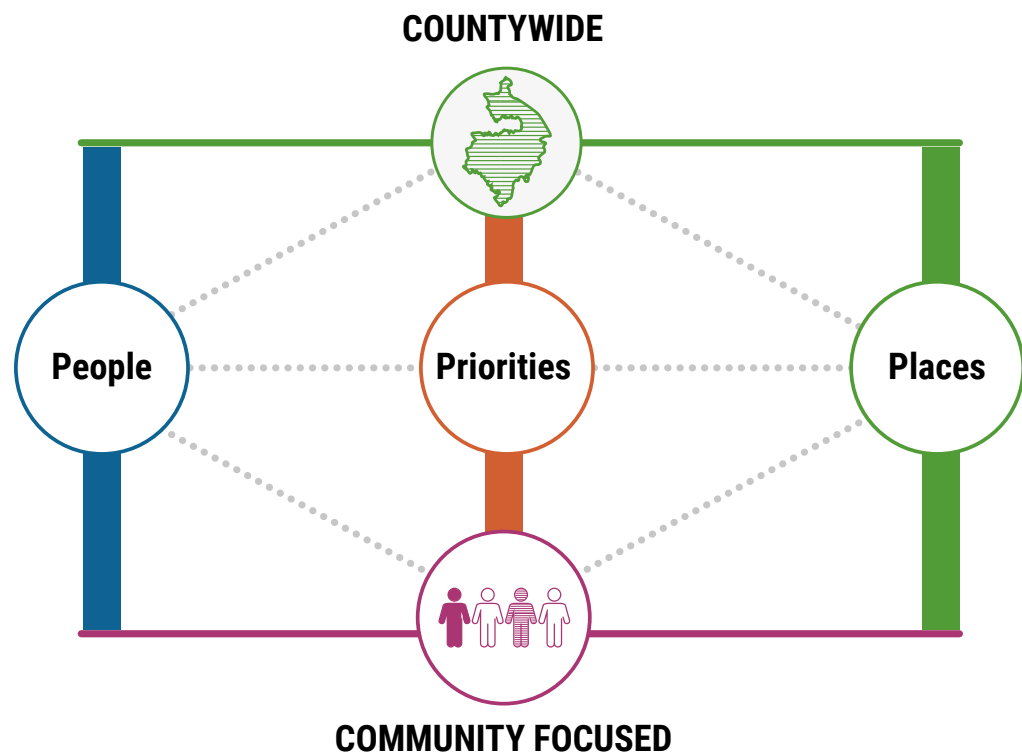
Countywide

At a county wide level we will create an universal offer, ensuring regional and national connections are made and the commissioning of services done at scale.

Products:

- Health & Wellbeing Strategy
- Long-term Infrastructure Strategy (in development)
- Education Strategy
- Economic Growth Strategy
- Tackling Social Inequalities Strategy
- Sustainable Futures 2050 Strategy (in development)
- Local Transport Plan
- Voluntary and Community Sector Strategy

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Actions:

- Develop, with partners, targeted approaches to delivering impact for identified priority communities of place and communities of interest
- Support coordination of Levelling Up funding bids within the County
- 'Team Warwickshire' approach with partners to inform the emerging work and content of a devolution deal for Warwickshire
- Convene workshops for external investors and local developers to explore how they can support and help accelerate delivery against our Levelling Up priorities, ensuring a multiplier effect by securing private investment to support public sector investment
- Review Warwickshire Recovery Investment Fund and priorities for investment from 2023-24 against the countywide levelling up priorities
- Establish a regular dialogue with local businesses to develop ideas and support for levelling up through corporate social responsibility.
- As part of the annual refresh, we will review and update the Council's integrated delivery plan against the countywide levelling up approach and the local levelling up plans..

Places

At a place-based level we will work with partners to deliver connected service offers, maximise the benefits of our existing partnerships and ensure activity is targeted and relevant.

Products:

- Opportunity to develop District and Borough Levelling Up plans, using a common format to ensure alignment with the countywide approach, and aligning with Integrated Care System place plans

Actions:

- Develop the role of local councillors in Levelling up
- Work with partners, stakeholders and communities to shape and bring forward town centre regeneration programmes
- Develop, with partners, a clear countywide pipeline of Levelling Up projects for funding bids and external investment

Community focused

At a community level we will focus on hyper-local areas and pockets of inequality to empower communities to develop approaches to the unique challenges they face.

Products:

- Community Powered Warwickshire offer

Actions:

- Set up two pilots, as part of the Community Powered Warwickshire Ground Breakers, in two of the identified 22 LSOAs, to identify approaches to apply across the rest of priority LSOAs
- Convene a Community Powered Warwickshire Big Conversation event with a focus on building community power to support our levelling up priorities

Cabinet

14 July 2022

Home Office White Paper - Reforming our Fire and Rescue Service

Recommendation

That Cabinet approve the White Paper "Reforming Our Fire and Rescue Service" Consultation Response found in Appendix 1 of this report that is due for submission by 26 July 2022 to Home Office.

1. Executive Summary

1.1 Home Office released a White Paper entitled 'Reforming Our Fire and Rescue Service – Building professionalism, boosting performance and strengthening governance in May 2022.

1.2 The White Paper focuses on three core elements of Fire and Rescue Service Reform – People, Professionalism and Governance.

1.3 This White Paper includes a set of 48 consultation questions. The majority of these questions are asking for a response indicating the level of agreement with the approach outlined in the White Paper (There are a small number of questions that ask for a fully text-based response).

1.4 The County Council acts as the Fire & Rescue Authority in areas where the functions of the fire and rescue service form part of a County Council, with decision making for executive matters falling to the Cabinet in line with our usual decision-making arrangements.

1.5 Appendix 1 of this report provides the proposed response of the Fire and Rescue Authority to this White Paper consultation.

2. Financial Implications

2.1 There are no immediate financial considerations in relation to this consultation response.

2.2 Following the consultation, should any of the proposals in the White Paper be adopted, a financial impact assessment should be completed. There is likely to be a cost to any proposed reform.

3. Environmental Implications

None.

4. Supporting Information

4.1 The consultation paper covers three broad themes:

(i) **People**

Questions 1 to 8 of the consultation relate to people elements of reform. These questions focus on:

- The role of the Fire and Rescue Service
- Modern working practices
- Public Safety
- Business Continuity
- Pay Negotiation
- Nurturing new and existing talent

(ii) **Professionalism**

Questions 9 to 28 of the consultation relate to professionalism. These questions focus on:

- Leadership
- Data
- Research
- Clear expectations
- Ethics and Culture
- Independent Strategic Oversight

(iii) **Governance**

Questions 29 to 48 of the consultation relate to governance. These questions focus on:

- Governance structures
- The Mayoral Model
- Police and Crime Commissioners
- Other options, such as an executive councillor
- Boundaries
- Fire Funding
- A balanced leadership model
- Legal entity of Chief Fire Officers
- Clear distinction between strategic and operational planning

4.2 A link to the Fire Reform White Paper and the Impact Assessment can be found here: https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service

4.3 The proposed Fire Reform White Paper consultation response is found in Appendix 1.

4.4 The aims of the Fire Reform White Paper are as follows:

- Services providing excellence in their core prevention, protection, response, and resilience functions, responding to local needs in line with national expectations and guidance.
- Services will be helped to make the best use of the resources available to them, with the ability to come together quickly and respond safely to local and national emergencies, based on good data and evidence.
- Services need to be more able to adapt to changing threats and risks, working flexibly with other local partners.
- Chief Fire Officers will be skilled leaders and managers, with clear responsibility to run and manage their services effectively and efficiently, in order to meet their local risk.
- Strong political, executive oversight will ensure services are properly accountable to the communities they serve and run in the public interest.
- Twenty-first century fire and rescue services will embrace an ethical culture that attracts and retains talented people, values diversity and reflects the communities they serve.
- Employment arrangements across the sector need to be modernised.

4.5 Warwickshire Fire and Rescue Authority will not know the implications of the Fire Reform White Paper until the consultation responses have been considered and there is a Home Office response. This Home Office response will also indicate any accompanying changes to legislation and/or guidance proposed following the consultation period. Warwickshire Fire and Rescue Fire Authority will need to give further consideration to the implications at that stage. No timelines have been provided as to when Home Office will respond to the Fire Reform White Paper consultation. The Fire Reform White Paper makes it clear that the Home Office is seeking to reconsider the following, all of which have implications for the County Council:

a. Operational Independence of Chief Fire Officer – It will be unclear until the Home Office responds to the consultation, but this could impact upon the current organisational structure, line management and delegations to the Chief Fire Officer. Warwickshire County Council is already considering proposals to strengthen delegations to the Chief Fire Officer in line with the direction set out in the Fire Reform White Paper.

b. Entry requirements into the service and talent management - we are supportive of this generally, but the proposals set out in the Fire Reform White Paper would result in changes to our approach and we would need to ensure that any such changes are complementary to Our People Strategy.

    c. Proposals for the CFO to become a corporation sole (and employer) as are Chief Constables. This arrangement is already implemented in London Fire Brigade. If implemented this would have significant implications from a staffing perspective. This would be challenging to achieve and would involve TUPE, pensions and employment implications. We would also need to understand the protections of the CFO in this context and what such a wholesale shift would achieve.

    d. Collation and use of data – this is likely to require the sharing of more data into national databases resulting in a greater level of national scrutiny.

    e. In relation to governance, the Fire Reform White Paper seems to favour a single, elected – ideally directly elected – individual who is accountable for the service rather than a governance model which the White Paper describes as a 'committee'. Whilst the position of a County Council model and its leadership arrangements is acknowledged in the Fire Reform White Paper, it will need further consideration once the Home Office response to the White Paper is known. The Fire Reform White Paper provides the potential for the Leader of the Council to fulfil this function and to delegate that responsibility to a Cabinet Member. Both the criteria for governance, and scrutiny arrangements will need to be considered once the Government's response to the consultation is known.

    f. In relation to budgets, the Fire Reform White Paper suggests that consideration is being given to 'ring-fencing' the operational fire budgets within all county councils and unitary authorities who govern Fire and Rescue Services. This could have significant implications for budgeting and will need to be given further consideration once the details of any such proposal are known.

4.6   When considering the Fire Reform White Paper, it is worth considering that the Home Office are also accountable for Police Forces across the Country. Much of the reform being proposed appears to be echoing Police Force governance structures and arrangements. The Home Office also has strong relationships and regular contact with London Fire Brigade. There may be value in understanding Police Force Governance and the governance and arrangements in London Fire Brigade.

5.   Timescales associated with the decision and next steps

5.1   Once agreed the Fire Authority's response to the Fire Reform White Paper will be submitted on or before 26 July 2022.

Appendices
Appendix 1 – Fire Reform White Paper Consultation Response
Appendix 2 – Fire Reform White Paper electronic link

Background Papers
None.

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

Local Member(s): n/a county wide
Other members:

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Appendix 1: Consultation response

Introduction:

Warwickshire Fire and Rescue Authority welcomes the White Paper on Reforming of the Fire and Rescue Service. Although we are very proud of our Fire and Rescue Service, we also recognise the need to reform to meet the changing needs of our communities. Warwickshire Fire and Rescue Service (WFRS) is an integrated part of Warwickshire County Council (WCC). This 'one team' approach across WCC ensures that WFRS plays a significant role, alongside a range of partners, supporting the communities of Warwickshire. This was evidenced through the Covid19 pandemic and on-going joined up activity around youth engagement, community safety and road safety. There are significant challenges ahead in relation to levelling up, cost of living, climate change, the economy and enabling people to live healthy, happy and independent lives. This can only be achieved in partnership and collaboration, working as one team, to enable and support the people of Warwickshire.

Although reform is welcomed it needs to be focused on better outcomes for communities. Warwickshire Fire and Rescue Authority is yet to be convinced that a governance change would deliver better outcomes. We will be working to ensure that reform is delivered locally that makes Warwickshire the best it can be, now and into the future.

Survey response:

Q1: To what extent do you agree/disagree that fire and rescue services should have the flexibility to deploy resources to help address current and future threats faced by the public beyond core fire and rescue duties?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
Y				

Q2: To what extent do you agree/disagree that fire and rescue services should play an active role in supporting the wider health and public safety agenda?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
Y				

Q3: To what extent do you agree/disagree that the business continuity requirements set out in the Civil Contingencies Act 2004 provide sufficient oversight to keep the public safe in the event of strike action?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q4: To what extent do you agree/disagree that the current pay negotiation arrangements are appropriate?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q5: Please provide the reasons for your response to Q4

It is clear that the National Joint Council (NJC) arrangements have not been able to deliver the required outcomes in relation to the flexible deployment of Fire and Rescue Service personnel to new and emerging risks within the community. The NJC arrangements have also not been able to deliver suitable or sufficient pay agreements over a period of time.

Having said that, unless additional finance is provided centrally, any pay negotiation mechanism will be unable to operate effectively, due to the inability to afford any pay agreements locally. The review needs to consider how pay negotiations and pay rises are going to be sustainably funded and achieved, especially in a time of inflation and austerity, alongside how the NJC reaches such decisions.

The role and scope of the NJC has crept outside of its original remit. The NJC should focus on pay and conditions and not on the role of a firefighter and how they are deployed locally to reduce risk.

There should be flexibility for firefighters to be deployed to deliver against the local risk and vulnerability as identified within the Community Risk Management Plan.

Q6: To what extent do you agree/disagree that consistent entry requirements should be explored for fire and rescue service roles?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q7: Please provide the reasons for your response.

Consistent entry requirements will ensure that all in leadership positions have the required knowledge and competencies to lead. However, a single pathway to achieving these competencies, could restrict and reduce diversity.

Q8: To what extent do you agree/disagree that other roles, in addition to station and area managers, would benefit from a direct entry and talent management scheme?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q9: To what extent do you agree/disagree with the proposed introduction of a 21st century leadership programme?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q10: Please provide reasons for your response to Q9.

The current Executive Leadership Programme is a beneficial 21st century leadership programme. This is not a new concept. It is important that all leaders achieve the required competencies to lead, however, a single pathway and route for development will constrain diversity and limit a broader experience base in leadership across Fire. A 21st Century Leadership Programme adds value but should not be the only pathway to leadership roles.

Q11: To what extent do you agree/disagree that completion of the proposed 21st century leadership programme should be mandatory before becoming an assistant chief fire officer or above?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
				Y

Q12: To what extent do you agree/disagree that each of the activities outlined above are high priorities for helping improve the use and quality of fire and rescue service data?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q13: What other activities, beyond those listed above, would help improve the use and quality of fire and rescue service data? Please give the reasons for your response.

A national approach to data analytics, training and governance will add some benefits as local fire specific data sets may not be large enough locally to inform and understand risk. This cannot be at the expense of local data analytical capability across local partners. The understanding of local place is essential, leading to the ability to meet local bespoke community needs.

