

NOTICE OF MEETING **CABINET**

will meet on

THURSDAY, 27TH JANUARY, 2022

At 7.00 pm

by

GREY ROOM - YORK HOUSE, WINDSOR AND ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE CABINET

COUNCILLORS ANDREW JOHNSON (LEADER OF THE COUNCIL AND CHAIRMAN OF CABINET, BUSINESS, ECONOMIC DEVELOPMENT AND PROPERTY) (CHAIRMAN),

STUART CARROLL (DEPUTY CHAIRMAN OF CABINET, ADULT SOCIAL CARE, CHILDREN'S SERVICES, HEALTH AND MENTAL HEALTH) (VICE-CHAIRMAN),

DAVID CANNON (PUBLIC PROTECTION, ENVIRONMENTAL SERVICES AND PARKING),

DAVID COPPINGER (PLANNING, AND MAIDENHEAD),

SAMANTHA RAYNER (DEPUTY LEADER OF THE COUNCIL, CORPORATE & RESIDENT SERVICES, CULTURE & HERITAGE AND WINDSOR),

DAVID HILTON (FINANCE AND ASCOT),

GERRY CLARK (TRANSPORT, INFRASTRUCTURE AND DIGITAL CONNECTIVITY),

DONNA STIMSON (CLIMATE CHANGE, SUSTAINABILITY, PARKS AND COUNTRYSIDE),

ROSS MCWILLIAMS (HOUSING, SPORT & LEISURE, AND COMMUNITY ENGAGEMENT).

Karen Shepherd – Head of Governance - Issued: Wednesday, 19 January 2022

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **David Cook** 01628 796560

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest	5 - 6
3.	<u>MINUTES</u> To consider the minutes of the meeting held on 16 th December 2021.	7 - 12
4.	<u>APPOINTMENTS</u>	-
5.	<u>FORWARD PLAN</u> To consider the Forward Plan for the period February 2022 to May 2022	13 - 18
6.	<u>CABINET MEMBERS' REPORTS</u> Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	-
	i. School Admission Arrangements 2023/24 Finance and Ascot	19 - 68
	ii. Latest Financial Update Planning, Environmental Services and Maidenhead	69 - 118
	iii. Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan Main Modifications Consultation Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	119 - 130
	iv. Approval of Optalis shareholder agreement Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	131 - 182
	v. Inclusion of Learning Disability (LD) Supported Living Block Contract into existing Optalis Contract for Services.	183 - 204

	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	
	vi. Standards and Quality of Education - A Review of the Academic Year 2020-21 (Pre and post pandemic)	205 - 272
	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	
	vii. Schools Condition Allocation 2022-23	273 - 298
7.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u>	-
	To consider passing the following resolution:-	
	"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 8 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"	

PART II – PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
8.	<u>CABINET MEMBERS' REPORTS</u>	-
	i. Schools Condition Allocation 2022-23	299 - 302
	ii. Award of Arboricultural Services Framework	303 - 406
	Details of representations received on reports listed above for discussion in the Private Meeting: None received	

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MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

DPIs (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the council.
- Any licence to occupy land in the area of the council for a month or longer.
- Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.
- Any beneficial interest in securities of a body where:
 - a) that body has a place of business or land in the area of the council, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests (relating to the Member or their partner):

You have an interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) any body*
 - (i) exercising functions of a public nature*
 - (ii) directed to charitable purposes or*

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

Agenda Item 3

CABINET

THURSDAY, 16 DECEMBER 2021

PRESENT: Councillors Andrew Johnson (Chairman), David Cannon, David Coppinger, Samantha Rayner, David Hilton, Gerry Clark and Donna Stimson

Also in attendance: Councillor Stuart Carroll, Councillor Ross McWilliams, Councillor Christine Bateson, Councillor Simon Werner, Councillor John Bowden, Councillor Gurch Singh, Councillor John Baldwin, Councillor Joshua Reynolds and Councillor Gurpreet Bhangra

Officers: Duncan Sharkey, Emma Duncan, Adele Taylor, Andrew Valance, Hilary Hall, Alyse Strachan, Rebecca Hatch , Kevin McDaniels and David Cook.

APOLOGIES FOR ABSENCE

Apologies for not being able to attend in person were received from Councillors Carroll and McWilliams. They attended in a non voting capacity virtually.

DECLARATIONS OF INTEREST

None received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 25 November 2021 were approved.

APPOINTMENTS

None

FORWARD PLAN

Cabinet considered the contents of the Forward Plan for the next four months and noted the changes made since last published including the addition to January 2022 Cabinet of the JCEB Minerals and Waste Plan.

CABINET MEMBERS' REPORTS

A) RESIDENT PARKING DISCOUNT & PARKING CHARGES 2022/23

Cabinet considered the report regarding the proposed introduction of a resident parking discount scheme.

The Lead Member for Public Protection and Parking informed Cabinet that in 2020 the council ended the current resident discount scheme, which was delivered through the Advantage Card. At the time it was agreed that a review would be undertaken to see if a resident discount could be provided in a different way when it was financially prudent to do so. The report proposed to introduce a resident parking discount scheme with 1 hour free parking in selected car parks across the Borough, officers had looked at historical data prior to the pandemic to help make an informed recommendation.

Cabinet were informed that the introduction of a resident parking discount scheme would make the Royal Borough one of the only local authorities in England to offer such a scheme. This report provided four options and these were shown in Table 1. The scheme would be provided by RingGo. The RingGo system was already in place in the borough and was a natural extension to this service.

As the scheme was based on a permit system residents would have to register for each individual car park they wish for the discount to be applied in. Based on the data and financial envelope option 4 within the report was the recommended option. This would allow residents to apply to get the discount at car parks in Alma Road and Alexandra Gardens in Windsor, Grove Road and West Street in Maidenhead, Horton Road in Datchet, and Meadow Lane in Eton.

These six car parks were chosen because they were mainly used by short stay users and proved popular when resident discounts were previously implemented. Free parking will continue to be offered for disabled users and those using electric vehicles. There will be help to those who do not have online access to set up their accounts, in our libraries, and use the service. More than 75 per cent of car parking payments in Windsor and Maidenhead were already completed digitally, using a card payment or the RingGo app. Funding for the scheme would come from increased fees in our car parks and the scheme would remain under review and extended when prudent to do so.

The Chairman welcomed the scheme and showed the administration keeping its promises. The Council was now in a financial position to offer this new discount scheme and when prudent to do so we would be looking to extend it further. The draft budget was currently out for consultation and he welcomed and fully costed recommendations including any alternative to the proposed scheme. As mentioned fully electric vehicles would remain to get free parking in RBWM car parks. This was a sustainable, prudent and deliverable discount scheme.

The Deputy Leader of Council welcomed the report but was disappointed that Victoria Street car park had not been included, she asked if this could be considered in the future. The Lead Member replied that nothing was fixed and there would be a review at the end of the year and changes could be made when prudent to do so.

Mr Ed Wilson addressed Cabinet and asked if RBWM would be engaging with businesses in our town centres to promote the new scheme, how will RingGo promote the use of their service and will RBWM have a contingency to ensure that discounts do not run out during the year? The Lead Member replied that they would be engaging with business and Ringo. There was no need for a contingency as there was not a fixed number of discounts, the scheme would run all year and reviewed throughout.

Cllr Tisi said she broadly welcomed the paper, it would be welcomed by residents especially those in Windsor who felt their car parking charges was too high. She would like to see more people getting the bus, walking or cycling into town but if this encourages people to shop locally then it was welcomed. She questioned the rationale behind the car parks chosen in Windsor as Elam Road was a ten minute walk into town taking 20 minutes out of the free hour. She asked if it was possible to see the data behind the decision to choose this car parks.

The Lead Member replied that the data was freely available on request to officers. Residents who parked for more than one hour would still get the discount, it was not just for one hour and you had to move. Cllr Tisi said that residents would also wish to see the data.

Cllr Bowden mentioned that most of Windsor Car Parks were in his ward and that with regards to Alma road this was a popular car park and easy to access the town centre via the stairs and lift into the shopping centre. He looked forward to the scheme being extended when possible. He was also pleased to see the Ringo system being used and mentioned that with regards to data during the Christmas Tree lights there was over 6000 car park visits. He had asked for the data Monday and received it on Wednesday.

Cllr Reynolds asked if the data used was the number of transactions as the larger car parks would naturally get more visits. The Lead Member said the car parks were those most popular for short visits.

Cllr Singh said he was concerned about the report. It was dependent on the Ringo App so what would happen for those who did not have a smart phone, what about the elderly and disabled residents. He questioned the car parks chose in Maidenhead as the multi story car parks were not included. He also mentioned the previous farcical issue with the installation of car park machines that had cost the authority £1 million, he wanted to know if legal action was possible to reclaim some of the money. He was glad to see a scheme introduced.

The Chairman replied that the issue from the car park machines date back to 2018 and there was little that could be done now. This paper was about looking forward and offering a residents discount scheme and that the car parks chosen were accessible to the town centre. Other car parks mentioned could be included in the future when feasible.

Resolved unanimously: that Cabinet notes the report and:

- i) Agree the recommended proposal to introduce a Resident Discount Parking Scheme**
- ii) Agree to increase the maximum stay at Grove Road, Maidenhead car park from 2 hours to 3 hours.**
- iii) Delegates authority to the Executive Director of Place Services and Head of Neighbourhood Services, in consultation with the Cabinet Member for Parking, to implement the recommended resident parking discount scheme.**

B) **2021/22 MID-YEAR DATA & PERFORMANCE REPORT AND PROPOSALS FOR FUTURE PERFORMANCE REPORTING ARRANGEMENTS**

Cabinet considered the report regarding the the 2021/22 Mid-Year Performance Report.

The Deputy Leader of Council, Corporate and Resident Services, Culture and Heritage and Windsor informed Cabinet that appendix A sets out the council's progress in relation to the strategic priorities of the Interim Council Strategy in the period 1 April – 30 September 2021 and looks forward to reporting the newly adopted Council Plan, this included the development of a new public-facing dashboard (Citizen's Portal), providing increased transparency to Members and the public.

The reporting period was dominated by the Pandemic and recovery, a series of campaigns were launched to provide reassurance to visitors returning to visit our local towns, and to promote the borough as a destination to residents and domestic tourists. Q2 saw the return of some large-scale events to the borough, including Royal Ascot as a government test event and the Royal Windsor Horse Show. Good progress throughout the period had been made in the delivery of other priorities under the Interim Council Strategy such as supporting 8000 residents who had to 'shield', approval of the RBWM Climate Partnership and the launch of a new Family Hub Service.

The impact of COVID-19 continued to be reflected in a number the council's performance indicators. For example, within adult social care people being discharged from hospital typically had more complex needs which impacted on performance in relation to admissions to care homes and reablement. Collection rates for Non Domestic Rates (NDR) was behind target. The measures were significantly affected by a number of national relief schemes.

Despite the hard work to reduce homelessness, the ongoing impact of COVID-19 was reflected in the slow decrease in the number of homeless households in temporary accommodation. With only the 2 exceptions mentioned, all performance indicators were on or

near target at the close of Q2 and the Council continued to have better scrutiny, transparency and better use of data in decision making.

The Lead Member for Finance and Ascot said he was delighted to support this report detailing Q1 and Q2 performance and the new performance regime for the new Corporate Plan. He welcomed the new dashboard reporting KPI's making the information available to all. He noted that reporting to scrutiny would be an exception but he felt that this could lead to just looking at negativity and missing out good work so a summary report should be provided.

The Lead Member for Housing, Communications and Youth Engagement said that with regards to homelessness even though the team were under pressure there were fewer families in temporary accommodation and more affordable housing. The team had been working with the private sector to increase capacity and there were more people kept within or close to the borough.

Resolved unanimously: that Cabinet notes the report and:

- I. Notes the 2021/22 Mid-Year Data & Performance Report in Appendix A.**
- II. Agrees the proposed arrangements for future performance reporting against the new Corporate Plan (detail at section 2.17 – 2.21).**
- III. Agrees that the Corporate Overview and Scrutiny Panel should take on primary responsibility for Member Scrutiny of the council's performance.**
- IV. Agrees the proposed transitional arrangements for performance reporting for the period January – March 2022 (detail at section 2.22).**
- V. Requests relevant Cabinet Members, Directors and Heads of Service to maintain and strengthen focus on performance.**

C) CIPFA REVIEW OF GOVERNANCE ACTION PLAN - FINAL CLOSURE REPORT

Cabinet considered the report regarding the closure of the CIPFA action plan.

The Lead Member for Finance and Ascot informed Cabinet that the paper closed the CIPFA governance action plan. When he became Lead Member it was apparent that finance needed intensive care. CIPFA were invited to help resolve many financial weaknesses. Since then the Council had come a long way with a draft balanced budget being produced, improved reporting and the ability to deal with future issues. He supported the Managing Director and there had been a new Head of Finance and Director of Resources appointed. The new director had been working with statutory officers and internal audit to strengthen governance.

The Chairman reminded Cabinet that CIPFA had been proactively brought into the Council to review financial arrangements and cultural issues. There has been an intensive period of work undertaken with historical issues being dealt with. There was a cultural failure that this administration has addressed all the concerns raised by CIPFA. You only need to look at the consequences of not undertaking these actions by looking at one of our neighbours. We were proposing a balanced budget and this year's budget being on target. Difficult decisions had been taken and there was still a lot of work to be done.

The Lead Member for Transport and Infrastructure thanked the Lead Member and officers for the transformative work, issues had been resolved, there was better transparency, better decision making and accountability.

Resolved unanimously: that Cabinet:

- I. **Notes the actions taken in respect of the objectives set out, and that the Action Plan has now been completed.**
- II. **Approves the formal closure of the action plan.**

D) **SALE OF LAND AT STAFFERTON WAY**

Cabinet considered the report regarding the proposed sale of freehold land.

The Chairman informed Cabinet that Absolutely Leisure held a long leasehold over The Arena, Unit 4 Howarth Road. The property was split in two sections following the construction of the Stafferton Way Link Road with a small plot of land south of the link road being used for car parking.

Terms had been agreed to sell this area of land to Absolute Leisure to enable its development for residential units. The sale is conditional on obtaining planning permission. The transaction enables the Council to receive a capital receipt whilst maintaining the income from the remaining property and helped the leaseholder maintain its charitable status.

The Lead Member for Finance and Ascot mentioned that this was a small piece of land that would not sustain major development but if sold would support the business.

Resolved unanimously: that Cabinet notes the report and:

- i) **Approves the Council entering into an option agreement with Absolute Leisure for the sale the freehold interest of land south of the Stafferton Link Road for £5,000 and the subsequent sale of the freehold on receipt of planning consent under the terms of the option agreement.**
- ii) **Delegates authority to the Chief Executive in consultation with the Cabinet Member for Business, Economic Development & Property to negotiate the legal contracts required to complete the transactions.**

E) **SALE OF RETAIL/HOUSE IN COOKHAM**

Cabinet considered the report regarding the proposed sale of a freehold.

The Chairman informed Cabinet that 13 Hillcrest Avenue was a small shop attached to residential property and was leased to the tenants on a 99-year lease from 4 April 2001 at a peppercorn rent. There was a condition that the shop could not be closed for more than an three month continues period. Terms had been agreed to sell the freehold interest in the property to the tenant. He informed that he had mixed feeling on this decision as the shop was a valued community asset that he wished would stay open but the council had received a valid request from the leaseholder.

The Lead Member for Planning and Maidenhead said that he lived in a village where the number of small shops were very important for the local community, allowing older groups to shop locally and reducing the need for travel into Maidenhead. He was concerned that the shop could be closed at the detriment of the local community as it was an important facility.

The Deputy Leader of Council said she would second the paper but was concerned about the potential loss of the shop. The property was on a long lease so she supported the recommendations.

The Lead Member for Transport and Infrastructure informed that the property was in his ward and thus he also had the concerns raised. The shop was a local hub and the agreement in 2021 protected its continues use. There was an agreement to maintain the use of the

property as a shop but selling the freehold would remove this. Maintaining the shop was important for the community and thus he would not be supporting the recommendations.

The Lead Member for Public Protection and Parking said that having lived in villages he understood the concerns raised. Once you start losing local amenities communities start to decay. The clause had been put in place to protect residents losing this facility, he was concerned that this protection could be lost.

The Lead Member for Housing and Youth Engagement said that he agreed with what had been said and there was a difficult decision between the recommendations and the potential future loss of the shop.

The Deputy Chairman of Cabinet also agreed with what had been said as there was a clear concern about the loss of the shop if the freehold was sold.

The Lead Member for Environmental Services, Climate Change, Sustainability and Culture asked if a condition could be added that the shop be maintained.

The Chairman replied that such a condition could not be added to the sale of the freehold, we would have to rely on the goodwill of the leaseholder. On balance he felt it was best to approve the recommendations within the report.

Resolved that: Cabinet notes the report and:

- i) Approves the sale of the freehold interest in 13 Hillcrest Avenue.**
- ii) Delegates authority to the Chief Executive in consultation with the Cabinet Member for Business, Economic Development & Property to negotiate the legal contracts required to complete the transactions.**

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

Cabinet agreed there was no need for Part II deliberations.

CABINET MEMBERS' REPORTS

A) SALE OF LAND AT STAFFERTON WAY

Discussion on this Part II item was not required.

B) SALE OF RETAIL/HOUSE IN COOKHAM

Discussion on this Part II item was not required.

The meeting, which began at 7.00 pm, finished at 8.20 pm

CHAIRMAN.....

DATE.....

Agenda Item 5

CABINET

FORWARD PLAN - CHANGES MADE SINCE LAST PUBLISHED:

ITEM	SCHEDULED CABINET DATE	NEW CABINET DATE	REASON FOR CHANGE
Waste Contract	n/a	10/02/22	New Item
Transport Service Delivery Model	n/a	10/02/22	New Item

FORWARD PLAN OF CABINET DECISIONS

CABINET Member, Councillor Johnson Leader of the Council and Chairman of Cabinet, Business, Economic Development, and Property, Councillor Rayner Deputy Leader of the Council, Corporate & Resident Services, Culture & Heritage, and Windsor, Councillor Carroll Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health, Councillor Cannon Public Protection and Parking, Councillor Clark Transport, Infrastructure, and Digital Connectivity, Councillor Coppinger Planning, Environmental Services, and Maidenhead, Councillor Hilton Finance and Ascot, Councillor McWilliams Housing, Sport & Leisure, and Community Engagement, Councillor Stimson Climate Change, Sustainability, Parks and Countryside

All enquiries, including representations, about any of the items listed below should be made in the first instance to Democratic Services, Town Hall, St Ives Road, Maidenhead. Tel (01628) 796560. Email: democratic.services@rbwm.gov.uk

FORWARD PLAN

ITEM	Private Meeting - contains exempt/confidential information? See categories below.	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings	Date and name of meeting	Date of Council decision (if required)
14 Budget 2022/23	- open	Report which sets financial context within next year's budget is being set. The report includes a recommendation to Council of a Council Tax, it recommends a capital programme for the coming year and also confirms Financial Strategy and Treasury Management Policy.	Yes	Cabinet Member for Finance and Ascot (Councillor David Hilton)	Adele Taylor	Internal process / public consultation	Cabinet 10 Feb 2022	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
Capital Programme 2022/23	- open	To approve the Capital Programme.	Yes	Cabinet Member for Finance and Ascot (Councillor David Hilton)	Adele Taylor	Internal process	Cabinet 10 Feb 2022	
Waste Contract	- open	Regularisation of process	Yes	Cabinet Member for Planning, Environmental Services and Maidenhead (Councillor David Coppinger)	Andrew Durrant	Internal process	Cabinet 10 Feb 2022	
Transport Service Delivery Model	- open	To discuss the council's model for delivering its transport service	Yes	Cabinet Member for Transport, Infrastructure, and Digital Connectivity (Councillor Gerry Clark)	Chris Joyce	Internal process	Cabinet 10 Feb 2022	
Domestic Abuse Safe Accommodation Strategy	- open	The Domestic Abuse Act 2021 brought in the requirement for local authorities to publish a Domestic Abuse Safe Accommodation Strategy	Yes	Cabinet Member for Housing, Sport & Leisure, and Community Engagement (Councillor Ross McWilliams)	Tracey Hendren	Internal process	Cabinet 24 Feb 2022	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
Award of contracts for Domiciliary (Home based) Care for adults	Fully exempt - 3	This report seeks approval to award contracts for the provision of domiciliary care following a tender exercise. The contracts will be awarded for 5 years with the option to extend for a further 2 years commencing in August 2022.	Yes	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health (Councillor Stuart Carroll)	Hilary Hall	Internal process	Cabinet 31 Mar 2022	
Financial Update	- open	Latest Financial Update.	Yes	Cabinet Member for Finance and Ascot (Councillor David Hilton)	Adele Taylor	Internal process	Cabinet 31 Mar 2022	
Achieving for Children Reserved Ownership Decisions	- open	This report seeks approval of Achieving for Children's Business Plan, annual budget and Treasury Plan.	Yes	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health (Councillor Stuart Carroll)	Kevin McDaniel	Internal process	Cabinet 31 Mar 2022	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
Finance Update	- open	Latest Financial Update	Yes	Cabinet Member for Finance and Ascot (Councillor David Hilton)	Adele Taylor	Internal Process	Cabinet 26 May 2022	

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
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DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Report Title:	School Admission Arrangements 2023/24
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Stuart Carroll, Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health
Meeting and Date:	Cabinet, 27 January 2022
Responsible Officer(s):	Kevin McDaniel, Executive Director of Children's Services
Wards affected:	All



REPORT SUMMARY

The Royal Borough of Windsor and Maidenhead is the admissions authority for community and voluntary controlled schools in the borough and sets the admissions arrangements for these schools.

The School Admissions Code 2021 ("the Code") requires the borough to consult on the arrangements where significant changes are proposed and determine the arrangements for 2023/24 by 28 February 2022. The admissions authority is proposing three relatively minor changes requiring consultation: a) the removal of the denominational criterion for all Voluntary Controlled schools; b) the reduction of the published admission number (PAN) at Kings Court First School (Old Windsor) from 45 to 30; and c) a change to the Cookham Rise Designated Area.

Following public consultation, this report seeks approval of the revised arrangements, having taken into account any views arising from the public consultation.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the admission arrangements for community and voluntary controlled schools for 2023/24.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Background

- 2.1 The Royal Borough of Windsor and Maidenhead is the admissions authority for all community and voluntary controlled schools in the borough and sets the admissions criteria for these schools. The borough has a duty to determine the admission arrangements for 2023/24 by 28 February 2022.
- 2.2 Voluntary aided schools, academies and free schools are responsible for determining their own admission arrangements.
- 2.3 The admissions arrangements include the process for applying for a school place, the criteria for allocating places if a school is over-subscribed, and a list of how many places per year group are available at each school (Published Admission Number (PAN)).
- 2.4 In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. If there are significant changes to the borough's arrangements a consultation lasting for a minimum of six weeks must take place between 1 October and 31 January in the determination year.

The proposed arrangements for 2023/24

- 2.5 Three relatively minor changes to the Royal Borough's admissions arrangements have been proposed:
- the removal of the denominational criteria for admission to voluntary controlled schools.
 - a reduction in the Published Admission Number for King's Court First School.
 - a small change to the designated area boundary for Cookham Rise Primary School.
- 2.6 These changes are considered below. Consultation on the revised admissions arrangements started on 1 November 2021 and finished on 13 December 2021 with two responses from residents agreeing to the removal of the denominational criterion. We have not received any objections.

Proposal to remove the denominational criteria

- 2.7 Currently some priority is given within the voluntary controlled schools' oversubscription arrangements to children who have at least one parent or carer who regularly attends a church that is part of the Churches Together in England, Scotland, Wales or Northern Ireland (criterion 8). This group includes the following types of churches: Church of England, all the protestant non-conformist churches (e.g., Baptist, Methodist, United Reform) and Roman Catholic. Attendance does not include services of marriage, funerals, or christenings (except for the christening of the child seeking entrance to the particular school).

- 2.8 In order to apply for a school place under the denominational criterion, a supplementary information form must be completed and submitted along with the common application form.
- 2.9 The supplementary information form must be passed onto the applicant's local clergy for verification before it is sent to the admissions team.
- 2.10 The denominational criterion applies to the following voluntary controlled schools in The Royal Borough: All Saints CE Junior School, Boyne Hill CE Infant School, Eton Wick CE First School, Holy Trinity CE Primary School (Cookham) and The Queen Anne Royal Free CE First School.
- 2.11 The local authority, in consultation with the Head Teachers and Governors of the Royal Borough Voluntary Controlled schools, is proposing to remove criterion 8. This will mean that applicants are no longer prioritised for places at these schools on denominational grounds. During the pandemic, interpreting this rule has been made more difficult by the various lockdown and social distancing measures.
- 2.12 In addition, the Oxford Diocese has informed the local authority that it is their policy that no Church of England School should have a denominational criterion and therefore they are in agreement that this change should be made.

Table 1: % of children allocated places under denominational grounds

School	PAN	September 2021 entry	September 2020 entry	September 2019 entry
All Saints CE Junior School	90	0 - 0%	0 - 0%	0 - 0%
Boyne Hill CE Infant School	60	2 - 3%	0 - 0%	0 - 0%
Eton Wick CE First School	30	2 - 7%	0 - 0%	0 - 0%
Holy Trinity CE Primary School (Cookham)	30	9 - 30%	9 - 30%	6 - 20%
The Queen Anne Royal Free CE First School	30	0 - 0%	0 - 0%	0 - 0%

- 2.13 A child who is the subject of an EHC plan will be admitted to the school named in their plan. These children will be admitted to the named school even if it is full and are therefore outside the normal admission arrangements. Once children with EHC plans have been allocated, remaining places will be allocated in the descending order of priority as set out in Table 2:

Table 2: Summary of the existing and proposed oversubscription criteria for community and voluntary controlled schools

	Current	Proposed
1	Looked after or previously looked after children	Looked after or previously looked after children
2	Children with an exceptional social or medical need	Children with a significant social or medical need
3	Junior schools only – Children attending a linked infant school	Junior schools only – Children attending a linked infant school
4	Children living in the designated area with a sibling attending the school	Children living in the designated area with a sibling attending the school
5	Children living in the designated area	Children living in the designated area
6	Children living outside the designated area with a sibling attending the school	Children living outside the designated area with a sibling attending the school
7	Children of a staff member	Children of a staff member
8	Children whose parents choose the school on denominational grounds (voluntary controlled schools only)	All other children
9	All other children	Not applicable

Proposal to reduce the PAN at King’s Court First School

- 2.14 King’s Court First School’s PAN for admission into Reception has historically been 45. Following falling demand for places at the school, the Royal Borough and the school applied to the Office of the Schools’ Adjudicator for an in-year variation, reducing the PAN to 30 for the September 2021 and September 2022 Reception intakes.
- 2.15 After further consultation with the headteacher and governors of the school, it is proposed that the PAN is reduced permanently to 30, starting with the September 2023 Reception intake. This will allow the school to organise its classes, and resources, more effectively.
- 2.16 The school is currently under-subscribed in all year groups.
- 2.17 We have not received any objections.
- 2.18 As the Royal Borough of Windsor and Maidenhead is the admitting authority for the school, a decision to increase the PAN back to 45 can be taken as demand starts to rise again. Under Section 1.3 of the Admissions Code

- 2.19 further consultation will not be required, and it is not expected that any additional accommodation will be provided at that point.

Change to the Cookham Rise Designated Area

- 2.20 The local authority is proposing to change the designated area for Cookham Rise Primary School. The proposal is to remove a small area around the Cookham Dean Cricket Club, which is currently in the designated area of both Cookham Rise Primary School and Cookham Dean CE Primary School, following an earlier change by Cookham Dean CE Primary School to their admissions arrangements.
- 2.21 This proposed change will affect one residential property. A map of the proposed change to the Cookham Rise Primary School designated area can be found in appendix 2.

Options

Table 3: Options arising from this report

Option	Comments
Approve the Admission Arrangements 2023/24, see Appendix 1. This is the recommended option	The admission arrangements will be determined within the statutory framework.
Do not approve Admission Arrangements. This is not the recommended option	The local authority will be in breach of the statutory framework set out in the Code.

3. KEY IMPLICATIONS

Table 4: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
The admission arrangements for 2023/24 are determined on time	Not determined by 28 February 2022	Determined by 28 February 2022	N/A	N/A	28 February 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications

5. LEGAL IMPLICATIONS

5.1 The School Admissions Code 2021 is issued under Section 84 of the School Standards and Framework Act 1998. The purpose of the code is to ensure that all school places for maintained schools excluding maintained special schools and all academies are allocated and offered in an open and fair way.

5.2 Regulations 26 to 32 and Schedule 2 of the School Admissions (Admission Arrangements and Co-ordination of Admission arrangements) (England) Regulations 2012 cover the requirements of the co-ordinated admissions scheme.

6. RISK MANAGEMENT

6.1 None

7. POTENTIAL IMPACTS

7.1 Equalities. Equality Impact Assessments are published on the [Council's website](#).

7.2 Climate change/sustainability. No impact on climate change/sustainability.

7.3 Data Protection/GDPR. A draft Data Protection Impact Assessment is attached at Appendix 3. This is subject to ratification by the Achieving for Children Data Protection Officer.

7.4 There are no staffing/workforce or accommodation implications, and no property and assets implications, arising from the recommendations in this report.

8. CONSULTATION

8.1 The borough is required to publicly consult on any proposed changes with its admissions arrangements for 2023/24 intake for a minimum 6-week period between 1st October 2021 and 31st January 2022. The consultation for the proposed changes set out in this report took place between 1st November 2021 and 13th December 2021. No objections have been received.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: Immediately

Table 5: Implementation timetable

Date	Details
28 February 2022	The statutory deadline for determining the admissions arrangements for 2023/24

10. APPENDICES

10.1 This report is supported by two appendices:

Electronic Only

- Appendix 1: Admission arrangements for Royal Borough of Windsor and Maidenhead community and voluntary controlled schools
- Appendix 2: Proposal to change the designated area for Cookham Rise Primary School
- Appendix 3: Data Protection Impact Assessment
- Appendix 4: Equality Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report is supported by three background documents:

- School Admissions Code, DfE September 2021
- School Standards and Framework Act 1998
- School Admissions (Admission Arrangements and Co-ordination of Admissions Arrangements (England) Regulations 2012

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	20/12/21	23/12/21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	20/12/21	01/01/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	20/12/21	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	20/12/21	
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	20/12/21	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	20/12/21	24/12/21
Andrew Durrant	Executive Director of Place	20/12/21	
Kevin McDaniel	Executive Director of Children's Services	17/12/21	22/12/21
Hilary Hall	Executive Director of Adults, Health and Housing	20/12/21	20/12/21
<i>Heads of Service (where relevant)</i>			
	Head of		
	Head of		
	Head of		
<i>External (where relevant)</i>			
Various neighbouring local authorities and schools		11/11/21	

Confirmation relevant Cabinet Member(s) consulted	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	Yes 22/12/21
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Non-key decision	No	N/A

Report Author: Sian Williams, Admissions Team Leader, 07874 641767

Proposed
Admission
Arrangements

**Admission Arrangements for Royal
Borough of Windsor and Maidenhead
Community and Voluntary Controlled
Schools**

For September 2023 Entry

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Introduction

The Royal Borough of Windsor and Maidenhead is the admitting authority for community and voluntary controlled schools within the borough.

The Royal Borough of Windsor & Maidenhead deliver its school admissions service through Achieving for Children, a community interest company set up in partnership with the Royal Borough of Kingston and the London Borough of Richmond

This document sets out the local authority's admission arrangements for entry to schools in September 2023.

These arrangements comply with the School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014, the School Admissions Code 2021 and the School Admissions Appeals Code 2012.

Other admitting authorities within RBWM

Voluntary aided schools, free schools and academies are their own admitting authorities and are required to publish their own proposals for consultation (if required) and determine their own admissions arrangements. Details of their proposals and/or determined arrangements should be obtained from each individual school.

Own admitting authority schools within RBWM are as follows:

School	Type	School	Type
Altwood CE Secondary	A	Knowl Hill Primary	A
Bisham CE Primary School	A	Lowbrook Academy	A
Braywick Court School	FS	Newlands Girls' School	A
Burchetts Green Infants	A	Oakfield First School	A
Charters School	A	St Edmund Campion Catholic	A
Cheapside CE Primary	VA	St Edwards Catholic First	VA
Churchmead CE Secondary	VA	St Edwards RF Middle	VA
Clewer Green CE	A	St Francis Catholic Primary	A
Cookham Dean CE Primary	VA	St Lukes Primary School	A
Cox Green	A	St Marys Catholic Primary	A
Datchet St Marys CE Primary	A	St Michaels CE Primary	VA
Dedworth Green First	A	St Peters CE Middle	A
Dedworth Middle	A	The Royal	VA
Desborough College	A	The Windsor Boys' School	A
Eton Porny CE First	A	Trevelyan Middle	A
Furze Platt Senior	A	Trinity St Stephen CE First	VA
Holy Trinity CE Primary (Sunningdale)	VA	White Waltham CE Academy	A
Holyport CE Primary	A	Windsor Girls' School	A
Holyport College	FS		

Key: A – Academy

VA – Voluntary Aided School

FS – Free School

Schools that become academies after 3 January 2022 must process applications in line with the arrangements published in this paper for admissions in September 2023. They will then be expected to determine their own arrangements for entry in September 2024.

Section 1: Admission policy for primary age schools from 1 September 2023 (primary, first, infant and junior Schools)

1.1 These arrangements relate to the community (C) or voluntary controlled (VC) within the local authority.

School	Type	School	Type
Alexander First School	C	Homer First School	C
All Saints CE Junior School	VC	Kings Court First School	C
Alwyn Infant School	C	Larchfield Primary School	C
Boyne Hill CE Infant School	VC	Oldfield Primary School	C
Braywood CE First School	VC	Riverside Primary School	C
Cookham Rise Primary School	C	South Ascot Primary School	C
Courthouse Junior School	C	The Queen Anne CE First School	VC
Eton Wick CE First School	VC	Waltham St Lawrence Primary School	C
Furze Platt Infant School	C	Wessex Primary School	C
Furze Platt Junior School	C	Woodlands Park Primary School	C
Hilltop First School	C	Wraysbury Primary School	C
Holy Trinity CE Primary School (Cookham)	VC		

1.2 The authority strives to allocate school places in a fair and transparent way. Every school has a published admission number (PAN), which is the number of pupils normally admitted to the entry year of the school. The numbers currently in force are given in section 6 of this document.

1.3 Where a school receives more applications than there are places available, applicants will be prioritised, and places allocated according to the published oversubscription criteria set out at 1.19 and 1.20 below.

Children with an Education, Health and Care (EHC) Plan

- 1.4 A child who is the subject of an EHC plan will be admitted to the school named in their plan. These children will be admitted to the named school even if it is full and are therefore outside the normal admission arrangements. As required by the Admissions Code however, these children will count as part of the school's PAN.

Tiebreaker

- 1.5 If a school does not have places for all the children in a particular criterion, the borough prioritises those applicants who live closest to the school. The distance will be measured in a straight line from the address point of the pupil's house as determined by Ordnance Survey to the address point of the school using the local authority's GIS system. In the event that two or more children live at the same distance from the school then random allocation will be used to prioritise applicants where necessary. The names will be drawn and the whole process scrutinised by persons who are independent of the authority.

Multiple births or children with birth dates in the same academic year

- 1.6 After the admission criteria have been applied, should applications for siblings whose birthdays are in the same academic year fall either side of a school's PAN the authority will admit above the PAN in order to allocate all siblings to the same school.

Primary school entry point

- 1.7 Pupils are eligible to commence full time education from the September following their 4th birthday. However, a child does not legally have to be in full time education until the term following their 5th birthday.