Q14: To what extent do you agree/disagree that each of the activities outlined above are high priorities for improving the use and quality of fire evidence and research?

- Collaborating
- Commissioning
- Conducting
- Collating

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q15: What other activities, beyond those listed above, would help improve the use and quality of evidence and research on fire and other hazards? Please provide the reasons for your responses.

This question suggests that evidence and research would be around fire and other hazards. It is essential that Fire and Rescue Services are focused, with partners, on the causes of emergencies and crisis occurring which will be much broader than fire. There is academic evidence to show that this will include mental health, dementia, alcohol and drug dependency and misuse, poverty, unemployment, climate change, building construction, new and emerging technology and vehicles, population and housing growth as examples.

Q16: To what extent do you agree/disagree with the creation of a statutory code of ethics for services in England?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
		Y		

Q17: To what extent do you agree/disagree that placing a code of ethics on a statutory basis would better embed ethical principles in services than the present core code of ethics?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q18: To what extent do you agree/disagree that the duty to ensure services act in accordance with the proposed statutory code should be placed on operationally independent chief fire officers?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q19: To what extent do you agree/disagree with making enforcement of the proposed statutory code an employment matter for chief fire officers to determine within their services?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q20: To what extent do you agree/disagree with the creation of a fire and rescue service oath for services in England?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q21: Please give the reasons for your response to Q20.

It is not possible to change culture or values within the Fire and Rescue Service through legislation or statute. This will drive negative behaviours and attitudes underground or beneath the surface. Culture needs to be changed through leadership and creating understanding.   Fire and Rescue Services also need to recruit in line with the Core Code of Ethics.

The taking of an oath is required, as a form of contract of employment and in service to the crown, in some service sectors. It is not required in the Fire and Rescue Service due to the role of firefighters and existing contracts of employment. Fire and Rescue personnel do not directly work for the crown and are more similar in contract of employment to the Ambulance Service and other public sector organisation than the Police.

The implementation of the oath for all people will be problematic. There are significant challenges that would be faced should existing long term employees refuse to take the oath. It is also hard to understand how the oath and statutory code of ethics co-exists alongside existing contracts of the

employment. Any changes to contracts of employment would require agreement or dismissal and re-employment.

The oath may restrict diversity into the sector with some parts of our communities being unwilling to take an oath. This could be on religious grounds as an example.

Q22: To what extent do you agree/disagree that an Oath would embed the principles of the Code of Ethics amongst fire and rescue authority employees?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
				Y

Q23: To what extent do you agree/disagree with an Oath being mandatory for all employees?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
				Y

Q24: To what extent do you agree/disagree that breach of the fire and rescue service oath should be dealt with as an employment matter?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q25: To what extent do you agree/disagree that the five areas listed above are priorities for professionalising fire and rescue services?

- Leadership
- Data
- Research
- Ethics
- Clear Expectations

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
Y				

Q26: What other activities, beyond the five listed above, could help to professionalise fire and rescue services?

There should be a link to the nationally agreed Fire Standards as developed by the NFCC.

Q27: To what extent do you agree/disagree with the creation of an independent College of Fire and Rescue to lead the professionalisation of fire and rescue services?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q28: Please provide your reasons for your response

Having the provision of the appropriate, recognised and accredited development across the sector is essential. This includes the ability to deliver national research and data. There is too much focus on a physical location. There would be benefit in this being a virtual fire college. Resources and people needing to attend a physical location increases cost and reduces service to the community locally.

There are risks of this being provided with a commercial partner who has multiple agendas.

The provision of training and development needs to be in line with the Core Code of Ethics.

The funding of an independent College of Fire cannot be an additional financial burden on Fire and Rescue Services.

Q29: To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to a single elected individual?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q30: What factors should be considered when transferring fire governance to a directly elected individual?

Although a single elected member can provide a simple and identifiable accountable person, it also removes the diversity of thought of a larger Fire and Rescue Authority.

Within a County Council model, there is an identified portfolio holder who has accountability for the day-to-day governance of the Fire and Rescue Service.

Within a County Council model strong links are developed with a range of internal teams such as children services, adult social care, education, highways, trading services and community safety. Any changes to a single accountable person are likely to remove the structures that enable effective relationships and a 'one team' approach.

Q31: Where Mayoral Combined Authorities already exist, to what extent do you agree/disagree that fire and rescue functions should be transferred directly to these MCAs for exercise by the Mayor?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q32: To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to police and crime commissioners?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q33: Apart from combined authority mayors and police and crime commissioners, is there anyone else who we could transfer fire governance that aligns with the principles set out above?

YES	NO
Y	

Q34: If yes, please explain other options and your reasons for proposing them.

There are significant benefits to a County Council Fire and Rescue Service. Linked to the proposed requirement in the White Paper of good governance, an 'executive leader' being the Leader of the Council is a realistic and beneficial option.

Within a County Council model strong links are developed with a range of internal teams such as children services, adult social care, education, highways, trading services and community safety. Any changes to a different single accountable person are likely to remove the structures and mature ways of working that enable effective relationships and a 'one team' approach. These relationships and collaborations save lives, reduce vulnerability and add significant community value.

Although a Fire and Rescue Service can stand alone, there is benefits in economy of scale and a greater level of financial sustainability within a larger County Council model.

Q35: To what extent do you agree or disagree that the legal basis for fire and rescue authorities could be strengthened and clarified?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

		Y		

Q36: Please provide the reasons for your response.

There is a lack of guidance around the role and function of Fire and Rescue Service governance. There is also a lack of clarity around operational independence of the Chief Fire Officer.

Q37: To what extent do you agree/disagree that boundary changes should be made so that fire and rescue service areas and police force/combined authorities (where present) areas are coterminous?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q38: To what extent do you agree/disagree with ring-fencing the operational fire budget within fire and rescue services run by county councils and unitary authorities?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
			Y	

Q39: Please provide the reasons for your response.

The ring fencing of budgets within a County Council model would restrict the flexible use of resources to meet the risks and needs of the community in Warwickshire. It would be problematic to manage and restrict flexible investment when required.

The Fire and Rescue Budget has not been changed within year in Warwickshire for a considerable time.

It should be clear to the public on how their council tax and fire budgets are being used to achieve value for money and effectiveness.

Q40. To what extent do you agree with this proposed approach (as outlined in the table above)?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
		Y		

Q41. Do you have any other comments to further support your answer?

Large elements of the table seem appropriate. It is however important to recognise that there is unlikely to be clear delineation in decision making in all

circumstances. The table, in general is helpful, and provides a level of clarity, however there should be the ability to locally, to together seek agreement, on how best to serve the community.

Q42. Are there any factors we should consider when implementing these proposals?

It will be important to set out within guidance the roles and responsibilities as the scheme of delegations does not provide the vehicle for clarity and can be changed at any time.

Having clear delineation in decision making between operational and governance is useful, but care needs to be taken not to create siloes or hard lines that result in a failure to consult and engage in decision making.

Q43: What factors should we consider when giving chief fire officers operational independence?

Providing clarity on what operational independence means is essential. It is also important to understand and define what good governance looks like. It is essential that an operationally independent Chief Fire Officer is scrutinised through good governance to ensure the best possible service to the community.

Q44: What factors should we consider should we make chief fire officers corporations sole?

Consideration must be given to how this could be achieved whilst maintaining a County Council Fire and Rescue Service. It is currently not clear.

A full assessment of what this means for the Fire and Rescue Service and what accountabilities and responsibilities this places onto the CFO and other Fire and Rescue personnel.

It is also important to evidence the benefits that this approach would have on service to the community. This is a significant change with limited evidenced benefits but with various legal implications such as TUPE and pensions as examples.

Q45: To what extent do you agree or disagree that the responsibility for strategic and operational planning should be better distinguished?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q46: To what extent do you agree or disagree that the strategic plan should be the responsibility of the fire and rescue authority?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
	Y			

Q47: To what extent do you agree or disagree that the operational plan should be the responsibility of the chief fire officer?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
Y				

Q48: Please provide the reasons for your response.

It is appropriate for the publicly elected executive leader to, in conjunction with the CFO, define the high-level outcomes that need to be delivered to keep the community safe. These high-level objectives should be agreed by the public.

It is then right for the operationally independent CFO to have delegated accountability and responsibility to determine how to deploy the resources on a day-to-day basis in order to deliver these high-level objectives.

Conclusion:

We would like to thank you for the opportunity to shape the future reform of the Fire and Rescue Service through this consultation response. We remain committed in Warwickshire to providing our communities with the best possible Fire and Rescue Service. We look forward to understanding how you will be responding and informing us of the outcomes of this consultation. In the meantime, please contact us should you need any further information or clarity on our response.

Appendix 2 - Fire Reform White Paper electronic link

https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service

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Cabinet

14 July 2022

Modern Slavery Statement

Recommendations

That Cabinet:

1. Approves the County Council's updated Modern Slavery and Human Trafficking Statement for the financial year 2021/22; and

2. Authorises the Strategic Director for Resources to publish the Council's Modern Slavery and Human Trafficking Statement on the Central Government Registry alongside the estimated income for the Council in the year covered by the statement.

1. Executive Summary

1.1 Section 54 of the Modern Slavery Act 2015 requires certain organisations to develop a slavery and human trafficking statement each year. The statement must set out what steps the organisation has taken during the previous financial year to ensure that modern slavery is not taking place in any part of its business or supply chain.

1.2 The organisations required to develop a statement include commercial organisations which supply goods or services and have a total turnover of not less than £36m. Whilst it is not clear whether this requirement currently applies to local authorities, the legislation defines a commercial organisation as a body corporate which carries on a business, or part of a business in any part of the United Kingdom. Therefore, it is likely that local authorities who provide some services directly and who have a turnover of £36m are required to have a statement. Statutory guidance states that statements should be published within 6 months of the end of the organisation's financial year.

1.3 As Warwickshire County Council is a body corporate that supplies services and has an annual turnover of over £36m, it is likely that it is required to produce a statement to comply with the Modern Slavery Act 2015. In any event, it is good practice to do so and following an independent review of the Act in 2019 the Government consulted on measures to strengthen the regime and in September 2020 announced that the reporting requirements would be extended to public bodies which have a budget of more than £36m. These proposed amendments have not yet been made but "Modern Slavery" is listed as a potential subject of legislation in the 2022-23 Session.

1.4 Following the review in 2019 it was also announced that a central registry for organisations to publish their statements on would be developed. This service was launched in March 2021 and whilst it is not currently mandatory to publish statements on the registry it is strongly encouraged and Central Government plans to make this a requirement under the legislation for any organisation that is required to produce a statement under section 54 of the Act. The County Council published its statement on the Registry last year.

1.5 The Central Government Registry also asks for the turnover or budget of the organisation in the year covered by the statement. The options are:

1.5.1 Under £36 million
1.5.2 £36 million to £60 million
1.5.3 £60 million to £100 million
1.5.4 £100 million to £500 million
1.5.5 Over £500 million.

The County Council's estimated turnover for the financial year covered by the statement (2021/22) is over £500 million.

2. Financial Implications

2.1 There are no specific financial implications arising from the report. The actions and activity outlined within the Modern Slavery Statement can be delivered from within the County Council's existing resources

3. Environmental Implications

3.1 There are no specific environmental implications arising from the report.

4. Timescales associated with the decision and next steps

4.1 Once the modern slavery and human trafficking statement is approved it will be published on the County Council's website and on the Central Government Registry within 6 months of the end of the County Council's financial year.

Appendices

Appendix 1 - updated Modern Slavery and Human Trafficking Statement for the financial year 2021/22

Background Papers

None

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

Local Member(s):
Other members:

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Modern Slavery Act 2015 - Warwickshire County Council's Modern Slavery and Human Trafficking Statement 2021/22

Introduction

Warwickshire County Council is committed to preventing slavery and human trafficking in our corporate activities and in our supply chain management. This statement sets out Warwickshire County Council's actions to understand all potential modern slavery risks related to our services and business and to put in place steps that are aimed at ensuring that there is no slavery or human trafficking in our own services and business and our supply chains.

This statement is published in response to the Modern Slavery Act 2015.

This statement relates to actions and activities during the financial year 1 April 2021 to 31 March 2022. We remain dedicated to improving our policies and procedures to tackle modern slavery and human trafficking and will continue to do so in the current financial year.

Organisational Structure

Warwickshire County Council is a local authority which provides a range of statutory and discretionary services delivered both directly by the Council and through external organisations. Our structure can be found on our website.

Supply Chains

The Council procures goods and services from various suppliers, and this is governed by our Procurement Strategy.

Countries of Operation and Supply

Warwickshire County Council only operates within the United Kingdom. Whilst the risk of slavery and human trafficking is considered low due to the nature of the Council's business, the Council remains vigilant to any potential risks, and through our procurement policy, strategy and guidance sets high expectations from its supply chains.

High Risk Activities

The Council considers that, due to the nature of its business and the policies / processes that are in operation, there are no areas of its business that are considered to be at high risk of slavery or human trafficking.

The Homes for Ukraine scheme provided some level of risk as vulnerable refugees were being placed with members of the public. Disclosure and Barring Services (DBS) checks and home inspections are carried out for every member of a sponsor family to mitigate this.

Responsibility

Responsibility for the Council's anti-slavery initiatives is as follows:

Policies:
These are developed by officers in the relevant Service area and are agreed in line with the Council's scheme of delegation. Policies are reviewed to ensure that they remain relevant.

Risk assessments:
These are undertaken by the relevant Service area where there is deemed to be a risk of modern slavery or human trafficking, with support from colleagues in Human Resources and Organisational Development (HR&OD) and Procurement.

Investigations / due diligence:
Any concerns regarding modern slavery or human trafficking should be raised with the Council's Monitoring Officer who is currently the Assistant Director for Governance & Policy in the first instance.

Children in Employment:
All school-age children who work part-time must be registered with Warwickshire County Council. Information about child labour can be found on our website, including information on the law around child working hours, information for children, parents and employers, and how to report concerns about children in employment.

Strategies and Initiatives:
The Warwickshire Exploitation Strategy 2020-2023 ensures that Warwickshire County Council relevant staff and partners have an understanding of exploitation, the impact it has on children, young people, adults with care and support needs, and the wider community. It exists to improve the lives of those who are at risk. It is overseen by the Warwickshire Safeguarding Partnership. The approach to tackling the problem is multi agency and collaborative to ensure those at risk are protected from harm. The scope of this strategy crosses the domains of sexual exploitation, missing children, gangs, criminal exploitation, organised crime, cuckooing, trafficking, hate crime and prevent/extremism.

Relevant Policies

Warwickshire County Council reviews its policies and procedures on an on-going basis to ensure they remain compliant and fit for purpose. The following policies and procedures are considered to be key in meeting the requirements of the Modern Slavery Act:

Safeguarding polices:
In order to safeguard and promote the welfare of children and adults living in Warwickshire the Council's safeguarding strategy is underpinned by a range of policies and guidance.

Whistleblowing policy:
The Council encourages all its employees, consultants, contractors, volunteers and workers to report any concerns related to its direct activities, or the supply chains of the Council. This includes any circumstances that may give rise to an enhanced risk of slavery or human trafficking. The Council's whistleblowing procedure is designed to make it easy for workers to make disclosures, without fear of retaliation.

Employer and Employee Responsibilities Code:
The Council's Code makes clear to our employees the actions and behaviour expected of them when representing the organisation. The organisation strives to maintain the highest standards of employee conduct and ethical behaviour in all its operations and when managing our supply chain.

Recruitment:
The Council's recruitment processes are transparent and reviewed regularly. They include robust procedures for vetting new employees, which ensures they are able to confirm their age, identities and qualifications, and they are paid directly into an appropriate personal bank account. To comply with the Asylum, Immigration and Nationality Act 2006, all prospective employees are asked to supply evidence of their eligibility to work in the UK. A reference is also requested and followed up. Our Terms of Employment allow employees to terminate employment and to join unions. They also outline our procedures around overtime working.

Bullying and Harassment:
Our Bullying and Harassment policy and procedure prohibits harassment, intimidation and discrimination and outlines procedures to deal with such instances.

Agency Workers:
The Council uses employment agencies to source additional workforce capacity. Where agency workers are required, these are primarily engaged through the Council's managed service provider. Our contract with external agencies prohibits attempts to restrict the freedoms of temporary workers, and the use of worker-paid recruitment fees.

Expectations of suppliers:

The Council is committed to ensuring that its suppliers adhere to the highest standards of ethics. Suppliers are required to demonstrate that they provide safe working conditions where necessary, treat workers with respect and dignity and act ethically and within the law in workforce matters. The Council has a dedicated procurement website, and our supplier guidance contains a 'Supplier Checklist'.

Due Diligence

The Council requires its contractors and suppliers to demonstrate their commitment to supporting human rights within their supply chain relating to, for example, child labour, forced labour, health and safety and working hours. The Council undertakes due diligence when considering taking on new suppliers and regularly reviews its existing suppliers. This is the responsibility of the particular Council contracting managers with the support of the Council's Procurement Team. The Council's due diligence measures in place include:

- the implementation of measures in the evaluation of suppliers to enable the exclusion of suppliers with convictions under the relevant sections of the Modern Slavery Act.
- clarity that if a supplier misrepresents any information, that the supplier may be excluded from the procurement process and from bidding for other contracts in the future. If information comes to light after a contract has been entered into, that supplier may be sued for damages and the contract rescinded.
- a review of contract terms and conditions and appropriate clauses for inclusion to ensure compliance with the Modern Slavery Act. Such terms and conditions are also applicable to sub-contractors in the supply chain.
- embedding a county wide approach to contract management to consider any potential risk of slavery as it relates to each contract, and through active contract management to more effectively ensure that slavery and human trafficking is not taking place in the supply chain.
- the use of new functionality within the e-tendering system to further strengthen the approach to ensuring modern slavery and human trafficking does not exist within the supply chain.

Training

The Council has developed and rolled out an e-learning package to raise awareness of modern slavery and trafficking amongst all employees and workers. This e-learning package is entitled "See Past the Obvious - Vulnerability and Serious Crime" and has been developed in partnership with the Police. It includes a light-touch, awareness raising section on Modern Slavery and Human Trafficking.

An e-Learning module has been made available to all staff entitled "Modern Slavery and Human Trafficking". It includes information and guidance on what modern slavery and human trafficking are, forms they might take, legal protections and obligations, how to identify and raise concerns about modern slavery or human trafficking, risks to children and adults, and further resources.

Awareness has also been raised with all social care employees of the legal duty that the Council has under the Modern Slavery Act to notify the Home Office of any individual encountered in England and Wales who the Council believes is a suspected victim of slavery or human trafficking. This contains information on First Responders and the National Referral Mechanism.

Partnerships

The Council works in partnership with a wide range of partners and agencies to prevent abuse and neglect, to detect and report occurrences and to support victims. This includes district and borough Councils, Warwickshire Police, Warwickshire Police and Crime Commissioner and the Local Safeguarding Boards. The Warwickshire Safeguarding website and the Council's own website have guidance, procedures and a toolkit relating to the trafficking and exploitation of children and on the duty to report.

Approval for this Statement

This statement has been approved by the Council's Cabinet. It will continue to be reviewed and provided annually.

Signature: Date:

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Agenda Item 7

Cabinet

14 July 2022

Digital & Data Strategy

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Recommendation

That Cabinet endorses the Council's refreshed Digital & Data Strategy 2022-2025 attached at Appendix 1

1. Executive Summary

1.1 The Council's 2018-2021 digital strategy achieved much for the Council. It provided services and citizens with a secure and stable platform to build digital services. It brought our IT plans together to support the Council's priorities, using the cloud to improve resilience. Hybrid working was enabled by adopting Microsoft tools and services.

1.2 However, the new Council Plan requires ICT to innovate and evolve again. Technologies and capabilities that support new service delivery models need to be developed. Data and application development needs to be prioritised to do this. Partnerships need to be enhanced across Local Government, public and private sector partners through integration of technology and data sources. Therefore, to respond to this changing need, this strategy builds on its previous iteration to deliver:

- **Innovative digital service design**: Supporting the digital enablement and transformation of service delivery
- **Service efficiencies**: Designing services right first time to reduce costs and support the Medium-Term Financial Strategy (MTFS)
- **Service innovation**: Implementing new technology in a controlled and considered way that accelerates service transformation
- **A new data-centric culture**: Building on the significant progress in understanding our data and obtaining insight from this, we now seek to embed a culture of accountability across all services for the data we hold, the quality of data collected, and utilising our data as the strategic asset it is.

1.3 The realisation of this strategy will be through the Digital Roadmap and Data Programme, enabling and supporting our citizens, our people, our partners, and the organisation to:

- Support service redesign to focus on prevention, improved outcomes and reduced cost
- Make it easier to access our information and services
- Use evidence, data, and insight to inform and evidence our decisions, forecast demand, and enable proactive intervention

- Use simple, clear and integrated digital technologies to improve service delivery

1.4   The refreshed strategy will enable Warwickshire County Council to deliver its vision, priorities, and outcomes by continuing to place digital and data at the heart of our relationships. and enhancing interactions with and within the Council.

1.5   Digital and data capabilities underpin many of the seven areas of focus within the Council Plan and the delivery of this strategy enables these either directly or in associated with other strategies including Digital and Infrastructure (Fibre and 5g connectivity) and Levelling Up.

2.   Financial Implications

2.1   The realisation of the digital elements of this strategy will be through the Digital Roadmap which comprises 3 Horizons.

2.2   The Council has set aside £5m over 3 years to fund the Digital Roadmap with £1.825 million included within budget for 2022/23 associated with Horizon 1. The remaining funding will be drawn at the appropriate point within the delivery of the roadmap subject to governance and approval.

3.   Environmental Implications

3.1   There are no direct environmental implications resulting from the strategy. However, it should be noted that a study conducted by Accenture for Microsoft referenced in "Data Center Efficiency, Renewable Energy and Carbon Offset Investment Best Practices" compared the environmental impacts of providing three of Microsoft's business applications – Exchange, SharePoint and Dynamic CRM – through customer data centres and Microsoft cloud data centres. The study found Microsoft cloud-based operations reduced carbon emissions by an average of 60% to 90% for medium-sized operations (per ~1,000 users).

4.   Supporting Information

4.1   The Digital & Data Strategy will support the Council Plan by enabling us to:
- Redesign end to end digital services and not just digitise what exists today
- Position digital as a strategic capability to support achieving the Council's priorities and outcomes
- Assure via a robust, integrated and risk-based digital governance model including:
  - A defined architecture against which decisions are based
  - A roadmap for change (the digital roadmap)

- Technical standards for internal and external services
- A defined delivery methodology supported by frameworks and approaches
- Take a strategic approach to digital and technology investment that balances the need for enabling better customer outcomes against the cost to serve
- Improve our collaboration capabilities and enable better service integration with partners

4.2 The Digital & Data Strategy also supports the realisation of the following strategies:
- Customer Experience
- Coventry & Warwickshire Integrated Health & Care
- Digital Infrastructure (Fibre and 5g)
- Economic Growth
- Our People
- Tackling Social Inequalities in Warwickshire

4.3 The Digital & Data Strategy 2022 – 2025 attached at Appendix 1 will be subject to final design changes being applied.

5. Background Papers

5.1 None

Appendices

1. Digital & Data Strategy 2022 – 2025

|	Name	Contact Information
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Warwickshire County Council
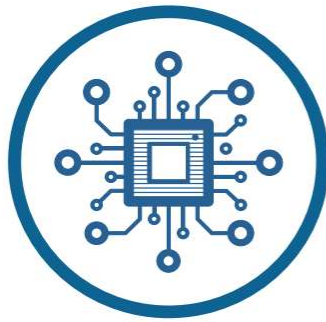
Digital and Data Strategy
### 2022-2025

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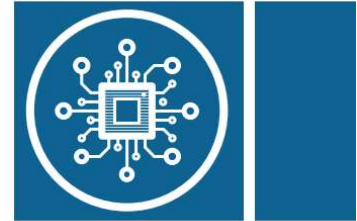
Background

The pace of societal and technological change continues to increase citizens' expectations of digitally enabled services. Recognising this, one of the three things we want to be known as under 'Great Council and Partner' the Council Plan states how we will use our data and digital solutions to improve service delivery. This shift relies on data being used as a core asset, helping to provide simple, effective solutions to support citizen needs. Therefore, as a Council we will continue to invest in digital services to:

- Support service redesign to focus on prevention, improved outcomes, and reduced cost
- Make it easier to access our information and services
- Use evidence, data, and insight to inform and evidence our decisions, forecast demand, and enable proactive intervention
- Using simple, clear, and integrated digital technologies to improve service delivery

The Council views digital services as best-designed from the citizen's perspective, therefore a successful digital and data strategy must position the citizen at its centre. The Council will take this further by ensuring the citizen is central to our digital service principles which inform how we develop services to respond to citizen need.

The aim of this strategy is to deliver better outcomes. To do this we need to ensure our services are more efficient and joined up, and that we make best use of emerging technologies and innovation.
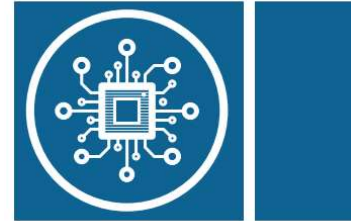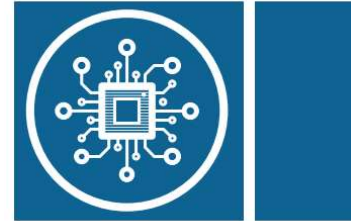
Drivers of the strategy

The Council's 2018-2021 digital strategy achieved much for the Council. It provided services and citizens with a secure and stable platform to build digital services. We brought our IT plans together to support the Council's priorities, using the cloud to improve resilience. Hybrid working was enabled by adopting Microsoft tools and services. The Council's communications infrastructure was upgraded, and a large and disparate applications estate was rationalised to simplify our systems. The Council's website was redesigned to be the front-door to the services we deliver to citizens.

However, the new Council Plan requires ICT to innovate and evolve again. Technologies and capabilities that support new service delivery models need to be developed. Data and application development needs to be prioritised to do this. Partnerships need to be enhanced across Local Government, public and private sector partners through integration of technology and data sources. Therefore, to respond to this changing need, this strategy builds on its previous iteration to deliver:

- **Innovative digital service design:** Supporting the digital enablement and transformation of service delivery;
- **Service efficiencies:** Designing services right first time to reduce costs and support the Medium-Term Financial Strategy (MTFS);
- **Service innovation**: Implementing new technology in a controlled and considered way that accelerates service transformation; and
- **A new data-centric culture**: Building on the considerable progress in understanding our data and obtaining insight from this, we now seek to embed a culture of accountability across all services for the data we hold, the quality of data collected, and utilising our data as the strategic asset it is.

To enable efficiencies, we will encourage citizens who are able to self-serve through online channels to do so and will support the development of digital skills within our communities. We will continue to work in partnership to increase digital connectivity across Warwickshire and the wider region. This will allow us to focus our resources on our vulnerable residents; improve our citizens' experience when engaging with the Council; increase citizen control over their data; and make services more intuitive, convenient, and available.

When digitising processes, we will seek to simplify citizen journeys and remove failure demand through service and process optimisation and using the data we hold to provide the right information at the earliest point in the process.

Introduction

The strategy supports the delivery of the Council Plan, provides the digital enablement for our Customer Experience Strategy, and builds on the direction of travel contained within the 2018-2021 Digital and Technology strategy. It also supports several other strategies and approaches within the Council Plan including our Levelling Up, Economy and skills, and Community Powered Warwickshire approaches. Our Medium-Term Financial Strategy (MTFS) is underpinned in part by the Council's ability to use advances in digital and technology to enable:

- better provision of information, advice, and guidance to the Council, citizens, and partners;
- improved communications, collaboration and partnership working;
- better use of council held data;
- connected and automated processes; and
- improved performance and MTFS savings.

This Digital and Data Strategy and its associated delivery plans will be key enablers to supporting the way services will be provided in the future and ensuring the Council can achieve its vision "to make Warwickshire the best it can be".

In support of this strategy, a digital roadmap will be developed that will set out how change will be realised. Building over three horizons, with annual decisions on priorities, it implements new technologies and considers the options for optimisation of existing investments to meet existing and emerging service priorities. Investment in the roadmap provides a resilient, efficient, flexible, and cost managed digital foundation from which services can innovate and adapt at pace within a safe, secure, and supported architecture. The roadmap will enable services to interact with existing and new partners easily and to consume new data sources as they become available (for example environmental or smart building sensors) to enable easier decision making from increasingly complex data.

Aims of the strategy
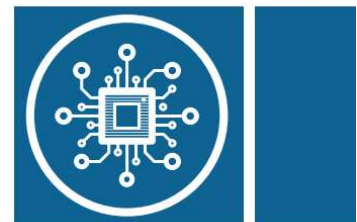
The aim of the strategy is to enable Warwickshire County Council to deliver its vision, priorities, and outcomes by continuing to place digital and data at the heart of its relationships and enhancing interactions with and within the Council.

The strategy therefore focuses on the following outcomes:

- understanding and managing demand for digital and data services early, and making proactive interventions;
- increasing the range of digital services across the Council, ensuring they are intuitive, easy to use and convenient;
- strengthen and grow our modern working capabilities and capacity to support our people to adopt a more mobile and flexible working pattern;
- extend the use and analysis of data to inform and evidence our decisions, forecast demand, and enable proactive intervention;
- develop a culture where the importance and value of quality data is consistently understood, and used to drive impact for Warwickshire's citizens and communities;
- integrate technology and data to help facilitate more joined up services across our organisation and with partners;
- consolidate and rationalise duplicated features and capability in applications to reduce cost; and
- ensure that all procurement and sourcing of digital and technology services and solutions are aligned to our organisational priorities.