- 1.8 Parents who feel their children are not ready to begin school full time in the September following their 4th birthday have the option for their child to either:

Start school later in the academic year, so long as the place allocated is taken up during the Reception academic year (unless section 1.38-1.42 applies) and no later than the start of the final term and / or the start of the term following the child's 5th birthday; or

Start school part time at any stage during the Reception academic year, so long as the child then attends the school full time from the start of term following their 5th birthday;

Start school directly in Year 1 if a child was born between 1 April and 31 August. Please note that an application for a Year 1 place can only be made from the start of the term prior to September entry, in line with the in-year process as detailed in section 6. For the avoidance of doubt, places for entry directly into Year 1 cannot be reserved from the preceding year, nor from an application for a reception place

1.9 It will be expected that parents will opt for their child to commence school at the start of one of three traditional terms (autumn, spring, summer). It is also expected that part time schooling offered will be either five mornings or five afternoons a week; a decision which will normally be made by the school.

Children educated outside of their chronological academic year group

1.10 It is expected that children will be educated in the appropriate academic year group for their chronological age. In certain exceptional circumstances, children will be educated outside this year group. If this is the case, then applications should be made in the academic year prior to the required school transfer. Applications must be made on a paper CAF and cannot be made online.

1.11 The Admissions Code enables a parent to request that their child is admitted outside of their normal age group. For example, a parent may request that a summer-born child – born between 1 April and 31 August - is admitted into a reception class in the September following their fifth birthday instead of entering year 1.

1.12 Admission authorities are responsible for making the decision into which year group a child should be admitted but are required to make a decision based on the circumstances of the case. There is no statutory barrier to children being admitted outside their normal year group. An admitting authority will usually take the following factors into account when

considering a parental request for a summer born child to be admitted into a reception class in the September following their fifth birthday:

- The needs of the child and the possible impact on the child of entering Year 1 without having first attended the reception class;
- In the case of children born prematurely, the fact that the child may have naturally fallen into the lower age group if born on the expected date;
- The social, emotional or physical development of the child;
- Relevant research into the outcomes of summer-born and premature children.

1.13 For all requests for delayed entry into Reception, parents should make their application at the same time as those applying for normal Reception entry stating that they wish to enter reception a year later than normal for their child's age. Parents should discuss this as soon as possible with their preferred schools and the authority.

1.14 Parents do not have a right to appeal against entry into a specific year group. However, they may make a complaint to the local authority or to the school.

Appeals

1.15 Appeals against a decision not to offer a place at a particular school should be lodged by the published closing date for the on-time submission of appeals. This date will be published in the authority's composite prospectus and in the relevant offer letter.

1.16 Appellants are entitled to ten school days' notice of the appeal hearing date. The School Admission Appeals Code requires that appeals for on time applications are heard within 40 school days of the deadline for lodging appeals. Appeals for late applications are expected to be heard within 40 school days of the deadline for lodging appeals where possible or within 30 school days of the appeal being lodged. Appeals lodged by the closing

date will be heard before the end of the summer term. Appeals lodged after the closing date will be heard as soon as possible. All aspects of appeals for voluntary aided schools, free schools and academies are the responsibility of the school governors. Appeal deadline dates may differ for own admission authority schools.

1.17 Other admitting authorities within the local authority's area are required to notify the local authority about the outcome of any appeals.

Oversubscription criteria for admission into a primary or first school

1.18 Once children with EHC plans have been allocated, remaining places will be allocated in the following descending order of priority:

1. Looked after children¹ or a child who was previously looked after. This category includes a looked after child or a child who was previously looked after but immediately after being in care became adopted² or subject to a child arrangement order³ or special guardianship order⁴
2. Children with exceptional social or medical reasons for requiring the school (as explained in the section 5 of this document)
3. For junior schools only - Children attending a priority linked infant school (note 3)
4. Children who live in the 'designated area' of the school (note 1) and who have a sibling who attends this school (note 2)

¹ Looked after children are children who are (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

² All children adopted from local authority care.

³ Under the terms of the Children Act 1989.

⁴ See Section 14A of the Children Act 1989 which defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

5. Children who live in the 'designated area' of the school (note 1)
6. Children who have a sibling who attends the school (note 2)
7. Children of a member of staff (note 3)
8. Children whose parents have any other reason for their preference

Notes relating to oversubscription criteria for community and voluntary controlled primary age schools

- 1.20 Note 1 – Designated Areas. Maps of the current designated areas may be viewed on the RBWM website, www.rbwm.gov.uk. Alternatively, applicants can use the Neighbourhood View facility on the website for information on schools based on their address.
- 1.21 Note 2 – Sibling Criterion. A sibling would need to be attending the school at the time of admission of the child for whom a place is sought. The term 'sibling' includes a half or stepchild permanently living in the same family unit or a foster child permanently living in the same family unit whose place has been arranged by the social services department of a local authority. Sibling eligibility will flow from a foster child to other children of the family or from a child of the family to a foster child. In the case of Infant and Junior schools, attendance of a sibling at either the Infant or Junior school qualifies as a sibling for the linked school. Linked schools are described in criterion 6 of the oversubscription criteria.
- 1.22 Note 3 - Children of a member of staff. Priority will be given where the member of staff has a) been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage. A SIF must be completed and returned to the Local authority at the time of application.

Section 2: Admission Policy for Secondary Age Schools from 1 September 2023 (Secondary, Middle and Upper Schools)

All secondary age school schools in RBWM are academies, voluntary aided or free schools, and responsible for their own admission policies. Please refer to the individual school for details of their admission arrangements.

Section 3: Admission policy for in-year entry for 2023/24 (Year Reception to Year 11)

- 3.1 This policy refers to all applications made for children of statutory school age seeking entry to school outside of the normal admissions round.
- 3.2 Parents must apply directly to the admission authority for the school or schools of their preference. This is the local authority for community and voluntary controlled schools, and the schools themselves for voluntary aided schools, free schools and academies (own admission authority schools).
- 3.3 The relevant admission authority will make available a suitable form upon which an application may be made. The local authority will also make available a suitable form for own admission authority schools. Own admission authority schools may also require a supplementary information form (SIF) to be completed at the time of application.
- 3.4 Own admission authority schools are required to notify the authority of applications received and their outcome. This is to enable the authority to keep up to date figures of available school places in the area, and support applications where necessary. Admission authorities must inform parents of their right to appeal against refusal of a place.
- 3.5 Children who are the subject of a direction by the local authority to admit, or who are allocated to a school in accordance with the Fair Access Protocol, will take precedence over those on a waiting list.

The application process for RBWM community and voluntary Controlled schools

- 3.6 Applications should be made no earlier than one term prior to hopeful entry, based on the modern six term year. Applicants may state up to six preferences.

- 3.7 Applicants will be required to provide evidence of their child's date of birth if they have not previously made an application via the local authority. If the application is due to a house move, the applicant will need to provide evidence they are residing at the new address, such as a completion of sale document or a rental agreement. Further documents may be requested. Additional information will be required for applicants applying from abroad (e.g., entry visa and passport details) to verify right of abode.
- 3.8 Applications will be processed and, where vacancies exist, a place will be offered at the highest preferred school possible.
- 3.9 Entry will be deferred until the start of the next term, unless a child is without a school place or it is considered impractical to delay, in order to minimise the disruption to both the child's education and that of other children.
- 3.10 If a place is not available at a preferred school, and no higher preferred school has been offered, then parents will be informed of their right of appeal. The child will automatically be placed on the preferred school(s) waiting list which will be prioritised in line with the over-subscription criteria as published in section 1.5 of the admission arrangements.
- 3.11 Where no school place is available at a preferred school, and a child is currently without a school place within a reasonable distance, then the authority will, as a minimum, inform applicants of the availability of places at alternative schools and how they may apply. Where possible, the authority will offer a school alternative school place at the next nearest community or voluntary controlled school with a vacancy. A referral may be made under the Fair Access Protocol, available on the RBWM website.
- 3.12 The Admissions Code allows admission authorities to admit above the published admission number (PAN) in-year. Community and voluntary controlled schools must not do so save by specific request or direction of the authority. Voluntary aided schools, free schools and academies are expected to notify the local authority if they do so.

Section 4: Admission policy for sixth form entry in September 2023

- 4.1 All RBWM schools with sixth forms are academies, voluntary aided or free schools, and are responsible for sixth form admissions. The Local Authority has no jurisdiction over sixth form admissions.

Section 5: Further Information

Social or medical criterion

- 5.1 The authority will consider an application in this category only where the child, or his or her parent or guardian, can demonstrate a wholly exceptional medical or social requirement for attendance at the preferred school. It is expected that places will be given under this category in no more than a small number of instances in a year, if at all.
- 5.2 To apply under this criterion, the parent or guardian must send a covering letter or completed social and medical application form to support the application. It must explain the reasons for requiring a place under this criterion, why the preferred school is significantly more suitable than any other school for their child, and the difficulties likely to be caused by not attending it. Such difficulties must be so exceptional as to be extremely rare in the population. The reasons may be associated with the child or with the family.
- 5.3 Supporting evidence must be included from a suitably qualified professional person associated with the child or the family, such as a consultant, a general practitioner, psychiatrist or a senior social worker. Evidence from members of the family, friends or a child minder will not normally be acceptable. All evidence must be on headed writing paper. Any evidence must be provided at the expense of the parent. The parent must give permission to the local authority to make such enquiries as it thinks necessary to investigate the matter further.
- 5.4 All schools are able to work with special educational needs and are expected to accommodate severe medical needs. The authority is unlikely to accept that one school is more suitable than another on these grounds. Such difficulties as childcare arrangements or the need to drop off/collect children at more than one school are unlikely to be acceptable without accompanying exceptional medical or social reasons.
- 5.5 Applications lacking external objective evidence will be rejected under this category. Any rejected application will then be considered under the next highest appropriate category to the child. Applicants are strongly advised to name other schools within the permitted number of preferences.

- 5.6 Applicants seeking to rely on these grounds must provide the necessary evidence by the closing date for applications. This will allow time for the authority to obtain additional evidence if necessary. It may not be possible to consider applications under this criterion after the closing date, even where a family has subsequently moved into the area.
- 5.7 The strength of applications will be considered by two or more officers individually and then together, referring to another officer where disagreement exists. The officers assessing the strength of an application will have knowledge of the admissions process and the School Admissions Code. The officers must consider the application as objectively as possible and will note collectively their reasons for any rejection of the application under this criterion. Applicants are advised that because of the possible subjectivity of applications and decisions, the evidence that is presented must be as full and objective as possible, and that the threshold of acceptance will be exceptionally high.
- 5.8 There will be no right of appeal to officers against refusal of a decision in this category, but all parents will have the usual right of appeal to an independent appeal panel after allocations of places have been published.

Looked after children and previously looked after children

- 5.9 When an application outside of the normal admissions round or in-year application is received to admit a looked after child or a child who was previously looked after¹, the authority will place the child in the school of the parent's preference (including the corporate parent) unless:

¹ A looked after child or a child who was previously looked after but immediately after this became subject to an adoption, child arrangements, or special guardianship order, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

² Looked after children are excepted pupils outside of the normal admissions round under the School Admissions (Infant Class Sizes) (England) Regulations 2012.

- that school is unsuitable to the child's age, ability or aptitude or to his or her special educational needs; or
- the attendance of the child would be incompatible with the provision of efficient education for the children with whom he or she would be educated or the efficient use of resources; or
- the child has previously been permanently excluded from the preferred school; or
- other exceptional circumstances exist rendering the school unsuitable.

5.10 The local authority has the power to direct a school to admit a looked after child where Key Stage 1 classes are already at the maximum size² to comply with the infant class size legislation.

Denominational criterion

5.11 This criterion no longer applies to voluntary controlled schools.

Section 6: Published admission numbers of community and voluntary controlled schools

School Name	2017	2018	2019	2020	2021	2022	2023
Alexander First School	30	30	30	30	30	30	30
All Saints CE Junior School	90	90	90	90	90	90	90
Alwyn Infant and Nursery School	101	90	90	90	90	90	90
Boyne Hill CE Infant and Nursery School	60	60	60	60	60	60	60
Braywood CE First School	30	30	30	30	30	30	30
Cookham Rise Primary School	30	30	30	30	30	30	30
Courthouse Junior School	105	105	105	105	90	90	90
Eton Wick CE First School	30	30	30	30	30	30	30
Furze Platt Infant School	90	90	90	90	90	90	90
Furze Platt Junior School	90	90	90	90	90	90	90
Hilltop First School	45	45	45	45	45	45	45
Holy Trinity CE Primary School, Cookham	30	30	30	30	30	30	30
Homer First School	45	45	45	45	45	45	45
Kings Court First School*	45	45	45	45	30	30	30
Larchfield Primary and Nursery School	30	30	30	30	30	30	30
Oakfield First School	60	60	60	60	60	60	60
Oldfield Primary School	60	60	60	60	60	60	60
Riverside Primary School	60	60	60	60	60	60	60
South Ascot Village Primary School	30	30	30	30	30	30	30
The Queen Anne Royal Free CE Controlled First School	30	30	30	30	30	30	30
Waltham St Lawrence Primary School	19	19	22	22	22	22	22
Wessex Primary School	60	60	60	60	60	60	60
Woodlands Park Primary School	30	30	30	30	30	30	30
Wraysbury Primary School	60	60	60	60	60	60	60

*A variation has already been agreed by the Office of Schools Adjudicator, dated 23 August 2021, to agree to the reduction of the school's published admission number for academic years 2021/22 and 2022/23. We are consulting to permanently extend the reduction beyond September 2022.

Section 7: Definitions and explanations

Admission Authority – this is the authority responsible for setting and managing admission arrangements for a particular school. Specific types of schools are managed by different admitting authorities, although all are bound by the local authority's co-ordinated admission scheme. These different schools are detailed below:

Community schools – the local authority is the admission authority for these schools.

Voluntary Controlled schools – these are generally faith schools for which the local authority is the admission authority.

Voluntary Aided schools – these schools are faith schools, managed by the Church of England or Catholic diocese, for which the governing body is the admission authority. All the Voluntary Aided schools are bound by the co-ordinated admissions scheme.

Academies and Free Schools – these are schools whose running and capital costs are met by the DfE for which the governing body is the admission authority.

Published Admission Number (PAN) – this is the maximum number of pupils that a school is required to admit into each Year group. The number is agreed as part of a school's admission arrangements and is commonly determined with regard to a Net Capacity Assessment (calculated using instructions from the Department for Education (DfE) based on the space available and use of resources). Schools must admit up to their PAN. The PAN for Free schools and Academies is set by the Department for Education.

Admission Criteria – the rules used to prioritise the order in which children are offered school places.

Appeals – a parent's opportunity to ask for an independent panel to consider the admission authority's decision not to offer the child a place at the desired school.

Common Application Form (CAF) – this is the form used by applicants to apply for school places via their home authority.

Designated Area – sometimes know as the 'catchment area', this is a distinct geographical area that is served by a school. Admissions criteria often give certain priority to applicants living within a school's designated area, although this is never a guarantee of a school place.

Education, Health and Care Plans - An education, health and care plan is for children and young people who have special educational needs and disabilities and where an assessment of education, health and social care needs has been agreed by a multi-agency group of professionals. It is available from birth to age 25.

Home Address – this is a child's habitual residence and must be the address where you live with your child, unless you can prove that your child lives elsewhere with someone who has legal care and control of your child. We expect a child's home address to be a residential property that is the child's only or main residence, not an address at which your child may sometimes stay or sleep due to your domestic arrangements. The property must be owned, leased or rented by the child's parent/s or the person with legal care and control of the child. Additionally, a child's home address is where he or she spends most of the school week unless this is accommodation at a boarding school.

Joint Custody Arrangements – Where the child is subject to a child arrangement order and that order stipulates that the child will live with one parent/carer more than the other, the address to be used will be the one where the child is expected to live for the majority of the time. For other children, the address to be used will be the address where the child lives the majority of the time. Where the child lives equally with both parents and carers at different addresses the authority will consider all available evidence the parent or carer provides in order to confirm which address the authority will use to process the application, for example:

- any legal documentation confirming residence
- where the child spends the majority of the school week
- the pattern of the residence
- the period of time over which the current arrangement has been in place
- confirmation from the previous school of the primary contact details and home address provided to them by the parents
- where the child is registered with their GP
- any other evidence the parents may supply to verify the position

Local Authority (LA) – if you live in the Royal Borough of Windsor & Maidenhead, we are your ‘home local authority’. If you live somewhere else, then the county or borough you live in is your ‘home authority’. References in this paper to ‘the local authority’ or ‘the authority’ will be taken to mean the local authority of the Royal Borough of Windsor and Maidenhead unless otherwise specified.

Oversubscribed – when there are more applications than places, the school is said to be oversubscribed.

Parent – this is defined in law (the Education Act 1996) as *either* any person who has ‘parental responsibility’ (as defined in the Children Act 1989) for the child or young person, *or* any person who has care of the child or young person.

Preference – this is a school to which a parent/carer wishes to send their child. Parents can not choose the school their child attends but can indicate their preference. The authority must offer a place at the highest preferred school possible once the admissions criteria have been applied.

Service Families – where Service families and the families of other Crown servants are due to be posted to an area admitting authorities must treat such families as resident in the area when processing any application assuming appropriate evidence has been provided which may include notification of posting in the form of an official letter from the MOD, FCO or GCHQ.

Sibling – children are considered siblings if they have brothers or sisters living in the same family unit at the same address, and for whom the applicant has parental responsibility. The term includes a half or stepchild permanently living in the same family unit or a foster child permanently living in the same family unit whose place has been arranged by the social services department of a local authority. Sibling eligibility will flow from a foster child to other children of the family or from a child of the family to a foster child.

Supplementary Information Form (SIF) – a SIF is required by some own admission authority schools in order to collect additional information not provided on the common application form. This is to enable them to assess applicants against the published admission criteria.

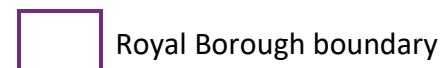
Proposal to change the designated area for Cookham Rise Primary School

This shows a proposed change to the designated area for Cookham Rise Primary School, which would come into effect in September 2023, if agreed.

Maidenhead primary schools (Reception intake)

- 7 [Cookham Dean CE Primary School](#)
- 9 [Cookham Rise Primary School](#)

designated area

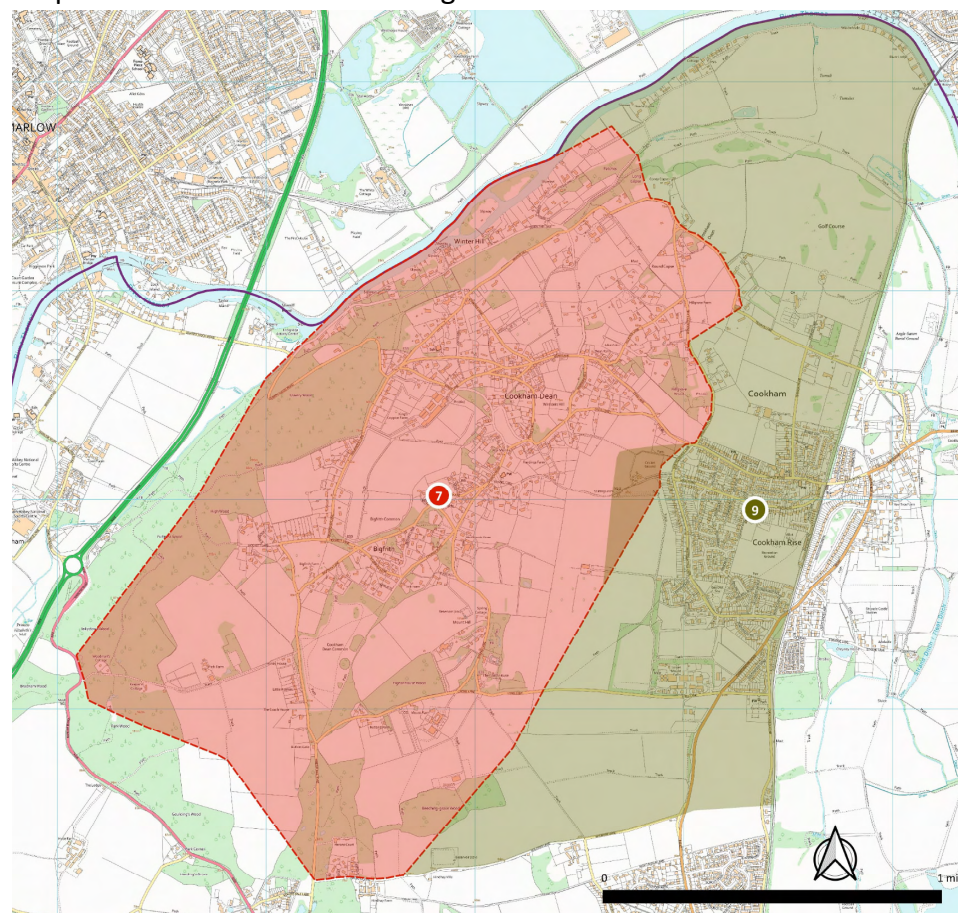


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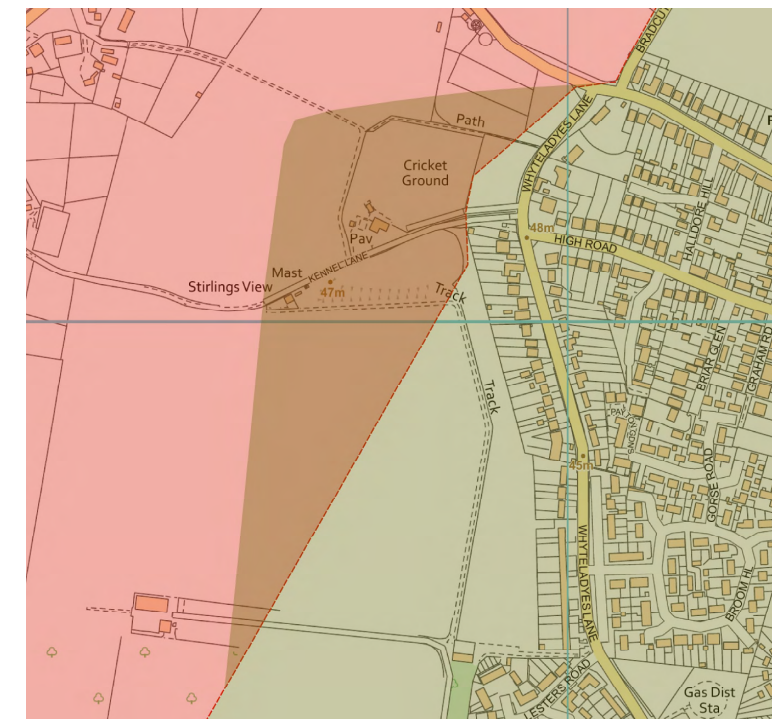
- a) Map 1 shows the current designated areas for Cookham Dean CE Primary School (orange area) and Cookham Rise Primary School (brown area).
- b) There is a small area where the designated areas for both schools overlap. This is around the Cookham Dean Cricket club, and is shown in more detail on Map 2. We believe there is currently one residential address within that area.
- c) It is proposed that the Cookham Rise Primary School designated area is reduced slightly so that it no longer covers the cricket ground. The new boundary, shown in Maps 3 and 4, will instead match the Cookham Dean CE Primary School boundary.
- d) No change is proposed to the designated area for Cookham Dean CE Primary School.

Current designated areas for Cookham Dean and Cookham Rise Primary Schools

Map 1: full extent of current designated areas

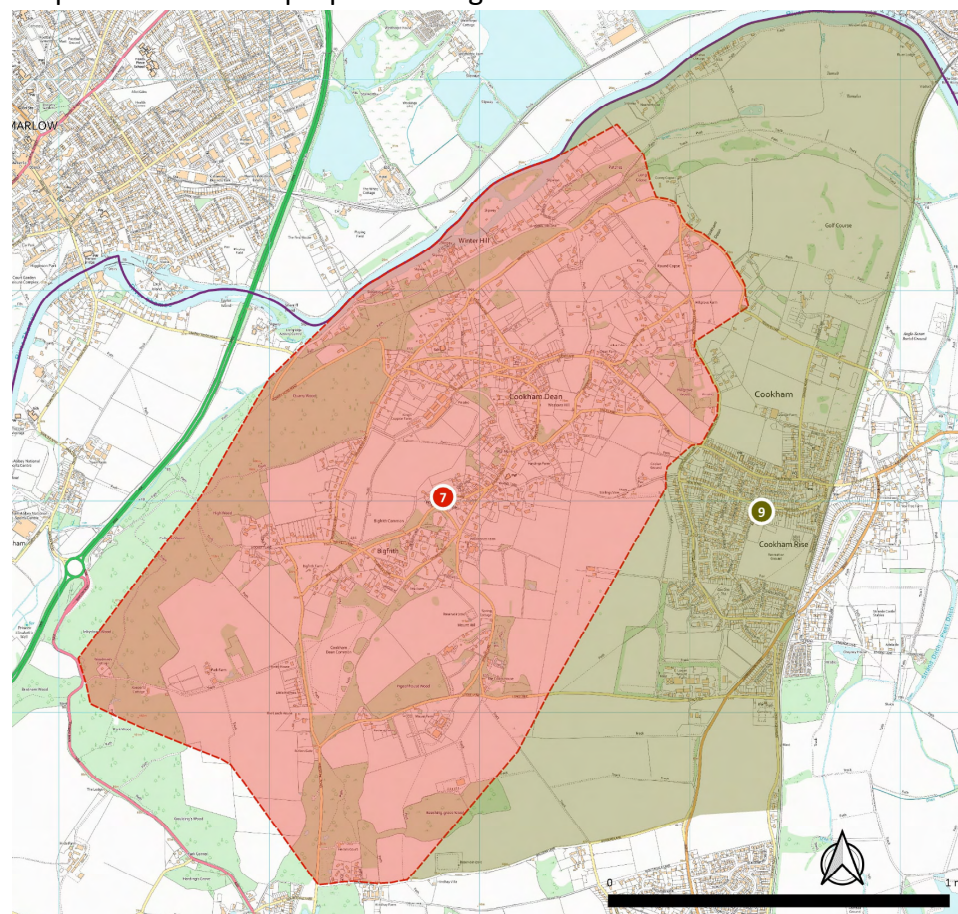


Map 2: showing overlapping area in more detail

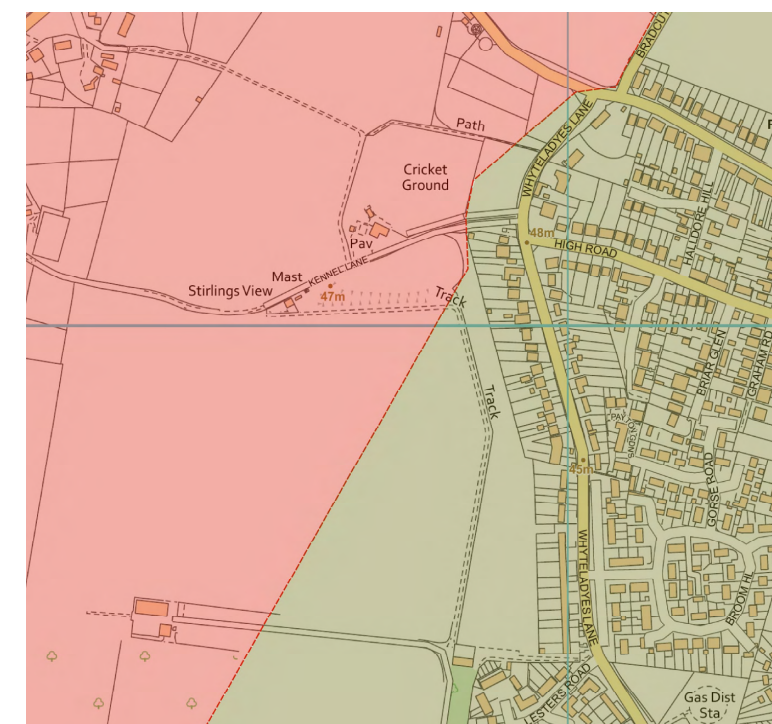


Proposed designated areas for Cookham Dean and Cookham Rise Primary Schools

Map 3: full extent of proposed designated areas



Map 4: showing overlapping area in more detail



DATA PROTECTION IMPACT ASSESSMENT

Project Details

Name of Project/ Initiative
Annual determination of the Admission Arrangements for the academic year 2023/24
Brief Summary of Project <i>(describe background to the project, the intended outcome and nature of the relationship with the individuals whose data is being collected. Include supporting documentation)</i>
The Royal Borough of Windsor and Maidenhead have a statutory duty to determine the annual admission arrangements for community and voluntary controlled schools for entry in September 2023 by the end of February 2022.
Estimated Start Date of Processing
1 September 2022
Name of Project Lead/Sponsor
Sian Williams

Details of Person Conducting DPIA

Name
Sian Williams
Position
Admissions Team Leader
Contact Details (Email & Telephone)
sian.williams@achievingforchildren.org.uk 07874 641767

Schematic data flow for school admissions data

Step 1. Identify the need for a DPIA

Does your project involve any of the following (Tick all that apply)

The collection of new information about individuals	<input checked="" type="checkbox"/>
Compelling individuals to provide information about themselves	<input checked="" type="checkbox"/>
The disclosure of information about individuals to organisations or people who have not previously had routine access to the information	<input checked="" type="checkbox"/>
The use of existing information about individuals for a purpose it is not currently used	<input checked="" type="checkbox"/>
Contacting individuals in ways which they may find intrusive	<input type="checkbox"/>
Making changes to the way personal information is obtained, recorded, transmitted, deleted or held	<input type="checkbox"/>
The use of profiling, automated decision making, or special category data to make significant decisions about people (e.g. their access to a service, opportunity or benefit)	<input type="checkbox"/>
The processing of special category data or criminal offence data on a large scale	<input type="checkbox"/>
Systematically monitoring a publicly accessible place on a large scale i.e. CCTV	<input type="checkbox"/>
The use of new technology, systems or business processes	<input type="checkbox"/>
Carrying out profiling on a large scale	<input type="checkbox"/>
Processing biometric or genetic data	<input type="checkbox"/>
Combining, comparing or matching data from multiple sources	<input checked="" type="checkbox"/>
Processing personal data without providing a privacy notice directly to the individual	<input type="checkbox"/>
Processing personal data in a way which involves tracking individuals' online or offline location or behaviour	<input type="checkbox"/>
Processing children's personal data for profiling or automated decision making or for marketing purposes, or offer online services directly to them	<input type="checkbox"/>
Processing personal data which could result in a risk of physical harm in the event of a security breach	<input type="checkbox"/>

If you answered "yes" to any of these, please proceed to Step 2.

If none of the screening questions apply, please tick the box below and return the form to the Data Protection Officer at dpo@achievingforchildren.org.uk

None of the screening statements in Step 1 apply to the project, and I have determined that it

is not necessary to conduct a Data Protection Impact Assessment	
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Step 2: Describe the processing

The nature of the processing

What is the source of the data?

Residents complete a common application form to apply for a school place; data provided by other authorities relating to their residents who have a preference for a RBWM school.

How will you collect the data?

RBWM resident data will be collected via a secure admissions portal (96%), a web form on the AfC website (3%) or a paper form which is either scanned and sent to the team by email (1%) or sent by post to The Town Hall (Maidenhead). Data is exchanged with other authorities via the secure Department for Education S2S service.

How will you use, store and delete the data?

Data is stored on Capita ONE database on a secure server. Any supplementary information is held in the AFC Google drive. Data is deleted once a child is no longer of compulsory school age.

Will you be sharing the data with anyone?

Schools and other local authorities for admission purposes; Department for Education preference return; social care and partner agencies for safeguarding purposes; RBWM Council Tax team where fraud is suspected.

Data Flow diagram

See attached

Describe the scope of the processing

What is the nature of the data? Detail the type of personal data being processed (e.g. name, NHS Number, OB)

Child - name, date of birth, gender, address, current school
Parent - name, address, contact number, email address

Does it include special category or criminal data? (e.g. racial or ethnic origin, health info, religious or philosophical beliefs, genetic, biometric data etc)

No

How much data will you be collecting and using?

Approx 4000 applications

How often will the data be collected and used?

Once a year

Schematic data flow for school admissions data

How many individuals are affected?
Approx 8000 (child and parent)
What geographical area does it cover?
RBWM plus any residents in other local authorities across England & Wales with a preference for a RBWM school
Describe the context of the processing
What is the nature of the relationship with the individuals whose data is being collected? i.e. carers, pupils etc.
Rising 5s and children of compulsory school age
How much control will they have over their personal data?
Full control via applicant request
Would they reasonably expect AfC to use their data in this way?
Yes
Do they include children or other vulnerable groups?
Yes - children
Are you aware of any prior concerns over this type of processing or security flaws?
No
Does it involve any innovative or new technology, or is the processing unique or unusual?
Secure server provided by the Department for Education. Similar exercise being performed in every borough across England & Wales
What is the current state of technology in this area?
Current version installed
Are there any current issues of public concern that should be considered?
No
Describe the purposes of the processing
What do you want to achieve?
To meet the statutory duty to provide a place for all children of compulsory school age
What is the intended effect on the individuals?
To provide a school place
What are the benefits of the processing for AfC and broadly?
To meet the statutory duty on behalf of the local authority.

Schematic data flow for school admissions data

Step 3: Consultation Process (*Consider how to consult with relevant stakeholders*)

Describe when and how you will seek individuals' views – or justify why it's not appropriate to do so

Information and process regulated under the School Admissions Code 2021. Any changes to the proposed Admission Arrangements are subject to mandatory public consultation for a minimum of six weeks. Consultation has taken place between 1st November and 13th December 2021.

Who else do you need to involve within AfC? i.e. Business Systems, Information Governance

Applications Support Team (RBWM)

Do you plan to consult information security experts, or any other experts?

No

Step 4: Assess necessity and proportionality (*describe compliance and proportionality measures*)

What is your lawful basis for processing? Please choose one of the following ?	
The data subject has given consent	
The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract	
The processing is necessary for compliance with a legal obligation to which AfC is subject	
The processing is necessary in order to protect the vital interests of the data subject or of another natural person;	
The processing is necessary for the performance of a task carried out in the public interest or in the exercises of official authority vested in AfC	✓
Does the processing actually achieve your purpose?	
Yes	
Is there another way to achieve the same outcome?	
No	
How will you prevent function creep? (<i>function creep is where data collected for one purpose is used for another purpose over time?</i>)	

Schematic data flow for school admissions data

Data will only be shared with other bodies responsible for auditing or administering public funds, for safeguarding purposes or in order to prevent and detect fraud or crime

How will you ensure data quality and data minimisation? *(We should only use the minimum amount of personal data possible to achieve the purpose of the processing)*

We only collect the minimum data required to fulfil the statutory duty. Each application is manually checked by admission officers.

What information will you give individuals about the processing?

The admission arrangements and coordinated scheme are available on the website, comprehensive guide available to applicants, privacy notice forms part of the application and requires a positive act for agreement.

How will you help support their rights? *(data subject rights include the right of access, rectification, erasure, portability and restriction of processing)*

In accordance with AfC data protection processes.

What measures do you take to ensure processors comply with the GDPR, and assist AfC in supporting individuals in exercising their rights?

Annual GDPR training and adhering to AfC policies regarding personal data

How do you safeguard any international transfers of personal data?