Our Digital & Data Strategy will support the Council Plan by enabling us to:

- redesign end to end digital services and not just digitise what exists today;
- ensure that data collected is "right first time" and that it remains up to date throughout the data lifecycle;
- position our data and digital services as strategic capabilities to support achieving the Council's priorities and outcomes;
- assure via a robust, integrated and risk-based digital governance model that the Council has:
  - o A defined architecture against which decisions are based;
  - o A roadmap for change (the digital roadmap);
  - o Technical standards for internal and external services; and
  - o A defined delivery methodology supported by frameworks and approaches;
- take a strategic approach to digital and technology investment that balances the need for enabling better citizen outcomes against the cost to serve; and
- improve the Council's collaboration capabilities and enable better service integration with partners.

Digital and Data Strategy summary
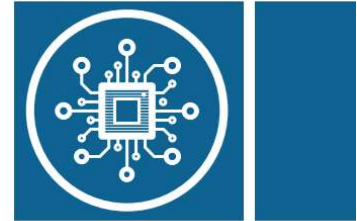
Why

To support this strategy, we will develop a digital roadmap which will seek to:

- reduce the costs of delivery and ensure value for money;
- increase efficiencies and enhance citizen outcomes;
- stimulate and enable innovative ways of working;
- continue the positive reshaping of the relationship between the Council, citizens, and partners;
- increase digital skills within our communities and the accessibility of our digital services;
- improve communications, collaboration and partnership working; and
- better use council held data and to embed a culture where the importance of our data is fully understood.

What

The implementation of the strategy will focus on the following outcomes:

- interact with citizens on their terms via Digital channels;
- utilise integrated insight from all systems;
- provide a single view of citizen/family/resident;
- enable seamless data exchange with partners;
- enable efficiencies through automation;
- enable a flexible work model for staff;
- embed data ownership and governance across the Council and as a core component of every service; and
- provide a secure architecture and security services to minimise risk.

How

The contribution to the Council Plan through this strategy is predicated on the ability to leverage advances in digital and data to enable:

- a digital roadmap driving a clear, strategic view of architectural development that also defines the minimum standards for future digital and technology investments;
- reduction in costs through controlled reduction in applications instead using re-usable digital applications and services;
- a consistent digital Citizen Experience;
- data that can be referenced and combined across services;
- identification of data relevant to partners and make it available;
- continued move to cloud-applications to support flexible working and easy access to data; and
- commissioning of digital outcomes and ICT services.

Key building blocks

To support the Council's priorities, the Council Plan, and our digital ambitions, four key cross-cutting building blocks have been identified which will underpin the Council's digital and data strategy and the four core deliverables shown on page 2.
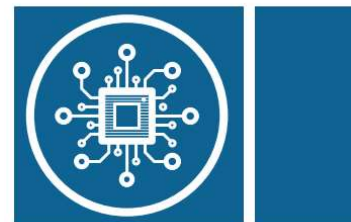
Best digital citizen outcomes through **innovative service design** to deliver:

- Increased digital self-service
- Improved citizen satisfaction
- Reduced cost of service provision

Better use of data, information, and insights, developing a **new data-centric culture** by:

- Better and more informed decisions
- Improved demand management
- Increased proactive and preventative intervention

Operational efficiency, productivity, and continuous improvement, **enabling service efficiencies** through:

- Combined technology and digital capability
- Optimised, efficient, fit for purpose services
- Rationalised application portfolio
- Increased collaboration with service partners

Enabling better services through **service innovation,** providing:

- Robust and reliable ICT
- Flexible working
- Commissioning services, systems, and processes
- Digital service capabilities

Key building blocks

The implementation of the strategy is realised through the three horizons of the digital roadmap which translates our digital ambitions into a programme of change (see diagram on page 14) and a data programme.

The building blocks have been developed from the identified needs of our citizens, the Council, our stakeholders, and partners. We have defined the required objective, the themes, and outcomes; however, it must be noted that:

- No building block is independent of the other; all are inter-connected
- Jointly they create an integrated framework for change
- Together they define a minimum acceptable standard from which our architecture is based
- They will be governed and assured centrally

The building blocks underpin our approach to delivering digital services and assuring citizen experience which is summarised as:

- Define what the citizen wants
- Apply our design principles
- Have clear success criteria
- Measure to demonstrate success
- Iterate to improve
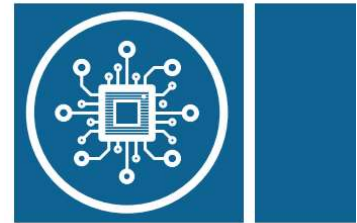
Block 1 – Best digital citizen outcomes

Objective: To place citizens at the heart of our digital service design and make digital the preferred method of interaction.

Why

The Council wants our residents, staff, and partners to benefit from our digital services to:
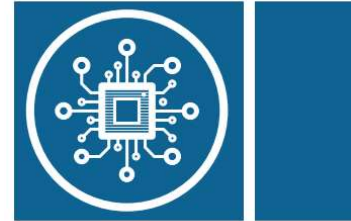
- Engage with use through a choice of digital channels
- Utilise insight from our systems
- Understand, predict, and manage demand

Furthermore, we wish our communities and businesses to be enabled to fully participate in the range of opportunity that digital enablement and skills provide.

What

We will achieve this by focussing on:

- **Our digital citizens.** We will undertake a digital service redesign of our services to ensure they are optimised to meet citizen need and that we can fulfil demand efficiently and effectively
- **Digital workforce.** We will provide our employees with the digital tools and skills they need to perform their roles as effectively as possible
- **Creating digitally capable communities.** We will work in partnership to help equip communities and businesses with the digital skills and tools they need in an increasingly digital economy
- **Digital infrastructure.** We will continue to work with telecommunications providers and other digital agencies to create the right conditions to accelerate digital investment across Warwickshire reducing digital inequality within our communities
- **Digital collaboration.** We will continue to work closely with partner organisations to deliver joined up services.

How

The digital roadmap will provide the platforms through which our residents, staff and partners can interact effectively and efficiently.

We will focus on 4 areas to ensure that our digital capabilities are able to meet our digital ambitions:

1. **Strong foundations**: develop the Warwickshire platform to manage citizen interactions and provide relevant data and insight
2. **Process digitisation**: review and digitise Council processes seeking efficiencies for our staff and our citizens through redesign and automation
3. **Integration**: standardise the mechanisms through which we security exchange data across the Council systems and those of our partners
4. **Digital skills**: work in partnership, supporting our Community Powered Warwickshire approach to develop the digital skills of our communities

Block 2 – Better use of data, information, and insights
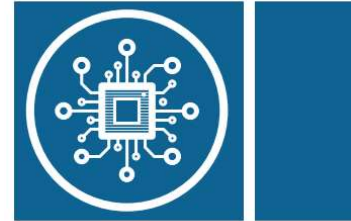
Objectives:

1. to accelerate and shape the delivery of the Council's ambitions and outcomes through insight gained through the effective application and sharing of data; and
2. to work with partners to improve end-to-end service delivery through integration of data.

Why

The Council is committed to utilising our data efficiently and effectively to:

- Provide high quality digital services
- Provide early intervention to service users
- Understand, predict, and manage demand
- Work seamlessly across Council services and with partners

What

We will achieve this by focussing on:

- Managing data within the Council:
  - **Consistent formatting:** we will format data consistently to make it safer and easier to act upon internally and to share with partners externally;
  - **Streamlined processes:** we will streamline the collection and sharing of data by having consistent processes for its collection, organisation, and management; and
  - **Consolidation and integration:** we will endeavour to consolidate data into a single store and eliminate the need to copy or duplicate it.
- Creating the conditions to effectively manage our data:
  - **Availability:** we will work to ensure data is available through systems we design, build, or procure;
  - **Accountability:** we will ensure that accountabilities are clear for each data set within the organisation and that all staff understand their responsibilities to protect the integrity of our data;
  - **Governance:** we will embed Chief Data Officer role and accountability through the Strategic Director for Resources, with a particular focus on driving a much stronger culture of data quality across the Council;
  - **Assurance:** we will ensure that clear, well-monitored processes are embedded to assure the ongoing integrity, management and analysis of data, compliance with legislation and that data is used ethically; and
  - **Culture:** We will establish a culture of data literacy supported by the appropriate behaviours that embeds the importance of data as fundamental to everyone in the organisation.

Block 2 – Better use of data, information, and insights
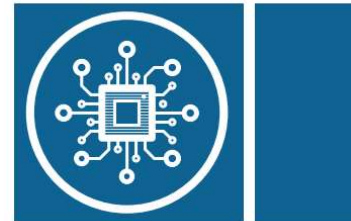
How

The digital architecture enabled through the roadmap will provide the technology to optimally store and deploy data.

We will focus on 4 areas to ensure that we maintain high quality and accessible data:

1. **Integrated insight**: utilise data from our systems and external sources to enable the best decision making;
2. **Single view**: utilise each interaction with our residents to build a richer picture of their needs of the Council;
3. **Integration and exchange**: enable seamless but controlled data exchange across the Council systems and those of our partners, working with our partners to understand their needs and the data they hold that could bring value to the citizens and communities of Warwickshire; and
4. **People:** ensure that everyone has the skills and knowledge to collect, maintain and bring value from our data.

Block 3 – Operational efficiency, productivity, and continuous improvement
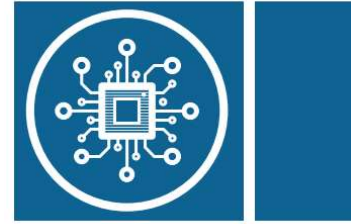
Objective: To deliver services more efficiently and effectively

Why

Digital capability is fundamental to the work we do and services we deliver. Our digital roadmap will align to the Council's priorities, citizen requirements and changing partner landscape. When implemented, it will result in improved efficiency and responsiveness in Council operations. The roadmap results in an architecture that enables the Council to adopt a joined-up, one Council approach to digital development that will reduce total cost of service delivery.

What

We will achieve this by focussing on:

- **Digital and Technology investments:** one approach to digital investment for Council services that combines service requirements and reduces total cost of ownership;
- **Understanding our costs and delivering value for money:** we will adopt a robust sourcing and procurement strategy and use our purchasing power for best value to the organisation;
- **Consolidating and rationalising our applications portfolio:** we will reduce maintenance effort, support cost and risk by reducing the number of digital and technology systems and sharing common functionality between services;
- **Investing in emerging technologies:** ICT Delivery teams will invest in the capabilities necessary to adopt rapid advances in technology;
- **Service agility:** the ICT Delivery Team will develop new skills and capabilities to effectively support existing and new service solutions;
- **Improved partnership and collaboration:** we will work with partners to deliver service efficiencies and share workloads where it is mutually beneficial and in the interest of the citizen; and
- **Increase service integration:** we will adopt standard integration approaches to provide system integration and information exchange with internal systems, partners, and suppliers.

How

The architecture integrates three approaches:

1. **Digital enablement:** a single platform supporting all digital Council services that will ensure citizens can discover and access our services easily and our people can deliver services cost-effectively;
2. **Business solutions:** line-of-business solutions that will drive simplification and operational efficiency; and
3. **Reusable components:** designed to underpin multiple business processes, built once, and used often, bringing efficiencies, and reducing duplication.

Block 4 – Enabling better services

Objective: To provide the technology capabilities and service architecture to enable the Council operations
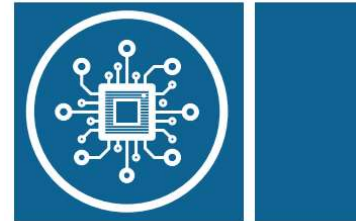
Why

Technology adoption underpins the Council's digital ambitions and therefore our ICT Services need to be:

- Supportive of business need
- Reliable and secure
- Cost effective

What

We will achieve this by focussing on technology capabilities to support:

- **Robust and reliable ICT:** the architecture will deliver through:
  - One shared infrastructure
  - Cloud adoption
  - Best of breed security management
  - Transparent management and monitoring
- **Flexible working:** the architecture will enable our staff through:
  - Single device platform
  - Collaborative working
- **Commissioning:** we will review our systems and service processes and commission these to reconfigure to align with the architecture and identified service outcomes
- **Digital citizen capabilities:** the citizen platform will provide:
  - Citizen engagement
  - Relevant citizen information

How

The digital roadmap will result in a consolidated and simplified architecture. This enables a consistent approach to decision making and investment focusing on commonality and reuse.

We will focus on 2 areas to ensure that our technology services meet organisational need:

1. **Architecture led**: develop and implement a centralised, simplified architecture that enables reusable capabilities for use across the organisation
2. **Service delivery**: commissioning of ICT service provision ensuring alignment to the required organisational outcomes

Digital roadmap

The digital roadmap is the mechanism through which the strategy will be realised. It is composed of three horizons which will incrementally build enabling the capabilities and benefits within the strategy to be achieved.
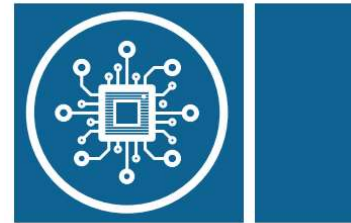
The roadmap will implement new technology to support efficiencies and innovation within services to deliver the Council's priorities as set out in the Council Plan, and to support the digital savings required by the Medium Term Financial Strategy.

The roadmap will be published separately from this Strategy and reviewed annually to ensure alignment with Council Plan priorities.

Horizon 0

Workforce enablement

Horizon 1

Optimise stability of technology

Workforce agility (cloud and data)

Customer access to digital services

Baselined customer experience (CRM building single view)

Horizon 2

Digitised services

Conditions for automation created

Workforce mobility (device)

Organised core systems (data)

Optimised partner integration (data)

Horizon 3

Deliver entirely new types of service

Associated strategies

The following strategies and approaches are closely related with the Digital & Data Strategy in achieving the outcomes of each

- Coventry & Warwickshire Integrated Health & Care
- Customer Experience
- Digital Infrastructure
- Economic Growth
- Our People
- Tackling Social Inequalities in Warwickshire

Cabinet

14 July 2022

Construction Framework Contract 2023-2027

Recommendations

That Cabinet:

1. Approves the Strategic Director for Communities proceeding with a
    Public Contract Regulation 2015 compliant procurement process, in
    consultation with the Portfolio Holder for Transport and Planning, for the
    provision of a Framework Agreement with multiple Lots for highways and
    structural works of varying price ranges.

2. Approves and authorises the Strategic Director for Communities to enter
    into all relevant contracts for the provision of Framework Contracts for
    the Provision of Engineering and Construction Works on terms and
    conditions acceptable to the Strategic Director for Resources.

1. Executive Summary

1.1   With effect from 1st January 2019, Warwickshire County Council entered into
      the current Framework Agreements for the provision of Engineering and
      Construction Works following a competitive tendering process referred to as
      the Framework Contract for the Provision of Engineering and Construction
      Works 2019 (the "**2019 Framework**").

1.2   The 2019 Framework includes 13 Suppliers over 4 Lots. Since its inception,
      Engineering Design Services ("**EDS**") has used it to award 45 separate
      contracts with an estimated total value of work in the region of £80m. Each
      contract is awarded following a mini-competition process between the
      members of the 2019 Framework. Since 2021 approximately £26m of
      construction work has been procured and over the remainder of 2022 further
      works of c.£35m are estimated to be procured. This rate of procurement is
      expected to continue, with c.£35m estimated to be procured in 2023 and
      c.£130m expected over the next four years based on approved and funded
      projects in the Capital Programme.

1.3   The 2019 Framework is due to expire on 31st December 2022. Cabinet
      approval is required to (i) start a new procurement exercise and to (ii) enter
      into Agreements in due course to engage with successful contractors to
      deliver the expected Capital Programme.

1.4 It is recommended that the Council develops new Framework Contract Agreements for the Provision of Engineering and Construction Works.

1.5 The procurement strategy will evaluate and review the existing approach and produce appropriate procurement and contract documentation. This process will be overseen by a project board. Decision making at this board will be supported by consultation with senior officers and specialist officers within the Council and from external providers as required. Any opportunities for improvement will be considered in the development of the proposed Framework Contract Agreements.

1.6 The process of procuring new Agreements is expected to take twelve months. To maintain delivery of the Capital Programme an Exemption has been approved to extend the 2019 Framework to accommodate this procurement process. This extension will be used to assess which of the new NEC4 industry standard terms and conditions should be included within our construction contracts which are currently based on NEC3. Now that NEC4 is being adopted across the UK, there is more experience and training within the industry of the effects of its application and therefore WCC can better assess which additional terms and conditions should be adopted. This assessment needs to be done around the time that we are going out to tender for the works, to ensure that the contract being let for the next 4 years will be robust.

1.7 Furthermore, due to the four-year time period of the 2023 replacement contract, it has recently been chosen to be part of the pilot for including Social Value measures within its procurement. The extension will enable EDS to liaise with the Procurement team to ensure that appropriate TOMS (Themes, Outcomes and Measures) are identified and applied to the Framework and call off contracts. The TOMS need to provide Social Value to the authority without adversely affecting the construction works nor significantly adversely affecting the monetary costs of the works. Time is required to assess the measures and their impacts on other EDS procedures, for example the Quality Management System and other processes. When the subsequent contract is tendered in 2027, the Social Value procurement regulations will be fully implemented. Therefore, if the 2023 framework contract is not within the pilot scheme it might prove difficult to robustly meet all Social Value requirements in an efficient way in the 2027 contract.

1.8 While the retendering exercise is underway it is intended that the Council will continue to draw upon the 2019 Framework.

2. Financial Implications

2.1 The 2019 Framework over 3 years had a value of approximately £80m. It is expected that over the rest of 2022 (for the remainder of the 2019 Framework) works worth approximately £35m will be procured, taking the total amount procured through the 2019 Framework to c. £115m.

2.2   A 6-month extension to the 2019 Framework has been approved. It is expected that an additional c.£29.5m of work will be procured based on approved and funded projects within the Capital Programme.

2.3   The development and procurement of the new Agreements will be funded through the EDS revenue budget. The cost in the short term constitutes a saving against the cost that individual procurements would have incurred.

2.4   Whilst this report concerns the appointment of several Suppliers, there is no direct financial risk to the Council as there is no commitment to capital spend as a result of establishing the bespoke tendering contract. The Contractors for individual capital projects are selected via mini competition from the approved Suppliers for the given Lot(s). The decision to add any such projects to the Capital Programme will be taken via the appropriate procurement and approval methods including through elected member decision making as required.

2.5   Although there are no cost savings to be had as part of The Framework, what the Framework will provide is the best value for money as it encourages competition between the Contractors. This is explained further in 4.4.2.2 and 4.4.2.3.

3.   Environmental Implications

3.1   There are not expected to be any significant environmental impacts of procuring the new Agreements. The assessments will be received and processed electronically which will save paper and the assessment can take place remotely.

3.2   For the construction works procured through the contract, the Suppliers will have to demonstrate how their works will contribute to the Council's carbon reduction and Social Value targets as part of the tender process. The new frameworks will include and develop the environmental requirements of the 2019 Framework, for example quality assessments based on Suppliers' waste management plans.

4.   Supporting Information

4.1   The Council has a range of procurement options currently available for the delivery of the Capital Programme:
            Option 1: Direct award for each scheme through the Find a Tender
                          Service
            Option 2: Use external framework agreements
            Option 3: Bespoke tendering

4.2   Option 1: Direct award of each contract through the Find a Tender Service

4.2.1 Due to the value of the construction schemes, every scheme will need to be procured separately through a quotations process through the Find a Tender Service and the tender returns would need to be assessed by a minimum of two qualified people, preferably more.

This procurement process would be the most expensive as more work is required to write the tender documents, do the tender, assess each contractor and award the scheme. This is an appropriate form of tender for a one-off unusual procurement but would be very time consuming for each procurement.

4.3 Option 2: External framework agreements

4.3.1 Although national frameworks (such as Scape and others), offer an effective and efficient option for large one-off projects as they have already been tendered, they are potentially less flexible in that there would be no scope under this option to select specific Suppliers according to the Council's individual requirements for each project.

4.4 Option 3: Bespoke Tendering

4.4.1 The Highways Maintenance Contract (HMC)
4.4.1.1 This contract provides lower value standard works and is already used for these. It is not suitable for the more complex works delivered by the 2019 Framework.

4.4.2 Framework Agreements:
4.4.2.1 The 2019 Framework sets out the Council's general terms on which individual construction schemes are procured. Contractors evaluated as being suitable have been appointed to a particular Lot, with a limited number of contractors appointed to each Lot. Being appointed to the framework agreement is not a guarantee of work, as a contractor is chosen from the relevant Lot through a mini-competition process when each scheme is required.

4.4.2.2 The use of a mini-competition process allows the Council to choose the most economically advantageous tender at the time of call off. It allows Suppliers to target current prices in their supply chains which makes their quotations more competitive and realistic. This in turn reduces the risk that the Council will be paying more than current market values for its capital projects and means that the impact of inflation is accounted for up to the point of contract award. Contractors are not required to fix prices at the start of the Framework period, which is expected to be four years. Without the mini-competition process, Suppliers would inflate their prices to accommodate expected price increases over the four-year framework period which would not provide value for money to the Council.

4.4.2.3   The number and value of forthcoming schemes makes it cost efficient for the Council to apply its own terms and conditions through a Framework contract, and to draft these to suit the Council's ways of working. Tailored terms and conditions enable the Council to reduce the amount of time and resources required for procurement processes on each scheme.

4.4.3   Dynamic Purchasing Systems (DPS)

4.4.3.1   The Council would publish its minimum requirements for Suppliers to qualify to be appointed to a Lot. As with a Framework, the Lots can be based on the value and type of work and contractors would be awarded through a mini-competition process. Unlike a Framework there is no limit to the number of Suppliers, they can apply to join the DPS at any time and they do not need to be appointed when the DPS commences.

4.4.3.2   A DPS would not have an expiry date and can be terminated at any point in time, however its performance should be reviewed after four years

4.4.3.3   Having no limit to the number of Suppliers will increase competition. However, this can also discourage construction companies from bidding for work due to the amount of time lost in the tender process and can increase the time required for assessing tenders.

4.4.3.4   Other legal agreements that interact with the DPS would have to be reviewed, tested and reissued. As these new agreements have not been tested, it is not proposed to use a DPS.

4.5   The arrangement of a further bespoke construction framework in combination with the national frameworks and HMC facilitates choice and resilience and supports a positive approach to social value through using a range of small and medium entities and national suppliers. It allows the Council to choose the criteria on which it assesses contractors, to set the terms of appointment and to segment the Lots in the way which most sensibly suits Warwickshire's needs.

4.6   It is considered that the initial time and cost implications of setting up a new Framework will pay dividends over the life of that Framework as the Council can minimise later procurement demands as each project commences and maximise relationships with Suppliers to deliver time savings.

4.7   The 2019 Framework uses the following Lots:

Lot 1	Ordinary highway and	£0 – £1.5m

	associated works	
Lot 2	Ordinary structural, bridge maintenance and other civil engineering works	£0 - £1.5m
Lot 3	Major highway, structural and other engineering works	£1.0m - £5.0m
Lot 4	Major highway, structural and other engineering works	£4.0m upwards

The existing Lots will form the basis of the new Framework. Allocating work based on value and type of work has allowed Suppliers to apply for Lots based on their competencies. It is recommended to continue using Lots based on scheme value and type of work, but the specific categories and ranges may vary based on feedback from consultation with users of the 2019 Framework.

4.8 Suppliers will be required to tender for inclusion on each Lot of the Framework and will be able to bid for one or two Lots. It is expected that each Lot will aim for between a minimum of 5 and a maximum of 10 Framework Suppliers.

5. Timescales associated with the decision and next steps

5.1 The next steps will be to draft the terms of contract and undertake the procurement process by advertising for expressions of interest and, in due course, evaluating Supplier submissions. The value of the works to be procured using these Agreements, at approximately £30m spend per annum, will be above the Public Contract Regulation 2015 threshold, so the Find a Tender service and associated public procurement regulations will apply.

5.2 The provisional timetable for establishing the various Framework Agreements is set out below:

Advertise for expressions of interest	March 2023
Tender period closes	May 2023
Tender assessment period ends	July 2023
Mandatory standstill period	August 2023
Framework Agreement finalised	September 2023
Framework Agreement begins	October 2023

5.3 The Framework Agreements will be in place for a maximum of 4 years and would need to be re-procured in 2027.

Appendices
None

Background Papers
None

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

Local Member(s): n/a
Other members: The Chair and Party Spokes of the Communities Overview and Scrutiny Committee

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Cabinet

14 July 2022

Updated Fair Access Protocol

Recommendation

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

1.   Executive Summary

1.1   Every 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 rounds – 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 education 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. In September 2021 the new School Admissions Code came into force and this new FAP brings the local authority into line with the new Code.

1.2   One of the principal changes included within the new Admissions Code 2021 is clarification of when a school can refuse to offer a place to a child when the school has the capacity to admit additional pupils. This is now only permitted if the child exhibits 'challenging behaviour' as defined by the Code. The Code describes challenging behaviour as behaviour which 'would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment'.

1.3   The new Admissions Code 2021 also imposes timeframes under which admission authorities must process in-year applications. Admission authorities, or the local authority if it is co-ordinating the admissions authority's in-year admissions, should respond to a parent/carer's application within 10 school days but MUST respond within 15 school days. Once a child has been identified as falling under the FAP they MUST be placed within 20 school days.

1.4 The procedure of placing children through Fair Access Panels remains the same as in the current protocol, however it has been necessary to ensure that the Council's FAP is compliant with the Admissions Code 2021.

2. Financial Implications

2.1 There are not expected to be any cost implications as a result of introducing the changes to the new Admissions Code into the local authorities Fair Access Protocol beyond those already planned for within the Education Services budget. The FAP is designed to access mainstream education where appropriate, however, if a child initially requires a period of time in Alternative Provision (usually for Permanently Excluded children), this will be organised through the Ethical Inclusion Partnership (EIP) and monitored. Within 6 weeks, in most cases, children will then be referred back to the panels for placement into a school.

3. Environmental Implications

None

4. Supporting Information

4.1 The existing Fair Access Protocol is not being altered other than to ensure that it is compliant with the Admissions Code 2021. The FAP attached to this report has been considered by Legal Services, who have confirmed that what is reflected is now compliant with the Admissions Code 2021.

4.2 The Council has engaged schools and they are aware of the need to make changes to the FAP to ensure it is Code compliant.

4.3 If the new FAP is approved, further work will be done with schools to ensure they understand the requirements of the FAP, what responsibilities it places on them and how it relates to in-year school Admission processes.

5. Timescales associated with the decision and next steps

5.1 If Cabinet approve the document, full implementation will commence in September 2022 at the start of the new academic year 2022/23.

Appendices

Appendix A – Compliant Fair Access Protocol for Mainstream Primary & Secondary schools

Appendix B- Consultation responses from schools on alternative version to existing Fair Access Protocol.
Appendix C – Equality Impact Assessment/Analysis (EqIA)

Background Papers

None.

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

Local Member(s):
Other members:

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

Issue Date: September 2021

Index

1. Introduction

i) The School Admissions Code 2021, 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 3.15). The requirement is supplemented by further advice from the Department for Education (DfE) in 'Fair Access Protocols: Guidance for School Leaders, Admission Authorities and Local Authorities' published in July 2021. 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 FAPs 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 3.20)

2. Warwickshire context and statutory guidance

i) The Fair Access Protocol (FAP) for Warwickshire has been updated in accordance with paragraphs 3.14 – 3.22 of the School Admissions Code 2014 and the DfE's guidance of July 2021.

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.

iv) Children allocated a place under the Fair Access Protocol will take precedence over those children already on the school's waiting list.

v) <u>Specific to Secondary Schools</u> - 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.

Challenging behaviour is defined in the Admissions Code as behaviour which would be "unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or […] is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment".

viii) 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.

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.

iii) All schools should work together collaboratively, taking into account the needs of the pupil and those of the school.

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; or
- Where the admission authority can demonstrate to the satisfaction of Warwickshire County Council that the child exhibits challenging behaviour and 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 other circumstances a child for whom a valid application is received should be offered a place, except where Section 87 of the School Standards and Framework Act 1998 applies (twice excluded children).

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.

Admission Authorities must not refuse to admit a child solely because the Fair Access Protocol applies to that child.

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 is unable to obtain a school place. Where the child falls within the remit of the Fair Access Protocol then the child will then need to be placed in a school via the Protocol.

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 EIP 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 EIP Steering Group for guidance and reference;

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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.

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) Schools will be awarded points for admitting children placed under the Fair Access Protocol (Chart 1) and also for admitting other children who, whilst not fulfilling criteria set out in the Protocol, do pose additional challenges (Chart 2) so long as these are notified appropriately to the local authority

xi) The list of children who can be placed by the FAP is now stipulated in the Admissions Code and is not subject to local discretion.