Not applicable

Step 5: Identify and assess the privacy risks *(The aim is compile a comprehensive list of all privacy risks associated the project, whether or not the risks require action)*

Privacy risk log							
Risk ID	Description of Risk	Impact on project	Likelihood 1=v.low 5= v.high	Impact 1= negligible 5= critical	Overall RISK (likelihood x impact)	Mitigation/Action	Status
1	Inappropriate access to system (e.g. sharing passwords, accessing information with no business needs, RBWM secure server breached by third party)	Potential for data breach	1	4	4	Not sharing passwords Applicants logon details not accessible to team limiting access to those only with business need	Active

Schematic data flow for school admissions data

						RBWM have procedures in place to secure server	
2	Security beach e.g. information disclosed inappropriately or sent to wrong person	Potential for data breach	1	3	3	Annual GDPR training cross-checking of accuracy of recipient	Active
3	Paper application mislaid in Town Hall ahead of scanning (no more than 1% of applications are received on a physical form)	Potential for data breach	1	3	3	Facilitate online applications as much as possible Robust procedures for handling physical post Shred hard copy of application as soon as possible Locked cabinets to secure paper applications	Active
3	DfE S2S service unavailable	Exchange of data via email	2	5	10	Data exchange only via secure email service	Active
4	Exchange of information with schools via different webmail platforms	Potential for data breach	1	5	5	Data exchange only via secure email service	Active

Step 6: Sign Off

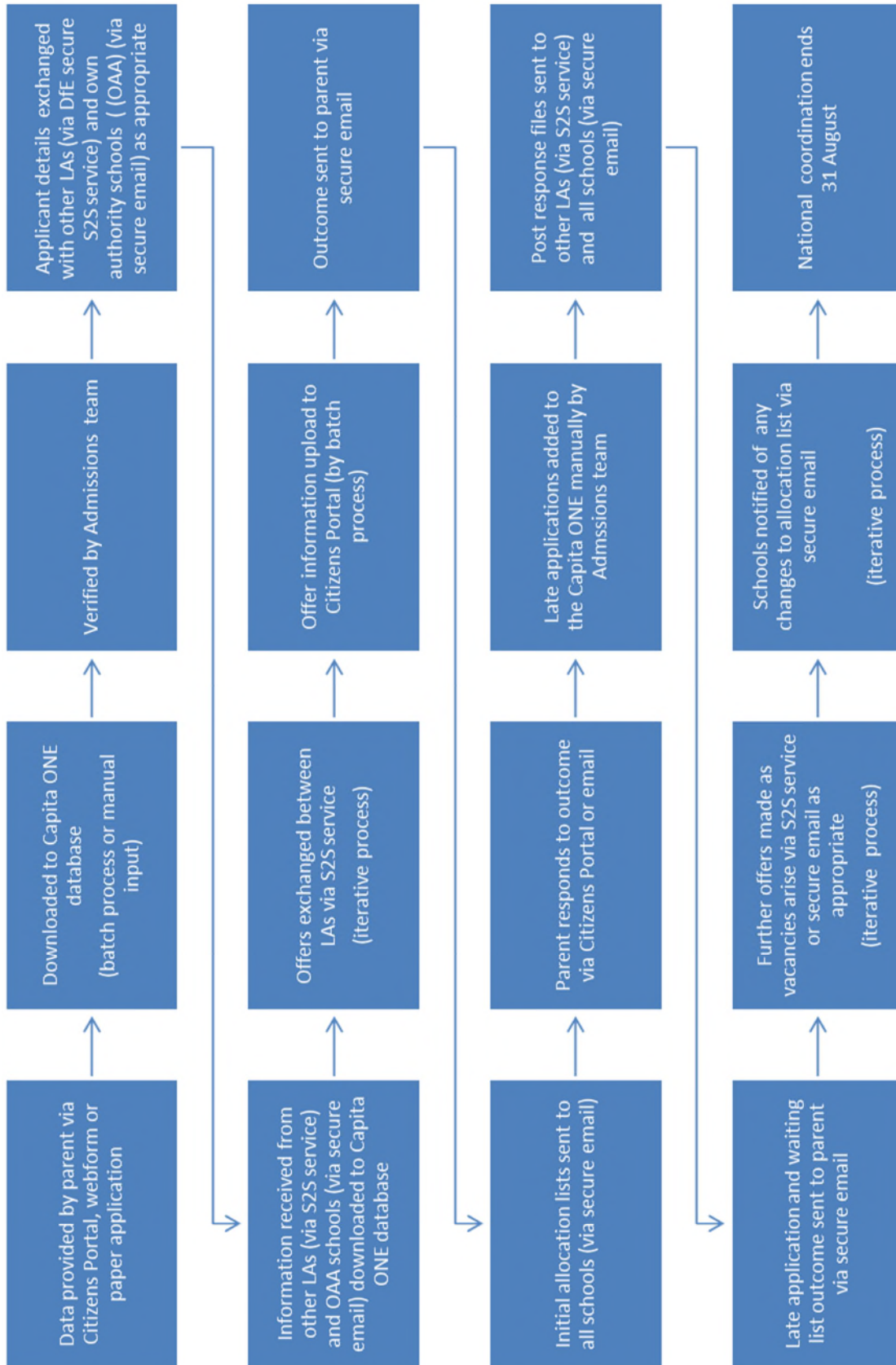
In cases where the impact of a risk identified at Step 5 is assessed to be either severe or critical and the likelihood is assessed to be either likely or very likely and the risks remain at this level after the implementation of controls, the Data Protection Officer must be consult the Information Commissioner's Office

Item	Name/Date	Notes
DPO advice provided by:		DPO should advise on compliance and whether processing can proceed

Schematic data flow for school admissions data

Summary of DPO Advice:		
DPO advice accepted or overruled (Name & Job title)		If overruled you must explain your reasons
Comments:		
IG Board rectification/ approval date:		
Comments:		

Schematic data flow for school admissions data



ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

ESSENTIAL INFORMATION										
Item being assessed <i>(Please tick):</i>	Strategy		Policy	<input checked="" type="checkbox"/>	Plan		Project		Service/Procedure	
Responsible Officer:	Sian Williams				Service:	School Admissions				
					Directorate:	Children's Services				
STAGE 1: EqIA SCREENING (MANDATORY)					STAGE 2: FULL ASSESSMENT (IF APPLICABLE)					
Date created:	16.12.2021				Date created:					
					Date reviewed by Law & Governance:					
Approved by Head of Service / Overseeing group/body / Project Sponsor:										
	Signed:									
	Date:									

GUIDANCE NOTES

What is an EqIA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups.

What are the “protected characteristics” under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqIA?

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

STAGE 1: SCREENING (MANDATORY)

1.1 What is the overall aim of your proposed *strategy/policy/project etc* and what are its key objectives?

The overall aim of these policies in partnership is to meet the annual statutory duty to agree a national coordination scheme for processing residents' applications and determine the admission arrangements for community and voluntary-controlled schools in the borough for the academic year 2023/24. The policies were written to ensure that the application for school places and the allocation of school places is not discriminatory, and to ensure that all compulsory school age children have access to education.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics?

62

*Consider each of the protected characteristics in turn and identify whether your proposal is **Relevant** or **Not Relevant** to that characteristic. If **Relevant**, please assess the level of impact as either **High / Medium / Low** and whether the impact is **Positive** (i.e. contributes to promoting equality or improving relations within an equality group) or **Negative** (i.e. could disadvantage them). Please **document your evidence** for each assessment you make, **including** a justification of why you may have identified the proposal as "Not Relevant".*

Protected characteristic	Relevance	Level	Positive / Negative	Evidence
Age	Relevant	Medium	Positive	<p>Parents of 4 year olds can decide for their child to defer entry or start Reception on a part-time basis.</p> <p>Parents of summer born children can request for their child to start reception rather than Year 1 on reaching compulsory school age. This is decided on a case by case basis based on the child's needs</p>

				Parents can request that their child is educated outside their chronological age group. This is decided on a case-by-case basis based on the child's needs.
Disability	Relevant	High	Positive	Highest priority for admittance is given to children with an Education, Health and Care plan naming a specific school. Provision is made within the admission arrangements for parents to apply for priority for a particular school based on the medical need of the child or a family member.
Gender reassignment	Relevant	Medium	Positive	Application will be assessed according to the gender with which the child identifies.
Marriage and civil partnership	Not relevant			Policy applies to children under the legal minimum age to be married or enter a civil partnership.
Pregnancy and maternity	Not relevant			Policy applies to children between the age of 4-11 years.
Race	Not relevant			Ethnicity is not a characteristic identified within the school admissions policies and application process.
Religion or belief	Relevant	Low	Positive	Provision is made within the admission arrangements for parents to evidence priority for places at voluntary controlled schools where they live outside of the designated area and do not have sibling priority.
Sex	Not relevant			Sex is not a characteristic considered within the admission arrangements as all the borough-maintained schools are co-educational.
Sexual orientation	Not relevant			Sexual orientation is not a characteristic identified within the admission policies and application process.

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OUTCOMES, ACTION & PUBLIC REPORTING

Screening Assessment Outcome	Yes / No / Not at this Stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
49 Was a significant level of negative impact identified?	No	N/A	N/A	N/A
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	N/A	N/A	N/A

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

All completed EqIA Screenings are required to be publicly available on the council’s website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

STAGE 2: FULL ASSESSMENT

2.1 SCOPE & DEFINE

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? *List the groups who the work is targeting/aimed at.*

65

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? *List those groups who the work is targeting/aimed at.*

2.2 INFORMATION GATHERING/EVIDENCE

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

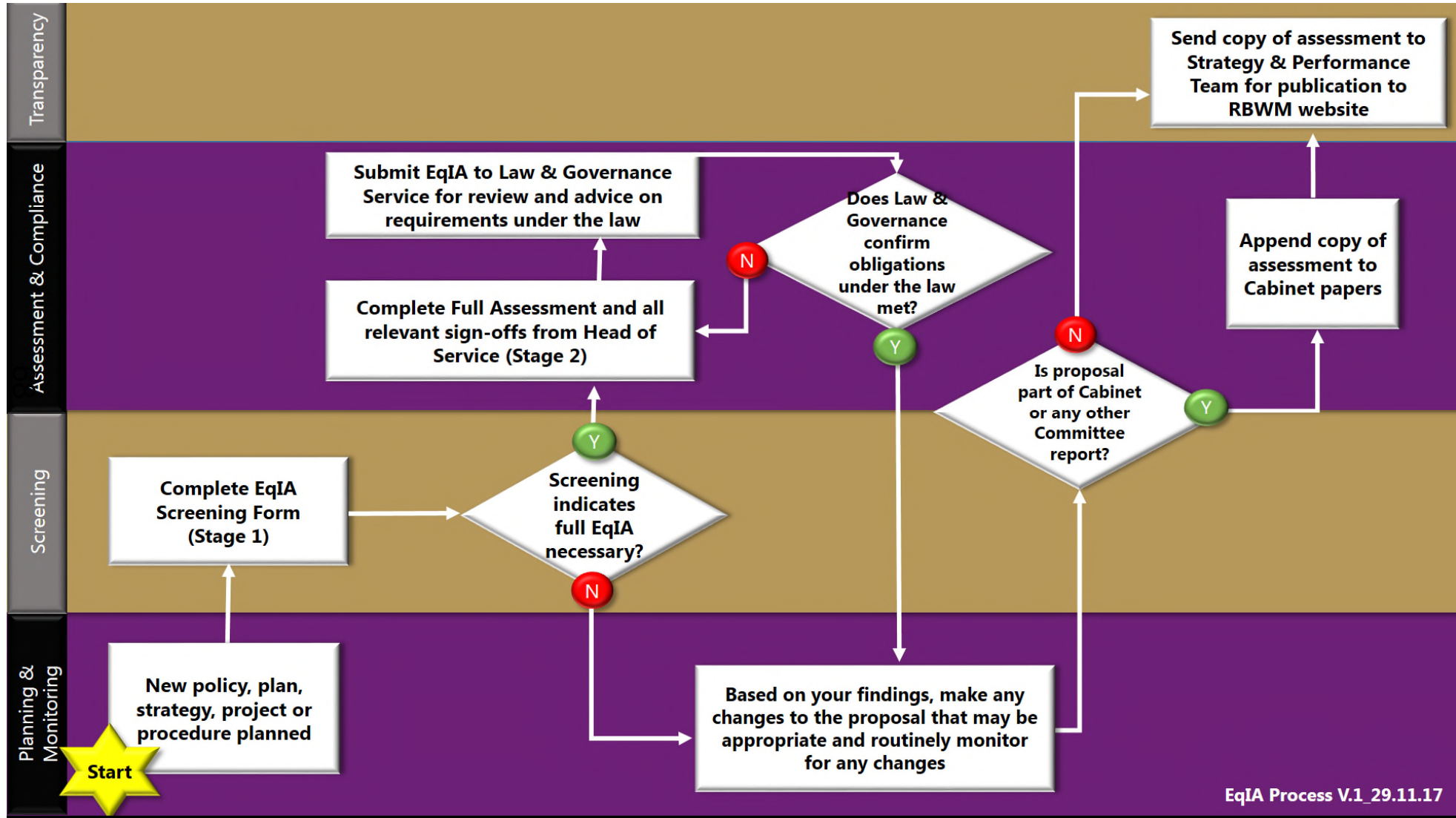
2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

Equality Duty Statement	Protected Characteristic	Advancing the Equality Duty		Negative impact		Explanation & Mitigations Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic
		Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	
Eliminate discrimination, harassment, victimisation	Age					
	Disability					
	Gender reassignment					
	Marriage and civil partnership					
	Pregnancy and maternity					
	Race					
	Religion or belief					
	Sex					
	Sexual orientation					
Advance equality of opportunity	Age					
	Disability					
	Gender reassignment					

	Marriage and civil partnership					
	Pregnancy and maternity					
	Race					
	Religion or belief					
	Sex					
	Sexual orientation					
67	Foster good relations					
	Age					
	Disability					
	Gender reassignment					
	Marriage and civil partnership					
	Pregnancy and maternity					
	Race					
	Religion or belief					
	Sex					
Sexual orientation						

2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts?
These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

EqIA Process



EqIA Process V.1_29.11.17

Report Title:	2021/22 Finance Update Report – Revenue and Capital Month 8
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Hilton, Cabinet Member for Finance and Ascot
Meeting and Date:	Cabinet – 27 January 2022
Responsible Officer(s):	Andrew Vallance, Head of Finance and Deputy S151 Officer Adele Taylor, Executive Director of Resources and S151 Officer
Wards affected:	All



REPORT SUMMARY

This report sets out the financial position of the Council in respect of the 2021/22 financial year as at the end of Month 8.

The report reviews the various elements of the Council’s financial position including the revenue budget and its funding, the capital programme, and the Council’s financial reserve position.

The report reviews the main areas of financial risk affecting the revenue and capital budgets and in respect of these risks sets out the assumptions that underpin the forecast position for the year.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet: notes the report including:

- i) The Council’s projected revenue and capital position for 2021/22.**
- ii) Approves a capital budget virement of £164,000 from Boulters Lock Car Park extension to Windsor Coach Park.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
Cabinet is requested to note the Council’s financial position	This is the recommended option

3. KEY IMPLICATIONS

- 3.1 RBWM faces considerable financial risks that can have a potentially significant and immediate impact on its finances. To mitigate and smooth the impact on the budget, reserves and a contingency budget are held. However, these are

currently at, or close to, the minimum levels required to protect the Council from these financial risks as well as potential service risks that it may also face.

Across the Medium-Term Financial Plan, the assumption is that RBWM will identify sustainable savings and therefore remain above the minimum level of reserves identified by the S151 Officer.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
General Fund Reserves Achieved	<£6,700,000	£6,701,000 to £6,900,000	£6,900,001 to £16,900,000	> 16,900,000	31 May 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

Revenue Budget and Funding

- 4.1 The **projected net revenue outturn position for 2021/22 at month 8 shows a favourable variance of £101,000** against the Revised Revenue Budget of £103,360,000 as shown in Table 3 below. This underspend is forecast to be transferred to general reserves at the end of the year.
- 4.2 This revenue outturn position represents a net improvement of £55,000 over the projected underspend at month 6. This net change is the result of a variety of small movements across services.
- 4.3 Forecast changes to note since month 6 are:
 - 4.3.1 Increases in bad debt provisions in Adults Social Care (£100,000), and corporate debt (£68,000) have been recognised this month. Levels of debt are reviewed monthly, and this will remain under review for the rest of the year. Movements of this magnitude are not considered unusual.
 - 4.3.2 Resources have forecast an increased saving against budget of £201,000 this month which helps to mitigate the pressures above. This increase includes lower than expected staff pressures in revenues and benefits of £80,000 and old balance sheet credits written off into corporate budgets of £86,000, as well as some other small movements.
 - 4.3.3 Forecast parking income in our car parking service has increased this month by £100,000 for the year. This is before consideration of any impact of the latest Covid-19 related restrictions, which continues to be carefully monitored.
- 4.4 The **general fund balance is forecast to be £7,160,000 at the end of the year, which is above the minimum level** of general fund balances to be achieved as set out in the key implications in section 3 which states that reserves should exceed £6,700,000.

- 4.5 A full breakdown of variances against each service area is attached at **Appendix A** and the reconciliation of the variance against the current 2021/22 Budget is set out in the table below:

Table 3: Summary 2021/22 Revenue Outturn position.

Directorate	Revised Budget	Projected Outturn	Projected Outturn Variance	Previous reported Variance Month 6	Change from Previous reported Variance
	£000	£000	£000	£000	£000
Chief Executive	(1,062)	(2,251)	(1,189)	(1,189)	0
Governance, Law & Strategy	3,845	3,491	(354)	(348)	(6)
Children's Services	24,911	25,680	769	684	85
Adults, Health and Housing	40,933	41,597	664	506	158
Resources	8,294	7,932	(362)	(161)	(201)
Place	15,181	15,877	696	758	(62)
Contingency and Corporate Budgets	1,660	1,579	(81)	(149)	68
Total Service Expenditure	93,762	93,905	143	101	(42)
Total Non-Service Costs	9,598	9,354	(244)	(147)	(97)
Net Council Expenditure	103,360	103,259	(101)	(46)	(55)
Total Funding	(25,106)	(25,106)	0	0	0
Transfer to / (from) balances	0	101	101	46	55
Net Council Tax requirement MTFP February 2021	78,254	78,254	0	0	0
General Fund					
Opening Balance	7,059	7,059			
Budget Transfers (from) Balances	0	101			
	7,059	7,160			

4.6 Savings Tracker

The monitoring of built-in savings for 2021/22 is shown in the savings tracker attached in **Appendix B**.

In summary - the projected savings achievable as at Month 8 are £5,250,000 against a target of £7,433,000, resulting in potentially unachievable savings of £2,183,000. These savings are rag-rated and are included in the reported service variances in Appendix A. Services are expected to mitigate the unachievable savings with alternative savings. The status breakdown is shown in **Table 5 and 6** below:

Table 5 - Savings Tracker 2021/22 Summary			
RAG Status:	2021/22 Savings Target £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast
GREEN	4,482	4,200	87.8%
AMBER	2,837	1,050	41.4%
RED	114	0	0.0%
	7,433	5,250	70.6%

Table 6 - Savings Projections by Directorate 2021/22			
By Directorate:	2021/22 Savings Target £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast
Adults, Health and Housing	3,624	1,599	44.1%
Children's	1,280	1,398	109.2%
Law & Governance	168	157	93.5%
Chief Executive	(30)	(30)	0.0%
Place	1,731	1,479	85.4%
Resources	660	647	98.0%
	7,433	5,250	70.6%

5. Chief Executive Revenue Forecast Outturn Position 2021/22

- 5.1 The Directorate is forecasting an **underspend position of £1,189,000** for the year 2021/22 as shown in Table 7 below.

Table 7: Chief Executive Revenue Forecast Outturn position 2020/21

Chief Executive	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£000	£000	£000	£000
Chief Executive	282	282	0	0
Property	(1,344)	(2,533)	(1,189)	0
Total Chief Executive	(1,062)	(2,251)	(1,189)	0

Areas of Risk & Opportunity (Significant)

Property

- 5.2 Included in the budget for 2021/22 is a Covid-19 pressures budget of £1,500,000 relating to lost income and costs of evictions in the commercial property service that were anticipated when the budget was set. Although there are specific and anticipated costs of £300,000, the remainder of this budget is not expected to be needed.
- 5.3 Industrial & Commercial Estates include a miscellaneous income budget of £242,000. Although there are a few small premises rents that go against this budget much of it is for one-off or new rental income. This year £167,000 of

miscellaneous income has been identified so far leaving a potential £75,000 pressure.

5.4 The forecast underspend has not changed since month 6.

6. Governance, Law & Strategy Revenue Forecast Outturn Position 2021/22

6.1 The Directorate is forecasting an **underspend outturn position of £354,000** for the year 2021/22 as shown in Table 8 below. A small improvement of £6,000 on month 6.

Table 8: Governance, Law & Strategy Revenue Outturn Forecast 2021/22

Governance, Law & Strategy	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£000	£000	£000	£000
Deputy Director of Law & Strategy	156	156	0	0
Communications & Marketing	344	344	0	0
Governance	2,235	2,051	(184)	(6)
Law	650	617	(33)	0
Performance Team	370	260	(110)	0
Policy Communication & Engagement	90	63	(27)	0
Total Governance, Law & Strategy	3,845	3,491	(354)	(6)

Savings built into the 2021/22 budget amounted to £168,000 for the Directorate of which £157,000 are expected to be delivered in the year.

The schools buy back for the data protection service has not been as high as budgeted (£6,000 pressure), this is being mitigated in year from savings within the Directorate.

Areas of Risk & Opportunity (Significant)

6.2 An ongoing recruitment programme is in progress across the directorate. It is anticipated that full establishment will be achieved by March 2022. Vacancy savings because of this process are forecast to be £187,000 across services in 2021/22. It had been anticipated that vacancies would be filled earlier in the year.

6.3 Land charges income is currently ahead of budget, boosted by the property market buoyancy because of the stamp duty holiday extension to the end of September. The service is forecasting to be £25,000 over target for income in the year. It is difficult to predict future demand and this income stream remains under regular review.

6.4 There are savings on variable office costs including £100,000 printing in recognition of the ongoing impact of home working on office costs. Ongoing savings have been proposed in the 2022/23 revenue budget to reflect these changes.

- 6.5 Legal savings of £30,000 (included in vacancy savings above) relate to services now provided by the Deputy Director of Law & Strategy, which had been part of the shared legal services contract. This budget is therefore no longer required.
- 6.6 Member Services is currently reporting forecast savings of £33,000 mainly due to inflation on Members' allowances not taken by several Members, not all Special Responsibility Allowance payments being made under the '1-SRA' rule, and reduced mileage claims as a result of higher levels of virtual meetings.
- 6.7 Other in year savings across a few cost centres make up the balance of the improved position for the Directorate since month 6.

7. Children's Services Revenue Forecast Outturn Position 2021/22

- 7.1 The Directorate is forecasting an **adverse outturn position of £769,000** for the year 2021/22 as shown in Table 9 below.
- 7.2 Children's Services Directorate current revenue position is a forecast overspend of £1,962,000 against a current budget including the Dedicated Schools Grant of £95,229,000 for the financial year 2021/22. Of this overspend £1,193,000 is offset to the Dedicated Schools deficit, resulting in a net overspend on Children's Services of £769,000. The financial position for 2021/22 is set out in Table 9. The deficit is expected to reduce in period 9.

Table 9: Children's Services budget position 2021/22

	Service	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
		£000	£000	£000	£000
	Children's Services non-Dedicated Schools Grant				
*	Social Care and Early Help	19,050	20,752	1,702	154
*	Business Services	3,386	3,342	(44)	(9)
*	Education	1,393	1,444	51	5
*	Operational Strategic Management	324	(227)	(551)	28
*	Public Health	1,582	1,582	0	(78)
*	Special Educational Needs and Children with Disabilities	2,120	1,832	(288)	(25)
	Children's Services – Retained	(2,945)	(3,046)	(101)	10
	Total Children's Services Non-Dedicated Schools Grant	24,911	25,680	769	85
	Dedicated Schools Grant				
*	AfC Contract - Dedicated Schools Grant	12,035	14,184	2,149	694
	Dedicated Schools Grant – Retained	58,286	57,330	(956)	(1,256)
	Dedicated Schools Grant Income (transfer to DSG deficit)	(70,318)	(71,514)	(1,193)	562

Service	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£000	£000	£000	£000
Total Dedicated Schools Grant	0	0	0	0
Summary Position				
* Achieving for Children Contract	39,888	42,907	3,019	769
Children's Services – Retained	(2,945)	(3,046)	(101)	10
Dedicated Schools Grant – Retained	58,286	57,330	(956)	(1,256)
Total Children's Services budget	95,229	97,191	1,962	(477)

7.3 The services included within the Children's Services Directorate are set out in **Appendix G**. The outturn variance of £769,000 consists of the following material variances as set out in Table 10.

Table 10: Children's Services material variances

Service	Projected Outturn Variance	Note
	£000	
Total Social Care and Early Help	1,702	
Total Achieving for Children Other	(832)	
Total Achieving for Children	870	1
Children's Services – Retained	(101)	2
Total Children's Services Non-Dedicated Schools Grant	769	
AfC Contract - Dedicated Schools Grant	2,149	
Dedicated Schools Grant – Retained	(956)	
Total Dedicated Schools Grant	1,193	3
Total Dedicated Schools Grant transfer to Reserve	(1,193)	4
Total Net Dedicated Schools Grant	0	
Total Outturn Variance	769	

7.4 The reported variance compared to the Month 6 Cabinet report is an adverse movement of £85,000 of which £75,000 relates to the AFC Contract and £10,000 adverse movement relates to Children's Services retained. The material movements include:

Achieving for Children material movements totalling net increase of £75,000:

- **Employee & Operational Related Expenditure £244,000** – adverse movement reflecting the requirement to retain several interim staff to cover statutory posts for the remainder of 2021/22

- **Placements (£283,000)** – cost reduction most significantly relating to negotiated health contributions backdated to January 2020 (£233,000) and placement moves net (£50,000)
- **Home to School Transport (£25,000)** – favourable movement following review of contracts and reconciliation of final claims relating to 2020/21
- **Legal Services £100,000** - increased cost of counsel based on quarter 2 recharges which includes the legal support for four high profile cases
- **Public Health (£78,000)** – previous forecast assumed higher level of interims covering hard to fill roles within Health Visitor and Nursery Nurses service; updated position reflects reduced availability of Public Health professionals to meet increasing demands on the service
- **Unaccompanied Asylum-Seeking Children £80,000** – indicative costs relating to new National Transfer Scheme
- **Others £37,000**

Children’s Service Retained material movements £10,000:

- **Grants £10,000** – adverse movement following review of grants to be received 2021/22

7.5 **Total Achieving for Children non-Dedicated Schools Grant (Note 1)**

The forecast overspend of £870,000 comprises of service variances as reflected below:

- **Placements £668,000** – represents the full-year effect of three high-cost placements in quarter 4 of 2020/21, quarter 1 and 2 of 2021/22 totalling a net £822,000. Additionally, based on indicative movements in Care and previous years’ trends the forecast reflects an estimated Future Demand for further placements during 2021/22 of £95,000. The overspend is partly offset by the release of the RBWM held “demography” fund of £368,000 into the AfC Contract which has been matched to additional in-year costs. There has been a national trend of an increase in the complexity and need of placements; this coupled with increasing demand on providers resulting in an increase in unit costs has adversely affected the forecast. The pressure is partly offset by additional health contributions backdated to January 2020 (£233,000).
- **Employee & Operational Related £431,000** - Child Focused posts retained to meet increased demand in Domestic Abuse & statutory services resulting from Covid-19 including the increased level of referrals and complexity of the demands on the service.

- **Legal Services £200,000** - increased cost of counsel based on quarter 1 and reflective of previous activity levels
- **Unaccompanied Asylum-Seeking Children £80,000** – indicative costs relating to new National Transfer Scheme
- **School Improvement Grant £75,000** – increased support programme for schools matched by an additional grant within Children's Services – Retained non-Dedicated Schools
- **Community Family Hubs £58,000** – increased operational costs and reduced income generation due to ongoing impact of the Covid-19 pandemic
- **Therapy Savings £50,000** – delayed progress to fully deliver savings plan in 2021/22
- **Contain Outbreak Management Fund (£517,000)** – identification of existing employee costs that relate to prevention and management of the Covid-19 pandemic
- **Home to School Transport (£75,000)** – outcome from retendering process exceeding the savings plan
- **Recovery Plan (£100,000)** – in-year mitigation plan focusing on application of grants and restriction on non-essential expenditure including vacancy management

7.6 **Children's Services – Retained non-Dedicated Schools Grant (Note 2)**

The net underspend of £101,000 consists of service variances as set out below:

- **School Improvement Grant (£75,000)** – increased grant allocation matched by increased costs within AfC Contract
- **Troubled Families Grant (£50,000)** – increased grant allocation following improved number of contacts with families
- **Others £24,000**

7.7 **Total DSG (Note 3)**

The DSG overspend of £1,193,000 reflects a favourable movement of £562,000 to the previously reported position.

The material forecast variances are as follows:

- **Schools Block (£537,000)** – this favourable variance relates to the release of the total uncommitted balance of the pupil growth fund of £537,000 from

a total allocation of £679,000. This forecast variance has not been previously reported.

- **Central School Services Block (£95,000)** – this favourable variance mainly relates to the underspend within the Non-Independent Special School Places (£51,000) and staffing vacancies (£30,000). This forecast variance has not been previously reported.
- **Early Years Block (£266,000)** - this favourable movement relates to the final budget allocation received from the ESFA in November 2021 for 2020/21. The final allocation 2020/21 was 3% more than projected. It is confirmed that the Early Years Block funding for 2020/21 was allocated to all nursery settings. This forecast variance has not been previously reported.
- **High Needs Block £2,091,000** - increased costs relating to the provision of Independent Special or Non-Maintained Special Schools and other associated direct support. In comparison to 2020/21 the average unit cost and volume for 2021/22 has increased by 1% and 9% respectively. This variance includes an adverse movement of £336,000 compared to the previously reported position relating to an increase in the number of pupils being placed at an Independent Special or Non-Maintained Special School including movements since the start of the new academic year.

There are pressures on the High Needs Block with this position continuing and replicated in most other local authorities. It is linked to a combination of factors to include rising demand for service provision that meets the increasingly complex needs of children and young people, and the SEND Reforms (2014) that increased support to include individuals from birth up to 25 years of age.

Included within the current High Needs Block forecast are commitments relating to the Further Education Institutes increased pupil numbers at the start of the academic year. Further to negotiations with the institute by Achieving for Children along with high levels of pupil turnover the funding for 2021/22 is being re-evaluated and will reduce accordingly. The favourable impact will be reflected in the period 10 monitoring report.

7.8 **Total DSG Transfer to Reserves (Note 4)**

To fund the in-year overspend there will be a deficit balance transfer of £1,193,000 to the Dedicated Schools Grant reserve, resulting in a cumulative net carry forward as at 31st March 2022 of £2,984,000 (2%). This cumulative deficit includes pooling into the deficit reserve previously held Dedicated Schools Grant earmarked reserves of £134,000.

The DSG conditions of grant 2021/2022 (paragraph 5.2), requires that any Local Authority with an overall deficit on its DSG account at the end of the financial year 2020/21, or whose DSG surplus has substantially reduced during the year, must be able to present a plan to the Department for Education (DfE) for managing their future DSG spend.

The Deficit Management Plan must be signed off by the Director of Children's Services and the Executive Director for Resources (section 151 officer). The Deficit Management Plan must be taken to Schools Forum meetings and discussed by members.

The Deficit Management Plan must address the cumulative deficit position with a recovery period of three to five years. It will be extremely challenging to clear the cumulative deficit with increasing cost pressures and rising demand for service provision that meets the increasingly complex needs of children and young people, and the SEND Reforms (2014) that increased support to include individuals from birth up to 25 years of age.

Based on current demand, pricing and estimated future grant funding the current projected cumulative deficit for the DSG by 31 March 2023 is in the region of £5,000,000 unless actions are undertaken to address these challenges.

The Deficit Management Plan will be reported to the Schools Forum in April 2022.

8. Adults, Health & Housing Revenue Forecast Outturn Position 2021/22

- 8.1 The overall position for the Adults, Health and Housing Directorate is a forecast **overspend of £664,000** against a current budget of £40,946,000 for 2021/22, see table 11.

Table 11: Summary position for the Directorate as at Month 6

Service area	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£'000	£'000	£'000	£'000
Director & Support	2,483	2,454	(29)	46
Adult Social Care Services	34,986	35,664	678	97
Housing Services	3,464	3,479	15	15
Total	40,933	41,597	664	158

- 8.2 **The Director & Support** revenue position as at Month 8 is a forecast **underspend of £29,000** against a current budget of £2,483,000 for 2021/22.

This is a decrease from Month 6 of £46,000 due to increase in costs for Out of hours of £60,000 offset by an underspend of £19,000 in Voluntary grants. This underlying underspend is due to additional income from the COMF funding of £55,000 and further delays in recruitment to vacant posts of £18,000.

Table 12: Director & Support Revenue budget position

Service Area	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£'000	£'000	£'000	£'000
<u>Director & Support Teams</u>				
Transformation & Systems	512	512	0	0
Director, Procurement & Partnerships	434	449	15	0

Service Area	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£'000	£'000	£'000	£'000
Jnt Arr-Modern Records & Coroners	495	512	17	0
Commissioned -Community and Children	258	263	5	0
Adult Social Care Commissioning & Support	621	555	(66)	46
Government Grant Income	163	163	0	0
Total – Director & Support teams	2,483	2,454	(29)	46

8.3 **Adult Social Care is forecasting an overspend of £678,000** against a current budget of £34,999,000 for 2021/22 at Month 8. This is an increase from the forecast overspend at Month 6 of £97,000.

8.4 The increases this month have been an increase in the Bad Debt provision of £100,000 and a pressure of £162,000 on costs of Senior Interims in Social Care. Where financial assessments are made for clients and a contribution to costs is required, invoices are raised to recover those contributions. Monthly debt review meetings specifically review this debt and its recoverability – based on work done by the recovery team. The level of the provision is adjusted on the basis of these meetings.

8.5 In common with the national trend, the service is experiencing unprecedented demand, in terms of volume and acuity of need. Much of the demand is being driven from hospital discharges with more frail older people requiring more intensive support to remain in their own homes or requiring residential or nursing placements. At the start of the year, 351 older people were being supported at home, this has now stabilised at 374; the number of older people in care homes has increased from 309 in April 2021 to 335 now. Whilst the service is on track to meet its specific savings targets for 2021/22, the increased demand is having an adverse impact on the overall budget.

8.6 The split of the change in the forecast between services are shown in table 13 below

Table 13: Adult Social Care 2021/22 Revenue Monitoring Month 8 Position

Summary Type	Care Group / Service	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
		£'000	£'000	£'000	£'000
	Summary Position				
Exp	RBWM Expenditure budgets	15,986	16,420	434	(121)
Inc	RBWM Income budgets	(13,937)	(15,207)	(1,270)	(368)
Optalis	Optalis contract -Total	32,950	34,464	1,514	641
	Adult Social care services budgets	34,999	35,677	678	97
	Commissioning & Support	621	550	(71)	41
	Total Adult Social Care Net Budget	35,620	36,227	607	138

The main reasons for the overspend relate to the cost of providing homecare and increasing pressure on older adults' nursing and residential placements.

The cost of providing homecare is forecast to exceed the annual budget by £435,000 due to increasing demand and costs. The pressure on this budget has been offset by additional income from the Better Care Fund (BCF), NHS Frimley Clinical Commissioning Group (CCG) and client contributions. The income received from the CCG has been provided to facilitate hospital discharge and prevent hospital admissions.

The estimated income receivable from the CCG has continued into this financial year as the Department of Health and Social Care (DHSC) announced that the scheme would now continue until the end of financial year. Allowance for additional income was made when setting the budget for 2021/22. Further detail on the income received from the CCG in 2021/22 is shown in **Table 14 below**.

Table 14: Summary of CCG estimated income due to be received in 2021/22

Purpose of income	£'000
BCF -Minimum contribution to adult social care	4,957
Covid-19 related spend-Hospital discharge process (HDP)	850
Free Nursing Care	670
Shared Care and Other	200
TOTAL INCOME	6,677

The number of residents supported in long-term care in nursing and residential homes had reduced significantly due to the impact of Covid-19 in 2020/21. So far this year the numbers are increasing. As with domiciliary care, income from the CCG provided to facilitate hospital discharge and to prevent hospital admissions continues into this financial year for the remainder of the financial year.

8.7 Older People and People with a Physical disability

The numbers of older people needing nursing accommodation appears to be increasing putting additional pressure on budgets. The people requiring care and support from adult social care are frailer with complex co-morbidities. Much of this is because of the direct impact of Covid-19 but also of conditions that could not be fully treated during the lockdown periods of 2020.