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Chart 1 – Children who can be placed under the FAP

		Weighting priority Points	
a)	Children either subject to a Child in Need Plan or a Child Protection Plan or having a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol		
b)	Children living in a refuse or other Relevant Accommodation at the point of being referred to the Protocol		
c)	Children from the criminal justice system		
d)	Children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education		
e)	Children with special educational needs (but without an Education, Health and Care Plan), disabilities or medical conditions		
f)	Children who are carers		
g)	Children who are homeless		
h)	Children in formal kinship care arrangements		
i)	Children of, or who are, Gypsies, Roma, Travellers, refugees and asylum seekers		
j)	Children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with Paragraph 3.10 of the Admissions Code		
k)	Children for whom a place has not been sought due to exceptional circumstances (to be determined by the local authority)		
l)	Children who have been out of education for four or more weeks where it can be demonstrates that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted.		
m)	Previously looked after children for whom the local authority has been unable to promptly secure a school place.		

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 move 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 EIP 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 admission 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 EIP 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 EIP's.
- EIP 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.

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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.

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. 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 but **must** refer the case to the local authority for action under the FAP. This will only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children compared to other local schools. This provision will not apply to a Looked After Child, previously Looked After Child 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.

i) If the admissions authority refuses to admit a child on challenging behaviour 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.

ii) The Lead Officer will then consider the case made by the school. The Lead Officer **may** consult with a member of the EIP Steering Group for the area in deciding whether the FAP does apply.

iii) **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.

iv) 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 Fair Access and Assessment Gateway or the Area Behaviour Partnership Leads

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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 Primary Fair Access and Assessment Gateway 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.

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 5 school days of the placement decision being made.

If there is an unavoidable delay beyond 5 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

	Yr	Yr	Yr
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. This should be submitted within the time frame for the year's FAP & Assessment Gateway panels. It should not be submitted in response to a school being placed in scope for a child. An exemption period is for 12 weeks. **Information is required across each year group for which exemption is required.**			
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 Child Looked After status pupils 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 in each year group			
Ofsted rating/AAG rating and 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 over the page if necessary.			

Thank you for your responses. Please send the completed form to marierooney@warwickshiregov.uk.

Date Completed_____by who (please print name) _____

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Date received		Date of panel		Outcome: Agreed or disagreed	

Working for Warwickshire

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
EIP	Ethical Inclusion 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

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ID	Start time	Completion time	School Name	Do you agree to the implementation of this Protocol?	Please state why	Additional Comments	Column1	Column2
3	3/7/22 8:50:49	3/7/22 8:51:38	test	Yes		test		
5	3/7/22 9:31:22	3/7/22 9:32:23	Race Leys Junior School	Yes				
6	3/7/22 10:02:10	3/7/22 10:02:52	Stratford Primary	Yes		No comments to make		
7	3/7/22 10:02:53	3/7/22 10:03:29	Heathcote Primary	Yes		No comments to make		
8	3/7/22 9:50:41	3/7/22 10:12:16	Newton Regis Primary	Yes				
9	3/7/22 10:12:18	3/7/22 10:13:13	Austrey primary School	Yes				
10	3/7/22 10:13:24	3/7/22 10:15:27	Weddington Primary School	Yes				
11	3/7/22 9:23:49	3/7/22 10:16:52	Budbrooke Primary School	Yes				
12	3/7/22 11:05:42	3/7/22 11:09:44	Tudor Grange Primary Academy Haselor	Yes				
13	3/7/22 11:12:33	3/7/22 11:13:15	Dunnington CE Primary SChool	Yes				
14	3/7/22 11:04:08	3/7/22 11:56:16	St James Church of England Academy	Yes				
15	3/7/22 12:07:01	3/7/22 12:13:10	The Priors School	Yes				
16	3/7/22 12:39:01	3/7/22 12:40:58	Mappleborough Green C of E Primary School	Yes				
17	3/7/22 14:00:48	3/7/22 16:42:28	The Ferncumbe C of E Primary School	Yes				
18	3/7/22 18:38:46	3/7/22 18:46:40	Tysoe CE Primary School	Yes		Please could you consider collecting further data around class allocations in primary schools on the Microsoft form to be returned on the 28th of each month. Many primary schools have mixed age classes or split year groups. Collecting data by year group only does not accurately reflect the allocation of pupils and staff. For example, Year 1 may not be full but Year 2 could be oversubscribed meaning a combined Year 1/2 class is actually at capacity. Other year groups can be full yet an adjacent year group may have very low numbers. These all have an impact on how classes are arranged and how staff are allocated. Thank you.		
19	3/7/22 20:44:29	3/7/22 20:45:25	Our Lady's Catholic Primary	Yes		None		
23	3/9/22 13:45:37	3/9/22 13:49:00	Wilmcote CofE Primary School	Yes				

24	3/9/22 17:20:22	3/9/22 17:23:53	Birchwood Primary School	Yes		Is the Microsoft form expected to be completed ON the 28th of each month or BY the 28th of each month? Does this also include holiday periods? Thanks
26	3/14/22 12:17:06	3/14/22 12:20:17	Clapham Terrace	Yes		
28	3/21/22 14:23:32	3/21/22 14:24:34	Chetwynd Junior School	Yes		
29	3/22/22 8:22:33	3/22/22 8:32:15	Loxley CE Community Primary School	Yes		In principle I agree yes. The issue we have is the available physical space here at Loxley. We are the smallest school in Warwickshire with a total capacity of 42. In the past we have been pressured by SENDAR into taking children who have been excluded from other settings and this has put a massive strain on the school - both in terms of physical capacity (NO breakout teaching spaces, small classrooms and tiny playground, low fences) and in terms of staffing. There is a misconception (by many parents, but also very often by some at the LA who do not know this site), that a small school would better suit their children's needs.

The cell for row 24's last column also contains: CW to respond

30	3/22/22 9:51:32	3/22/22 10:18:06	Eastlands Primary School	Yes		Section 2 viii - Will this be prompted prior to a FAP panel meeting. It would be easy not to update the LA of school 'information' as schools are busy places. This paragraph states the panels decision is final. Can there be challenge if it transpires the child has significant need? How much does the school know prior to the FAP panel meeting? Section 2 x - Would like some reassurance that this information e.g. number of SEN/Behavioural needs in a class is then taken on board. Particularly an issue in a one form entry school. My previous experience of this was the panel rejected the evidence provided and this can leads to detrimental dynamic in the already challenging class e.g. SEN child who fixates on another child. Little point putting a child in a situation where they are likely to fail.
31	3/27/22 9:23:24	3/27/22 9:34:40	Newbold and Tredington C of E Primary	Yes		I would like to see within the protocol clarification about the information that WCC gives to the school so that they can make an accurate judgement about whether they can meet the needs of the child. Often the information lack highly relevant details.
32	3/28/22 12:08:15	3/28/22 12:09:57	Long Itchington C of E Academy	Yes		
34	3/28/22 16:52:56	3/28/22 16:54:00	Michael Drayton Junior	Yes		
35	3/30/22 18:59:08	3/30/22 19:11:54	Priors Field	Yes		
36	3/31/22 16:18:01	3/31/22 16:24:26	Racemeadow Primary Academt	Yes		
37	3/31/22 20:02:20	3/31/22 20:04:11	The Polesworth School	Yes		
38	4/1/22 10:17:32	4/1/22 10:18:04	Cubbington C E Primary School	Yes		.

	39	4/4/22 10:13:30	4/4/22 10:41:16 Exhall Junior School	Yes		1. Considering a second exclusion comes with a high penalty to the child and their family, I'm concerned that there's no reference to how that child/ family might be supported. 2. Whilst there's a test to determine whether a child may cope with the academic structure and curriculum within Grammar Schools, there should be a consideration to previous academic achievement as there's a high likelihood of that children will not be performing at the time of the FAP process.
	41	4/4/22 21:44:06	4/4/22 22:01:46 Lapworth Primary school	Yes		Looked after children cannot be refused - even if they have really challenging behaviour and you have a lot of that within that year group too - Is that correct? Surely that cant be the best place for that child?
	42	4/5/22 11:41:53	4/5/22 12:43:59 Telford Infant School	Yes		

43	4/5/22 13:54:31	4/5/22 14:51:51 Kineton CE (VA) Primary School	Yes		My main query surrounds the provision of information to be able to make a judgement on whether the child in question has 'significantly challenging behaviour.' This is particularly pertinent for children moving from out of county placements or for whom a previous school has not been able to obtain an assessment / professionals advice and documentation. Who will take responsibility for making sure this information is available as it should not be down to the receiving school? Will there be a minimum requirement / standard set for this e.g. EP report within last 6 months etc. Will the admissions form alter to require information about behaviour and the other points-related criteria so schools have this to hand both for admissions purposes and to assist with the completion of the monthly return?
44	4/7/22 13:44:42	4/7/22 14:00:12 Briar Hill Infant School	Yes		
46	4/8/22 17:52:04	4/8/22 17:53:01 Paddox Primary School	Yes		
47	4/27/22 10:18:01	4/27/22 10:20:44 Higham Lane School	Yes		We agree that this is the best option going forward. Thanks for all your work on it.
48	4/28/22 9:41:46	4/28/22 9:42:43 Milby Primary School	Yes		
49	5/3/22 14:13:04	5/3/22 14:13:47 Cubbington	Yes		
50	5/3/22 14:15:00	5/3/22 14:38:36 Nursery Hill Primary School	Yes		The contextual information is very useful.
51	5/4/22 11:26:14	5/4/22 11:27:13 Exhall Cedars	Yes		
52	5/4/22 11:41:36	5/4/22 11:42:25 Briar Hill	Yes		
53	5/4/22 13:35:45	5/4/22 13:36:49 Wilmcote Cof E Primary	Yes		
54	5/4/22 14:09:18	5/4/22 14:10:19 St Nicholas C of E Primary	Yes		
55	5/4/22 20:13:51	5/4/22 20:16:18 ALVESTON C of E	Yes		One concern: Our school classrooms are just not big enough to house over our PAN. They were built to the absolute minimum size for 30 children.
56	5/4/22 22:06:53	5/4/22 22:08:38 The Coleshill School	Yes		
58	5/5/22 16:18:59	5/5/22 16:19:32 Water Orton Primary School	Yes		

|					
59	5/6/22 8:48:05	5/6/22 8:49:31 Milverton	Yes		While I think the whole system is flawed I think you need people to agree to move forwards.
60	5/6/22 11:37:07	5/6/22 11:37:58 Weddington Primary school	Yes		
61	5/6/22 14:24:22	5/6/22 14:26:50 Clapham Terrace	Yes		An improved protocol which should hopefully ensure the same schools are not becoming over loaded with challenging children .
62	5/7/22 16:55:08	5/7/22 16:55:40 Leamington Hastings C of E Academy	Yes		
63	5/9/22 9:00:07	5/9/22 9:00:57 Wolvey CofE	Yes		
65	5/9/22 17:06:39	5/9/22 17:19:45 Bawnmore Community Infant School	Yes		I would like to see information within the protocol on how schools will be supported when taking pupils under the FAP, particularly those with challenging behaviour.
66	5/10/22 12:47:13	5/10/22 12:48:46 St Andrews Benn	Yes		We just need to lok at the support that there for schools so that we can help these children to be successful.
67	5/10/22 14:20:05	5/10/22 14:20:53 St Matthew's Boxam	Yes		
69	5/10/22 18:23:04	5/10/22 18:25:50 Glendale Infant	Yes		This looks to be better system to ensure that some schools are not unfairly impacted on.
70	5/10/22 21:46:58	5/10/22 21:48:06 Sharon Byrne	Yes		
71	5/11/22 12:49:59	5/11/22 12:53:47 Wellesbourne	Yes		the form that is completed monthly still needs to account for mixed age classes
72	5/12/22 8:14:20	5/12/22 8:16:39 The Queen Elizabeth Academy	Yes		
73	5/12/22 12:15:11	5/12/22 12:33:33 Arden Forest Infant School	Yes		
74	5/12/22 13:16:43	5/12/22 13:17:49 Queens CofE Academy	Yes		
76	5/13/22 10:41:52	5/13/22 10:44:02 St Francis Catholic Academy	Yes		I agree with the opportunity schools have to explain that one yr group may not be able to accept a child for valid reasons.
77	5/13/22 10:44:10	5/13/22 10:45:18 St Benedict's Catholic Academy	Yes		I agree with the opportunity schools have to explain that one yr group may not be able to accept a child for valid reasons.
78	5/13/22 10:59:31	5/13/22 11:47:09 Wolverton Primary School	Yes		

Warwickshire County Council (WCC) Equality Impact Assessment (EIA) Form

The purpose of an EIA is to ensure WCC is as inclusive as possible, both as a service deliverer and as an employer. It also demonstrates our compliance with Public Sector Equality Duty (PSED).

This document is a planning tool, designed to help you improve programmes of work by considering the implications for different groups of people. A guidance document is available here.

Please note that, once approved, this document will be made public, unless you have indicated that it contains sensitive information. Please ensure that the form is clear and easy to understand. If you would like any support or advice on completing this document, please contact the Equality, Diversity and Inclusion (EDI) team on 01926 412370 or via equalities@warwickshire.gov.uk, or if it's relating to health inequalities, please contact Ruby Dillon via rubydillon@warwickshire.gov.uk.

EIA
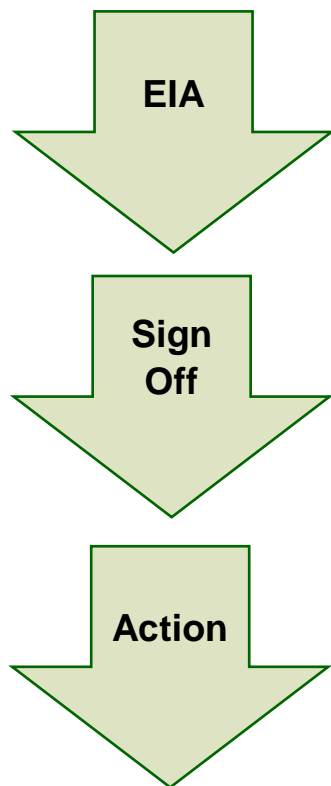
➤ Having identified an EIA is required, ensure that the EIA form is completed before any work is started. This includes gathering evidence and / or engaging the relevant stakeholders to inform your assessment.

Sign Off

➤ Brief the relevant Assistant Director for sign off and upload the completed form here: **Upload Completed Equality Impact Assessments.** Please name it "EIA [project] [service area] [year]"
➤ Undertake further research / engagement to further understand impacts (if identified).
➤ Undertake engagement and / or consultation to understand if EIA has identified and considered impacts.
➤ Amend accordingly to engagement / consultation feedback and brief decision makers of any changes.

Action

➤ Implement proposed activity.
➤ Monitor impacts and mitigations as evidence of duty of care.