Much of the block, bedded provision is now being fully utilised – and where vacancies arise, they are being immediately filled with new residents - and therefore additional costs are being incurred from spot arrangements. The largest area of additional spend is purchasing nursing or residential care with dementia support. The pressure on the spot purchasing budget for residential and nursing beds is being partly offset by the additional income generated from client contribution charging.

8.8 Learning Disability

Table 15: Learning Disability services

Summary Type	Care Group / Service	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
		£'000	£'000	£'000	£'000
	Learning Disability (LD)				
Exp	Residential; Nursing; Supported Living - block	1,926	1,971	45	0
Optalis	Residential & Nursing care - spot	5,269	4,485	(784)	9
Optalis	Residential & Supported Living - Optalis provided	3,518	3,439	(79)	(50)
Optalis	Supported Living - spot	3,589	3,678	89	(91)
Optalis	Day & Other Care - Optalis provided	2,201	1,917	(284)	(50)
Optalis	Income from charges	(1,531)	(1,307)	224	0
Inc	Other LD Income	(579)	(553)	26	0
Optalis	Care teams staffing	775	709	(66)	0
	Learning Disability Total	15,168	14,339	(829)	(182)

The month 8 forecast underspend for LD services is £829,000 please see **Table 15** above, which is an increased underspend from the last reported position as at month 6 of £182,000. The main reasons for this reduction are CHC awarded and clients moving out of the area, changes in the cost of packages of care and some deaths.

8.9 Mental Health

Table 16: Mental Health Services

Summary Type	Care Group / Service	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
		£'000	£'000	£'000	£'000
	Mental Health (MH)				
Optalis	Mental Health services	2,270	2,789	519	(95)
Optalis	Mental Health Team	1,185	1,122	(63)	0
Inc	Mental Health Income	(423)	(444)	(21)	0
	Overall Mental Health Total	3,032	3,467	435	(95)

Pressures have continued to increase on all care budgets for people with mental health issues, as anticipated given the current pandemic and restrictions.

Following a detailed review of mental health service users, the forecast outturn position for Mental Health is a pressure of £435,000 a decrease of £95,000 from last month because of several deaths and changes in Care Packages. Because of the overspend, the potential savings identified for 2021/22 have not been achieved. Plans for mitigating the forecast pressure are being put in place.

8.10 Public Health and Better Care Fund

The Public Health budget is fully funded by the £5,056,000 ring-fenced Public Health Grant. Underspends on this budget must be carried forward in a public health reserve. At the start of this financial year, there was £511,000 in the Public Health reserve for use in 2021/22 or future years. The PH reserve will be used according to PH priorities in 2021/22 and 2022/23. This includes an additional £243,000 spend against additional staff, £100,000 uplift in spend on the Sexual Health Contract and the Health Visiting and School Nursing Contract. £20,000 has been allocated for a Picker Institute Evaluation of Health Visiting/School Nursing and £15,000 for an Oral Health Survey for 5 year olds.

The Contain Outbreak Management Fund (COMF including Test and Trace grant) also sits within Public Health. This grant is specifically for issues arising from the pandemic, awarded for use over two financial years i.e. 2020/21 and 2021/22. The amount spent in 2020/21 on this grant was £618,000 while the balance has been carried forward into 2021/22 - £3,666,000 in addition to the £804,000 funds received for 2021/22. Spending plans have now been drawn up for these remaining and new funds with only £250k yet to be allocated but should be identified soon.

The Better Care Fund is a budget held in partnership with the CCG and is accounted for in totality in the Council's accounts as a pooled arrangement. Variances to planned spend on individual projects are shown in the service area to which that project relates. All decisions on spend are taken by the Integrated Commissioning Board.

The Better Care Fund is mandated to include the Local Authority's capital income in respect of Disabled Facilities Grant. This income must be spent on items of a capital nature within the purposes for which the grant is allocated or the staffing administration of the scheme. Current budgets for 2021/22 are as below: -

Table 17: Public Health Grant and Better Care Fund

Service	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£'000	£'000	£'000	£'000
Public Health – gross spend	5,056	5,056	0	0
COMF Grant (inc T&T)	3,666	3,666	0	0
Total expenditure	8,722	8,722	0	0
Public Health Grant & COMF	(8,722)	(8,722)	0	0
Better Care fund – expenditure	13,133	13,133	0	0

Service	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£'000	£'000	£'000	£'000
Better Care fund income	(13,133)	(13,133)	0	0

8.11 Housing

The annual budget for Housing is £3,464,000. As at month 8 the forecast variation on this budget is a £265,000 overspend, see **table 18** below:

Table 18 – Housing

	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£000	£000	£000	£000
Housing and Environmental Health:				
Head of Housing	244	244	0	0
Housing Strategy & Residential	2,296	2,296	0	0
Environmental Health	884	884	0	0
Trading Standards & Licensing	40	55	15	15
Total Housing	3,464	3,479	15	15

Homelessness – the pressure on this service is continuing to grow due to higher-than-expected demand over the last two quarters of the year. This will result in additional net Temporary Accommodation (TA) spend of £451,000 over the next few months. As a result, this would increase our Housing Variance to a pressure of £595,000. However, the Homelessness Prevention Grant can be used to cover these additional costs alongside existing homeless prevention schemes. This will bring us in line with budget as long as there are sufficient funds in the grant.

There is a small overspend on Trading Standards and Licensing due to a decrease in projections on the income likely to be received this year

8.12 Future risks for Adult, Health and Housing

8.12.1 Achievement of Savings Adult social care has committed to significant savings in 2021/2022 with the majority on schedule to be delivered. As outlined above, it is unlikely that the planned savings in the mental health service will be achieved. Covid-19 has had an inevitable impact on the planned savings but all efforts are continuing to be made to deliver on target

8.12.2 Demographic Growth

A budget was set at the start of this financial year based on the number of residents in services at an average cost. This is being closely monitored monthly as we are seeing continuing additional demand at increased costs.

As at the end of November 2021, the number of older people, learning disability clients and mental health service users has started to stabilise. The figures used to set the budget are included in the table below; please note these are average figures across all care settings.

Table 19

	Budget £	Budgeted Average Weekly Unit Cost	Actual Ave Weekly Unit Cost This Yr	Budgeted Average Numbers	Numbers at Start of Month											
					Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
Older People																
Nursing	£8,775,160	£969 pw	£1,041 pw	174	181	183	183	184	190	198	200	200	204			
Residential	£4,301,750	£711 pw	£789 pw	116	128	129	133	131	131	132	133	131	131			
Temporary Spot (N and R)	£215,000	£940 pw	£986 pw	4	18	16	17	12	15	14	20	15	10			
Direct Payments	£1,197,250	£328 pw	£351 pw	70	58	62	60	61	60	58	59	58	55			
Supported / Sheltered Living	£472,670	£8,731 pw	£9,693 pw	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a			
Home Care RBWM	£4,627,710	£332 pw	£262 pw	267	351	358	370	377	382	383	382	376	374			
Day & Other Community	£65,000	£1,247 pw	£1,247 pw	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a			
Total Older People	£19,654,540	-	-	631	736	748	763	765	778	785	794	780	774			
Physical Disability																
Nursing	£412,430	£1,107 pw	£1,129 pw	7	6	6	6	7	7	7	7	7	7			
Residential	£449,280	£834 pw	£858 pw	10	12	12	10	10	10	10	10	10	9			
Supported / Sheltered Living	£94,810	£1,818 pw	£2,445 pw	1	1	1	1	1	2	1	1	1	1			
Home Care Optalis	£775,300	£370 pw	£374 pw	40	38	37	38	41	42	42	42	42	42			
Day & Other Community				-												
Total Physical Disability	£1,731,820	-	-	59	57	56	55	59	61	60	60	60	59			
Learning Disabilities																
Nursing	£194,900	£1,246 pw	£1,029 pw	3	3	3	3	3	3	3	2	2	3			
Residential	£5,073,620	£1,730 pw	£1,564 pw	56	56	56	56	54	53	51	51	52	52			
Supported / Sheltered Living	£3,276,010	£683 pw	£750 pw	92	89	81	82	81	82	83	83	84	84			
Shared Lives (Fostering)	£137,140	£440 pw	£394 pw	6	4	3	3	3	3	3	3	3	3			
Home Care	£313,000	£207 pw	£211 pw	29	24	28	28	27	27	27	27	26	26			
Day & Other Community	£921,910	£650 pw	£596 pw	27	43	44	44	43	42	42	40	41	41			
Total Learning Disabilities	£9,916,580	-	-	213	219	215	216	211	210	209	206	208	209			
Mental Health																
Nursing	£253,570	1,096	£974 pw	4	5	5	5	5	5	7	7	7	7			
Residential	£468,560	737	£710 pw	12	19	19	19	18	20	20	19	19	19			
Supported / Sheltered Living	£1,121,890	517	£633 pw	42	54	56	56	51	45	46	45	47	47			
Home Care	£299,290	158	£200 pw	36	27	29	29	27	22	22	22	24	24			
Day & Other Community	£126,960	303	£285 pw	8	7	7	7	7	8	8	8	8	8			
Total Mental Health	£2,270,270	-	-	103	112	116	116	108	100	103	101	105	105			
Total All Client Groups	£33,573,210	-	-	1,006	1,124	1,135	1,150	1,143	1,149	1,157	1,161	1,153	1,147			

8.12.3 Pressures

- Learning Disabilities

Within Learning Disability services, a detailed 'Forward Look' list is maintained. This includes any changes that we are aware of which may have an impact on adult social care budgets, such as transition cases from children's services, movements within joint packages of care with Health or residents moving away from health funded Continuing Health Care (CHC) funding to adult social care funding. There is a risk that **£450,000** (P2-£700,000) may transfer to our services during this financial year. This element is being monitored on a monthly basis and any adjustments to the Forward Look are identified and acted on.

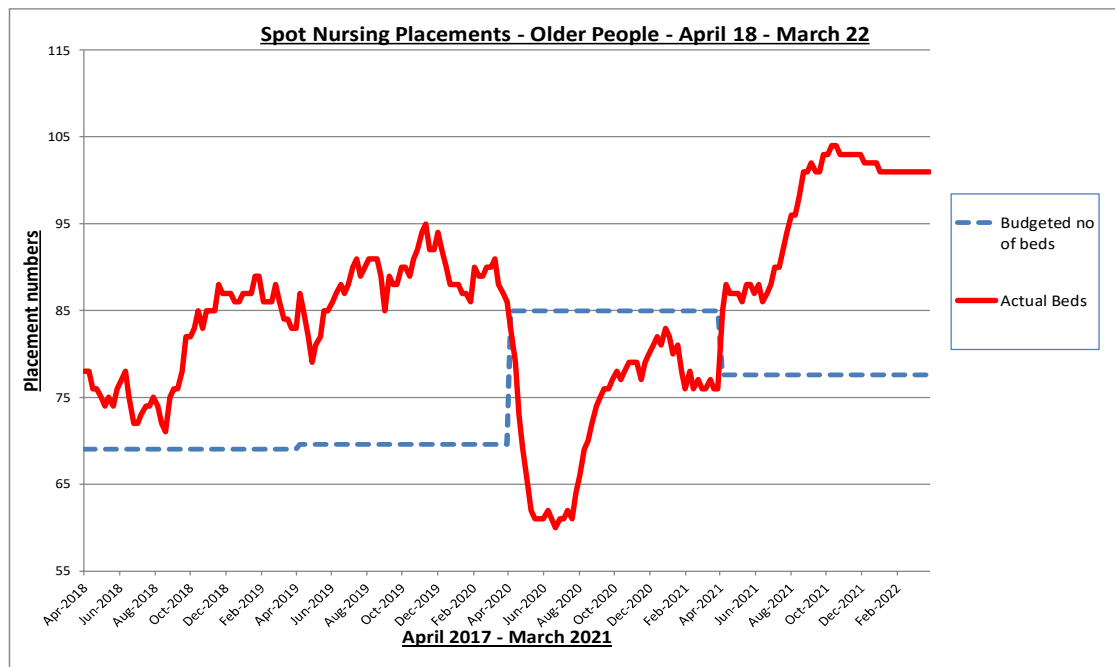
The Deprivation of Liberty safeguarding (DOLS) is changing to Liberty Protection Safeguards (LPS) under the Mental Capacity (Amendment) Bill. The new legislation now covers from 16 plus and broadens the scope to treat people and deprive them of their liberty in a medical emergency. The changes to this bill will bring additional costs and pressure, initially forecast at £110,000 but may increase. A proposal to lobby central government for new burdens funding is being discussed nationally.

- Mental Health

Mental Health also maintains a Forward Look, within this we can identify additional pressures of £13,000 of cases that could transfer to adult social care services

- Older adults and spot purchasing arrangements

The team continues to ensure that the block contracts are fully utilised before spot purchasing additional care. The number of spot purchased older people nursing placements continues to grow. After an initial dip following Covid-19, the numbers increased but now seem to be stabilising. Please see the graph below.



- Temporary accommodation

This area of spend will be closely monitored during this financial year, due to the challenges faced with monitoring temporary accommodation usage. Risks include the freeze on private sector evictions being lifted, therefore increasing the homeless presentations, and the potential of further restrictions- such as further lockdowns over the winter period, resulting in additional parental/friend evictions. The mitigation to the challenge includes a private sector officer starting this month with a focus on discharging the duty of current households in temporary accommodation into suitable private rented sector.

9. Resources Revenue Forecast Outturn Position 2021/22

- 9.1 Resources Directorate is forecasting an underspend outturn position of £362,000 for the year 2021/22 as shown in Table 20 below. Savings of £660,000 built in to the 2021/22 budget for the Directorate are all expected to be delivered in year.

Table 20: Resources Revenue Forecast 2020/21

Resources	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£000	£000	£000	£000
Executive Director of Resources	214	214	0	0
Libraries & Residents Services	2,551	2,279	(272)	(35)
R&B Management and Administration	1,045	1,088	43	(80)
Housing Benefits	424	174	(250)	0
HR, Corporate Projects and IT	2,803	2,803	0	0
Corporate Management	(6)	(18)	(12)	(86)
Finance	1,263	1,392	129	0
Total Resources	8,294	7,932	(362)	(201)

9.2 Areas of Risk & Opportunity (Significant)

- 9.2.1 Pressure on income within revenue and benefits and housing benefits as a result of the Covid-19 emergency is forecast to be £554,000, this is £220,000 in excess of the budget set aside for this pressure in 2021/22 See below for more information
- 9.2.2 Costs relating to current and future staff vacancies within finance, requiring to be covered by agency staff, are estimated to rise to £140,000 by the end of the year. This is net of vacancy savings and grant contributions. As the situation changes, this forecast will be updated.

9.3 Libraries & Residents Services

- 9.3.1 The increased underspend of £35,000 from month 6 is due to ongoing part year staff vacancies in the Libraries and Reading Development & Library Promotions teams.
- 9.3.2 Income carried forward for postponed Weddings will cover the cost of increased capacity, although any income relating to Covid-19 related postponed Weddings remains at risk of refund if not delivered in year. Registrars have invested in extra resources in order to meet new legislative requirements that came into force from 4th May. This will allow the service to continue to officiate the maximum number of Weddings possible at the current time.

9.3.3 Additional costs of £25,000 have been forecast to cover the work being done by registrars and casual registrars to cover the backlog of weddings.

9.3.4 In Libraries & Information Services an £8,000 saving on rental payments has also been forecast due to the closure of Eton Library earlier this year.

9.4 **R&B Management and Administration**

9.4.1 Magistrates' courts although open (on-line) have restricted the numbers of cases that can be brought, thus delaying recovery of costs and tax. Fees are charged to help fund the costs of the Council Tax and Business Rates recovery service and it is forecast that this income will be down on budget by £220,000.

9.4.2 It is anticipated that staff and agency costs associated with administering the continuing distribution of Covid-19 related grants and support to businesses and individuals will be funded fully from new burdens grant funding, and costs are forecast as being £80,000 currently. An additional £100,000 new burdens grant has been received recently and similar levels of additional costs are likely to be incurred, which will be kept under review.

9.4.3 There has been a £80,000 reduction in the forecast pressure in this service. Largely due to a £70,000 reduction in staffing pressures in the Processing team due to delays in recruitment to vacant posts and dealing effectively with the extra work generated by the impact of Covid-19.

9.4.4 Other small savings within the service have reduced the overall pressure to £43,000.

9.5 **Housing Benefits**

9.5.1 Although forecasting the shortfall between benefits paid out and the subsidy reclaimable is always difficult, dependent as it is on the mix of benefits paid, current predictions based on current patterns of payments, indicate that there may be a surplus of at least £250,000 this year. This may change and will be kept under review, as we have already seen a sharp fall in the recoverable amount relating to the provision of housing for those presenting as homeless, reflecting the rising costs associated with that provision.

10. Place Revenue Forecast Outturn Position 2021/22

10.1 The Directorate is forecasting an **overspent outturn position of £696,000** for the year 2021/22 as shown in Table 21 below.

10.2 Savings of £1,731,000 were built into the directorate's 2021/22 budget. We are forecasting to achieve 85% of these savings. The shortfall will be mitigated from savings elsewhere in the service.

10.3 The forecast variance has improved by £62,000 largely due to £100,000 increased forecast in daily car parking income and permit fees, partially offset by a £40,000 increase in fly tipping costs based on recent trends.

Table 21: Place Revenue Forecast 2020/21

Place	Current Budget	Forecast Outturn	Forecast Outturn Variance	Change Since Month 6
	£000	£000	£000	£000
Executive Director of Place	248	233	(15)	0
Neighbourhood Services	10,405	10,783	378	(97)
Planning	1,416	1,416	0	0
Communities	(213)	(24)	189	(2)
Infrastructure, Sustainability & Transport	3,325	3,469	144	37
Total Place	15,181	15,877	696	(62)

10.4 Areas of Risk & Opportunity (Significant)

10.5 Neighbourhood Services

10.5.1 The hybrid fortnightly general waste collection enduring solution means that residual waste will be collected fortnightly while collections of recycling and food waste will remain weekly (green waste remains fortnightly). These changes to the waste collection contract have added £500,000 of pressures this year. To deliver this model, Serco requires additional resources in the form of vehicles and staff and is a substantial element of the net forecast overspend of £378,000 in the service.

10.5.2 Additional income from enforcement of **street works activity** – £100,000 built into the budget is not considered achievable this year. The service has been redesigned to focus on robust enforcement with a review of the business case being undertaken by the service. Work so far has been promising in terms of income generated and recruitment of 2 FTE posts is underway to fully resource the team and drive the initiative forward.

10.5.3 A **Waste** disposal saving of £175,000 was still considered possible until recently but any saving delivery is now likely to be from savings on tonnages based on previous year's data – only £65,000 is now forecast. The overall saving will also be determined by the ongoing Dry Mixed Recyclable solution since the fire at Pure recycling.

10.5.4 Also helping to mitigate savings - **green waste income** is continuing to be ahead of budget as numbers of service users exceed budgeted expectations - £150,000 overachievement of income forecast and income from **cemeteries and open spaces** - £70,000.

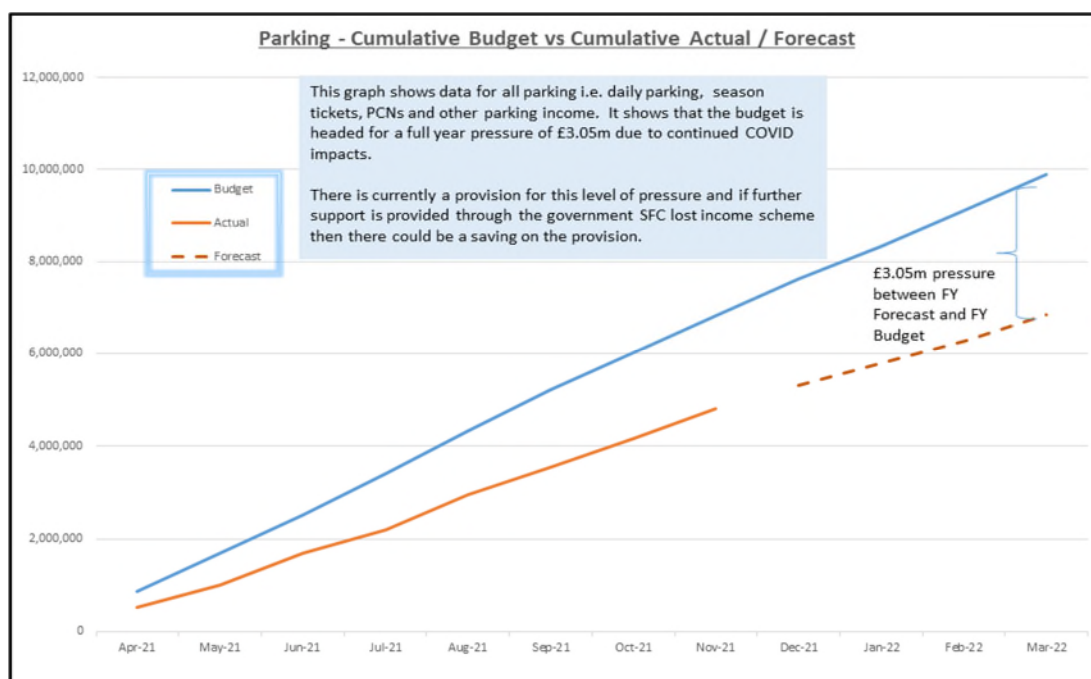
10.5.5 The Parks & Countryside service is now being reported as part of this division pursuant to new management arrangements, and was previously part of the Infrastructure, Sustainability & Transport division.

10.5.6 **Car Parking Income** – total income received from car parking across the borough for the first eight months of the year was 29% down against the profiled budget of £6,814,000 with income received of £4,818,000.

10.5.7 Income received from daily car parking and season tickets across the borough for the first eight months of the year was £4,429,000, which was 29% down against the profiled budget of £6,251,000. Actual daily parking income received for the eight months was £4,135,000 against profiled budget of £5,349,000 (Windsor received £3,030,000 against the profiled budget of £4,095,000 compared to Maidenhead which received income of £1,105,000 against the profiled budget of £1,254,000). Based on data to date, the budget allocated to cover this ongoing loss of income because of Covid-19 restrictions of £3,090,000 is expected to be sufficient for the anticipated pressure this year.

10.5.8 Season ticket sales are a particular area of concern that is being closely monitored by the service to identify permanent changes in commuter behaviour that may affect this income stream on a permanent basis. Income received to 30th November is £294,000 against a profiled budget of £902,000, which is 67% down against budget. The current full year forecast is £409,000 against a budget of £1,379,000, which is a 70% pressure.

10.5.9 Forecast parking income and permit fees was increased by £100,000 (£50,000 for both types) based on current performance and likely trends for the rest of the year.



10.6 Communities

10.6.1 **Leisure centres concession contract** – additional support for Leisure Focus will be required this year as social distancing restricts footfall and income generation within the leisure centres. This is anticipated to be £364,000 above the £1,758,000 put in the budget to support this pressure in 2021/22. Forecast SFC income for the first 3 months of the year is £513,000.

10.6.2 Within Communities staff working on COMF funded grant activities has resulted in forecast savings of £173,000 against base budgets. This has mitigated to some extent the pressures in Leisure above.

10.6.3 The overall pressure in Communities is currently £189,000, a small improvement of £2,000 on month 6.

10.7 Infrastructure, Sustainability & Transport

10.7.1 Because of government guidance on bus support during the Covid-19 emergency, savings within the **supported bus services** are unlikely to be delivered this year. The total undeliverable saving is £100,000 with a forecast over-spend of £165,000.

10.7.2 As mentioned above, the Parks & Countryside service is now being reported as part of Neighbourhood Services rather than previously the Infrastructure, Sustainability & Transport service, and is the reason for the £37,000 increase in the forecast overspend. There are other small over and underspends in the service, resulting in an overall £144,000 forecast overspend for the service.

11. Contingency and Corporate Revenue Forecast Outturn Position 2021/22

11.1 The contingency budget constitutes several risk-based elements that represent potential, but uncertain, liabilities known at the time the budget is set in February of each year. When these risks become certain costs and liabilities, budgets will be moved either as in-year or permanent virements to the relevant service. Corporate budgets represent those costs not relating to specific services.

11.2 Additional provision has been made this month of £68,000 for corporate bad and doubtful debt.

Analysis of the contingency and corporate budget movements follows in **Table 22** below

Table 22: Contingency and Corporate budget position

Contingency & Corporate	Current Budget	Projected Outturn	Projected Outturn Variance	Change Since Month 6
	£000	£000	£000	£000
Corporate Contingency:				
Adults Contractual	331	331	0	0
Demographic growth Children's	63	0	(63)	0
Savings Delivery	1,300	1,300	0	0
Total Contingency	1,694	1,631	(63)	0
Corporate Budgets	(34)	(52)	(18)	68
Total Contingency and Corporate Budgets:	1,660	1,579	(81)	(68)

12. Other Revenue Budget Issues

12.1 Collection Fund

Most of the Council spending relies on collecting Council Tax and Business Rates. The Council's budgeted share of these two precepts is £88,000,000 in 2021/22. Collection rates are as a result, closely monitored. A total of £76,803,248 of Council Tax collected, equates to a collection rate of 76.06% against a target collection rate of 76.5%. Business Rate collection was £44,893,627 equating to a collection rate of 68.37% against a target collection rate of 75.0% as shown in the table below.

Table 23 Revenues Collection Figures 2021/22							
	Total Collectable for Current year (£)	Total Collected to date for Current Year (£)	Total Collected this month for current year (£)	% Collected for current Year	% Collected same period last year	Target as per SADC	Current year balance Outstanding (£)
CTAX							
April	100,945,944	11,749,256	11,749,256	11.64%	11.51%	11.6%	89,196,688
May	100,930,216	21,252,177	9,502,921	21.06%	20.84%	21.5%	79,678,039
June	100,935,586	30,624,936	9,372,759	30.34%	30.24%	30.6%	70,310,650
July	100,904,338	39,670,554	9,045,618	39.32%	39.32%	39.8%	2020
August	100,951,942	48,901,428	9,230,874	48.44%	48.38%	48.9%	52,050,513
September	101,008,884	58,259,043	9,357,614	57.68%	57.37%	58.2%	42,749,841
October	101,021,416	67,407,697	9,148,654	66.37%	66.37%	67.5%	33,613,719
November	100,983,220	76,803,248	9,395,551	76.06%	72.28%	76.5%	24,179,973
NNDR							
April	52,713,615	6,022,929	6,022,929	11.43%	10.70%	12.0%	46,690,685
May	52,941,908	10,183,936	4,161,006	19.24%	19.98%	20.0%	42,757,973
June	63,503,191	17,508,680	7,324,745	27.57%	35.08%	31.0%	45,994,511
July	65,811,704	22,468,766	4,960,086	34.14%	42.70%	41.0%	43,342,938
August	66,426,898	27,300,760	4,831,994	41.10%	48.92%	49.0%	39,126,137
September	64,679,837	32,992,369	5,691,609	51.01%	58.11%	58.0%	31,687,468
October	65,029,717	39,250,349	6,257,980	60.36%	67.1%	66.7%	25,779,367
November	65,664,789	44,893,627	5,643,277	68.37%	74.98%	75.0%	20,771,162

13. Sundry Debt

13.1 The current level of outstanding sundry debt is £8,968,000 as at 30th November 2021. This is an increased level of debt of £1,241,000 since 31st March 2021. Much of the increase relates to changes in the process of recovering contributions from service users within the temporary accommodation service. In the past only cash receipts were recognised, now the full debt due is recognised. The age of the debt is in the table below.

2021 OUSTANDING DEBTS AND BAD DEBT PROVISION REQUIREMENT AS AT 30 November 2021									
Service	2020/21		2021/22						
	Debt Outstanding 31st March 2021	Bad Debt provision 31st March 2021	Debt outstanding 30 November 2021	<1 month	>1 month and <6 months	>6months and <1 year	1 to 2 years	>2 years	Bad Debt provision for 2021/22
	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000
Education, Youth and Foster Schools	81	63	57	1	1	0	1	54	55
Housing loans	1,075	0	54	40	5	6	3	0	4
Temporary Accommodation - bed and breakfast	327	242	308	0	0	1	2	306	481
Adult Social care	449	148	2,149	61	509	1,397	100	82	582
Adult deferred payments	3,830	1,464	3,716	549	1,139	535	669	826	1,832
Corporate including Highways and Leisure	601	191	658	10	51	65	157	375	0
Commercial Property**	841	223	943	391	233	142	146	32	284
Optalis and AfC	523	383	679	22	287	160	184	25	333
	0	0	535	95	414	24	2	1	0
TOTAL DEBT	7,727	2,714	9,099	1,169	2,639	2,330	1,264	1,701	3,571
% of outstanding debt				13%	29%	26%	14%	19%	

14. Revenue Budget Movements

14.1 The movements to the net service expenditure budget since the February 2021 Council budget report total £1,289,000 net as shown in the table below: -

Table 25 - Net Service Expenditure Movements 2021/22				
Description	Funded by the General Fund (note 1)	Funded by Provision (note 2)	Included in "Funding" within Original Budget (note 3)	Total
	£000	£000	£000	£000
Original Budget	95,051	0	0	95,051
Property Management Provision	0	100	0	100
Allocation of SFC to services	0	0	(1,389)	(1,389)
Total	95,051	100	(1,389)	93,762

1. If additional budget is authorised, but no funding is specified, the transaction would, by default, be funded from the General Fund Reserve.
2. Sportsable – a premium payable under the lease agreement has been funded from the property reserve set up for this purpose in 2020/21.
3. Transactions here relate to amounts approved in the annual budget, which have for various reasons been allocated to service budgets in year but were part of the "funding" budget in the February 2021 Council report.

15. Revenue Reserve

- 15.1 At 31 March 2021, the Council had general fund reserves of £7,059,000. The projected outturn position at month 6 of £181,000 underspend, results in a general fund reserve projection of £7,160,000 at 31 March 2022, being £460,000 above the minimum level approved by Council for 2021/22 (£6,700,000).

Table 26: General Fund reserve projection

General Fund Reserve projection	£000
Opening Balance 01.04.2021	7,059
Projected underspend	101
Current Projected Balance at 31.03.2022	7,160

16. Borrowing Projection 2021/22

- 16.1 Throughout the year the Council's borrowing levels are updated based on cash-flow and spending on the capital programme as shown in **Appendix C**. Currently, the Council is borrowing temporarily pending anticipated capital receipts in future years and short-term interest rates remain low. The details of the current borrowing are shown in **Table 27** below.

The Council is now anticipating holding £16,800,000 of funds on behalf of the LEP at the year-end, which it will be able to use as internal borrowing in place of short-term borrowing from other local authorities.

The graph in **Appendix F** shows the actual and forecast end-of-month gross borrowing levels for the year. In the table below the Council's investment balances are offset against the gross amount borrowed to give the net borrowing position.

Table 27 Total Borrowing

Borrowing Type	Actual Start of Year £000	Actual Previous Month 6 £000	Actual Current Month 8 £000	Forecast Month 6 £000	Year End Forecast Month 8 £000
Long Term	57,049	61,264	71,265	71,265	71,265
Short Term – Local Authority	114,000	76,000	101,000	144,000	125,000
Short Term – LEP/Trusts	20,732	23,887	22,802	0	16,802
Investments	(23,909)	(9,286)	(47,557)	(14,000)	(14,834)
Net Borrowing	167,872	151,865	147,509	201,265	198,233

17. Capital Programme

- 17.1 The gross capital expenditure for the current financial year 2021/22 is shown in **Table 28**. This summarises the outturn position by directorate. This month there

are new budget savings to report for schools' expansions and contingency works totalling £282,000. Further detail on total budget variances, including items reported in previous months, is detailed in **Appendix E**. After identifying further slippage to 2022/23 of £26,439,000, the Council is projected to spend £41,150,000 on capital projects in the current financial year. One major item of slippage reported this month is £15,950,000 for the Maidenhead Golf Club site. The budget is expected to be utilised in the next financial year once an agreement on the site is finalised. Detail on the funding of the capital programme is shown in **Table 29**.

Table 28: Capital Programme projected outturn.

	Revised Gross Budget 2021/22	Forecast Gross slippage to 2022/23	Current year variances	Projected Gross Outturn 2021/22
	£'000	£'000	£'000	£'000
Chief Executive	32,651	(17,306)	-	15,345
Law & Strategy	445	(261)	-	184
Place Directorate	24,574	(6,202)	(20)	18,352
Adults, Health & Housing	1,318	(556)	-	762
Children's Services	6,664	(1,994)	(531)	4,139
Resources	2,638	(120)	(150)	2,368
Total	68,290	(26,439)	(701)	41,150

17.2 Budget movements to arrive at the revised budget are detailed in **Appendix D**.

17.3 Capital Expenditure Financing

17.3.1 The £41,150,000 capital expenditure will be funded by the income streams as set out in **Table 29**. It is projected that £24,340,000 of corporate funding is required for the financial year. There will be further final slippage of residual unspent budget to 2022/23. At present, the cost of short-term borrowing at a short-term borrowing rate of 0.09% is estimated to cost £22,000 for current year expenditure.

Table 29: Capital Programme financing

Capital Programme funding	£000
Government Grants	(9,116)
Developers' Contributions (s106 & CIL)	(7,669)
Other Contributions	(25)
Corporate funding	(24,340)
Total	(41,150)

Table 30: Capital programme status

	£000
Number of schemes in programme	223
Yet to start	11%
In progress	70%
Completed	10%
Ongoing programmes e.g. Disabled Facilities Grant	9%

17.4 Windsor Coach Park Lift and Footbridge – Capital Budget Virement.

17.4.1 Capital Review Board has recently reviewed all in-year project delivery plans and associated budgets. Where budgets are shown as slippage these are closely reviewed and projects reprioritised where possible. In terms of the Boulters Lock car park extension, this project has stalled because of increasing contract costs and despite going back out to market, quotation cost far exceeds budget provision.

17.4.2 Therefore, it is proposed to process a £164,000 virement of this budget to support the proposed refurbishment of Windsor’s coach park lift and footbridge that requires an essential repair and refurbishment. The total proposed cost of this project is £150,000; however, a variation of the covered bridge section and pending assessment from bridge engineers, may increase costs hence the additional requirement. Officers will continue to work through alternative options for the car park area and a project will be considered in early 2022.

17.4.3 It is therefore recommended that a capital budget virement of £164,000 is approved from Boulters Lock Car Park extension to Windsor Coach Park.

18. Transformation Plan funded from flexible reserves

18.1 The 2020 transformation plan for 2021/22 has a one-off budget of £1,347,091, funded from flexible capital receipts; Council approved this in February 2020.

18.2 To 30 November 2021, the Council has received £1,347,000 of capital receipts that are allocable to the transformation plan. It is forecast that this will be fully utilised by the end of the year to fund allowable revenue transformation costs.

19. LEGAL IMPLICATIONS

19.1 In producing and reviewing this report the Council is meeting its legal obligations to monitor its financial position.

20. RISK MANAGEMENT

20.1 Projected variance will require mitigation to reduce it during the financial year.

21. POTENTIAL IMPACTS

21.1 Equalities – none.

21.2 Climate change/sustainability – none.

21.3 Data Protection/GDPR – none.

22. CONSULTATION

22.1 None

23. TIMETABLE FOR IMPLEMENTATION

23.1 Implementation date if not called in: '**Immediately**'.

24. APPENDICES

24.1 Eight appendices support this report:

- Appendix A Revenue Monitoring Statement
- Appendix B Savings Tracker 2021-22
- Appendix C Capital budget summary
- Appendix D Capital monitoring report
- Appendix E Capital Slippage
- Appendix F Borrowing forecast
- Appendix G Children's variance analysis
- Appendix H Reserve Analysis

25. BACKGROUND DOCUMENTS

25.1 This report is supported by one background document:

- Budget Report to Council February 2021.

26. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>			
<i>Statutory Officers (or deputy)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	30/12/21	4/1/22 and 18/1/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	17/1/22	
<i>Deputies:</i>			

Name of consultee	Post held	Date sent	Date returned
Andrew Vallance	Head of Finance (Deputy S151 Officer)	23/12/21	4/1/22 and 17/1/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)	17/1/22	19/01/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	17/1/22	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	17/1/22	18/1/22
Andrew Durrant	Executive Director of Place	17/1/22	19/1/22
Kevin McDaniel	Executive Director of Children's Services	17/1/22	
Hilary Hall	Executive Director of Adults, Health and Housing	17/1/22	18/1/22

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Finance & Ascot	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
For information	No	No

Report Author: Rhona Bellis, Chief Accountant.
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SUMMARY	Revised Budget	Reported Projected Outturn	Projected Outturn Variance	Previously reported Variance Month 6	Change from Previously reported Variance
	£000	£000	£000	£000	£000
Chief Executive					
Chief Executive	282	282	0	0	0
Property	(1,344)	(2,533)	(1,189)	(1,189)	0
Total Chief Executive	(1,062)	(2,251)	(1,189)	(1,189)	0
					0
Governance, Law & Strategy					0
Deputy Director of Governance, Law & Strategy	156	156	0	0	0
Communications & Marketing	344	344	0	0	0
Governance	2,235	2,051	(184)	(178)	(6)
Law	650	617	(33)	(33)	0
Performance Team	370	260	(110)	(110)	0
Policy Communication & Engagement	90	63	(27)	(27)	0
Total Law & Governance	3,845	3,491	(354)	(348)	(6)
					0
Children's Services					0
Director of Children's Services	(79)	(79)	0	0	0
Achieving for Children Contract	39,888	42,857	2,969	2,202	767
Children's Services - Retained	55,420	54,413	(1,007)	237	(1,244)
Dedicated Schools Grant - Income	(70,318)	(71,511)	(1,193)	(1,755)	562
Total Children's Services	24,911	25,680	769	684	85
					0
Adults, Health and Housing					0
Director, Support Teams & Provider support	2,483	2,454	(29)	(75)	46
Housing	3,464	3,479	15	0	15
Adult Social Care	34,999	35,677	678	581	97
Better Care Fund - Spend	14,403	14,403	0	0	0
Public Health - Spend	5,056	5,056	0	0	0
Grant & BCF Income	(19,472)	(19,472)	0	0	0
Total Adults, Health & Housing	40,933	41,597	664	506	158
					0
Resources					0
Executive Director of Resources	214	214	0	0	0
Library & Resident Services	2,551	2,279	(272)	(237)	(35)
Revenues & Benefits	1,045	1,088	43	123	(80)
Housing Benefit	424	174	(250)	(250)	0
Human Resources, Corporate Projects & IT	2,803	2,803	0	0	0
Corporate Management	(6)	(18)	(12)	74	(86)
Finance	1,263	1,392	129	129	0
Total Resources	8,294	7,932	(362)	(161)	(201)
					0
Place					0
Executive Director of Place	248	233	(15)	(15)	0
Neighbourhood Services	10,405	10,783	378	475	(97)
Planning Service	1,416	1,416	0	0	0
Communities including Leisure	(213)	(24)	189	191	(2)
Infrastructure, Sustainability & Transport	3,325	3,469	144	107	37
Total Place Directorate	15,181	15,877	696	758	(62)
					0
Contingency and Corporate Budgets	1,660	1,579	(81)	(149)	68
					0
TOTAL SERVICE EXPENDITURE	93,762	93,905	143	101	42

SUMMARY	Revised Budget	Reported Projected Outturn	Projected Outturn Variance	Previously reported Variance Month 6	Change from Previously reported Variance
	£000	£000	£000	£000	£000
					0
Non Service Costs					0
Capital Financing inc Interest Receipts and bank charges	5,910	5,694	(216)	(201)	(15)
Environment Agency levy	165	165	0	0	0
Pensions deficit recovery	4,199	4,201	2	2	0
Contribution to/(from) Capital	400	400	0	0	0
Funding					0
NNDR Income	(15,004)	(15,004)	0	0	0
Income from trading companies	(210)	(210)	0	0	0
Education Services Grant	(315)	(315)	0	0	0
Government Grants(unringfenced)	(2,800)	(2,800)	0	0	0
New Homes Bonus	(473)	(473)	0	0	0
Use of Earmarked Reserve	(3,170)	(3,170)	0	0	0
Use of Property Reserve	(100)	(100)	0	0	0
Use of Transformation funding from flexible capital receipts	0	(734)	(734)	(737)	3
Transfer to / from Building Control Reserve	0	0			
Transfer to / from Public Health / Better care fund reserve	0	0			
Transfer to / Schools / DSG reserve	0	0			
Transfer (surplus)/deficit to Council Tax Collection Fund	(300)	(300)	0	0	0
Transfer (surplus)/deficit to NNDR Collection Fund	1,600	1,600	0	0	0
Special Expenses	(1,216)	(1,216)	0	0	0
Covid-19					
Covid-19 Tranche 5 funding	(3,118)	(3,118)	0	0	0
COVID 19 Sales, Fees and Charges Compensation outstanding funding to Qtr 2 2021/22	(1,076)	(372)	704	789	(85)
Total Non-Service Net Costs	(15,508)	(15,752)	(244)	(147)	(97)
					0
NET COUNCIL TAX REQUIREMENT	78,254	78,153	(101)	(46)	(55)
					0
Transfer to / (from) balances	0	101	101	46	55
					0
TOTAL INCLUDING TRANSFERS TO(FROM) BALANCES	78,254	78,254	0	0	0
General Fund					
Opening Balance	7,059	7,059			
Budget Transfers (from) Balances	0	101			
	7,059	7,160			

RBWM SAVINGS TRACKER 2021/22 Month :

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			General Information			Financials						
Savings Ref	Directorate	Service	MTPF Savings Title	Lead Officer	Finance Lead	2021/22 Savings Target £000	Savings Achieved £000	Savings Forecast in Remainder of the Year £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast	RAG for Remaining Savings Forecast	Explanation of Current Savings Forecast and Remedial Action planned to address underperformance and Mitigation Strategies
1	Resources	Revenues & Benefits	Removal of one Benefit Assistant post	Louise Freeth	Rhona Bellis	22	20	1	22	100.0%	GREEN	
2	Resources	Library & Resident Services	Stop moving the Container Library saving towage costs	Angela Huisman	Rhona Bellis	28	0	28	28	0.0%	GREEN	This saving is dependent on Planning permission being granted, but support from parish means that we are hopeful this will be achieved
3	Resources	Library & Resident Services	Reduction of Library hours	Angela Huisman	Rhona Bellis	73		73	73	0.0%	GREEN	
4	Resources	Finance	Review of Accountancy structure	Ruth Watkins	Rhona Bellis	35	35		35	100.0%	GREEN	
5	Resources	Finance	Review of Internal audit contract	Andrew Vallance	Rhona Bellis	50	50		50	100.0%	GREEN	
6	Resources	Finance	Remove supplies and services budgets from finance team	Ruth Watkins	Rhona Bellis	67	67		67	100.0%	GREEN	
7	Resources	Finance	Defer Discretionary NNDR write-off	Ruth Watkins	Rhona Bellis	28	28		28	100.0%	GREEN	
8	Resources	Finance	Review of resourcing of the Insurance and Risk service	Andrew Vallance	Rhona Bellis	45	45		45	100.0%	GREEN	
9	Resources	Finance	Removal of fax machine analogue lines	Ruth Watkins	Rhona Bellis	2		2	2	0.0%	GREEN	
10	Resources	HR&IT	Removal of database and network contracts budget	Nikki Craig	Rhona Bellis	63		63	63	0.0%	GREEN	
11	Resources	HR&IT	Stop software licences for employee relations advice	Nikki Craig	Rhona Bellis	3		3	3	0.0%	GREEN	
13	Resources	HR&IT	Review of charging structure for provision of services to academies and schools	Nikki Craig	Rhona Bellis	10		10	10	0.0%	GREEN	
14	Resources	HR&IT	Increase the admin charge for DBS checks	Nikki Craig	Rhona Bellis	6		6	6	0.0%	GREEN	
15	Resources	HR&IT	Efficiencies from D360 document management system and iTrent HR system.	Nikki Craig	Rhona Bellis	13			0	0.0%	RED	System delivery delays outside of the councils control is likely to result in the D360 document system not being fully operational this year, savings cannot be achieved until this system is in place and working. Work is being undertaken to mitigate the saving across the service.
16	Resources	HR&IT	Ceasing Quick Address software contract	Nikki Craig	Rhona Bellis	2		2	2	0.0%	GREEN	
17	Resources	HR&IT	Restructure of OD function	Nikki Craig	Rhona Bellis	30		30	30	0.0%	GREEN	
18	Resources	HR&IT	Restructure of Compliments and Complaints function	Nikki Craig	Rhona Bellis	18		18	18	0.0%	GREEN	
19	Law & Governance	Law & Governance	Removal of Member training budget	Emma Duncan	Rhona Bellis	2	2		2	100.0%	GREEN	
20	Law & Governance	Law & Governance	Reduction in budget Member's Special Responsibility Allowances	Emma Duncan	Rhona Bellis	24	24		24	100.0%	GREEN	
21	Law & Governance	Law & Governance	Removal of room hire budget for council meetings	Emma Duncan	Rhona Bellis	1			0	0.0%	RED	Need to hire external facilities - Holiday Inn for 4 members meetings - cannot fit all members into the chamber and maintain social distancing.

RBWM SAVINGS TRACKER 2021/22 Month :

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			General Information			Financials						
Savings Ref	Directorate	Service	MTPF Savings Title	Lead Officer	Finance Lead	2021/22 Savings Target £000	Savings Achieved £000	Savings Forecast in Remainder of the Year £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast	RAG for Remaining Savings Forecast	Explanation of Current Savings Forecast and Remedial Action planned to address underperformance and Mitigation Strategies
22	Law & Governance	Law & Governance	Reduction in budget for Member mileage claims	Emma Duncan	Rhona Bellis	5	5		5	100.0%	GREEN	
23	Law & Governance	Law & Governance	Reduction in postage to Members	Emma Duncan	Rhona Bellis	2	2		2	100.0%	GREEN	
24	Law & Governance	Law & Governance	Reduction in the annual support provided to the Twinning Committee	Emma Duncan	Rhona Bellis	5	5		5	100.0%	GREEN	
26	Law & Governance	Law & Governance	Reduced MFD printing	Emma Duncan	Rhona Bellis	30		30	30	0.0%	GREEN	
27	Law & Governance	Law & Governance	Reduction in Stationery purchased.	Emma Duncan	Rhona Bellis	20		20	20	0.0%	GREEN	
28	Law & Governance	Law & Governance	Reduced Confidential waste collection	Emma Duncan	Rhona Bellis	4		4	4	0.0%	GREEN	
30	Law & Governance	Law & Governance	Review of charging structure for Schools Data Protection Officer service	Emma Duncan	Rhona Bellis	40	30		30	75.0%	AMBER	Schools take up on this Buy Back 21/22 has not been as high as last year. Only £30k of the target now likely to be achievable
31	Law & Governance	Law & Governance	Reduce Borough By-Elections Budget	Emma Duncan	Rhona Bellis	7	7		7	100.0%	GREEN	
32	Place	Neighbourhood Services	Additional income from green waste subscriptions	Alysse Strachan	Rhona Bellis	50	33	17	50	66.7%	GREEN	Additional income currently being achieved.
33	Place	Neighbourhood Services	Remove 50 on street parking machines	Alysse Strachan	Rhona Bellis	50	33	17	50	66.7%	GREEN	Have gone from 82 Parking machines down to 33. Looking to achieve estimated savings target.
34	Place	Neighbourhood Services	Redesign provision of street cleansing	Alysse Strachan	Rhona Bellis	100	0	100	100	0.0%	GREEN	
35	Place	Neighbourhood Services	Introduce fortnightly residual waste collections whilst retaining weekly food waste and recycling collections	Alysse Strachan	Rhona Bellis	175	0	175	175	0.0%	GREEN	Waste collection frequency change go-live not yet determined. Waste disposal saving still possible based on previous year's savings on tonnage. A recent fire at the Pure Recycling near Warwick where our dry mixed recycling was taken has meant that it has been redirected to Crayford and a different provider as an interim measure. This has exposed the council to the vagaries of the market and gate fees have increased from £48 per ton to £60 per ton, thus threatening the deliverability of the saving. a longer term contract is being progressed to bring the rate down.
37	Place	Neighbourhood Services	Additional income from enforcement of street works activity	Alysse Strachan	Rhona Bellis	100	0	100	0	0.0%	RED	Unclear as to whether business plan is achieving budget income target. 1 x temp member of staff recently left. Advertising 2 FTC posts and revisiting business case. Real concern that income target can be achieved and a growth bid for restoration of this as a revenue budget has been submitted for 22/23. Longer term, it is intended to consider whether this activity should be part of an incentive contract on highway enforcement overall wef November 22.
38	Place	Neighbourhood Services	Reduce the council's pool car fleet	Alysse Strachan	Rhona Bellis	20	20	0	20	100.0%	GREEN	Achieved. Pool cars removed.
39	Place	Neighbourhood Services	Remodel street cleansing activity in town centres, estate and rural roads	Alysse Strachan	Rhona Bellis	50	0	50	50	0.0%	GREEN	

RBWM SAVINGS TRACKER 2021/22 Month :

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Savings Ref	Directorate	Service	General Information			Financials						
			MTFP Savings Title	Lead Officer	Finance Lead	2021/22 Savings Target £000	Savings Achieved £000	Savings Forecast in Remainder of the Year £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast	RAG for Remaining Savings Forecast	Explanation of Current Savings Forecast and Remedial Action planned to address underperformance and Mitigation Strategies
40	Place	Neighbourhood Services	Activate optional one-year contract extension for parking enforcement	Alysse Strachan	Rhona Bellis	30	10	0	10	33.3%	AMBER	Saving was about no annual inflation, which was initially estimated at 3%. However, inflation later reduced which meant that full £30k could not be achieved.
41	Place	Neighbourhood Services	Redesign the street cleansing pattern for the A404M/Marlow bypass	Alysse Strachan	Rhona Bellis	10	0	10	10	0.0%	GREEN	
42	Place	Neighbourhood Services	Redesign the street cleansing pattern for Royal Windsor Way	Alysse Strachan	Rhona Bellis	10	0	10	10	0.0%	GREEN	
43	Place	Neighbourhood Services	Deliver the waste incentivisation scheme through the Climate Change Strategy	Alysse Strachan	Rhona Bellis	30	20	10	30	66.7%	GREEN	Proposed changes are being actioned and saving is on track.
44	Law & Governance	Communications & Marketing	Maximise digital distribution of Around the Royal Borough	LD	Rhona Bellis	14		14	14	0.0%	GREEN	
45	Law & Governance	Communications & Marketing	Implement a revised Advantage Card	LD	Rhona Bellis	14		14	14	0.0%	GREEN	
46	Adults, Health and Commissioning	Adult Social Care - Spend	Develop alternative options for supporting residents in need of additional support	Hilary Hall	Margaret Ashton-Gray	200	50	150	150	25.0%	AMBER	Some technological solutions are in the process of being rolled out so that the saving should take place later in the financial year
47	Adults, Health and Commissioning	Adult Social Care - Spend	Deliver day opportunities for older people and people with learning disabilities in a different way	Hilary Hall	Margaret Ashton-Gray	300	0	300	300	0.0%	GREEN	Formal consultation has been completed and the recommendation is due to be considered by Cabinet in November 2021. If the proposals are agreed, the full saving will be made in this financial year.
48	Adults, Health and Commissioning	Adult Social Care - Spend	Ensure value for money from residential care placements for people with learning disabilities	Hilary Hall	Margaret Ashton-Gray	200	200	0	200	100.0%	GREEN	A number of cases have been reviewed and alternative care arranged. Saving achieved
49	Adults, Health and Commissioning	Adult Social Care - Spend	Ensure value for money from supported living packages for people with learning disabilities	Hilary Hall	Margaret Ashton-Gray	200	200	0	0	100.0%	GREEN	A number of cases have been reviewed and alternative care arranged. Saving achieved
50	Adults, Health and Commissioning	Adult Social Care - Spend	Ensure value for money from community packages for people with learning disabilities	Hilary Hall	Margaret Ashton-Gray	200	200	0	200	100.0%	GREEN	A number of cases have been reviewed and alternative care arranged. Saving achieved
51	Adults, Health and Commissioning	Adult Social Care - Spend	Extend the offer of reablement to all residents coming out of hospital	Hilary Hall	Margaret Ashton-Gray	500	0	250	250	0.0%	AMBER	Recruitment continues to increase the reablement team to ensure this saving is achieved. Whilst there have been some delays to date, this is now on track for delivery.
52	Adults, Health and Commissioning	Adult Social Care - Spend	End contract with People to Places for services that are no longer running	Hilary Hall	Margaret Ashton-Gray	90	90	0	90	100.0%	GREEN	Saving achieved contract ended
53	Children's	AFC Contract - LA Funded	Refocus the operation of the Health Visiting service	Kevin McDaniel	James Norris	150	104	46	150	69.3%	GREEN	Savings plan on track
54	Adults, Health and Commissioning	Adult Social Care - Spend	Maximise the income due to the council from resident contributions	Hilary Hall	Margaret Ashton-Gray	500	500	0	0	0.0%	GREEN	Debt process has been established, Debt panel has been reconstituted. Income levels are being scrutinised.
55	Place	Planning	Reshape Planning Support Team	Adrien Waite	Rhona Bellis	29		29	29	0.0%	GREEN	

RBWM SAVINGS TRACKER 2021/22 Month :

8

			General Information			Financials						
Savings Ref	Directorate	Service	MTFP Savings Title	Lead Officer	Finance Lead	2021/22 Savings Target £000	Savings Achieved £000	Savings Forecast in Remainder of the Year £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast	RAG for Remaining Savings Forecast	Explanation of Current Savings Forecast and Remedial Action planned to address underperformance and Mitigation Strategies
56	Place	Infrastructure, Sustainability & Transport	Reduction in Arts Grants	Chris Joyce	Rhona Bellis	187		187	187	0.0%	GREEN	
57	Place	Infrastructure, Sustainability & Transport	Reshape museum and tourism information centre service	Chris Joyce	Rhona Bellis	85		85	85	0.0%	GREEN	
58	Place	Infrastructure, Sustainability & Transport	Remove ongoing aviation budget	Chris Joyce	Rhona Bellis	20	20		20	100.0%	GREEN	
59	Place	Communities, Enforcement and Partnerships	Remodel and reshape the Community Safety functions including the Community Safety Partnership and Community Wardens.	David Scott	Rhona Bellis	300		300	300	0.0%	GREEN	
60	Place	Communities, Enforcement and Partnerships	Revise the management of the leisure contract	David Scott	Rhona Bellis	62		30	30	0.0%	AMBER	Continued restrictions in leisure means this may not be fully delivered this year through the remodelling of the leisure client function but expected to be achieved by a redistribution of the costs to other grants support in year.
61	Place	Communities, Enforcement and Partnerships	Remove funding from Borough in bloom and community participation project	David Scott	Rhona Bellis	86		86	86	0.0%	GREEN	No contract signed for 2021/22
62	Place	Communities, Enforcement and Partnerships	Remove funding from SMILE and stop service	David Scott	Rhona Bellis	58	58		58	100.0%	GREEN	Service dismantled for directly employed staff
63	Place	Communities, Enforcement and Partnerships	Remove vacant community sports development post and projects	David Scott	Rhona Bellis	54	54		54	100.0%	GREEN	Vacant post not recruited to. Post being deleted.
64	Place	Planning	Reshape the trees function	Adrien Waite	Rhona Bellis	125	60	65	125	48.0%	AMBER	Delays to implementing process changes means this will not be fully achievable this year
65	Children's	AFC Contract - LA Funded	Develop an increasingly independent school travel policy which is focused on the most vulnerable.	Kevin McDaniel	James Norris	280	160	210	370	57.1%	GREEN	Policy changes delivering £66,000 from new academic year; Contract re-tendering exercise delivered indicative savings of £304,000. Total savings £370,000.
66	Children's	AFC Contract - LA Funded	Independent Fostering Agency (IFA) development	Kevin McDaniel	James Norris	15	8	7	15	53.3%	GREEN	Savings plan on track
67	Children's	AFC Contract - LA Funded	Greater use of virtual technologies	Kevin McDaniel	James Norris	50	32	18	50	64.0%	GREEN	Savings plan on track
68	Children's	AFC Contract - LA Funded	Support for young person's transition to a sustainable adulthood.	Kevin McDaniel	James Norris	15	8	7	15	53.3%	GREEN	Savings plan on track
69	Children's	AFC Contract - LA Funded	Care Leavers Accommodation	Kevin McDaniel	James Norris	20	16	4	20	80.0%	GREEN	Savings plan on track
70	Children's	AFC Contract - LA Funded	Implement schools Inclusion Advisor	Kevin McDaniel	James Norris	90	64	26	90	71.1%	GREEN	Savings plan on track
71	Children's	AFC Contract - LA Funded	Therapy assessment service	Kevin McDaniel	James Norris	100	16	34	50	16.0%	GREEN	Forecast underachievement of savings plan £50k reflects current year to date actuals which demonstrate continued reliance on third party providers
72	Children's	AFC Contract - LA Funded	Use external support for early years quality improvement needs	Kevin McDaniel	James Norris	60	40	20	60	66.7%	GREEN	Savings plan on track
73	Children's	AFC Contract - LA Funded	Continue to optimise costs of placements for children in our care.	Kevin McDaniel	James Norris	250	206	122	328	82.4%	GREEN	Planned placement moves achieved by May 2021. Currently new arrangement working well.
74	Resources	Library & Resident Services	Library Stock fund	Angela Huisman	Rhona Bellis	20	20		20	100.0%	GREEN	
75	Chief Executive	Property Service	Consultancy costs	Barbara Richardson	Rhona Bellis	70	70		70	100.0%	GREEN	

RBWM SAVINGS TRACKER 2021/22 Month :

8

			General Information			Financials						
Savings Ref	Directorate	Service	MTFP Savings Title	Lead Officer	Finance Lead	2021/22 Savings Target £000	Savings Achieved £000	Savings Forecast in Remainder of the Year £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast	RAG for Remaining Savings Forecast	Explanation of Current Savings Forecast and Remedial Action planned to address underperformance and Mitigation Strategies
76	Children's	AFC Contract - LA Funded	Improve business support processes	Kevin McDaniel	James Norris	45	32	13	45	71.1%	GREEN	Savings plan on track
77	Children's	AFC Contract - LA Funded	Account appropriately for financial support services.	Kevin McDaniel	James Norris	55	28	27	55	50.9%	GREEN	Savings plan on track
78	Resources	Finance	Insurance savings	Andrew Vallance	Rhona Bellis	100	100		100	100.0%	GREEN	
2019.1	Adults, Health and Commissioning	Adult Social Care - Spend	Introduce an online financial assessment for adults to calculate financial contributions for care and support	Hilary Hall	Margaret Ashton-Gray	70	0	25	25	0.0%	AMBER	Systems implementation dates have been delayed due to COVID
2019.2	Children's	AFC Contract - LA Funded	Transform youth and early years services to be targeted at the most vulnerable	Kevin McDaniel	James Norris	150	104	46	150	69.3%	GREEN	Savings plan on track
2019.7	Adults, Health and Commissioning	Adult Social Care - Spend	Deliver adult social care transformation programme	Hilary Hall	Margaret Ashton-Gray	1,205	200	205	405	16.6%	AMBER	this saving target is spread over a number of cost centres and areas. Some savings have been achieved and the remainder are subject to delays, these include Mental Health service savings, Transition savings, spot purchased nursing placements and front door savings .
2019.8	Adults, Health and Commissioning	Adult Social Care - Spend	Deliver system efficiencies through the new customer relationship management system	Dan Brookman	Margaret Ashton-Gray	25	0	25	25	0.0%	AMBER	The new customer relationship management system was introduced during the Covid and opportunities to integrate other systems with it to realise efficiencies has been delayed.
2019.9	Adults, Health and Commissioning	Adult Social Care - Spend	Implement technology enabled care across adult services	Dan Brookman	Margaret Ashton-Gray	180	0		0	0.0%	AMBER	Systems have been delayed due to COVID - not able to access people's homes
2020	Adults, Health and Commissioning	Adult Social Care - Spend	One-off saving reversed	Hilary Hall	Margaret Ashton-Gray	(46)	(46)	0	(46)	100.0%	GREEN	Savings reversed
2020.1	Place	Neighbourhood Services	Review and optimise the number of subsidised bus routes	Alyse Strachan	Rhona Bellis	100	0	0	0	0.0%	AMBER	The full saving will be unachievable based on Covid-19 government guidance on bus services.
2020.2	Resources	Library & Resident Services	Library savings	Angela Huisman	Rhona Bellis	45		45	45	0.0%	GREEN	
2020.3	Chief Executive	Property Service	New property income, Additional Management Fee to Countryside -adjustment down to bring overall savings budget to £200k	Barbara Richardson	Rhona Bellis	(100)	(100)		(100)	100.0%	GREEN	
						7,433	2,931	3,168	5,250	70.6%		

	2021/22 Original Budget			New Schemes – 2021/22 Approved Estimate A			Unspent budget from Schemes Approved in Prior Years B			Revised Budget 2021/22 A+B		
	Gross £000's	Income £000's	Net £000's	Gross £000's	Income £000's	Net £000's	Gross £000's	Income £000's	Net £000's	Gross £000's	Income £000's	Net £000's
Capital Programme Portfolio Summary												
Chief Executive												
Property	16,675	(2,738)	13,937	18,677	(2,763)	15,914	13,974	0	13,974	32,651	(2,763)	29,888
Total Chief Executive	16,675	(2,738)	13,937	18,677	(2,763)	15,914	13,974	0	13,974	32,651	(2,763)	29,888
Law & Strategy												
Corporate Communications	0	0	0	0	0	0	84	0	84	84	0	84
Democratic representation	0	0	0	0	0	0	361	0	361	361	0	361
Total Law & Strategy	0	0	0	0	0	0	445	0	445	445	0	445
Place Directorate												
Neighbourhood Services	4,253	(3,285)	968	4,885	(4,132)	753	4,134	(1,174)	2,960	9,019	(5,306)	3,713
Local Enterprise Partner Schemes	1,178	(1,178)	0	1,178	(1,178)	0	10,349	(3,418)	6,931	11,527	(4,596)	6,931
Communities	340	(40)	300	340	(40)	300	1,001	(385)	616	1,341	(425)	916
Planning	300	0	300	300	0	300	1,005	(312)	693	1,305	(312)	993
Green Spaces & Parks	250	(40)	210	250	(40)	210	1	(1)	0	251	(41)	210
Infrastructure, Sustainability & Transport	835	(592)	243	835	(592)	243	296	(76)	220	1,131	(668)	463
Total Place Directorate	7,156	(5,135)	2,021	7,788	(5,982)	1,806	16,786	(5,366)	11,420	24,574	(11,348)	13,226
Adults, Health & Housing												
Housing	640	(640)	0	640	(640)	0	478	(423)	55	1,118	(1,063)	55
Adult Social Care	0	0	0	0	0	0	200	(200)	0	200	(200)	0
Total Adults, Health & Housing	640	(640)	0	640	(640)	0	678	(623)	55	1,318	(1,263)	55
Childrens Services												
Non Schools	0	0	0	35	(35)	0	557	(83)	474	592	(118)	474
Schools - Non Devolved	1,838	(1,838)	0	3,000	(3,000)	0	2,458	(1,429)	1,029	5,458	(4,429)	1,029
Schools - Devolved Capital	272	(272)	0	200	(200)	0	414	(417)	(3)	614	(617)	(3)
Total Childrens Services	2,110	(2,110)	0	3,235	(3,235)	0	3,429	(1,929)	1,500	6,664	(5,164)	1,500
Resources												
Finance	305	0	305	305	0	305	1,324	0	1,324	1,629	0	1,629
Technology & Change Delivery	222	0	222	222	0	222	215	0	215	437	0	437
Revenues & Benefits	0	0	0	0	0	0	30	0	30	30	0	30
Library & Resident Services	0	0	0	0	0	0	542	(16)	526	542	(16)	526
Total Resources	527	0	527	527	0	527	2,111	(16)	2,095	2,638	(16)	2,622
Total Committed Schemes	27,108	(10,623)	16,485	30,867	(12,620)	18,247	37,423	(7,934)	29,489	68,290	(20,554)	47,736

Portfolio Total		(£'000)	27,108		(£'000)	68,290
External Funding						
Government Grants			(5,916)			(11,034)
Developers' Contributions			(4,707)			(9,495)
Other Contributions			0			(25)
Total External Funding Sources			(10,623)			(20,554)
Total Corporate Funding			16,485			47,736

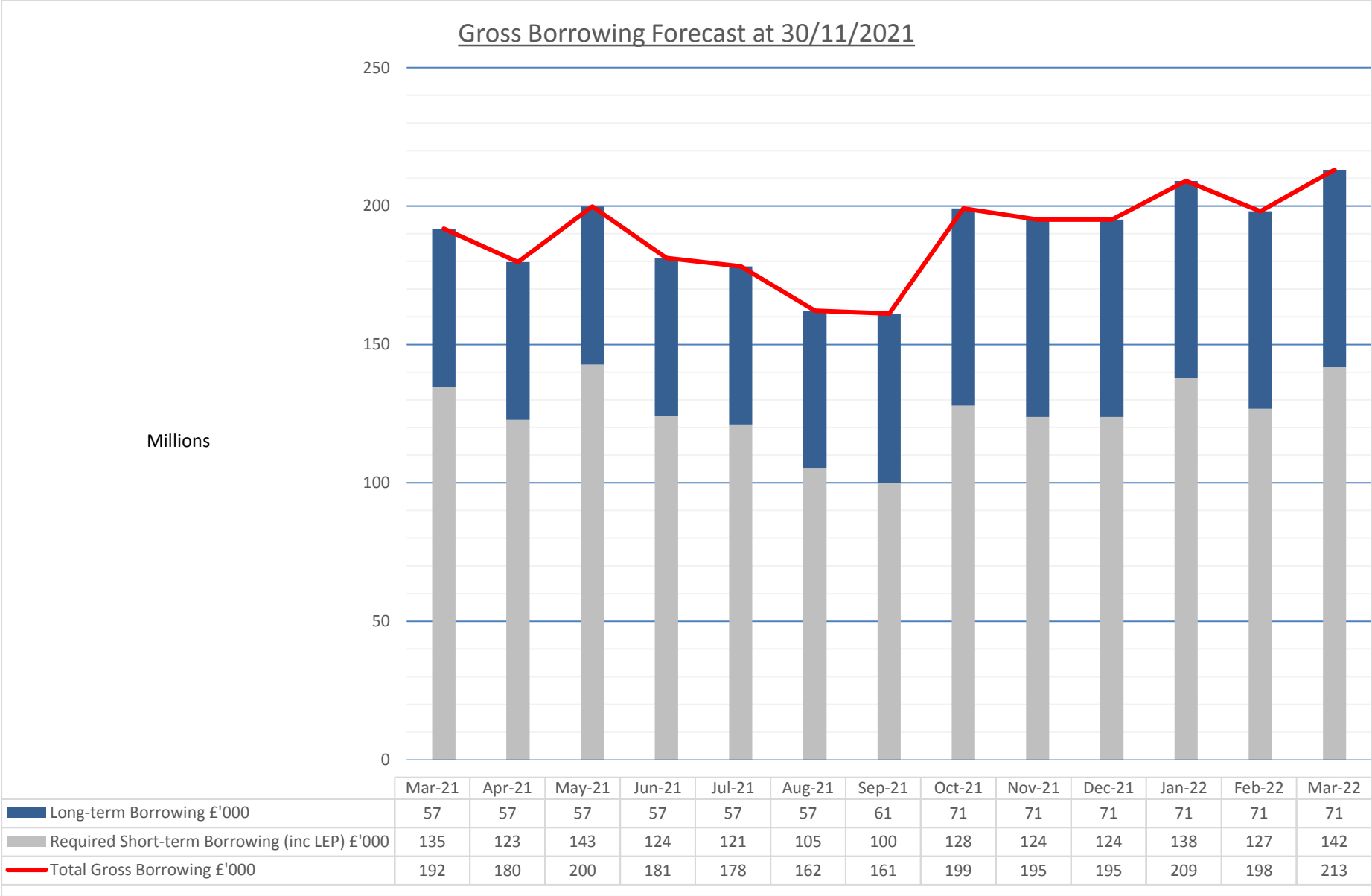
Capital Programme Movements 2021/22	Expenditure £'000	Income £'000	Net £'000
Original Budget 2021/22	27,108	(10,623)	16,485
Budget Changes to 31 December 2021			
Slippage reported to February 2021 Council	24,994	(6,379)	18,615
Additional Slippage in from 2020/21 after reprofiling schemes	12,666	(1,556)	11,110
Council approval Community Options -Lease Surrender	365	-	365
Affordable Housing-106 Westborough Rd Refurb - final budget drawdown	25	(25)	-
Budget drawdown - Schools non devolved	130	(130)	-
Schools devolved formula capital - Budget realignment	(71)	71	-
Council 27 April 2021- Purchase of Temporary Accommodation	1,612	-	1,612
Windsor Girls Council July 2021	790	(790)	-
Commissioning infrastructure DfT grant allocation	847	(847)	-
Commissioning infrastructure budget savings following review	(451)	-	(451)
Schools budget drawdown - Special Provision Capital Fund	300	(300)	-
Youth Centres Modernisation Programme - additional s106 budget	32	(32)	-
Schools budget savings	(56)	56	-
Roundings	(1)	1	-
Revised Budget 2021/22	68,290	(20,554)	47,736

Capital Monitoring Report 2021/22

	Exp £'000	Inc £'000	Net £'000
Revised Budget	68,290	(20,554)	47,736
Variances identified	(701)	20	(681)
Slippage to 2022/23	(26,439)	3,724	(22,715)
Projected Outturn 2021/22	41,150	(16,810)	24,340

Variances from revised budget		£'000	£'000	£'000	Commentary
Schools - Non Devolved					
CSJX	St Peters Middle	(250)	-	(250)	Budget saving
CSHW	Secondary Expansions Risk Contingency	(183)	-	(183)	Budget saving
CSJR	Works to explore expansions for all Schools	(99)	-	(99)	Budget saving
Infrastructure, Sustainability & Transport					
CLC5	Heritage Education Space Old Windsor	(20)	20	0	Budget no longer required. S106 to be reallocated.
Technology & Change Delivery					
CA17	Delivery of IT Strategy	(100)	-	(100)	Budget saving
Library & Resident Services					
CC99	Eton Library – Open Access and Shop Front Repair	(37)	-	(37)	Budget no longer required
CLF5	Registrars Office - Redecoration	(12)	-	(12)	Budget saving
Total variances		(701)	20	(681)	