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Section One: Essential Information

Service / policy / strategy / practice / plan being assessed	Fair Access Protocol
Business Unit / Service Area	Education and Learning
Is this a new or existing service / policy / strategy / practice / plan? If existing, please state date of last assessment.	No
EIA Authors **N.B.** It is best practice to have more than one person complete the EIA to bring different perspectives to the table.	Guy Darvill/ Marie Rooney
Do any other Business Units / Service Areas need to be included?	No
Does this EIA contain personal and / or sensitive information?	No
Are any of the outcomes from this assessment likely to result in complaints from existing services users, members of the public and / or employees?	If **yes,** please let your Assistant Director and the Customer Relations Team know as soon as possible

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1. Please explain the background to your proposed activity and the reasons for it.

i)   The School Admissions Code 2021, 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 August 2021. 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.

ii)   The purpose of the Protocol is to ensure that vulnerable children, and those who are having difficulty securing a school place in-year, are allocated a place as quickly as possible. The Protocol also seeks to ensure that no school - including those with available places - should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are otherwise being placed via the FAP.

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.

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.

2.   The Warwickshire context and statutory guidance

i)   The Fair Access Protocol (FAP) for Warwickshire agreed in September 2019 has been updated by WCC legal team to ensure it is compliant with paragraphs 3.8 – 3.22 of the School Admissions Code 2021, and the DFE's departmental advice August 2021.

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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 3.14 & DFE Guidance August 2021)

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 3.18, 2.23-2.3)

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 been practicable to do so), children whose permanent exclusion has been considered by a review panel, and the review panel has decided to quash a decision not to reinstate them following the exclusion; and children with special educational needs statements or Education, Health and Care Plans. (SA Code 3.8 & DFE Guidance August 2021).

v)   Children allocated a place under the Fair Access Protocol will take precedence over those children already on the school's waiting list; 'Looked after children or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol must take precedence over those on a waiting list.'(SA code 2.15).

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.

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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 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.

2. Please outline your proposed activity including a summary of the main actions.

The existing Fair Access Protocol has been reviewed by legal and anything that is not compliant with the Schools Admissions Code 2021 has been edited.

3. Who is this going to impact and how?

Customers	Members of the Public	Employees	Job Applicants
	✓ Children and Young People who the Protocol supports the admissions of will need their rights defined within the Schools Admissions Code 2021 to be reflected within the existing Protocol.		
Other, please specify:	Schools will have to comply with the compliant Fair Access Protocol.		

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Section Two: Evidence
Please include any evidence or relevant information that has influenced the decisions contained in this EIA. This could include demographic profiles; audits; research; health needs assessments; national guidance or legislative requirements and how this relates to the protected characteristic groups and additional groups outlined in Section Four.

A – Quantitative Evidence
This is evidence which is numerical and should include the number people who use the service and the number of people from the protected characteristic groups who might be affected by changes to the service.

The numbers of CYP who are admitted via the Fair Access Protocol each year averages about XXXX each year.
The group represented within this cohort cover a variety of protected characteristics e.g. gender, race, disability, sexual orientation, Age, Religion/Beliefs, gender reassignment, maternity/paternity. The numbers of which fluctuate.

B – Qualitative Evidence
This is data which describes the effect or impact of a change on a group of people, e.g. some information provided as part of performance reporting.

There should be no negative impact on any groups , the new Admissions Code is designed to make it harder for schools to refuse CYP admissions via the in year process and not requiring to trigger the Fair Access Protocol. This would mean that a smaller number of CYP admissions should need to be supported via the Protocol this ensuring timely placement of more children into schools.

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Section Three: Engagement
Engagement with individuals or organisations affected by the proposed activity must take place. For further advice and support with engagement and consultations, click here.

Has the proposed activity been subject to engagement or consultation with those it's going to impact, taking into account their protected characteristics and socio-economic status?	Yes
If YES, please state who with.	There was an agreed FAP in operation from 2019 however with the new admission code we needed to ensure this Protocol was compliant with the changes within the SA 2021. WCC decided to take this opportunity to establish a FAP development group to look at coproducing a new protocol for consultation. In the absence of the majority of schools agreeing the newly designed FAP the existing FAP from 2019 would have to be adjusted to make it compliant with the SA code. The Fair Access development group established in September 2021 consisting of representative from the secondary and primary schools, WCC officer from admissions, STS, Ethical Behaviour Partnership, CME and school improvement. Details of the proposed Primary & Secondary Fair Access Protocol were emailed to Warwickshire State Funded Primary & Secondary School Headteachers on Friday

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2ⁿᵈ February and advised the consultation process would run until 6ᵗʰ April 2022. They were asked to acknowledge receipt and give feedback by the deadline.

At the close of the consultation 37 out of 230 (16%) of Primary and Secondary Schools provided a response to the proposed protocol.

WCC agreed to reopen the consultation for a further two weeks with schools between the 29ᵗʰ April to 13ᵗʰ May 2022. On close of the extension 73 out of the 230 schools had responded. Out of those that responded 62 (30%) said 'Yes' to the statement 'Do you agree to the implementation of this Fair Access Protocol for September 2022?' 11 (5%) of schools replied 'No' and 157 (65%) of schools did not respond.

Therefore, WCC could not move forward with a newly designed Fair Access Protocol and are presenting the existing FAP from 2019 which has been made compliant with SA code 2022.

Further work is planned to be done with schools for a future consultation on the Fair Access protocol over the next 12 months.

If NO engagement has been conducted, please state why.		
How was the engagement carried out?	**Yes / No**	**What were the results from the engagement? Please list…**
Focus Groups	No	
Surveys	Yes	73 out of the 230 schools had responded to the consultation on a different version of the FAP. Out of those that responded 62 (30%) said 'Yes' to the statement 'Do you agree to the implementation of this Fair Access Protocol for September

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		2022?' 11 (5%) of schools replied 'No' and 157 (65%) of schools did not respond.
User Panels	No	
Public Event	No	
Displays / Exhibitions	No	
Other (please specify)		
Has the proposed activity changed as a result of the engagement?		The proposed activity has changed from what we intended to do with a new version to WCC legal making the existing agreed FAP compliant.
Have the results of the engagement been fed back to the consultees?		
Is further engagement or consultation recommended or planned?		Further engagement is planned over the next 12 as part of the requirement to keep the Fair Access Protocol under review. If following this a new protocol is coproduced a consultation process will occur on any new versions.
What process have you got in place to review and evaluate?	The Ethical Inclusion Partnership Steering group will have oversight of the Fair Access Protocol and all engagement will be reported back to this group.	

Section Four: Assessing the Impact

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Protected Characteristics and other groups that experience greater inequalities

What will the impact of implementing this proposal be on people who share characteristics protected by the Equality Act 2010 or are likely to be affected by the proposed activity? This section also allows you to consider other impacts, e.g. health inequalities such as deprivation, socio-economic status, vulnerable groups such as individuals who suffer from socio-economic disadvantage, armed forces, carers, homelessness, people leaving prison, young people leaving care etc.

On the basis of evidence, has the potential impact of the proposed activity been judged to be positive (+), neutral (=), negative (-), or positive and negative (+&-), for each of the protected characteristic groups below and in what way?

N.B In our Guidance to EIAs we have provided you with potential questions to ask yourself when considering the impact of your proposed activity. Think about what actions you might take to mitigate / remove the negative impacts and maximize on the positive ones. This will form part of your action plan at Section Six.

	Impact type (+) (=) (-) or (+&-)	Nature of impact
Age	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Disability Consider: • Physical disabilities • Sensory impairments • Neurodiverse conditions (e.g. dyslexia) • Mental health conditions (e.g. depression) • Medical conditions (e.g. diabetes)	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may have a disability and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021

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Gender Reassignment	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may have had a gender reassignment and fall within the criteria of the FAP will will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Marriage and Civil Partnership	=	This is unlikely to impact on this group.
Pregnancy and Maternity	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may be pregnant and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Race Including: • Colour • Nationality • Citizenship • Ethnic or national origins	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Religion or Belief	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) of a given religion or belief and fall within the criteria of the FAP will will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Sex	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) of any gender and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Sexual Orientation	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) of any sexual orientation and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner

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		ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Vulnerable People: • Individuals who suffer socio-economic disadvantage • Armed Forces (WCC signed the Armed Forces Covenant in June 2012) • Carers • Homelessness • People leaving Prison • People leaving Care	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may be vulnerable and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Health Inequalities (HI) Many issues can have an impact on health: is it an area of deprivation, does every population group have equal access, unemployment, work conditions, education, skills, our living situation, rural, urban, rates of crime etc	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may any health issues and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
Other Groups If there are any other groups	NA	

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Public Sector Equality Duty (PSED)

Public Authorities must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. Please evidence how your proposed activity meets our obligations under the PSED.

	Evidence of Due Regard
Eliminate unlawful discrimination (harassment, victimisation and other prohibited conduct):	N/A
Advance equality of opportunity: This involves • removing or minimising disadvantages suffered by people due to their protected characteristics; • taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people, for example, taking steps to take account of people with disabilities; • encouraging people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.	By making the existing Fair Access Protocol compliant this will ensure that all CYP with protected characteristics have their rights upheld in line with all the Admissions Code 2021. It will ensure they are placed into a school within the required 20 day period and ensure they do not lose out on their education entitlement.
Foster good relations: This means tackling prejudice and promoting understanding between people from different groups and communities.	By making the existing Fair Access Protocol compliant this will ensure that all CYP from different group that fall under the FAP criteria will have their rights upheld in line with all the Admissions Code 2021..

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Section Five: Partners / Stakeholders

Which sectors are likely to have an interest in or be affected by the proposed activity?	Yes / No	Describe the interest / affect
Businesses	No	
Councils	NO	
Education Sector	Yes	All Schools/Academies will be required to comply with the Fair Access Protocol
Fire and Rescue	No	
Governance Structures	No	
NHS	No	
Police	No	
Voluntary and Community Sector	No	
Other(s): please list and describe the nature of the relationship / impact		

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Section Six: Action Planning
If you have identified impacts on protected characteristic groups in Section Four please summarise these in the table below detailing the actions you are taking to mitigate or support this impact. If you are not taking any action to support or mitigate the impact you should complete the No Mitigating Actions section below instead.

Mitigating Actions

Consider:

- Who else do you need to talk to? Do you need to engage or consult?
- How you will ensure your activity is clearly communicated
- Whether you could mitigate any negative impacts or build on positive impacts for protected groups or health inequalities
- Whether you could do more to fulfil the aims of the PSED
- How you will monitor and evaluate the effect of this work
- Anything else you can think of!

Identified Impact	Action(s)	Timescale incl. evaluation and review date	Name of person responsible
Age, Disability, pregnancy and maternity, Religion and Beliefs, Gender reassignment, Race, Sex, Sexual	All impacts within these protected characteristics are seen as positive and will be supported by administration of the Protocol. Review and monitor EIA in line with	Following roll out, During FAP and Assessment Gateway panel meetings and at Ethical Inclusion Partnership Steering group meetings.	BAU service managers

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orientation, Vulnerable groups and	developments, including engagement and consultation		

No Mitigating Actions

Please explain why you do not need to take any action to mitigate or support the impact of your proposed activity.

Section Seven: Assessment Outcome

Only one of following statements best matches your assessment of this proposed activity. Please select one and provide your reasons.		
No major change required	X	
The proposal has to be adjusted to reduce impact on protected characteristic groups and/or health inequalities		

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Continue with the proposal but it is not possible to remove all the risk to protected characteristic groups and/or health inequalities		
Stop the proposal as it is potentially in breach of equality legislation		

Section Eight: Sign Off
N.B To be completed after the EIA is completed but before the area of work commences.

Name of person/s completing EIA	Marie Rooney
Name and signature of Assistant Director	
Date	08/06/2022
Date of next review and name of person/s responsible	

Once signed off, please ensure the EIA is uploaded using the following form. Please name it "EIA [project] [service area] [year]": Upload Completed Equality Impact Assessments

These will be stored on a Sharepoint library which WCC colleagues can access.

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Cabinet

14 July 2022

Brownsover Community Infant School Change in Age Range

Recommendations

That Cabinet:

1. Approves changing the age range at Brownsover Community Infant School from 3 to 7 to 3 to 11 with effect from September 2026

2. Authorises applying to the Office of the Schools Adjudicator in relation to the proposed reduction in the school's Published Admission Number (PAN) from 60 to 30 from September 2023

3. Approves, subject to the approval of recommendation 1, that £0.965 million is added to the capital programme to deliver the scheme outlined in section 1, funded from Department for Education capital grant and developer funding.

4. Authorises, subject to the approval of recommendation 3, the Strategic Director for Communities in consultation with the Portfolio Holder for Education to invite tenders and enter into the appropriate contracts on terms and conditions considered acceptable to the Strategic Director for Resources, to make the necessary funding arrangements for these schemes.

1. Executive Summary

1.1 Information relating to how the Council plans for and anticipates the growth in demand for school places is laid out in the Education Sufficiency Strategy. One of the aims of this strategy is to support infant/junior reorganisation and amalgamation where feasible. When planning for school places, the Council needs to ensure that this is done in such a way to minimise the impact on school sustainability and enhance it where we can.

1.2 Brownsover Community Infant School currently has an age range of 3-7 and a PAN of 60. The total capacity of the school is 180 pupils.

1.3 It is proposed to extend the age range of Brownsover Community Infant School from 3-7 to 3-11 from September 2026. This would allow the School to change from a two form entry (2FE) infant school to a one form entry (1FE) primary school with the school offering year 3 places from September 2026. This would increase the school size by 30 pupil places from 180 places to 210 places.

1.4 The proposal looks to address long term sustainability for the school, address the infant/junior imbalance in places in the area and support the delivery of new provision on The Gateway development.

1.5 This proposal is intended to coincide with the opening of The Griffin School on The Gateway development (1300 homes) in September 2023, ensuring surplus capacity does not exceed manageable levels and therefore helping minimise the potential impact of the introduction of new provision into an area on existing provision. The new 1FE primary school received Cabinet approval in July 2015 and is the preferred option to meet the demand for pupil places from this development. Cohort numbers on The Gateway development are sufficient to sustain a 1FE primary school and therefore the introduction of new provision should not draw significant numbers of pupils from neighbouring areas. It will also provide reassurances to the DfE with regards to the opening of the Griffin School, thus securing the signing of the funding agreement to enable the new school to open.

1.6 There has been a decrease in birth cohort numbers in the local area in recent years which has resulted in reduced numbers on roll at both Brownsover Community Infant School and Boughton Leigh Infant School. This surplus capacity is expected to continue for the next 3 to 5 years and start to feed through into Boughton Leigh Junior School. With the reduced pupil numbers in the area, Brownsover Community Infant School is currently facing continued budgetary challenges as a 2FE infant School. The Council's financial modelling has demonstrated that in the medium to long term the school would be more financially sustainable as a 1FE primary school than a 2FE infant school.

1.7 Currently, Brownsover Community Infant School with a PAN of 60 and Boughton Leigh Infant School with a PAN of 90 feed into Boughton Leigh Junior School with a PAN of 120. In times of higher numbers on roll the shortfall of 30 places at Key Stage 2 has created sufficiency issues at year 3 with the requirement to provide additional places at a local school or the placement of children further afield. The alignment of Boughton Leigh Infant and Junior will also favour future amalgamation should the opportunity arise and possible further expansion if required as a result of further housing development in this area of Rugby.