Slippage to 2022/23		£'000	£'000	£'000	Commentary
Slippage reported to November 2021 cabinet		(1,201)	350	(851)	
Additional slippage identified					
Property					
CC78	Vicus Way Car Park	(164)	-	(164)	Construction in progress; remaining profiled budget to be spent in 2022/23
CC80	Temp Parking Provision-Maidenhead Regeneration	(105)	-	(105)	Remaining budget to be spent in 2022/23.
CI29	Broadway Car Park & Central House Scheme	(273)	-	(273)	Budget to be spent in 2022/23 based on latest cashflow projections.
CI49	Maidenhead Golf Course	(15,950)	-	(15,950)	Budget to be spent in accordance with agreement once finalised.
CI73	York Road, Maidenhead-Affordable Housing	(45)	-	(45)	Budget to be spent in 2022/23 based on latest cashflow projections.
CX43	Affordable Housing-St Edmunds	(110)	-	(110)	Budget to be spent in 2022/23 based on latest cashflow projections.
CX50	Guildhall-Render Repair & Redecoration	(45)	-	(45)	Budget to be spent in 2022/23 based on latest cashflow projections.
CX60	Nicholson Shopping Centre Development	(283)	-	(283)	Budget to be spent in 2022/23 based on latest cashflow projections.
CX67	18-20 Ray Mill Rd East-Family Centre Relocation	(7)	-	(7)	Budget to be spent in 2022/23 based on latest cashflow projections.
CX70	Regeneration-Legal & Consultancy Fees	(200)	-	(200)	Budget to be spent in 2022/23 based on latest cashflow projections.
CX71	Affordable Housing-106 Westborough Rd Refurb	(4)	-	(4)	Budget to be spent in 2022/23 based on latest cashflow projections.
Commissioning - Infrastructure					
CC25	M4 Smart Motorway	(50)	29	(21)	This is for professional fees to oversee elements of the scheme that impacts the borough. This is expected to be completed in 22-23.
CC95	Cookham Bridge Refurbishment & Structural Repair	(600)	-	(600)	Part of a 2 year capital bid. The design has been completed and awaiting confirmation of funding in 22-23. This will allow for the repair works to be carried out and scheme to progress.
CD37	Car Park Improvements	(20)	-	(20)	Scheme in progress - to complete 2022
CD92	Telemetry System Replacement	(45)	-	(45)	Scheme is still under review and therefore it is unlikely that any works will be completed by March.
CI84	Eton High Street Unsafe Electrical Boxes Removal	(25)	25	-	This is part of a 2 year scheme, the first part is underway; awaiting funding in 22-23 to complete the rollout.
CI88	Car Park Lighting	(20)	20	-	Contractor delays due to supplier issues
CI89	Car Park Surfacing and Lining	(20)	20	-	Contractor delays due to supplier issues
CI91	Car Park Signage	(8)	-	(8)	Contractor delays due to supplier issues
CI92	Parking Reviews	(25)	-	(25)	Contractor delays due to supplier issues
Local Enterprise Partnership Schemes					
CC62	Maidenhead Missing Links (LEP Match Funded)	(274)	-	(274)	Scheme in progress - to complete 2022
CD90	Maidenhead LP Housing Site Enabling Works - LEP	(2,622)	-	(2,622)	Scheme in progress - to complete 2022
CD91	Windsor Town Centre Package - LEP	(1,744)	1,166	(578)	Project to complete in 2022 following re-tender process.
Planning					
CI43	Ascot High Street Public Realm & Highway Imps	(7)	-	(7)	Project in progress - remaining budget to be spent in 2022
CI47	Neighbourhood Plan-Consultation/Exams/Referendums	(65)	-	(65)	Project in progress - remaining budget to be spent in 2022
CI56	Design Quality – Planning Service	(29)	-	(29)	Project in progress - remaining budget to be spent in 2022
CI57	Joint Minerals and Waste Plan	(96)	-	(96)	Project in progress - remaining budget to be spent in 2022
CI59	Traveller Local Plan	(175)	-	(175)	Project in progress - remaining budget to be spent in 2022
CI64	Planning Policy-Evidence Base Updates Ongoing Prog	(10)	-	(10)	Project in progress - remaining budget to be spent in 2022
CI67	Wider Area Growth Study	(83)	-	(83)	Project in progress - remaining budget to be spent in 2022
Communities					
CX64	Windsor Coach Park Lift Upgrade	(284)	284	-	Scheme to progress in 2022 following project review
Housing					
CT29	Low Cost Housing (S106 Funding)	(161)	161	-	Scheme expenditure unlikely during current financial year - slip to 2022/23
CT51	Key Worker DIYSO	(195)	195	-	Scheme expenditure unlikely during current financial year - slip to 2022/23
Head of Commissioning - People					
CT62	Adult Services Case Management System	(200)	200	-	Project planning in place for scheme expenditure to occur in 2022/23
Library & Resident Services					
CLE6	Upgrade Public PCs	(20)	-	(20)	Projected expenditure to occur in 2022/23
Schools - Non Devolved					
CSEX	Feasibility/Survey Costs	(124)	124	-	Basic need funded element to slip to 2022/23 in order to best utilise all available grant funding.
CSLD	South Ascot Village Primary SEN Unit	(150)	150	-	Project in early stages of commencement; due to complete during 2022/23
CSLE	Boiler Replacement Programme	(350)	350	-	Delays in boiler programme due to bids to the government's Public Sector Decarbonisation Scheme (PSDS). Information available in January - scheme likely to slip to early on in the next financial year.
CSKU	Windsor Girls School Expansion 2022	(600)	600	-	The contractor for the project has now provided the Royal Borough with their spend profile, allowing most of this year's budget to be slipped.
CSLJ	Wraysbury Primary Resourced Provision	(50)	50	-	Further slippage of £50k; completion of project is now aimed for September 2023
Total Slippage		(26,439)	3,724	(22,715)	



Children's Services						
Service	Original Budget	Current Budget	Forecast Outturn Variance	Previously Reported Variance	Change in Reported Variance	
	£'000	£'000	£'000	£'000	£'000	
Children's Services non Dedicated Schools Grant						
Social Care and Early Help						
Employee & Operational Related Expenditure	6,678	6,482	556	312	244	
Legal Services	585	585	200	100	100	
Inhouse Fostering	1,614	1,614	224	149	75	
Residential, therapeutic & Direct Payments	4,025	3,925	13	444	(431)	
Independent Fostering Agencies	1,410	1,726	(215)	(163)	(52)	
Leaving Care-Care Costs	1,596	2,009	1,057	817	240	
Adoption Allowances	137	137	(59)	(55)	(4)	
Children-in-Need Care Costs	731	731	(132)	(101)	(31)	
Community Family Hubs	1,234	1,841	58	45	13	
Total Social Care and Early Help	18,010	19,050	1,702	1,548	154	
Other						
Business Services	3,388	3,386	(44)	(35)	(9)	
Education	1,363	1,393	51	46	5	
Operational Strategic Management	319	324	(551)	(579)	28	
Public Health	1,575	1,583	0	78	(78)	
Special Educational Needs and Children with Disabilities	2,114	2,120	(288)	(263)	(25)	
COVID-19 tranche funding	0	0	0	0	0	
Children's Services - Retained	(2,403)	(2,945)	(101)	(111)	10	
Total Other	6,355	5,862	(933)	(864)	(69)	
Total Children's Services non Dedicated Schools Grant	24,365	24,908	769	684	85	
Dedicated Schools Grant						
AfC Contract - Dedicated Schools Grant	12,035	12,035	2,149	1,455	694	
Dedicated Schools Grant - Retained	56,848	58,286	(956)	300	(1,256)	
Dedicated Schools Grant Income	(68,883)	(70,321)	(1,193)	(1,755)	562	
Total Dedicated Schools Grant	0	0	0	0	0	
Total Children's Services and Dedicated Schools Grant	24,365	24,908	769	684	85	
Summary Position						
Achieving for Children Contract	38,803	39,888	3,019	2,250	769	
Children's Services - Retained	(2,403)	(2,945)	(101)	(111)	10	
Dedicated Schools Grant - Retained	56,848	58,286	(956)	300	(1,256)	
Total Children's Services net budget	93,248	95,229	1,962	2,439	(477)	

Costc	Description	21/22 B/F £'000	21/22 Movements in £'000	21/22 Movements out £'000	21/22 Balance as at 30/11/2021 £'000
USABLE RESERVES					
AK14	Schools Revenue Balances	(2,203)			(2,203)
AK08	Insurance control account	4	(868)	434	(430)
AK13	Insurance Fund (Reserve)	(905)	(339)	151	(1,093)
AK37	Earmarked Capital Grant	(3,318)	(2,409)		(5,727)
AK38	Community Infrastructure Levy	(11,747)	(4,536)	1,233	(15,050)
AK40	NNDR Volatility Reserve	(7,435)	(266)		(7,701)
AK48	Better Care Fund Reserve	(1,281)		1,281	0
AK50	Public Health Reserve	(511)			(511)
AK54	Optalis Development Reserve	(381)			(381)
AK55	Brexit Funding	(299)			(299)
AK63	Cap Rcpts Unapplied Gen Fund	(1,349)	(1,353)		(2,702)
AL01	Graves In Perpetuity Mtce Fund	(8)			(8)
AL03	Arthur Jacob Nature Rsve Fund	(123)			(123)
AL04	Old Court Maintenance Fund	(18)		1	(17)
AL09	NNDR S31 Reserve	(19,154)	(2,474)		(21,628)
AL11	Covid-19 General Reserve	(4,380)			(4,380)
AL12	NNDR S31- Other Preceptors	(13,124)			(13,124)
AL13	Safeguarding Reserve	(194)			(194)
AL14	Collection Fund Compensation Reserve	(5,883)			(5,883)
AL15	Property Reserve	(600)			(600)
AL17	Lower Tier Servcies Grant Allocation	0	(75)	75	0
AK20	Net Revenue General Fund DRAFT OUTTURN	(7,059)	(101)		(7,160)
	TOTAL USABLE RESERVES	(79,968)	(12,421)	3,175	(89,214)

Costc	Description	21/22 B/F £'000	21/22 Movements in £'000	21/22 Movements out £'000	21/22 Balance as at 30/11/2021 £'000
UNUSABLE RESERVES					
AG33	Capital Adjustment Account	(197,370)			(197,370)
AG34	Revaluation Reserve	(208,341)			(208,341)
AK25	Pensions Reserve	339,880			339,880
AF22	Collection Fund-NNDR	38,188	(373)	75,611	113,426
AF51	Collection Fund - Council Tax	397		258	655
AG36	Accumulated Absences Account	1,858			1,858
AK41	DSG Adjustment Account	1,791			1,791
	TOTAL UNUSABLE RESERVES	(23,597)	(373)	75,869	51,899
	TOTAL NET RESERVES	(103,565)	(12,794)	79,044	(37,315)
PROVISIONS					
AE09	Redundancy Provision	(400)			(400)
AE13	MMI Clawback liability	(239)		17	(222)
AF53	Appeals provision for Business Rates	(9,482)	(9,869)		(19,351)
AF55	ASC Provision	(393)			(393)
AD30	Bad Debt Provision	(594)		140	(454)
AD31	Council tax collection fund provision	(4,358)	(2,783)		(7,141)
AD34	Adult Social Care Bad Debt provision	(1,919)			(1,919)
AD35	Housing benefit Bad Debt provision	(2,496)			(2,496)
	TOTAL PROVISIONS	(19,881)	(12,652)	157	(32,376)

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT
EqlA : Finance Update Report

Essential information

Items to be assessed: (please mark 'x')

Strategy		Plan		Project		Service procedure	x
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Responsible officer	Andrew Valance	Service area	Finance	Directorate	Resources
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Stage 1: EqlA Screening (mandatory)	Date created: 19/01/2022	Stage 2 : Full assessment (if applicable)	Date created : NA
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Andrew Valance

Dated: 19/01/2022

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Finance Update Report

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Finance Update Report

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

This report sets out the financial position of the Council in respect of the current year. The report reviews the various elements of the Council's financial position including the revenue budget and its funding, the capital programme, and the Council's financial reserve position. The report reviews the main areas of financial risk affecting the revenue and capital budgets and in respect of these risks sets out the assumptions that underpin the forecast position for the year.

RECOMMENDATION: That Cabinet: notes the report including:

- i) The Council's projected revenue and capital position for 2021/22.*
- ii) Approves a capital budget virement of £164,000 from Boulters Lock Car Park extension to Windsor Coach Park.*

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Finance Update Report

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Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not Relevant			
Disability	Not Relevant			
Gender re-assignment	Not Relevant			
Marriage/civil partnership	Not Relevant			
Pregnancy and maternity	Not Relevant			
Race	Not Relevant			
Religion and belief	Not Relevant			
Sex	Not Relevant			
Sexual orientation	Not Relevant			

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Finance Update Report

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Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	Not at this stage		
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	Not at this stage		

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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Report Title:	Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan Main Modifications Consultation.
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Coppinger, Cabinet Member for Planning, Environmental Services and Maidenhead
Meeting and Date:	Cabinet - 27 January 2022
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services & Adrien Waite, Head of Planning
Wards affected:	All



REPORT SUMMARY

1. This report provides an update on the Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan, which is currently at its Examination Stage. Following the hearings held in September / October 2021, the draft Main Modifications (MM) schedule and modified Policies Map were submitted to the Inspector for consideration on 16th December 2021. The Inspector is expected to agree with the proposals to amend the Plan, maps, appendices and some background studies.
2. The draft schedule of proposed MMs has been prepared for public consultation. To reduce the risk of delay, delegated authority is sought for the Head of Planning in consultation with the Cabinet Member for Planning, Environmental Services and Maidenhead to agree the detailed wording of the MM schedule under the direction of the Inspector. For consistency, all four JCEB authorities are seeking approval from their elected Members to seek authority to go out for consultation on the Proposed MMs. It is anticipated that the consultation on MMs will start in February with adoption estimated to take place in Summer / Autumn 2022.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Delegates authority to the Head of Planning in consultation with the Cabinet Member for Planning, Environmental Services and Maidenhead, to approve and publish the Schedule of Proposed Main Modifications (to be agreed with the Inspector), for public consultation.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
<p>To delegate authority to the Head of Planning in consultation with the Cabinet Member for Planning, Environmental Services and Maidenhead, to approve and publish the Schedule of Proposed Main Modifications to be agreed with the Inspector for public consultation.</p> <p>This is the recommended option</p>	<p>This would reduce the risk of delays to the proposed timetable for the next stages, including consultation on Main Modifications to the plan and adoption, making it more likely that the Minerals and Waste Plan can be adopted in Summer / Autumn 2022.</p>
<p>To not delegate authority to the Head of Planning in consultation with the Cabinet Member for Planning, Environmental Services and Maidenhead, to approve and publish the Schedule of Proposed Main Modifications for public consultation.</p>	<p>Not agreeing to delegate authority would mean that a report would need to be taken to Cabinet after the Schedule of Proposed Main Modifications is agreed by the Inspector. This would increase the risks of delays to the proposed timetable, including the consultation on MMs and adoption and make it less likely that the plan could be adopted before the end of 2022.</p>

Background

- 2.1 The unitary authorities in Berkshire have responsibility for planning for the future production of minerals and for the management of waste disposal within the Berkshire area. Minerals and Waste is an area of planning which is strategic in nature and as such is better planned for on a larger geography than an individual unitary authority.
- 2.2 The Royal Borough of Windsor and Maidenhead is working with Bracknell Forest, Reading and Wokingham Borough councils to produce a Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan which will guide minerals and waste decision-making in the Plan area for the period up to 2036. The councils are using Hampshire Services as a consultant to undertake this work.
- 2.3 The Minerals and Waste Plan is currently at its Examination Stage. The key milestones as per the Town and Country Planning (Local Planning) (England) Regulations 2012, are as follows:
- Regulation 18 – Issues and Options (June – July 2017)
 - Regulation 18 – Draft Plan Consultation (August – October 2018)
 - Regulation 18 – Site Specific Consultation (July – August 2019)
 - Regulation 18 – Focused Consultation (Sand & Gravel Provision and Operator Performance) (February – March 2020)

- Regulation 19 Proposed Submission Consultation (September – October 2020)
 - Regulation 22 – Submission of Documents to the Secretary of State (Examination in Public). (February 2021).
 - Regulation 24 – Examination in Public – Hearing Sessions were held over 4 days. The first 3 days were held in-person between 28th – 30th September 2021 at Maidenhead Town Hall, and the last session was held virtually on 12th October 2021.
- 2.4 Planning Inspectors Rachael A Bust (Lead Inspector) and Nicholas Palmer were appointed to undertake the independent examination on the soundness of the Plan. The Inspectors' task is to consider the soundness and legal compliance of the submitted Plan. The Inspectors also took into account the representations submitted upon the Submission Plan as far as they relate to soundness considerations. Several informal debates took place on the principal matters identified by the Inspectors.
- 2.5 The Hearing Sessions have not yet been drawn to a formal close as the Strategic Flood Risk Assessment (SFRA) required updating. This has since been updated and submitted to the Inspectors for consideration. We are expecting the hearing sessions to be drawn to a close imminently.
- 2.6 The Schedule of Proposed Main Modifications will be made available to view on the Council's website when received from the Inspector - [Joint minerals and waste | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk)
- 2.7 The draft Schedule of Proposed MMs has now been sent to the Inspectors for review. The preparation of the Schedule will be an iterative process involving the Councils sending the Inspector draft versions of the schedule upon which they will provide informal advice. Once this has been finalised, the schedule and associated documentation will be published for consultation which is expected to take place in February 2022.
- 2.8 It is then expected that the Inspectors' report would be received in the Spring or Summer of 2022 and on the assumption that no further hearing sessions are needed, and the Plan is found sound, it is anticipated that a report would be taken to Full Council in Summer / Autumn 2022, recommending adoption. Once adopted, the Plan would have full weight for planning decisions.

3. KEY IMPLICATIONS

- 3.1 In order to minimise the risk of any unnecessary delays to this timetable, officers recommend that authority to publish the Schedule of Proposed Main Modifications (under the direction of the Inspector) for public consultation is delegated to the Head of Planning in consultation with the Cabinet Member for Planning, Environmental Services and Maidenhead.
- 3.2 A long delay to the consultation on MMs and subsequent adoption of the Plan would have consequences for development management as it would be harder to resist speculative planning applications. This would also increase the risk that the delivery of key Minerals and Waste sites would be delayed, which would have

financial implications for the Council. Furthermore, any delay would affect the delivery of much needed vital Minerals and Waste operations in the Borough.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Delegated authority to approve and publish the MMs agreed by Cabinet	MMs published for consultation in Summer 2022	MMs published for consultation in February 2022	n/a	n/a	Minerals and Waste Plan anticipated to be adopted by Autumn 2022.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 Work on the Minerals and Waste Plan commenced in 2017 and it has now reached an advanced stage of production, with adoption expected to take place later this year. The cost of producing the Minerals and Waste Plan to date (to October 2021) has been around £1.0m collectively (approximately £250,000 for RBWM) (including evidence studies, legal advice and Inspector and programme officer costs).
- 4.2 The work within this report is funded from existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 The Planning and Compulsory Purchase Act 2004, as amended ("the 2004 Act") requires local planning authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, ("the 2012 Regulations") set out the procedures to be followed in the preparation of such Plans.
- 5.2 The powers of the Inspector to recommend modifications at the request of the Local Planning Authority are set out in Section 20 of the 2004 Act.
- 5.3 Pursuant to regulation 4(4) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the function of amending, modifying or varying any relevant plan or strategy shall be the responsibility of the executive of a local authority to the extent that this is recommended by the person carrying out an independent examination of a Development Plan Document under section 20 of the 2004 Act.

6. RISK MANAGEMENT

- 6.1 The headline risks are set out in Table 3 below.

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
The consultation on Main Modifications does not take place until Summer 2020 due to a delay in gaining approval from Cabinet, resulting in adoption of the Minerals and Waste Plan taking place at the end of 2022 with associated impacts as set out in paragraph 3.3.	High	Actions set out in recommendation	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups, including those within the workforce and customer/public groups, have been considered. A [EQIA \(Equalities Impact Assessment\) Screening](#) has been completed and is available in Appendix A.
- 7.2 Climate change/sustainability. The (JCEB) Minerals and Waste Plan includes a number of strategic objectives around the environmental effects of minerals and waste development, including objective 4, which is to:
- “Help mitigate the causes of, and adapt to, climate change by; positive design of development; developing appropriate restoration of mineral workings; prioritising movement of waste up the waste hierarchy; reducing the reliance on landfill; maximising opportunities for the re-use and recycling of waste; and facilitating new technologies to maximise the renewable energy potential of waste as a resource”.
- 7.3 The proposed main modifications to the (JCEB) Minerals and Waste Plan have been subject to Sustainability Appraisal, which assesses the effect of the plans and proposals on environmental, social and economic objectives, and is a statutory requirement of plan making. The Sustainability Appraisal Addendum, which will be published alongside the Proposed Main Modifications, has identified that the modified policies will have either neutral or positive effects on the identified sustainability objectives, which cover environmental objectives relating to climate change and emissions (as well as biodiversity, water quality, landscape and heritage, ground conditions, air quality and flood risk).
- 7.4 Data Protection/GDPR. No impacts.

8. CONSULTATION

- 8.1 As stated in Section 2 above, the Minerals and Waste Plan has been subject to extensive public consultation over several years. Following approval by the Head of Planning in consultation with the Cabinet Member, and the Inspectors, the Schedule of Proposed MMs will be published for public consultation. After this, the Inspectors will consider responses received and finalise their report, along with a final list of Proposed Main Modifications to the Plan. This report will then be publicised in accordance with the 2012 Regulations.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: Immediately. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
Early 2022	The Schedule of Proposed Main Modifications is agreed by the Inspector and then approved under delegated authority by the Head of Planning in consultation with Cabinet Member for Planning, Environmental Services and Maidenhead. Other JCEB authorities are seeking similar approval according to their own scheduled Council meetings.
February 2022	Proposed Main Modifications published for six weeks public consultation
Spring / Summer 2022 (estimated)	Inspector's Report received
Summer / Autumn 2022 (estimated)	Report to Full Council recommending adoption of the Minerals and Waste Plan

10. APPENDICES

- 10.1 Appendix A – EQIA Screening.

11. BACKGROUND DOCUMENTS

This report has no background documents.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	12/01	17/01/22

Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	12/01	18/01/22
Louisa Dean	Communications	12/01	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	12/01	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	12/01	
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	12/01	18/01/22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	12/01	13/01/22
Andrew Durrant	Executive Director of Place	12/01	
<i>Heads of Service (where relevant)</i>			
Adrien Waite	Head of Planning	12/01	17/01/22
<i>External (where relevant)</i>			
Cllr Coppinger	Cabinet Member for Planning, Environmental Services and Maidenhead.	12/01	

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No

Report Author: Adrien Waite, Head of Planning

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Main Modifications to the Central and Eastern Berkshire Joint Minerals and Waste Plan

Essential information

Items to be assessed: (please mark 'x')

Strategy	X	Policy	X	Plan	X	Project		Service/Procedure	
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Responsible officer	Garry Thornton	Service area	Planning Policy	Directorate	Place
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Stage 1: EqIA Screening (mandatory)	Date created: 23/12/2021	Stage 2 : Full assessment (if applicable)	N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Adrien Waite

Dated: 19/01/2022

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Main Modifications to the Central and Eastern Berkshire Joint Minerals and Waste Plan

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqIA : Main Modifications to the Central and Eastern Berkshire Joint Minerals and Waste Plan

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

To set out modifications to the proposed policies for dealing with applications for minerals and waste development within the plan area.

The CEBJMWP sets out up to date and robust policies around minerals extraction and waste management across the four unitary authorities to 2036. This will enable planning decisions on those forms of development to be based on a sound policy approach. The report proposes some modifications to the document based on the public examination.

This will ensure that the whole community will benefit from sufficient resources being available to provide aggregates to the construction industry and to ensure that sufficient waste management capacity is being planned for.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Main Modifications to the Central and Eastern Berkshire Joint Minerals and Waste Plan

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant			
Disability	Not relevant			
Gender re-assignment	Not relevant			
Marriage/civil partnership	Not relevant			
Pregnancy and maternity	Not relevant			
Race	Not relevant			
Religion and belief	Not relevant			
Sex	Not relevant			
Sexual orientation	Not relevant			

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Main Modifications to the Central and Eastern Berkshire Joint Minerals and Waste Plan

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	None. Planning for minerals extraction and waste management does not have a differential effect on racial groups, gender/transgender, disability, sexual orientation, age or religious belief.	Garry Thornton – Planning Policy	N/A
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	None. Planning for minerals extraction and waste management does not have a differential effect on racial groups, gender/transgender, disability, sexual orientation, age or religious belief.	Garry Thornton – Planning Policy	N/A

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

Report Title:	Approval of Optalis shareholder agreement
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Cllr Stuart Carroll, Cabinet Member for Adult Social Care, Health, Mental Health and Children's Services
Meeting and Date:	Cabinet – 27 January 2022
Responsible Officer(s):	Hilary Hall, Executive Director of Adults, Health and Housing
Wards affected:	All



REPORT SUMMARY

The Royal Borough became a shareholder in Optalis Limited, a local authority trading company set up by Wokingham Borough Council in 2011, on 31 March 2017. All the council's adult social care services were transferred to the company under the Teckal exemption of the Public Contract Rules 2015.

Since then, Optalis has delivered good quality adult social care services on behalf of the Royal Borough, strengthening social work practice and improving the ratings for provider services regulated by the Care Quality Commission. Optalis is a key partner in delivering the council's Adult Social Care Strategic Plan. The review by the Chartered Institute of Public Finance and Accountancy, undertaken in 2020 and reported to Cabinet in July 2020, confirmed that Optalis had brought considerable benefits to the Royal Borough in terms of service improvement.

Both the Royal Borough and Wokingham are committed to Optalis as a jointly owned delivery vehicle, with shared responsibility for its results, continuous improvement in the delivery of services and a stable workforce. In order to continue to secure maximum value from the arrangements, there was a need to settle the outstanding dispute relating to central management costs between the councils and review the shareholder agreement. The negotiations have now been concluded and an appropriate and fair formula for calculating central management costs has been agreed. The shareholder agreement has been reviewed with both councils now having an equal shareholding in the company and the respective Cabinet Members and Directors of Adult Services appointed as Non-Executive Directors of the company to ensure a closer working relationship between the two councils and with the company.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the revised shareholder agreement between Wokingham Borough Council, the Royal Borough of Windsor and Maidenhead and Optalis Limited.**
- ii) Notes the appointment of the Cabinet Member for Adult Social Care, Health, Mental Health and Children's Services and the Executive Director of Adults, Health and Housing as Non-Executive Directors of Optalis Limited.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
Approve the revised shareholder agreement for Optalis Limited and note the appointment of the two Non-Executive Directors This is the recommended option	The revised shareholder agreement supports the move to an equal shareholding between the two councils, closer working between the respective Cabinet Members, Directors of Adult Services and Optalis Ltd and an agreed formula for calculating central management costs. This will significantly support the future development of Optalis Limited and enhance the delivery of adult social care in the borough.
Not approve the revised shareholder agreement.	Failure to agree the shareholder agreement will result in reduced interaction between the two councils and loss of opportunities for joint working for the benefit of residents of both boroughs.

- 2.1 Optalis is a local authority trading company, jointly owned by the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council. Originally set up by Wokingham in 2011, the Royal Borough transferred all of its adult social care services into the company and became a joint owner on 31 March 2017. The rationale for moving to this form of service delivery was to ensure the most effective services which improve outcomes for residents and which support sustainable growth, provide resilience in the workforce, and secure value for money. This ownership gives the councils control over quality, delivery, and the strategic direction of the services.
- 2.2 The Royal Borough and Wokingham are committed to Optalis as a jointly owned delivery vehicle, with shared responsibility for its results, continuous improvement in the delivery of services and a stable workforce. In order to continue to secure maximum value from the arrangements, there was a need to settle the outstanding dispute relating to central management costs between the councils. The negotiations have now been concluded and a fair and proportionate formula for calculating central management costs has been agreed in line with the recommendations of the appointed expert.
- 2.3 The shareholder agreement, originally created in 2017, details how the governance and financial arrangements work, how decisions are made and how the impacts of changes are shared between the councils. The agreement sets out the shared intention of both councils to develop a social care company of choice; however, both councils consider the 2017 agreement to be, in part, unrepresentative of the respective focus, commitment, and aspirations for the

company. Therefore, a new shareholder agreement has been produced which is attached at Appendix 1.

- 2.4 In summary, the new shareholder agreement provides:
- Simplified governance through Optalis Ltd.
 - Continuity and stability of services for residents.
 - Greater control and oversight through the Cabinet Member and Executive Director becoming members of the Optalis Board.
 - Fairer and more transparent split in central costs based on the proportion of services delivered by Optalis on behalf of both councils.
 - Coterminal contract length.
 - Agreed exit arrangements.
 - Equal ownership.
 - Shared strategic direction.
 - Separation of operations, with the mutual ability to join each other's proposed activities if that would be beneficial.
- 2.5 The new governance arrangements mean the appointment of both Cabinet/Executive Members for adult social care and the two Directors of Adult Social Services, together with the Chief Executive of Optalis, as Board members of Optalis Ltd. This will ensure closer working and greater oversight of strategy and delivery in line with both councils' strategic plans.
- 2.6 In December 2021, the government released its White Paper, *People at the Heart of Care*, which sets out its ambition for the next 10 years and how it intends to transform support and care in England from October 2023. The White Paper incorporates the proposed reforms to the funding regime for adult social care which are due to take effect in October 2023 when the 'cap' on care will be increased from £23,250 to £86,000. The implications of the funding reforms for the Royal Borough are currently being assessed but they are likely to be significant, particularly given the number of residents in the borough who fund their own care.
- 2.7 Optalis is a key partner in delivering the council's Adult Social Care Strategic Plan which sets out an ambitious programme of modernisation of adult social care in the borough. The new relationship set out in the revised shareholder agreement will enable the Royal Borough to work more closely with Wokingham and Optalis. This closer joint working, together with the programme already underway, will put the Royal Borough in the best possible place to manage the future challenges of the national reform agenda.

3. KEY IMPLICATIONS

- 3.1 The key implications are set out in table 2.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
New shareholder agreement signed	1 June 2022	1 April 2022	N/A	N/A	1 April 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no financial implications arising from the recommendations in this report. The costs associated with the Royal Borough's involvement in Optalis Ltd, including the allocation of central management costs, are contained within existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 Optalis Limited is a local authority trading company, jointly owned by the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council. On 31 March 2017, the Royal Borough transferred all of its adult social care service delivery to Optalis Limited.
- 5.2 Section 79 of the Care Act 2014 enables councils to delegate and contract out any Care and Support functions in Part 1 of the Act and the degree of delegation. Any action delegated to Optalis is treated as the action of the Royal Borough as if the Royal Borough had performed that action itself. This means that the Royal Borough remains ultimately responsible for ensuring the function is carried out properly and in accordance with its obligations. This does not prevent the Royal Borough from performing that action itself.
- 5.3 Local authority trading companies must be 'Teckal' compliant in order to allow councils to transfer services to the company without having to comply with the Public Contract Rules (PCR 2015). The PCR 2015 state that a council must exercise control over the local authority trading company which is similar to that which they exercise over their own departments: more than 80% of activities must be supplied to the Council, or jointly to one or more councils, and there must not be any private sector involvement that exerts any influence or control on the company. Control means influence over the strategic and significant decisions.
- 5.4 Guidance issued by the Department for Health in 2006 makes it clear that the Director of Adult Social Services is accountable for the delivery of the local authority's social services functions, as listed in Schedule 1 of the Local Authority Social Services Act 1970 (other than those for which the Director of Children's Services is responsible). The guidance also provides that the Director of Adult Social Services should be directly accountable to the Chief Executive of the Local Authority.
- 5.5 Where the delivery of adult social care services is to be undertaken through a local authority trading company, the Director of Adult Social Services must remain an employee of a local authority for the full range of social services responsibilities. This is because the local authority needs to be able to discharge its statutory duty as a 'provider of last resort', and to do so needs to retain effective control over key adult social care provider services. The Executive Director of Adults, Health and Housing is the council's Director of Adult Social Services reporting directly to the Chief Executive.

6. RISK MANAGEMENT

- 6.1 The risks and mitigations are set out in table 3.

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Failure to agree the terms of the shareholder agreement	MEDIUM	Detailed negotiation on all aspects by the Directors of Adult Social Services. Agreement of the heads of terms by all members of Optalis Holdings Ltd.	LOW

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). An Equality Impact Assessment screening has been completed and no adverse impacts have been identified.
- 7.2 Climate change/sustainability. There are no impacts of the recommendations in relation to climate change/sustainability.
- 7.3 Data Protection/GDPR. No personal data is being processed as a result of the recommendations in this report. Information sharing between the Royal Borough and Optalis Limited in relation to service delivery is covered by an information sharing agreement. Data protection/GDPR requirements are included within the shareholder agreement and the accompanying contract for care services between the Royal Borough and Optalis Limited.

8. CONSULTATION

- 8.1 Consultation on the provisions of the revised shareholder agreement has been undertaken with Optalis Holdings Limited which comprises two elected Members from the Royal Borough (Cllrs Johnson and Coppinger) and Wokingham Borough Council, and the two Chief Executives of the councils. Their feedback has informed the final version of the agreement.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: Immediately. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
April 2022	Both councils sign the shareholder agreement

10. APPENDICES

- 10.1 This report is supported by one appendix:
- Appendix A: Shareholders Agreement relating to Optalis Limited

11. BACKGROUND DOCUMENTS

11.1 There are two background documents:

- Report to Cabinet: [Delivery of Adult Services](#), 15 December 2016.
- Report to Cabinet: [Outcome of reviews of Achieving for Children and Optalis delivery arrangements](#), 30 July 2020.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i> <i>Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	23-12-21	23-12-21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	23-12-21	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	23-12-21	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	23-12-21	24-12-21
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	23-12-21	
<i>Other consultees:</i>			
<i>Directors</i>			
Duncan Sharkey	Chief Executive	23-12-21	24-12-21
Andrew Durrant	Executive Director of Place	23-12-21	
Kevin McDaniel	Executive Director of Children's Services	23-12-21	
<i>Heads of Service</i>			
Lynne Lidster	Head of Commissioning – People Services	23-12-21	
<i>External</i>			
Matt Pope	Director of Adult Services, Wokingham Borough Council	23-12-21	
David Birch	Chief Executive, Optalis Limited	23-12-21	

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Adult Social Care, Health, Mental Health and Children's Services	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet	No	No

Forward Plan: 12 November 2021		
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Report Author: Hilary Hall, Executive Director of Adults, Health and Housing, 07812 676630

DATED

2022

(1) WOKINGHAM BOROUGH COUNCIL

and

(2) ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

and

(3) OPTALIS LIMITED

SHAREHOLDERS AGREEMENT

RELATING TO OPTALIS LIMITED

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Parties

- (1) **Wokingham Borough Council** whose principal office is at Shute End, Wokingham, Berkshire RG40 1BN (**Wokingham**);
- (2) **Royal Borough of Windsor & Maidenhead** whose principal office is at Town Hall, St Ives Road, Maidenhead SL6 1RF (**RBWM**); and
- (3) **Optalis Limited** a company incorporated and registered in England and Wales with registered number 07630156 whose registered office is at Trinity Court, Molly Millers Lane, Wokingham, Berkshire RG41 2PY (the **Company**).

BACKGROUND

- (A) The Company was incorporated under the Companies Act 2006 on 11 May 2011 as a private company limited by shares. At the date of this Agreement the Company has an issued share capital of 50,100 ordinary shares of £1.00 each (as to which 25,050 A ordinary shares of £1.00 are held by RBWM and 25,050 B ordinary shares of £1.00 each are held by Wokingham).
- (B) The parties (together with Optalis Holdings Limited (Co. No. 08671532)) entered into a shareholders agreement dated 30 May 2017 relating to the Company. Optalis Holdings Limited has ceased to be a shareholder of the Company and the parties wish to record the new terms on which they will participate in the Company as its shareholders.

Agreed terms

1 Definitions and interpretation

- 1.1 The following definitions and rules of interpretation apply in this Agreement.

2017 Shareholder Agreement: means the shareholders agreement referred to in Recital B.

Annual Accounts Date: means the accounting reference date of the Company from time to time.

Annual Contract Price: means the annual Contract Price (as defined in Schedule 2) paid or payable by a Council to the Company under a Care Services Contract in a financial year (such amount does not include any payment for commissioned adult social care services instructed by the Company as agent for the Councils).

Asset Purchase Agreement: means the agreement dated on or around 30 March 2017 between RBWM and Optalis Limited.

Authorised Representatives: means the authorised representatives referred to in clause **Error! Reference source not found.**

Board or Board of Directors: means the board of directors of the Company;

Board Meeting: means a meeting of the Board of Directors.

Business: means the business of the Company described in clause 2 and the Business Plan and such other business as the Shareholders may agree from time to time in writing should be carried on by the Company.