1.8 It is proposed that following the first year 3 intake at Brownsover Community School in September 2026, Boughton Leigh Infant School and Boughton Leigh Junior School PANs will align with each other and the demand in the area. This would require a reduction in PAN at Boughton Leigh Junior School

from 120 to 90 over a 4 year period from September 2026 to September 2029, which would be subject to separate proposals.

1.9 It is anticipated that strategic housing approved in the area will start to build out and therefore start to increase pupil numbers in the local area beyond this 5 year period. The alignment of Boughton Leigh Infant and Junior Schools will facilitate any additional accommodation requirements that could arise as a result of the housing growth.

1.10 To support the proposals in this report in relation to Brownsover Community School, capital works are required to provide a Key Stage 2 learning environment and achieve the minimum classroom size guidelines and ancillary space. This additional classroom space will be achieved by the re modelling of existing internal space. The estimated cost of the works is £0.965 million (includes a 10% contingency). It is proposed to fund this from £0.509 developer funding and £0.456 from education capital grant.

1.11 A 4 week statutory consultation on the proposals for Brownsover Community School was undertaken between 25th April 2022 and 23rd May 2022. A total of 78 responses were received. Of the responses received, 60% were in agreement with the proposal, and 40% disagreed with the proposal.

1.12 An overview of feedback received during the consultation period is available at Appendix 1.

1.13 In terms of the responses in agreement with the proposal, the majority were in favour of the increase in parental choice for primary provision and the benefit to children of the continuity in their education of being able to stay in one education setting for their primary years.

1.14 In relation to the responses not in agreement with the proposal, these included the site size being too small to be a primary school and the impact of the proposal on Boughton Leigh Junior School.

1.15 The site area is restricted for a typical primary school. Where this is the case there will usually need to be more of a flexible approach to the site area and the management of this. The site does not have a playing field and the school will need to look at what opportunities there are to utilise offsite facilities on occasions. However, the school has generous amounts of hard play/social provision, and this, along with the school hall, can be utilised for PE. The Key Stage 2 classroom space can be achieved within the school through the remodelling of existing internal space.

1.16 It should be noted that Boughton Leigh Junior School have expressed their reservations regarding the proposal particularly in relation to the planned reduction in pupil numbers and the wider implications for funding and staffing levels and the wider curriculum offer. The proposal would eventually require Boughton Leigh Junior School to reduce their PAN by a form of entry (120 to 90) to align with Boughton Leigh Infant School. The age range extension at Brownsover Community School would be completed over the next 7 years.

This would give the junior school a time frame in which to plan and respond to staffing changes to minimise the impact on the school when the reduced PAN is planned to be introduced, subject to further appropriate proposals and consultation.

1.17 The Council acknowledge the concerns raised through the consultation and by Boughton Leigh Junior School. However, if the proposal was not to go ahead, the introduction of the new primary school on The Gateway together with low cohort numbers is likely to result in a continued decline in pupil numbers in some schools and subsequent reductions in PAN.   With this proposal the Council are looking to reorganise education provision as a result of the changing location, spread and demand for pupil places in the North of Rugby and strategically plan for future growth whilst also addressing issues of school sustainability and incorporating the formation of all through primary provision and the additional benefits this can offer to pupils and a school.

2.   Financial Implications

2.1 The total estimated cost of the capital works proposed are £0.965 million. It is proposed to fund this from £0.509 developer funding and £0.456 from education capital grant.

3.   Environmental Implications

3.1 The opening of The Griffin School on The Gateway Development and the age range at Brownsover Community School will promote sustainable travel from home to school and reduce travel time and distance for some families.

3.2 Any additional use of offsite provision for PE on occasion may require the use of transport

4.   Timescales associated with the decision and next steps

4.1 Should a decision be made to expand the age range of the school then authority from the Office of the Schools Adjudicator will be sought by Warwickshire County Council officers for a variation in the published admissions number for the 2023/24 academic year, and a proposal will also be brought forward to alter the school's published admission number permanently from the 2024/25 academic year onwards, subject to further consultation.

Appendices
1.   Appendix 1 – Summary of consultation responses

Background Papers

None

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

Local Member(s): Cllr Simpson-Vince
Other members: Cllr Peter Butlin

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Proposal to extend the age range at Brownsover Community Infant School from 3-7 to 3-11 – Overview of Consultation Responses

Reasons Against Proposal	% of respondents against proposal	WCC response
Site too small particularly for Physical Education	23%	Site area is restricted for a typical primary school. Where this is the case the DfE advise that there will need to be more of flexible approach to the site area and the management of this. The site does not have a playing field and the school will need to look at what opportunities there are to utilise offsite facilities on occasions. However, the school has generous amounts of hard play/social provision, and this, along with the school hall, can be utilised for PE.
Impact on Junior school	42%	September 2026 would be the first year that a year 2 cohort at Brownsover Community School does not transfer to Boughton Leigh Junior School. From September 2026, pupil numbers would reduce at Boughton Leigh Junior School with the alignment of their PAN with Boughton Leigh Infant School. It should be noted that if proposal at Brownsover Community Infant School did not go ahead a continued reduction in pupil numbers at both Infant schools would also have the likely impact of a reduced intake at Boughton Leigh Junior school.
Impact on other local schools	13%	The main feeder school for Brownsover Community School is Boughton Leigh Junior School, therefore the proposal to extend the age range of Brownsover Community School is not anticipated to have an adverse impact on any other local schools.
Parking/Traffic	6%	The proposal increases pupil numbers by 30 places. The proposal is not anticipated to increase traffic/congestion significantly. On the contrary, there are a number of reasons why traffic/congestion may be reduced – with a decrease in the published admission number the distance from home to school by some pupils may reduce and with it the need for transport. The age range is increasing and therefore the propensity to walk/cycle to school may increase with the addition of Key Stage 2 pupils.
Further divide community	13%	
Why the change when building a new school on The Gateway	16%	Introducing the new primary provision will increase the amount of surplus capacity in the local area, potentially impacting on existing primary/infant schools which would then filter into the Junior school
Children's education would suffer	3%	Quality of education will remain the priority for all schools

More infrastructure not less	3%	This proposal enables the LA to deliver more infrastructure in the right place in a sustainable way
Transition to Secondary more difficult from a 1FE primary school	3%	A number of factors play a part in the preparation for secondary transition with the size of the primary school unlikely to place a child at a significant disadvantage/advantage
Reasons In Agreement with Proposal	**% of respondents For proposal**	**WCC response**
Continuity of Education	34%	Child is able to attend one school for their primary education years
Increase parental choice	13%	Increase choice for primary provision
Reduce school travel time	9%	Particularly applicable for parents with one child at Brownsover Community Infant School and another child at Boughton Leigh Junior School
Benefit to the community	6%	
Less Traffic and parking	4%	At both Brownsover and Boughton Leigh sites
Current size of school not big enough	4%	The school would undergo internal remodelling to provide the Key stage 2 classroom space required.
Improve financial stability for BCS	6%	A 1FE primary school is likely to secure numbers to achieve a more sustainable budget than current model

Cabinet

14 July 2022

**Adoption of the Warwickshire Minerals
Local Plan 2018-2032**

Recommendation

That Cabinet:

Approves the submission of the Warwickshire Minerals Plan and Policies Map to Council with a recommendation that it be adopted with all the Main Modifications recommended by the Planning Inspector and any Minor Modifications proposed by the Strategic Director for Communities.

1.   Key Issues

1.1   The Warwickshire Minerals Plan was submitted for Examination in November 2019 following Cabinet and Council approval in July 2018 after two rounds of Consultation on the Publication Plan, the final one being in May 2019.

1.2   The Examination Hearings took place online, in October 2020, following delays to the original June date due to Covid-19 restrictions.

1.3   At the hearings, following extensive discussion on all sides, a number of matters were flagged up by the Inspector, where the Council was required to consider further changes. The Inspector issued a post hearing note in which he requested that the Council carry out additional work on these specific matters before proceeding further with the proposed Main Modifications (MMs) consultation. This work was completed satisfactorily, and officers moved on to the final stage of the plan; the MMs. Cabinet resolved to approve consultation of the MMs at the Cabinet meeting on 14th October 2021. The Consultation ran from the 5th November 2021 to 7th January 2022.

1.4   The MMs are changes which materially affect the substance of the policies within the Plan. The MMs address matters that were identified as issues or changes in circumstances since the Plan was submitted, as well as comments arising from further updates to the Sustainability Appraisal and Habitats Regulations Assessments. The proposed MMs added more detailed policy requirements, in light of the further work requested by the Inspector and were required to bring the Plan up to date with the latest changes in national policy. The changes did not alter the 6 site allocations for sand and gravel working nor change the total Plan requirement for aggregates, but they focussed on strengthening the policy requirements, which seek to mitigate impacts on the environment and communities.

1.5 In addition to the MMs the Council was also required to produce a list of other additional modifications which do not materially affect the Plan policies ("Minor Modifications"). Minor Modifications typically correct typographical errors or clarify and update explanatory text. The Minor Modifications were consulted on as part of the MM Consultation. Consequently, Officers proceeded to collate all the changes to the Plan since the Hearings and to produce a schedule of MMs and another schedule of Minor Modifications which together would form the basis of the Modifications Consultation. The MMs were submitted to the Inspector along with the supporting documents including updates to the Sustainability Appraisal and Habitats Regulations Assessment. The Inspector checked the proposed MMs and supporting documents, before requesting that the Council carry out public consultation on them on his behalf, without prejudice to his final recommendations. Consultation on the MMs was subsequently carried out for a period of 8 weeks finishing on 7th January.

1.6 Following the Modifications Consultation, the Council fed back all the comments received from stakeholders to the Inspector. Having scrutinised the comments, the Inspector requested the Council to respond to further specific questions in light of the comments received.

1.7 The Inspector, having reviewed both the public responses and the Council's further responses, then produced a final draft report of his findings and sent this back to the Council for fact checking. The Council completed the fact check and the Inspector produced his final report in June 2022 which confirms that the Plan is sound, subject to the final agreed Schedule of MMs. This last stage closes his examination of the Plan.

2. Options and Proposal

2.1 This is the final stage of the Warwickshire Minerals Plan Examination process. In approving this report Cabinet will recommend that Full Council adopts the Minerals Plan and Policies Map, including all the MMs, together with any Minor Modifications.

2.2 The Council, as the Local Planning Authority for Minerals and Waste in Warwickshire, is required to prepare and adopt a Minerals Plan for the county in accordance with legislation and national policy. The new Minerals Plan will replace the 1995 Minerals Local Plan and associated Saved Policies. Once adopted the Plan will form part of the Development Plan for the County, sitting alongside the Waste Core Strategy and all the other adopted Borough and District Plans and will be used to determine any minerals related planning applications in the county.

3. Financial Implications

3.1 The preparation of the proposed MMs and their consideration by the Inspector and the final public consultation are all covered by the Infrastructure and Sustainable Communities existing approved revenue budget for 2022/ 2023.

4. Environmental Implications

4.1 The Warwickshire Minerals Plan includes a strategy for supplying the minerals the county and others need to provide the infrastructure, buildings, energy, and goods required for the next 10-15 years. It also includes a spatial dimension for the distribution of 6 sand and gravel sites across the county to meet the demand for planned growth in the county and elsewhere.

4.2 Minerals are a finite resource and can only be worked where they are found but there are adverse impacts arising from working and processing them on people, environment and transport and our climate. The Plan has sought to avoid and /or minimise the environmental implications for the county through the preparation of sustainable strategies supported by robust policies and independent assessments and careful selection of future sites. The Plan includes policies and measures to respond to the goal of net zero carbon emissions reflecting the delicate balance between the need for materials from natural resources and the impact on those resources both now and in the future.

5. Timescales associated with the decision and next steps

5.1 Where an Inspector recommends that a Plan can be adopted with MMs, the planning authority may adopt the Plan with those MMs and also any Minor Modifications that it chooses to make. If the authority wishes to reject any of the MMs or wishes to make more MMs than those recommended by the Inspector, it cannot adopt the Plan and must restart the plan-making process.

5.2 In the case of the Warwickshire Minerals Plan, your officers are satisfied that the MMs recommended by the Inspector are justified, that they improve the Plan and that they are necessary to make it sound. Therefore, Cabinet is asked to recommend that Council adopt the Plan with the recommended MMs.

5.3 A clean copy of the Minerals Local Plan incorporating the MMs and the Minor Modifications is Appendix 1 to this report and the Inspector's Report is contained in Appendices 2 and 3. In addition, there is a link to a copy of the Plan showing the MMs as tracked changes.

5.4 Officers are proofreading the Plan and may make some additional Minor Modifications in the final version presented to Council for adoption.

5.5 Subject to the Warwickshire Minerals Plan being adopted at Full Council, then officers will proceed with the adoption process which requires that a copy of

the Plan, an Adoption Statement and the Sustainability Appraisal are made available after adoption.

Under Section 113 of the Planning and Compulsory Purchase Act 2004 there is period whereby any aggrieved person may apply to the High Court for leave to challenge the Plan on the ground that the document is not within the powers provided in Part 2 of the Act or that a procedural requirement has not been complied with. Any such application must be made within 6 weeks beginning on the day the Plan is adopted. The Council believes that it has fully complied with all legal obligations through each stage of the plan process. The Inspector's report states that the Plan, with the MMs, complies with the relevant legislation, including the Equalities Act and the Duty to Cooperate, and with the National Planning Policy Framework and requirements as to Sustainability Appraisal and Habitat Regulations Assessment.

Appendices

1. The Minerals Local Plan with Modifications
   https://warwickshire-consult.objective.co.uk/file/6030247

2. The Inspector's Report
   https://warwickshire-consult.objective.co.uk/file/6029399

3. Inspector's Recommended Modifications
   https://warwickshire-consult.objective.co.uk/file/6029493

Background Papers

1. Cabinet Report October 2021

2. Links to latest Sustainability Appraisal update following MMs Consultation

   https://warwickshire-consult.objective.co.uk/file/5925466
   https://warwickshire-consult.objective.co.uk/file/5925472
   https://warwickshire-consult.objective.co.uk/file/5925465

3. Links to latest Habitat Regulations Assessment update following MMs Consultation

   https://warwickshire-consult.objective.co.uk/file/5925467
   https://warwickshire-consult.objective.co.uk/file/5925466

4. Plan to be adopted – Track Changed Version
   https://warwickshire-consult.objective.co.uk/file/6029450

5. Summary of Consultation Responses (Modifications Consultation)
   https://warwickshire-consult.objective.co.uk/file/5985689

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Local Member(s): None
Other members: Chair of OSC - Councillor Jeff Clarke

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