Business Plan: means the business plan adopted in accordance with clause 2.3 from time to time which shall include details of the Operating Budget and the Savings.

Business Day: means a day other than a Saturday or Sunday or public holiday in England and Wales.

Care Services: means the services of adult social care and such other care-related services as any Council may from time to time agree to commission from the Company.

Care Services Contract: means a contract for the provision of any Care Services by the Company to the Shareholders.

CEDR: means the Centre for Effective Dispute Resolution.

Chairman of the Board: means the person appointed in accordance with clause 4.5.

Chief Executive Officer or CEO: means the person appointed as chief executive officer of the Company in accordance with clause 4.4.

Confidential Information: means any information or matter which is not in the public domain and relates to either of the Shareholders or the Company.

Costs: means any liabilities fees costs damages expenses and losses (not including indirect or consequential losses, loss of profit or reputation) and any reasonable professional costs, interest and expenses (such Costs subject always to that they must be foreseeable or in the reasonable contemplation of the parties and the obligation at law to mitigate).

Council Directors: means the RBWM Directors and the Wokingham Directors.

Councils: means Wokingham and RBWM,

Current Business Plan: means the Business Plan of the Company in effect at the date of this Agreement.

Deed of Adherence: means a deed of adherence in substantially the same form as set out in Schedule 1.

Director: means any director for the time being of the Company, including where applicable any alternate director.

Environmental Information Regulations: means the Environmental Information Regulations 2004.

Existing Commissioning Contracts: means contracts for Care Services entered into between either of the Councils and a third party before Completion.

FOIA: means the Freedom of Information Act 2000.

Group: means, in relation to the Company, the Company itself; and the expression **Group Member** shall be construed accordingly.

Information: has the meaning given to it under section 84 of the FOIA.

Intellectual Property Rights: means copyright and related rights, trademarks, business names and domain names, goodwill and the right to sue for passing off, rights in designs, rights in computer software, database rights, rights to use, and protect the confidentiality of, confidential information (including knowhow) and all other intellectual property rights, in each case whether registered or unregistered and including all applications and rights to apply for and be granted, renewals or extensions of, and rights to claim [priority from, such rights and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future.

LCIA: means the London Court of International Arbitration.

Lead Member: means the member of the executive/cabinet at the Councils whose responsibility includes adult services

LGPS: means a Local Government Pension Scheme established pursuant to regulations made by the Secretary of State in exercise of the powers under Sections 7 and 12 of the Superannuation Act 1972 as amended from time to time.

LGPS Regulations: means the Local Government Pension Scheme Regulations 2013 as amended from time to time.

New Articles: means the new articles of association of the Company in the agreed form to be adopted on or about the date of execution of this Agreement.

Operating Budget: means the annual sum of monies required by the Company to deliver the Care Services to the Shareholders and as determined in accordance with and as set out in Schedule 2.

Prudential Code for Local Authorities: means the Chartered Institute of Public Finance and Accountancy (**CIPFA**) Prudential Code for Capital Finance in Local Authorities 2011 and accompanying Guidance Notes for Practitioners 2013 (as updated or revised from time to time).

RBWM Admission Agreement: means the agreement set out in Schedule 5 of the Asset Purchase Agreement and made pursuant to Schedule 2 of the LGPS Regulations where Optalis Limited becomes an admission body to the Royal County of Berkshire LGPS in respect of the Eligible Employees (as defined in the Asset Purchase Agreement) or, as the case may be, any subsequent admission agreement made pursuant to Schedule 2 of the LGPS Regulations where a subcontractor of Optalis Limited becomes an admission body to the Royal County of Berkshire LGPS in respect of the Eligible Employees (as defined in the Asset Purchase Agreement).

RBWM Directors: the Directors appointed by RBWM in accordance with clause 4.1.

Request for Information: has the meaning set out in the FOIA or any apparent request for information made under the FOIA or **the** Environment Information Regulations.

Savings: means the cost savings and financial efficiencies identified for each financial year that the Shareholders agree to make to reduce the Operating Budget or generate income and as documented and agreed in the Business Plan.

Shareholder: means each of the Councils and/or any person to whom it may properly transfer any Shares in accordance with this Agreement and who enters into a Deed of Adherence agreeing to be bound by the terms of this Agreement.

Shareholding Proportion: means the proportion of the issued share capital of the Company held by the Shareholders.

Shares: means the ordinary shares of £1.00 in the Company from time to time.

Trinity Court: means office at Trinity Court, Molly Millars Lane, Wokingham, Berkshire leased to Optalis under a lease dated 10th December 2018.

Wokingham Admission Agreement: means the agreement dated 14 June 2011 made pursuant to Schedule 2 of the LGPS Regulations where Optalis Limited became an admission body to the Royal County of Berkshire LGPS in respect to certain Wokingham Transferred Employees.

Wokingham Directors: means the Directors appointed by Wokingham in accordance with clause 4.1.

Wokingham Transferred Employees: means the employees who transferred to Optalis Limited under a contract for services dated 30 June 2011.

- 1.2 Any reference to a statute or statutory provision is a reference to it as it is in force from time to time, taking account of any change, extension, consolidation or re-enactment and includes any subordinate legislation for the time being in force made under it.
- 1.3 Clause headings in this Agreement are for convenience only and do not affect the construction of any provision.
- 1.4 References to any gender shall include the other genders and references to the singular shall include the plural and vice versa.
- 1.5 Any reference to a person (which for the purposes of this Agreement shall include a firm, unincorporated association, body corporate, government, state or agency of state, any association or partnership or joint venture (whether or not having a separate legal personality)) shall include its successors in title.
- 1.6 Any reference to a document **in the agreed form** shall be a reference to that document in the form agreed and initialled by or on behalf of each of the Shareholders for the purpose of identification and attached to this Agreement.

2 The business of the Company

- 2.1 The Shareholders acknowledge and agree that unless and until they agree otherwise, the business of the Company shall be the provision of Care Services to the Councils and to other customers in accordance with the Business Plan.
- 2.2 The Shareholders further acknowledge and agree that the purpose of the Company is: "To be a resilient, efficient and sustainable social care company capable of delivering high quality, innovative services to our customers, delivered by passionate and skilled staff." The aims will be to:
- transform and improve the delivery of adult services (both statutory and provider services) across both boroughs to achieve quality and value for money whilst influencing and shaping the local care markets;
 - secure the stability of the workforce, ensuring that staff are retained, and their continuous professional development is enabled; and
 - identify and deliver opportunities for joint commissioning to the benefit of both boroughs.
- 2.3 The Current Business Plan will apply in respect of the current financial year of the Company (namely 1 April 2021 to 31 March 2022). The Board will prepare and adopt a revised Business Plan for subsequent financial years by the end of January each year in respect of the following financial year and submit the Business Plan to the Shareholders for approval by the Authorised Representative by end of January in each year.
- 2.4 Each Business Plan shall be substantially in the format of the Current Business Plan and will deliver the purpose of the Company as set down in clause 2.1 and include the basis (in a form required by the Shareholders) of the calculation of the Annual Contract Price for all Councils.
- 2.5 Notwithstanding any other provision of this clause 2 following the requisite approval by the Company of a proposed new Business Plan or an amended or updated and revised Business Plan, such draft Business Plan shall become, or such amended or updated Business Plan shall become, the Business Plan of the Company. For any period when a proposed Business Plan presented under clause 2.3 has not been approved and adopted by the Company in accordance with this Agreement the relevant existing Business Plan shall continue to be the Business Plan of the Company.
- 2.6 The Business Plan shall become the adopted Business Plan of the Company once it has been approved by the Councils and the Authorised Representative shall notify the Company by end of March in each of year. Where the Councils do not agree to the Business Plan then such shall be referred to disputes resolution under clause 16 of this Agreement
- 2.7 The principal place of business of the Company and the principal place for management of the Company shall be within the county of Berkshire, unless otherwise agreed in writing by both Councils.
- 2.8 The Shareholders acknowledge and agree that they will as far as reasonably possible ensure that the Business of the Company is conducted in accordance with the Business Plan and good business practice.

- 2.9 Subject to the provisions of this Agreement, the Shareholders understand and agree that the Company shall use all reasonable and proper means to maintain and improve the Business.

3 Conduct of the Company's affairs

- 3.1 With the exception of those matters requiring consent pursuant to clause 8, the day-to-day management of the Company shall be vested in the Chief Executive Officer and his management team. Without prejudice to the generality of the foregoing, the Directors of the Company will determine the general policies of the Company and the manner in which the Business is to be carried out subject to the provisions of clause 5 and subject to those matters requiring consent pursuant to clause 8 and to any other express provisions of this Agreement. In particular, but without limitation to the generality of the foregoing, the Directors shall subject to the provisions of clause 5 and subject to the limitations in clause 8, exercise all voting rights and other powers of control available to them in relation to the Company so as to procure (in so far as they are able in the exercise of such rights and power) that, at all times during the term of this Agreement, the Company shall carry on and conduct its business and affairs in a proper and efficient manner, for its own benefit and in accordance with good business practices.
- 3.2 The Company shall not carry out any activity which would render the holding of Shares by any Shareholder unlawful provided that where a proposed change of law would render such shareholding unlawful such Shareholder will use all reasonable endeavours to take such steps as are necessary to allow it to continue lawfully to hold its Shares.
- 3.3 The Company will if it requires any approval, consent or licence for the carrying on of its Business in the manner in which it is from time to time carried on or proposed to be carried on, use all reasonable endeavours to obtain and maintain the same in full force and effect.
- 3.4 The Company shall permit any Director to discuss the affairs, finances and accounts of the Company at any time with any officers and employees of the Shareholder designated in writing by each Shareholder for this purpose. All books, records, accounts and documents relating to the business and the affairs of the Company shall be open to the inspection of any officers and employees designated in writing by each Shareholder for this purpose, who shall be entitled to make any copies thereof as he or she deems appropriate to keep the relevant Shareholder properly informed about the business and affairs of the Company or to protect its interests as a Shareholder. Any Confidential Information secured as a consequence of such discussions and examinations shall be kept confidential by the requesting Shareholder and its designated officers and employees in accordance with the terms of clause 19.
- 3.5 The Company agrees with the Shareholders that it will maintain effective and appropriate control systems in relation to the financial, accounting and record-keeping functions of the Company and will generally keep the Shareholders informed of the progress of the Company's business and affairs and in particular will procure that each Shareholder is given such information and such access to the officers, employees and premises of the Company as it may reasonably require for the purposes of enabling it to monitor its investment in the Company and to comply with its obligations under the Prudential Code for Local Authorities.
- 3.6 The Shareholders shall (to the extent that it is within their powers to do so) procure that the Company shall not breach nor cause any Council to be in breach of the relevant provisions of the Local Authorities (Companies) Order 1995, Part V of the Local Government and Housing

Act 1989 or the Local Government Public Involvement in Health Act 2007 or its obligations under the Public Contracts Regulations 2015.

- 3.7 The Company shall:
- 3.7.1 identify the participation of each Council on all its official business stationery; and
 - 3.7.2 not engage in any party political publicity.
- 3.8 The Company shall use its reasonable endeavours to ensure that:
- 3.8.1 no more than 19.99% of the total average annual turnover of the Company in any period of three financial years shall derive from activities undertaken for any person who is not a Shareholder or a person over which one or more Shareholders exercise Control (and for the purposes of this obligation only Control shall have the meaning attributed to it in Regulation 12(3) or 12(5) of the Public Contracts Regulations 2015); and
 - 3.8.2 the Company shall not accept any direct private capital participation (with the exception of non-controlling and non-blocking forms of private capital participation as may be required by English legislation, which do not exert a decisive influence on the Company).
- 3.9 In order to assist compliance with the provisions of clause 3.8 the Shareholders shall procure that oversight thereof will be undertaken by one of the RBWM Directors or Wokingham Directors who will report to the chief executives of the Councils.
- 3.10 Compliance with Regulation 12(4) of the Public Contracts Regulations 2015 (**2015 Regulations**) will be undertaken by the RBWM Director who is the Director of Adult Services and the Wokingham Director who is the Director of Adult Services who shall report to their respective Council chief executives in relation to such compliance. If any of the parties become aware that, for whatever reason, the Company no longer fulfils any of the requirements of Regulation 12(4) of the 2015 Regulations (**Teckal Non-Compliance**) or such Teckal Non-Compliance is likely to occur, it shall immediately notify the other party. Following such notification, the parties shall work together to ensure action is taken to either:
- 3.10.1 remedy the Teckal Non-Compliance; or
 - 3.10.2 take steps to prevent such Teckal Non-Compliance occurring.
- 3.11 Each Shareholder shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it, in relation to the Company so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement:
- 3.11.1 the Company is managed in accordance with the objectives and provisions of this Agreement; and
 - 3.11.2 the Company performs and complies with all obligations on its part under this Agreement and the New Articles.

- 3.12 Subject to clause 3.13 the Shareholders acknowledge that in relation to the Business the Company may limit the amount available for distribution to a nominal amount by returning any efficiency savings and private income generated by any service to each Council prior to the Company's year end.
- 3.13 In the event that the Shareholders agree pursuant to clause 2.1 (but subject at all times to clause 3.8 and clause 8.1.15) that the Company undertakes any commercial activities other than in relation to the Business then unless and until otherwise agreed in writing by each of the Shareholders the full amount of the profits of the Company available for distribution according to the audited accounts for each financial period relating to such commercial activities shall be distributed by the Company by way of dividend subject only to such reserve as the Board of Directors considers to be necessary to meet future liabilities (contingent or otherwise) of the Company;

4 Directors

- 4.1 The Directors will (subject to the appointment of any non-executive director pursuant to clause 4.6) consist of five members, being two RBWM Directors and two Wokingham Directors and the Chief Executive Officer.
- 4.2 RBWM shall have the right to maintain in office two natural persons as RBWM Directors and to remove any RBWM Director so appointed and upon his removal, whether by his appointor or otherwise, to appoint another person to act as a RBWM Director in his place. Such persons shall comprise the RBWM Director of Adult Services and the Lead Member of RBWM.
- 4.3 Wokingham shall have the right to maintain in office two natural persons as Wokingham Directors and to remove any Wokingham Director so appointed and upon his removal, whether by his appointor or otherwise, to appoint another person to act as a Wokingham Director in his place. Such persons shall comprise the Wokingham Director of Adult Services and the Lead Member of Wokingham.
- 4.4 The Chief Executive Officer shall be appointed by ordinary resolution of the Shareholders.
- 4.5 The Chairman of the Board shall be the Lead Member from either the RBWM Directors or the Wokingham Directors. The Chairman of the Board shall rotate every six months between the Lead Member RBWM Director and the Lead Member Wokingham Director. The deputy chairman of the Board shall (during the period that a RBWM Director is Chairman of the Board) be the Lead Member Wokingham Director and shall (during the period that a Wokingham Director is Chairman of the Board) be the Lead Member RBWM Director.
- 4.6 If both Shareholders request then the RBWM Directors and Wokingham Directors shall appoint by unanimous decision such non-executive directors as are so requested.
- 4.7 A Directors' meeting shall be held no less than every three months at a location within the county of Berkshire. The Chief Executive Officer (or such agreed substitutes) shall provide a regular report to the Board of Directors at each meeting on each area of the Company's operations – Company Report, Provider Services, Statutory Services, Finance and Performance, HR and Corporate Services. Additional reports may be added as requested by the Board.

For the avoidance of doubt, meetings of the Board of Directors can be called at other times by notice in writing in accordance with the New Articles.

- 4.8 The quorum for the transaction of business at meetings of the Company shall be as required in paragraph 5 of this Agreement **provided that** if a quorum is not present in respect to a decision required by paragraph 5.4, then the attendees present may adjourn the meeting to a date not less than five Business Days later, and the quorum for a meeting adjourned in accordance with this clause and held at such later date shall be any two Directors of the Company.
- 4.9 Not less than five Business Days' notice shall be given to each of the Directors of the Company which shall include an agenda specifying in reasonable detail the matters to be discussed, together with any relevant papers for discussion at such meeting. This provision may be waived if all the Directors who attend the meeting agree.
- 4.10 The Company will supply the agendas and support papers to the Board of Directors and shall do so at the same time, as far as possible, as the Board of Directors receives those agendas and papers (except for minutes, which need only be supplied after signature).
- 4.11 The Councils shall ensure that its appointed Directors of the Company shall attend the meeting.
- 4.12 The Chief Executive Officer shall manage the conduct of Board meetings and shall seek to ensure that a decision is reached. In the event of deadlock on any vote, the Chief Executive Officer shall refer the matter for mediation in accordance with clause 16 unless a Wokingham Director and a RBWM Director both confirm that no such referral shall be made.
- 4.13 The Company will appoint a Company Secretary or seek company secretarial advice from a suitable qualified third party who will in addition to advising the Board on all compliance matters will advise on the operation of this Agreement.

5 Director decision making/appointment of committees

Decision making within the Company shall be as follows:

- 5.1 The CEO shall make all operational decisions of the Company for the day to day running of the Company within the Operating Budget and/or the Business Plan. The CEO may delegate such decisions to any of the other Directors.
- 5.2 Any decision of the Company which impacts on one Council only shall (to the extent that it is not an operational decision for the running of the Company within the Operating Budget and/or the Business Plan) be delegated pursuant to article [24] of the Company's articles of association to a committee consisting of the (i) CEO and (ii) either the Wokingham Directors or the RBWM Directors (depending on the Council affected by such decision).
- 5.3 Any decision of the Company which relates to matters of incurring additional financial cost, risk, or negative publicity having an impact on one Council only or which may require one Council to increase its budget (unless included within the Operating Budget and/or the Business Plan) (including without limitation any decision to vire budgets for that Council's services and/or a request for further budgets from that Council) shall be delegated pursuant to article 24 of the

Company's articles of association to a committee consisting of either the Wokingham Directors or the RBWM Directors (depending on the Council affected by such decision).

- 5.4 Any decision of the Company which relates to matters of incurring additional financial cost, risk, or adverse publicity having an impact on the Company alone or to its services or to any matters which relates to both Councils shall be taken by the Board as a whole provided that all decisions must require the unanimous consent of all of the Councils Directors.
- 5.5 The quorum required under paragraph 5.2 and 5.3 shall be both Council Directors of the relevant Council and under paragraph 5.4 shall be all Council Directors.
- 5.6 The Councils and the Company acknowledges that the relevant Council Directors shall modify, expand or add to those matters considered to of 'financial cost, risk, or adverse publicity' and shall notify the Company and the CEO from time to time of such matters. The Council Directors shall endeavour to agree a consistent approach to such matters where possible.

6 Authorised Representatives/Shareholder consent

- 6.1 Where the consent of the Councils acting as Shareholder or otherwise is to be given under the provisions of this Agreement such consent shall be required from the chief executives of the Councils who may delegate the giving of such consent to one of the Council's officers (which includes the Council Directors provided that no conflict between directorship and their Council role exists).

7 Objectives

- 7.1 The Councils agree that the objectives of the Company are:
 - 7.1.1 to be the provider of adult social care services including but not limited to the provision of the Care Services to the Councils and provider under the Care Services Contract;
 - 7.1.2 to provide high quality services to its residents at best value for money;
 - 7.1.3 to generate income from private payers and third party councils;
 - 7.1.4 to ensure the Councils to comply with their statutory duties in relation to Care Services and to fulfil the requirements of the Business Plan;

and that the decisions of the Company should be made in accordance with these aims and objectives.

- 7.2 Where opportunities for the provision of new services arise, the Councils agree that the Company is offered the first opportunity to provide such services as 'provider of first choice'. The Councils are not required to accept any offer for the provision of such services and (acting reasonably) may, directly or indirectly perform, undertake, procure, participate, compete, solicit, encourage, or initiate any part of the Care Services itself or from a third party. The reasons for not accepting the offer from the Company will be reasonably explained.

- 7.3 Clause 7.1 or 7.2 shall not prevent either Council from purchasing from Existing Commissioning Contracts or from subcontracting or securing Care Services where agreed with the other Council.

8 Reserved Matters and Ongoing Duties

- 8.1 Each of the parties shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement, the Company shall not, except as approved in the Business Plan of the Company or with the unanimous consent of the Authorised Representatives (who shall take their decision having regard to their Council's constitutional requirements) take any action or pass any resolution in respect of:

- 8.1.1 altering in any respect its articles of association or the rights attaching to any of its shares;
- 8.1.2 entering into any arrangement, contract or transaction resulting in expenditure either with a capital or revenue value in excess of £50,000.
- 8.1.3 engaging in any business with any party other than the Councils other than as contemplated by the Business Plan and Operating Budget or defraying any monies other than in good faith for the purposes of or in connection with the carrying on of such business;
- 8.1.4 changing the nature of the Business;
- 8.1.5 entering into any borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved by the Company under the Business Plan;
- 8.1.6 approving the appointment of auditors;
- 8.1.7 adopting, replacing or modifying the Business Plan in respect of each financial year, which shall include the adoption and amendment of an Operating Budget other than where such adoption, replacement or modification involves an expenditure of no more than £50,000 in any financial year;
- 8.1.8 appointing or removing any Directors (other where permitted by this Agreement);
- 8.1.9 amending in any material respect the terms and conditions on which any Director of the Company is employed;
- 8.1.10 amalgamating or merging with any other company or business undertaking;
- 8.1.11 forming any subsidiary undertakings (as defined in Section 1162 of the Companies Act 2006) or acquiring shares in any other company or participating in any partnership or joint venture (incorporated or not) with a view to providing services to third parties;

- 8.1.12 making any acquisition or disposal of any material asset(s);
- 8.1.13 allotting any shares in the Company;
- 8.1.14 passing any resolution for the winding up of the Company or presenting any petition for the administration of the Company, other than where the Company is insolvent;
- 8.1.15 undertaking any services other than Care Services to the Councils or the provision of Care Services by the Company to any third party; and
- 8.1.16 any matters which both Authorised Representatives agree should be added to the list in this clause 8.1.

9 Production of accounts and reports

- 9.1 The Company shall instruct its auditors to prepare and audit a balance sheet of the Company, as at the Annual Accounts Date each year and a consolidated profit and loss account of the Company, for the 12 month financial period ending on the Annual Accounts Date each year to be presented to the Shareholders in accordance with the timetable set out in Schedule 2 after the end of the period to which such accounts relate.
- 9.2 The Company will provide to the Shareholders full details of any actual or prospective material change in the Business or the financial position or affairs of the Company, as soon as such details are available.
- 9.3 All accounts referred to in this clause shall be prepared in pounds sterling and in accordance with applicable law and generally accepted accounting standards, principles and practices in the United Kingdom.
- 9.4 The Shareholders shall procure that the Company maintains a separation of finances relating to each Council's services in all aspects other than central management costs, which shall be apportioned as per the formula set out in paragraph 5.2 of Schedule 2.
- 9.5 The Board will provide such reports to the Councils as their chief executives and their respective Council Directors shall agree. The Councils shall seek to have the same reporting requirements and timings.

10 Anti-corruption

- 10.1 In this clause:

Adequate Procedures: means adequate procedures, as referred to in section 7(2) of the Bribery Act 2010 and any guidance issued by the Secretary of State under section 9 of the Bribery Act 2010.

Associated Person: means in relation to a party to this Agreement, any person (including an officer, employee or agent) who performs services for or on behalf of that party.

Corrupt Activity: means extortion, fraud, deception, collusion, cartels, abuse of power, embezzlement, trading in influence, money-laundering or any similar activity including without limitation any activity, practice or conduct which would constitute an offence under sections 1, 2 or 6 Bribery Act.

- 10.2 Each Shareholder declares and undertakes to the other parties that:
- 10.2.1 it has not and will not in relation to the Company or the operation of the Business, engage in any Corrupt Activity;
 - 10.2.2 it will not authorise or acquiesce in or turn a blind eye to, any Corrupt Activity;
 - 10.2.3 it has and will maintain in place, or in the case of the Company it will put and maintain in place, Adequate Procedures designed to prevent any Associated Person from undertaking any conduct that would give rise to an offence under section 7 of the Bribery Act 2010;
 - 10.2.4 it has not and will not engage in any activity, practice or conduct which could place the Company or any other party in breach of section 7(1) Bribery Act;
 - 10.2.5 from time to time, at the reasonable request of the other party, it will confirm in writing that it has complied with its undertakings under this clause 10.2 and will provide any information reasonably requested by the other party in support of such compliance; and
 - 10.2.6 it will ensure that its Associated Persons will comply with its commitments under this clause 10.

11 Transfer of Shares

- 11.1 If such has not been achieved by the date of this Agreement, the Councils agree that they will undertake any actions required to ensure the transfer of shares in the Company to achieve an equal shareholding between Councils (whether in the Company or by way of shareholding in any parent company) and authorise the Council Directors and the Authorised Representatives to perform all actions to achieve such.
- 11.2 Except with the prior written consent of the other Shareholders each Shareholder shall comply with the provisions relating to the issue and transfer of Shares contained in the New Articles.
- 11.3 The Company shall procure that no person who acquires Shares in the Company (whether by transfer or allotment or otherwise) (a **New Shareholder**) shall be registered as their holder unless or until he has entered into a Deed of Adherence.
- 11.4 A New Shareholder who has entered into a Deed of Adherence in accordance with clause 11.3 shall have all the rights and obligations as if he were an original party to this Agreement in the capacity of a Shareholder.

12 Conflict with the New Articles and Care Services Contract

In the event of any ambiguity or discrepancy between the provisions of this Agreement and the New Articles and/or a Care Services Contract, then it is the intention of the Shareholders that the provisions of this Agreement shall prevail. Accordingly, each Shareholder (so far as each is able) shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to give effect to the provisions of this Agreement and shall further if necessary procure (insofar as it is able to do so by the exercise of those rights and powers) any required amendment to the New Articles and/or a Care Services Contract.

13 No fetter

Nothing in this Agreement shall operate to bind the Company or any Council to the extent that it constitutes an unlawful fetter on any statutory power of the Company or such Council.

14 Variations and Changes to Care Services

14.1 Any variation or change to the Care Services may be proposed by a Council and submitted to the Company by the Authorised Representative of that Council.

14.2 Any variation or change to the Care Services may be proposed by the CEO.

14.3 Any proposal for a variation or change to the Care Services must be accompanied by a full service and costs specification.

14.4 The Councils agree that any variation to the Care Services under any Care Services Contract shall require the proposing Council to notify the Company and the Authorised Representative of the other Council of the proposed variation with the purpose of ascertaining whether the other Council wishes to participate in the proposed variation

14.5 Any variation or change to the Care Services which impacts one Council shall only be implemented by the Company after it has been approved by the committee of that Councils Directors referred to in clause 5.2 provided and such variation or change :

14.5.1 is funded entirely by the Council requesting the variation or change; and

14.5.2 does not impact on the Care Services delivered to the non-requesting Council.

and in the circumstances where the other Council Directors object to the variation or change then the CEO will refer the matter for dispute resolution under clause 16 provided that where the CEO considers that the objection is on grounds in paragraph 14.4.1 only then the Company will implement the decision before the outcome of any dispute process

14.6 Any variation or change to the Care Services which impacts both Councils may only be approved by the unanimous consent of both Council's Directors.

- 14.7 The CEO will advise the Councils on the impact (including financial impact on shared costs, such as Central Management Costs referred to in Schedule 2) on the submitted variation or change to the Care Services and will determine whether the submitted variation or change impacts one or both Councils. In the event that a Council disputes the CEO's determination the matter will be determined in accordance with the provisions of clause 16.
- 14.8 If any Council proposes that the Company provides services other than the Care Services or provides Care Services to a third party it shall present to the Board all costings and a business plan relating thereto, together with an assessment report on how the proposal would affect the Company's existing Care Services.

15 Funding arrangements

- 15.1 Each Council is responsible for funding the full share of the Annual Contract Price of the Care Services that the Company delivers on its account and shall comply with Schedule 2 of this Agreement in relation to the funding of the Company and payment for Care Services.
- 15.2 There is no financial cross subsidy of services between the two Councils.
- 15.3 Where the same Care Services are delivered for both Councils, assurance will be provided by the Chief Executive Officer that neither Council's outcomes will be negatively impacted by an integrated approach.
- 15.4 The detail of the potential costs involved will be shared with both Directors of Adult Social Services by not later than 31 October in the preceding financial year based on the proportion of provider services commissioned by both Councils in the Company.
- 15.5 The Councils and the Company agree that they shall use reasonable endeavours to achieve the Savings in each financial year as agreed with each Council. To the extent that there is a shortfall in Savings required by either Council in respect of the Savings made, that party shall choose either to be responsible for contributing the shortfall to the Company or shall have its Care Services reduced accordingly. The Company shall be required to use reasonable endeavours to achieve the Savings and minimise any such Costs.
- 15.6 The Councils agree that each Council shall bear the cost of any insurance excess arising under their respective Care Services Contracts.
- 15.7 The Councils agree that all costs, losses, liabilities or profits of Wokingham Care Services (whether within the Company or provided directly by Wokingham) prior to the 3rd April 2017 shall be the responsibility or benefit of Wokingham.
- 15.8 The Councils agree that all costs, losses, liabilities or profits of RBWM Care Services prior to the 3rd April 2017 shall be the responsibility or benefit of RBWM.

16 Deadlock/Dispute Resolution

- 16.1 In the event of any deadlock under this Agreement (which shall include any deadlock of the Board as referred to in clause 4.12) (**Deadlock**) or in the event of any dispute under this Agreement (**Dispute**) any Deadlock/Dispute shall be referred by any Director, by the issue of notice to the Authorised Representative and Leaders in each Council in writing (**Deadlock/Dispute Notice**) that a Deadlock/Dispute has arisen.
- 16.2 If the Authorised Representative and Leaders do not resolve the dispute within 30 days of the date of receipt of the Deadlock/Dispute Notice then unless the Authorised Representative of Wokingham and RBWM both agree a further period to resolve the dispute, then either Authorised Representative shall initiate mediation and Wokingham and RBWM will enter into mediation in good faith to settle such Deadlock/Dispute and will do so in accordance with the CEDR Model Mediation Procedure. Unless otherwise agreed between Wokingham and RBWM within 14 days of notice of the Deadlock/Dispute, the mediator will be appointed by CEDR pursuant to this clause 16.2.
- 16.3 Each party shall bear its own costs in relation to the reference to the mediation.
- 16.4 Subject to FOIA all matters concerning the process and result of the mediation shall be kept confidential among the parties.
- 16.5 If and to the extent that the parties do not resolve any Deadlock/Dispute or any issue in the course of any CEDR mediation, then either party acting by Authorised Representative may refer the unresolved Deadlock/Dispute for resolution by binding arbitration under the LCIA Arbitration Rules, which Rules shall be deemed to be incorporated by reference to this clause. The number of arbitrators shall be one and the seat or legal place of arbitration shall be London.
- 16.6 The parties agree that they shall resolve any Deadlock or Dispute in accordance with the provisions of clauses 16.1 to 16.5 above and that:
- 16.6.1 they shall not commence court proceedings in relation to any Deadlock or Dispute; and
 - 16.6.2 they shall not refer any Deadlock or Dispute to any arbitration proceedings other than those referred to in clause 16.5.

17 Duration and termination

- 17.1 This Agreement shall continue in full force and effect, unless otherwise agreed in writing by the Shareholders until the earlier of the following events:
- 17.1.1 2nd April 2027;
 - 17.1.2 both of the Shareholders agree in writing to terminate this Agreement;
 - 17.1.3 one Shareholder issuing a minimum of 12 months notice in writing to the other Shareholder that it wishes to terminate this Agreement (any such notice to expire no less than 12 months from its issue) and this will not be issued any sooner than 1 April 2023;

- 17.1.4 the date of expiry or termination (as applicable) of any one of the Care Services Contracts where the Shareholder does not renew a Care Service Contract; or
- 17.1.5 an effective resolution is passed or a binding order is made for the winding up of the Company;

provided that this Agreement shall cease to have effect as regards any Shareholder who ceases to hold any Shares in the Company, except for any provisions which are expressed to continue in force thereafter.

17.2 Termination of this Agreement shall not affect any rights, remedies, obligations or liabilities of the Shareholders under this Agreement that have accrued up to the relevant date of termination and up until such date the Company will continue to deliver the Care Services in accordance with the Care Services Contracts and any other services which it has undertaken to provide.

17.3 Where this Agreement is to be terminated pursuant to clause 17.1:

17.3.1 where one Shareholder has given notice to terminate this Agreement then within three months thereof (or if this Agreement expires pursuant to 17.1.1 then at least three months prior to 2nd April 2027) the Shareholders shall agree the exit arrangement that will apply following termination. This will include proposals for post termination delivery of Care Services. In default of any agreement in relation thereto, the Company shall progress termination formalities on the basis that the Care Services provided to the Company prior to termination will be transferred back to the commissioning Council and post termination shall be provided by that Council;

17.3.2 all costs and liabilities of the Company resulting from termination (including, without limitation, pension and redundancy costs) will be borne by the Shareholders in the proportions set out in Schedule 2 depending on the type of cost incurred provided that costs in relation to the following specific matters will be borne as follows:

- (a) all project costs will (unless otherwise referred to in this clause 17.3.2) be shared between the Councils on a 50/50 basis;
- (b) all property related costs (other than in relation to Trinity Court) will be borne by the Council in whose area the property is located;
- (c) all costs associated with Trinity Court will be apportioned and treated as if they were Central Management Costs falling within paragraph 5.2.1 of Schedule 2. Any liabilities that can be determined at the date of termination will be discharged at that time in such proportions. Unless only one Council decides to occupy Trinity Court (whereupon costs and liabilities in relation thereto shall be discharged by that party) all subsequent liabilities in relation thereto shall be borne by the Councils equally and any income derived therefrom shall be paid to the Councils in equal proportions; and
- (d) if any contracts of employment of any employees of the Company are transferred to a Council (or a Council offers employment to an employee of the Company) then any such transfer/new employment will constitute a deemed payment by that Council in respect of 100% of any redundancy and

other termination costs that would otherwise have been incurred by the Company in respect of those employees and an adjustment will be made in the overall calculation of the termination costs payable by the Company in respect of the employees to reflect that such costs were not assumed in the proportions set out in Schedule 2;

- 17.3.3 to act fairly and equitably and in good faith as between themselves in respect of such termination such that no party should unduly benefit or be disadvantaged compared with the others and that the most appropriate approach applicable in the relevant circumstances should be adopted wherever possible, having regard to the Shareholders' respective duties (provided nothing in this clause 17.3.3 shall affect the provisions of clauses 17.3.1 and 17.3.2).; and
 - 17.3.4 to ensure that as far as legally possible, there is good, timely, open and effective communication between the Shareholders, particularly leading up to such termination.
- 17.4 Upon termination of this Agreement pursuant to clause 17.1.5, the Shareholders shall (save as provided above):
- 17.4.1 do all such acts and things as are necessary to procure (so far as they are able) (including, without limitation, the holding of a general meeting of the Company and the passing of appropriate Shareholder resolutions) that the Company be wound up and the Shareholders shall be responsible for all Costs associated with such winding-up in accordance with the Shareholding Proportion; and
 - 17.4.2 return any Confidential Information and Intellectual Property Rights to the Shareholder who originally provided it to the other Shareholder and/or the Company and procure the return by the Company of Confidential Information and Intellectual Property Rights and procure that the Company remove from its computer systems (to the extent possible) any such Confidential Information held by it.

18 2017 Shareholders Agreement

The parties hereby agree that this Agreement shall supersede the terms of the 2017 Shareholders Agreement.

19 Confidentiality

- 19.1 This clause applies to:
- 19.1.1 all information of a confidential nature disclosed (whether in writing, verbally or by any other means and whether directly or indirectly) by one party to the other party whether before or after the date of this Agreement;
 - 19.1.2 any information concerning the business affairs of one party or other information confidential to that party which the other party learns as a result of the relationship between the parties pursuant to this Agreement;

including any information relating to any party's products, operations, processes, plans or intentions, product information, know-how, design rights, trade secrets, market opportunities and business affairs (together, **Confidential Information**).

19.2 In this clause, in relation to a particular item of Confidential Information:

19.2.1 the **Disclosing Party** means the party by whom (or on whose behalf) that Confidential Information is disclosed or (where there is no such disclosure) the party to whom the Confidential Information relates, or to whom the Confidential Information is proprietary or who otherwise desires that the confidentiality of the Confidential Information is respected; and

19.2.2 the **Receiving Party** means the other party.

19.3 During the term of this Agreement and after termination of this Agreement for any reason whatsoever, the Receiving Party shall:

19.3.1 keep the Confidential Information confidential;

19.3.2 not disclose the Confidential Information to any other person other than with the prior written consent of the Disclosing Party or in accordance with this clause 19; and

19.3.3 not use the Confidential Information for any purpose other than the performance of its obligations and the exercise of its rights under this Agreement.

19.4 Notwithstanding clause 19.3, the Receiving Party may disclose Confidential Information as follows:

19.4.1 to its professional advisers (each, a **Recipient**) providing the Receiving Party ensures that each Recipient is made aware of and complies with all the Receiving Party's obligations of confidentiality under this Agreement as if the Recipient was a party to this Agreement; and

19.4.2 to other parties to this Agreement, and where disclosure is required by law, by any court of competent jurisdiction or by any appropriate regulatory body.

19.5 This clause 19 shall not apply to any Confidential Information which:

19.5.1 is at the date of this Agreement or at a later date comes into the public domain other than through a breach of this Agreement by the Receiving Party or any Recipient;

19.5.2 was known by the Receiving Party before receipt from (or on behalf of) the Disclosing Party (or, as appropriate, before the Receiving Party learnt of the same pursuant to this Agreement) and which had not previously been obtained under an obligation of confidence; or

19.5.3 subsequently comes lawfully into the Receiving Party's possession from a third party, free of any obligation of confidence.

19.6 Each party acknowledges that the other parties are subject to the requirements of the FOIA, the Environmental Information Regulations and other access to information and propriety

controls as provided in legislation, and shall facilitate each party's compliance with its Information disclosure requirements pursuant to and in the manner provided for in clauses 19.7 to 19.10.

- 19.7 If a party (the **Recipient**) receives a Request for Information in relation to Information that another party is holding and which the Recipient does not hold itself, the Recipient shall refer to the other party such Request for Information as soon as practicable and in any event within five (5) Business Days of receiving a Request for Information, and the other party shall:
- 19.7.1 provide the Recipient with a copy of all such Information in the form that the Recipient requires as soon as practicable and in any event within 10 Business Days (or such other period as the Recipient acting reasonably may specify) of the Recipient 's request; and
 - 19.7.2 provide all necessary assistance as reasonably requested by the Recipient to enable the Recipient to respond to a Request for Information within the time for compliance set out in Section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.
- 19.8 Following notification under clause 19.7, and up until such time as the other party has provided the Recipient with all the Information specified in clause 19.7, the other party may make representations to the Recipient as to whether or not or on what basis Information requested should be disclosed, and whether further information should reasonably be provided in order to identify and locate the information requested, provided always that the Recipient shall be responsible for determining, at its absolute discretion:
- 19.8.1 whether Information is exempt from disclosure under the FOIA and the Environmental Information Regulations; and
 - 19.8.2 whether Information is to be disclosed in response to a Request for Information, and in no event shall the other party respond directly to a Request for Information.
- 19.9 The Company acknowledges that (notwithstanding the provisions of clause 19.3) each Council may, acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under part I of the FOIA, be obliged under the FOIA or the Environmental Information Regulations to disclose Information concerning the Company:
- 19.9.1 in certain circumstances without consulting with the Company; or
 - 19.9.2 following consultation with the Company and having taken its views into account.
- 19.10 The Company shall transfer to the relevant Council any Request for Information received by it as soon as practicable and in any event within three Business Days of receiving it.
- 19.11 The parties acknowledge that any lists provided which list or outline Confidential Information are of indicative value only and that each party may nevertheless be obliged to disclose Confidential Information in accordance with clause 19.9.

20 General

- 20.1 Except where this Agreement provides otherwise, each party shall pay its own costs relating to or in connection with the negotiation, preparation, execution and performance by it of this Agreement and of each agreement or document entered into pursuant to this Agreement and the transactions contemplated by this Agreement.
- 20.2 No variation of this Agreement shall be valid unless it is in writing and signed by or on behalf of each of the parties.
- 20.3 No delay, indulgence or omission in exercising any right, power or remedy provided by this Agreement or by law shall operate to impair or be construed as a waiver of such right, power or remedy or of any other right, power or remedy.
- 20.4 No single or partial exercise or non-exercise of any right, power or remedy provided by this Agreement or by law shall preclude or restrict any other or further exercise of such rights, power or remedy or of any other right, power or remedy.
- 20.5 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement does not constitute a waiver of any other breach or default and shall not affect the other terms of this Agreement.
- 20.6 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement will not prevent a party from subsequently requiring compliance with the waived obligation.
- 20.7 The rights and remedies provided by this Agreement are cumulative and are not exclusive of any rights, powers or remedies provided by law.
- 20.8 If any provision of this Agreement is or becomes illegal, invalid or unenforceable under the law of any jurisdiction, that shall not affect or impair:
- 20.8.1 the legality, validity or enforceability in that jurisdiction of any other provision of this Agreement; or
- 20.8.2 the legality, validity or enforceability under the law of any other jurisdiction of that or any other provision of this Agreement.
- 20.9 This Agreement, and the documents referred to in it, constitute the entire agreement and understanding between the parties and supersede any previous agreement, understanding or arrangement between the parties relating to the subject matter of this Agreement.
- 20.10 Each of the parties acknowledges and agrees that:
- 20.10.1 in entering into this Agreement, and the documents referred to in it, it does not rely on, and shall have no remedy in respect of, any statement, representation, assurance, warranty or understanding of any person (whether party to this Agreement or not) other than as expressly set out in this Agreement or those documents;

20.10.2 the only remedy available to it arising out of or in connection with this Agreement or its subject matter shall be for damages for breach of contract under the terms of this Agreement;

20.10.3 nothing in this clause shall operate to limit or exclude any liability for fraud.

20.11 Save for a person who enters into a Deed of Adherence pursuant to clause 11.3, no person who is not a party to this Agreement shall have any right to enforce this Agreement or any agreement or document entered into pursuant to this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999.

21 Assignment

This Agreement is personal to the parties and neither party shall assign, transfer, charge, make the subject of a trust or deal in any other manner with this Agreement or any of its rights or obligations under it, or purport to do any of the same, nor sub-contract any or all of its obligations under this Agreement without the prior written consent of the other party save where the Council's function are transferred or assigned to a successor body. Each party is entering into this Agreement for its benefit and not for the benefit of another person.

22 No partnership or agency

Nothing in this Agreement is intended to or shall operate to create a partnership, or to authorise any party to act as agent for any other or to establish any other fiduciary relationship between the parties. No party shall have authority to act in the name or on behalf of or otherwise to bind any other party in any way (including but not limited to the making of any representation or warranty, the assumption of any obligation or liability and the exercise of any right or power).

23 Notices

23.1 Any notice or other communication given under this Agreement:

23.1.1 shall be in writing;

23.1.2 shall be signed by or on behalf of the party giving it;

23.1.3 shall be served either by:

(a) delivering it by hand or sending it by pre-paid recorded delivery or registered post at the address set out in clause 23.2 of the party due to receive it and marked for the attention of the person named in clause 23.2 (or at such other address in the United Kingdom or marked for the attention of such other person as last notified in writing to the other parties); or

(b) by sending an email to the persons referred to in clause 23.2;

23.1.4 shall be deemed to have been received:

(a) if delivered by hand, at the time of actual delivery;

- (b) in the case of pre-paid recorded delivery or registered post, two Business Days after the date of posting; and
- (c) in the case of email at the time of transmission.

23.2 The addresses of the parties for the purposes of clause 23.1 are as set out at the beginning of this Agreement and the notice details are as follows:

Wokingham

Attention: Director of Adult Services

Address: Council Offices, Shute End, Wokingham, Berkshire RG40 1BN

Email: email address of DASS

RBWM

Attention: Executive Director of Adults, Health and Housing

Address: Town Hall, St Ives Road, Maidenhead SL6 1RF

Email: strategic.commissioning@rbwm.gov.uk

Company

Attention: Chief Executive Officer

Address: Trinity Court, Molly Millers Lane, Wokingham, Berkshire RG41 2PY

Email: email address of CEO

23.3 Delivery of a notice is deemed to have taken place:

23.3.1 if delivered by hand, at the time that the notice is left at the relevant address;

23.3.2 if sent by post, at 9am on the second Business Day after posting; and

23.3.3 if sent by email, at the time of transmission.

23.4 This clause 23 does not apply to the service of any legal proceedings or other documents in any legal action.

24 Announcements and Reporting

24.1 Should either party wish to make an announcement relating to the Company or the Company's Group, the announcement shall be approved in writing by both parties before such announcement is made.

- 24.2 Any reports or information provided to the Councils where such is to be placed into the public domain shall be agreed between the Councils before any supply or publication is made.
- 24.3 Nothing in clause 24.1 and 24.2 shall prevent each Council from publishing information in respect to this Agreement and the Company where required as part of each Council's constitutional requirements or any legal requirements.

25 Counterparts

This Agreement may be executed in any number of counterparts and by different parties on separate counterparts (which may be facsimile copies), but shall not take effect until each party has executed at least one counterpart. Each counterpart shall constitute an original, and all the counterparts together shall constitute a single agreement.

26 Applicable law

The parties agree that this Agreement and any dispute or claim arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing, shall be governed by and construed in accordance with English law.

This Agreement has been entered into on the date stated at the beginning of it.

Schedule 1 Deed of Adherence

Deed of Adherence

dated 20[]

By [Limited] a company incorporated in England and Wales (registered number []) whose registered office is at [] (the **New Shareholder**) in favour of the persons whose names and addresses are set out in the Schedule to this Deed (the **Continuing Parties**).

Introduction

- (A) This Deed is supplemental to a Shareholders' Agreement dated 2017 the Council and the Company (the **Shareholders' Agreement**) and to [insert details of any subsequent Deeds of Adherence or Amendment].
- (B) The New Shareholder wishes to [subscribe for] [acquire] [] Shares in the capital of the Company [from Transferor].
- (C) Clause [] of the Shareholders' Agreement provides that no person other than a Shareholder shall acquire shares in the Company (whether by way of transfer or allotment or otherwise) unless he enters into a Deed of Adherence in substantially the form of this Deed.

Agreed terms

- 1 The New Shareholder confirms that [he/it] has been given a copy of the Shareholders' Agreement and covenants with the Continuing Parties to observe, perform and be bound by every provision of the Shareholders' Agreement (other than the Excluded Clauses) as if the New Shareholder had been an original party to it.
- 2 In this Deed the Excluded Clauses shall mean clauses [insert numbers of clauses to be excluded i.e. ones containing a personal obligation] of the Shareholders' Agreement.
- 3 Unless the context requires otherwise, words and expressions defined in the Shareholders' Agreement shall have the same meanings when used in this Deed.
- 4 This Deed shall be governed by and construed in accordance with English law.

This Deed of Adherence has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Schedule

[Insert names and addresses of Continuing Parties]

Schedule 2 Operating Budget

1 Duration and Effect

1.1 In this Schedule the following definitions shall have effect:

1.1.1 **Contract Price** means the price payable to the Company under the Council's Care Service Contract and includes the costs of Care Services provided directly by the Company to the Council or Commissioned Services.

1.1.2 **Commissioned Services** means Care Services which are provided by a party other than the Company to the Councils.

1.2 The Operating Budget and Contract Price shall be determined in accordance with this Schedule.

1.3 The Operating Budget for financial year commencing April 2021 shall be as stated in the annexure to this Schedule and marked 'RBWM Budget 21/22' and 'Wokingham Budget 21/22'.

1.4 The Contract Price for each financial year commencing April 2021 shall be calculated in accordance with this Schedule.

2 Budget Setting

2.1 In each financial year, the Company will submit the Contract Price for the following year to the respective Directors of Adults Services of the Councils at least 5 months prior to the end of the current financial year. The Contract Price shall include the full Operating Budget, the Contract Price for each Council and the methodology of apportioning costs.

2.2 The Contract Price will be full cost of providing the Care Services under each Council's Care Services Contract and will include consideration of matters such as:

2.2.1 the full costs of the directly provided Services by the Company (including Central Management Costs, Support Services Costs, Restricted Purpose Costs, Services (direct sole provision) and Services (direct joint provision)) and shall include matters such as (but not limited to):

- (a) costs for management overhead;
- (b) central overhead costs such as utilities, property, vehicles;
- (c) staffing costs;
- (d) regulatory and compliance costs;
- (e) insurance costs; and
- (f) jointed funded staffing costs (funded with third party organisations).

2.2.2 income received from third parties including from private payers, third party councils, rent or licence fees;

- 2.2.3 expenditure incurred to third parties include rent payable in respect to occupation of property;
 - 2.2.4 ancillary pension costs (including those eligible employees who have not joined in previous financial years);
 - 2.2.5 ancillary parking and accommodation charges including taxes and utilities;
 - 2.2.6 costs of all support services necessary to deliver the Services
 - 2.2.7 any planned Savings required by the Councils; and
 - 2.2.8 Commissioned Services.
- 2.3 The Company will also submit a payment plan and financial profile for Care Services and Commissioned Services will includes payment dates when monies will be payable to the Company by the Councils during the financial year.
- 2.4 In relation to Commissioned Services, the payment plan will specify when monies are required to be deposited in advance with the Company. Unless specified in the payment plan then the Contract Price shall be paid monthly in advance for Commissioned Services and Care Services.
- 2.5 The Contract Price and payment plan shall be reviewed by the Councils and agreed within 60 days of receipt from the Company. If the Councils do not object to the estimated Contract Price and payment plan in the 60 day period then the Contract Price and payment plan shall be deemed to be agreed. If either of the Councils objects within the 60 day period then the matter shall be in dispute and referred for determination under clause 16 (Dispute Resolution).
- 2.6 The Company shall revise the Contract Price and/or payment plan during the financial year when either Council:
- 2.6.1 novates a contract for Commissioned Services to the Company;
 - 2.6.2 requests a variation to the Services in accordance with the relevant Care Services Contract; or
 - 2.6.3 requests assistance of the Company for the purposes of Business Continuity, Emergency Planning reasons or exercising any rights under this Agreement
- and in each case the procedure in paragraph 2.5 of this Schedule shall apply.
- 2.7 The Company shall recalculate for each Council the Contract Price every three months to determine whether the Contract Price is within 1% of the Operating Budget or to determine if the payment plan ensures that each part of the Contract Price is paid when required to discharge the cost of the Services and Commissioned Services.
- 2.8 Where the Company determines that the Contract Price is greater or less than [1]% of the existing Contract Price for one or both Councils then the Company shall recalculate the Contract Price and payment plan in accordance with the procedure in paragraph 2.5 of this Schedule. The Company will make a Council aware of any potential overspend as soon as it

becomes aware and will supply to the relevant Council the reasons for the overspend (current and projected), the proposed mitigation and will undertake the mitigation to limit the overspend.

2.9 Unless agreed in advance with each Council, the Contract Price shall only be used by the Company for the Services documented in the Operating Budget and where an element of the Contract Price has been provided for use for a single Care Service (whether a particular type of Care Service element or a particular application of a Care Service element) then the Council shall only use the Contract Price for the designated purpose.

3 Invoicing and Payments

3.1 Unless determined otherwise in the payment plan, the Contract Price shall be payable by the Councils to the Company monthly in advance on the first day of each month.

3.2 The Company shall invoice the Councils for payment of the Contract Price at the time the Contract Price are expressed to be payable in accordance with the payment plan.

3.3 Where the Company submits an invoice to the Council in accordance with paragraph 3.2 of this Schedule, the Council will consider and verify that invoice within 14 days.

3.4 The Council shall pay the Company any sums due under such an invoice no later than a period of 30 days from the date on which the Council has determined that the invoice is valid and undisputed.

3.5 Where the Council fails to comply with paragraph 3.3 of this Schedule, the invoice shall be regarded as valid and undisputed 14 days after the date on which it is received by the Council.

3.6 Where the Company has secured Commissioned Services from third parties and the Commissioned Service is provided under a contract between the Council and the third party, then the Company will forward any third party invoice to the Council within 7 days of receipt for the Council to discharge or where funds have been deposited with the Company, pay such invoice within the payment terms.

3.7 The Company will forward copies of all receipted invoices to the Council for Commissioned Services.

4 Year End Accounting.

4.1 By the 30th June (in respect to financial year 2021/22) and by 30th April (in respect to each following financial year) after each financial year, the actual Contract Price for that year will be calculated by the Company and forwarded to the Council. The apportionment of the shared elements of the overall Contract Price will be made using the same methodology as in paragraph 5 of this Schedule.

4.2 The final Contract Price shall be reviewed by the Councils and agreed within 30 days of receipt from the Company. If the Council does not object to the final Contract Price in the 30 day period then the Contract Price shall be deemed to be agreed. If either Council objects within the 30 day period then the matter shall be in dispute and referred under clause 16 (Dispute Resolution). The Contract Price shall be modified when required by an audit (whether audit

pursuant to clause 9.1 of this Agreement or as requirement of the Companies Act 2006) and the adjustment in the final Contract Price paid by the Council shall be made.

4.3 Where the actual Contract Price differs from the estimated Contract Price paid over the year then the Councils shall make a balancing payment to each other or to the Company within 30 days of the agreed final Contract Price in respect to any over or under payment.

4.4 The Company will provide to the Councils :

4.4.1 draft company accounts by 30st June in respect to financial year 2021/22 and 30th April in respect to each following financial year; and

4.4.2 final company accounts by 31st August in respect to financial year 2021/22 and 30th June in respect to each following financial year;

in each financial year in accordance with the requirements of the Companies Act 2006 or such reasonable period as required by the Councils to enable the Councils to prepare its statutory accounts including statutory deadlines imposed by the Accounts and Audit Regulations 2015 (or such replacement requirements or regulations).

5 Budget Setting Principles

5.1 In each financial year the Councils and Company will agree a Contract Price and Operating Budget to reflect the following agreed principles based upon the nature of the Costs forming the Care Services or Commissioned Services:

5.2

<p>5.2.1 Central Management Costs</p>	<p>Central Management Costs means costs associated with the strategic management of the Company and Includes senior management staffing, central property costs (currently Trinity Court), insurance, group company costs, all regulatory and compliance costs and professional costs/fees in running the business — costs that cannot be allocated easily to a single council or costs which are deployed for the benefit of all Councils.</p>
<p>Basis of Contract Price</p>	<p>Central costs will be split on the proportion of Services (direct sole provision) & Services (direct joint provision) that both Councils commission from the Company under the Care Services Contract with a percentage agreed for statutory services.</p> <p>In respect to the financial year 2021/22, based on the current levels of service which each council has in Company, RBWM will pay the first 10% of costs for statutory services, with the remaining 90% split 55% RBWM and 45% Wokingham.</p> <p>In respect to subsequent financial years, RBWM will pay the first 10% where statutory services are within the Company and the balance shall be split on the proportion of Services (direct sole provision) & Services</p>

	(direct joint provision) that both Councils commission from the Company under the Care Services Contract.
Savings/overspends	The Savings or overspends will be shared by the Councils based upon the proportions set out above.
Income	The Income will be shared by the Councils based upon the proportions set out above.
Exceptions	None

5.2.2 Support Service Costs	Support Services Costs means Costs associated to support the day to day operation of the Company and includes Costs of finance, internal audit, payroll, IT, human resources support, These include support provided by third parties, the Council under the Support Service Agreement and Costs incurred for support services that the Company provides to itself.
Basis of Contract Price	Costs will be apportioned based upon the usage of the support service by each part of the Service commissioned by each Council. The apportionment will be based on a fair and reasonable basis relevant to the nature of the service being provided. Support Services Costs provided for the benefit of only one Council will be paid by the benefiting Council. Only the actual incurred cost may be charged to the Company
Savings/overspends	Any Savings/overspends will be incurred on the basis described above.
Income	Where income is received from third parties it will be apportioned and credited to the Costs of the Support Services on same basis
Exceptions	Where a party is unable to calculate apportionment in an open and transparent manner to the satisfaction of the other Council then the Council hosting the Support Service will pay the full Support Service Costs.

5.2.3 Restricted purpose Costs	Restricted purpose Costs means Costs associated with a specific purpose or restricted to a particular activity or funded under an agreement with conditions. e.g. activities funded through the Better Care Fund.
Basis of Contract Price	These funds may only be utilised by the Provider to supply the requested Care Service to the commissioning Council. The cost will be borne by commissioning Council.
Savings/overspends	The Savings/overspends will fall solely to the commissioning Council.
Income	Where income is received from third parties, then income will be credited to the commissioning Council
Exceptions	None

5.2.4 Commissioned Services Costs	Commissioned Services Costs means such Care Services provided to either the Council or the Company by a party other than the Company or a subsidiary or company within the same company group as the Company.
Basis of Contract	These funds may only be utilised by the Company to supply the requested Care Service to the commissioning Council. The cost will be borne by commissioning Council.
Savings/overspends	The Savings/overspends will fall solely to the commissioning Council.
Income	Where income is received from third parties (including other councils), then income will be credited to the commissioning Council.
Exceptions	None

<p>5.2.5 Services (direct sole provision)</p>	<p>Services (direct sole provision) means Care Services of Adult Social Care supplied by the Company to a single Council using the Company's own staff and facilities.</p>
<p>Basis of Contract Price</p>	<p>Where Costs are attributed to Care Services that are performed for the benefit of only one Council (for example the Costs of a care home that only provides Care Services to one Council or where an element of Care Services is provided to one or more Councils rather than all Councils) or where Care Services are organised to supply Care Services that relate a single Council only, then the Contract Price for that Care Service will be paid by the commissioning Council.</p>
<p>Savings/overspends</p>	<p>The Savings/overspends will fall solely to the commissioning Council.</p>
<p>Income</p>	<p>Where income is received from third parties (including other councils), then income will be credited to the commissioning Council on the same basis as Contract Price.</p>
<p>Exceptions</p>	<p>The Councils agree that Costs payable to the Berkshire LGPS under the Council's Admissions Agreement shall, subject to clause 14 (Funding arrangements) of this Agreement, continue to be payable by the relevant Council.</p>

<p>5.2.6 Services (direct joint provision)</p>	<p>Services (direct joint provision) means Care Services of Adult Social Care supplied by the Company jointly to more than one Council using the Company's own staff and facilities.</p>
<p>Basis of Contract Price</p>	<p>Where Costs are attributed to Care Services that are performed for the benefit of more than one Council or organised to supply Care Services to more than one Council, then the Contract Price for such Care Services will be apportioned based upon the proportioned usage of the Services as a percentage of the total Care Services (or for such Care Service type or individual part of the Care Service) for all Councils. For example, Costs of social workers, brokerage that may be organised to provide Care Services across borough boundaries</p>
<p>Savings/overspends</p>	<p>Savings/overspends will be apportioned in the same basis as the Contract Price.</p>

Income	Income will apportion in the same basis as the Contract Price. Unable to apportion then payable 50/50
Exceptions	None.

- 5.3 The Contract Price shall be calculated annually by the Company in paragraph 2.1 to 2.5 of this Schedule in respect to all Care Services and Commissioned Services provided by the Company to the Councils based upon the principles in paragraph 5.2 of this Schedule. Any Care Services provided to a council not a party to this Agreement shall be treated as income and such Care Services will be provided at a Contract Price agreed between the Councils.
- 5.4 Any variation that increases or decreases the Care Services or Commissioned Services shall require the Company to recalculate the Contract Price and where such variation requires the Councils to make an increase to their Contract Price shall only be implemented by the Company when the requesting Council pays the associated Costs or reduces the associated Care Service.

RBWM BUDGET 21/22

Service	£
Older Persons	10,417,570
Learning Disabilities	10,728,470
Mental Health	3,435,120
Provider Services	5,334,620
Support & Operations	3,051,270
Better Care Fund	3,958,100
Total	£36,925,150

WOKINGHAM BUDGET 21/22

Service	£
Extra Care	1,559,430
Independent Living	1,449,320
Day Care	1,393,170
Residential Care	1,834,430
Supported Employment	334,700
Domiciliary Care	766,490
Provider of Last Resort	9,900
Total Contract Price	£7,347,440

Schedule 3 Amended Articles of Association

Signed by _____ for and on behalf)
of **Wokingham Borough Council**)

Signed by _____ for and on behalf)
of **Royal Borough of Windsor and Maidenhead**)

Signed by _____ for and on behalf)
of **Optalis Limited**) Director & Chief Executive Officer

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Revised Optalis shareholder agreement

Essential information

Items to be assessed: (please mark 'x')

Strategy	x	Policy		Plan		Project		Service/Procedure	
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Responsible officer	Hilary Hall	Service area	Adult social care	Directorate	Adults, Health and Housing
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Stage 1: EqIA Screening (mandatory)	Date created: 23/12/2021	Stage 2 : Full assessment (if applicable)	Date created : N/A
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Approved by Executive Director:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Hilary Hall

Dated: 23/12/2021

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Revised Optalis shareholder agreement

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Revised Optalis shareholder agreement

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The Royal Borough became a shareholder in Optalis Limited, a local authority trading company set up by Wokingham Borough Council in 2011, on 31 March 2017. All the council's adult social care services were transferred to the company under the Teckal exemption of the Public Contract Rules 2015.

Since then, Optalis has delivered good quality adult social care services on behalf of the Royal Borough, strengthening social work practice and improving the ratings for provider services regulated by the Care Quality Commission. Optalis is a key partner in delivering the council's Adult Social Care Strategic Plan. The review by the Chartered Institute of Public Finance and Accountancy, undertaken in 2020 and reported to Cabinet in July 2020, confirmed that Optalis had brought considerable benefits to the Royal Borough in terms of service improvement.

Both the Royal Borough and Wokingham are committed to Optalis as a jointly owned delivery vehicle, with shared responsibility for its results, continuous improvement in the delivery of services and a stable workforce. In order to continue to secure maximum value from the arrangements, there was a need to settle the outstanding dispute relating to central management costs between the councils and review the shareholder agreement. The negotiations have now been concluded and an appropriate and fair formula for calculating central management costs has been agreed. The shareholder agreement has been reviewed with both councils now having an equal shareholding in the company and the respective Cabinet Members and Directors of Adult Services appointed as Non-Executive Directors of the company to ensure a closer working relationship between the two councils and with the company.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Revised Optalis shareholder agreement

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
Disability	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
Gender re-assignment	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
Marriage/civil partnership	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
Pregnancy and maternity	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
Race	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
Religion and belief	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
Sex	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Revised Optalis shareholder agreement

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Sexual orientation	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	None identified	-	-
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	-	-	-

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

Report Title:	Inclusion of Learning Disability (LD) Supported Living Block Contract into existing Optalis Contract for Services.
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Carroll, Cabinet Member for Adult Social Care, Children’s Services, Health and Mental Health
Meeting and Date:	Cabinet 27 th January 2022
Responsible Officer(s):	Hilary Hall – Executive Director Adults, Health and Housing Lynne Lidster – Head of Commissioning - People
Wards affected:	All



REPORT SUMMARY

This report requests that Cabinet ratify the decision of the Royal Borough of Windsor and Maidenhead Optalis Commissioning Board made on 23rd July 2021; that the contract for provision of supported living services, for approximately 70 adults, with a learning disability, currently provided by a third party (Dimensions Group) should be included into the existing contract for services between the borough and Optalis signed on 30th March 2017. The proposal would be effective from the day after the expiration of the existing contract between the borough and Dimensions and would therefore commence from 1st April 2022.

This proposal will provide greater opportunities for integrating services for people with a learning disability and links to the range of work to be delivered through the Adult Social Care Strategic Plan. There would be no additional costs to the Royal Borough in this proposal and staff working within the existing contract, if eligible and in scope for TUPE, would transfer across into Optalis, therefore ensuring consistency and continuity for people currently being supported.

The proposal supports the objective within the Corporate Plan 2021-2026; “Thriving Communities – where families and individuals are empowered to achieve their ambitions and fulfil their potential”. The proposal enables the existing Optalis community and building-based day support for people with a learning disability to be integrated with this supported living service. This presents service improvement opportunities for the individuals in receipt of the service to achieve their ambitions and fulfil their potential to the greatest possible measure once the whole service becomes integrated after April 2022.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) *Ratifies the decision reached by the Royal Borough of Windsor and Maidenhead Optalis Commissioning Board on 23rd July 2021: - to include the contract for supported living for people with a learning disability, into the existing contract for services between the Royal Borough and Optalis, with effect from 1st April 2022 when the contract with the current provider has expired.*

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
<p>Include the provision of supported living services for people with a learning disability within the existing contract with Optalis, effective from 1st April 2022, as set out in the contract for services dated 30th March 2017. Optalis have confirmed that they are able to deliver the services within the Council's existing budget. Under the procurement rules laid out in the Public Contracts Regulations 2015, the Council may award any such contracts to Optalis under what is known as the "Teckal exemption".</p> <p>This is the recommended option</p>	<p>This option was endorsed by the Royal Borough of Windsor and Maidenhead Optalis Commissioning Board on 23rd July 2021. Optalis already provides day services, respite care and community-based support to people with a learning disability across the borough. The existing contract for services between the borough and Optalis dated 30th March 2017 anticipated the future incorporation of the supported living service into the Optalis contract. The expiration of the contract with the existing provider on 31st March 2022 provides the opportunity to bring this service into Optalis, at minimal or no disruption to individuals supported through the contract and at no additional cost to the Council.</p>
<p>Conduct an open market tender exercise.</p> <p>This is not the recommended option.</p>	<p>This would require inviting the provider market to submit proposals based on quality and price. Based on market intelligence the tender exercise would be highly likely to result in the borough paying a higher hourly rate than the existing budget / funding envelope.</p>

Option	Comments
<p data-bbox="295 136 454 170">Do nothing</p> <p data-bbox="295 210 863 244">This is not the recommended option.</p>	<p data-bbox="901 136 1390 611">The existing contract with the current provider, which commenced in 2015, has been extended already with no further provision for extension within the terms of the contract or the Council's procurement regulations. It would therefore be in contravention of the Council's procurement policies if the existing contract were to continue beyond the current expiration date of 31st March 2022.</p>

- 2.1 The current contract between the Royal Borough and Dimensions, provides for 1:1 and group care and support for approximately 70 adults with learning disabilities and / or autism, aged over 18, living in a number of “supported living” settings across the borough. The contract expires on 31st March 2022 and having commenced in 2015, has now reached the end of any possible extension options with the existing provider, without being in contravention of the Council's procurement rules.
- 2.2 Under the “Teckal exemption” the Royal Borough is able to award contracts for services to its jointly owned Local Authority Trading Company, Optalis, without recourse to a formal tender procedure. As a Teckal company and provider of first choice for the borough, with Care Quality Commission ratings of “Good” for provider services, Optalis’ Provider Services were invited to put forward a proposal to the borough commissioners, to deliver the supported living service, when the current contract expires. Optalis already provides high quality day services, respite services and community-based opportunities for people with a learning disability across the borough; the significant majority of whom are the same people supported under the supported living contract.
- 2.3 At the borough’s Optalis Commissioning Board meeting on 23rd July 2021; the Board agreed that the contract referred to in 2.1 above, should be included into the existing Contract for Services signed on 30th March 2017 under the Teckal exemptions afforded to a Local Authority Trading Company. The proposal would be effective from the day after the expiration of the existing contract between the borough and Dimensions and would therefore commence from 1st April 2022.
- 2.4 The proposal gives the Council options and opportunities to design and deliver a more integrated service for people with a learning disability, by enabling the existing Optalis community and day service-based support for people with a learning disability to be integrated with the supported living service - which is largely provided for the same cohort of people. This, in turn, presents service improvement opportunities for the individuals, as well as the likelihood of re-modelling/re-designing the overall service in the future, once the new supported living provider is operational, in April 2022.

- 2.5 In reports to Cabinet on 27th October 2016 and 15 December 2016, a full business case for the delivery of the Royal Borough’s Adult Services in partnership with Wokingham Borough Council through Optalis Limited, was developed and approved by the Council. Within the original business case, it was anticipated that block contracts for community-based learning disability services, would be transferred at a later date, to be determined by contract and performance with the possibility that some services would be transferred to become an Optalis provided service. This included the services contracted to Dimensions. The proposal in this report is therefore consistent with this original strategic approach and anticipated direction of travel for Optalis services.
- 2.6 The borough’s Adult Social Care Strategic Plan (2021-2024) sets out the vision for adult social care, “to enable people in the Royal Borough of Windsor and Maidenhead to live independent and fulfilled lives”. The key principles underpinning the vision are:
- Prevention – embedding prevention to avoid crisis and loss of independence
 - Community – Investing in communities and their assets and connecting individuals to them
 - Choice – shaping solutions around outcomes that matter to individual people
 - Values – treating everyone with compassion, respect and dignity
- 2.7 The proposal is consistent with these principles and will ensure minimum disruption in service provision for the people supported in the contract. The Royal Borough has requested that Dimensions work with Optalis to agree a programme of engagement and communications with people receiving the service, their families and staff working within the contract and joint statements will be released at regular intervals. In line with the principle of choice outlined above, individuals are entitled to request a Direct Payment and arrange their own care and support, should this be their preference.

3. KEY IMPLICATIONS

- 3.1 Based on the recommendation in the report, the key implications are as follows:

Table 1: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Existing contract with 3 rd party ends on 31 st March 2022	Contract continues beyond 31 st March and is therefore in contravention of procurement rules as has	31 st March 2022.	N/A	N/A	1 st April 2022

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
	exceeded all possible extension options already				
Service is awarded to Optalis within the terms of the contract for Service dated 30 th March 2017 between the borough and Optalis	No service or provision in place on 1 st April 2022 to provide care and support to individuals. Breaches statutory obligation of the Council under the 2014 Care Act to meet eligible care needs of individuals	Optalis commence service 1 st April 2022	N/A	N/A	1 st April 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no financial implications arising from this proposal as Optalis have confirmed they are able to deliver the service from April 2022 within the existing budget.

5. LEGAL IMPLICATIONS

- 5.1 The council must comply with the Care Act 2014 which states that local authorities must meet eligible social care needs following a care act assessment and a financial assessment. It also states that people must have choice and control over the services they receive.
- 5.2 In providing services to people under the Care Act 2014 the council must ensure that services meet the needs of people who are eligible and that there are a range of services available so that people have choice and control. Although the proposal in this report does not change the care provision for individuals, people will still have the option of taking a direct payment and arranging their own support for themselves or their family member.
- 5.3 The Council also has other legal obligations, including the Equality Act 2010 under which the Public Sector Equality Duty arises. When considering changes to service provision, Cabinet should have due regard to the Public Sector Equalities Duty. To have due regard means that in making decisions it must consciously consider the need to do the things set out in the general equality

duty: eliminate discrimination, advance equality of opportunity and foster good relations.

- 5.4 An Equality Impact Screening Assessment has been carried out to demonstrate that decision makers are fully aware of the impact that changes may have on those with protected characteristics in line with the Equality Act 2010. The screening document can be found at Appendix 1 to this report.
- 5.5 Consultation with the Head of Law has taken place to ensure the proposal meets the Public Contracts Regulations 2015 (PCR 2015). Advice is as set out in the paragraph below.
- 5.6 The Council is satisfied that its arrangements with Optalis Limited satisfy the requirements set out in Regulation 12 of PCR2015. There is no private capital participation in Optalis Limited; it is wholly owned by The Royal Borough of Windsor and Maidenhead and Wokingham Borough Council. There is a governance structure in place whereby the council exerts control over Optalis Limited in the same way that it would exert control over one of the Council's internal departments and there are measures in place to ensure that no more than 19.99% of the total average turnover of Optalis Limited shall derive from activities undertaken for any person other than the Royal Borough of Windsor and Maidenhead or Wokingham Borough Council.

6. RISK MANAGEMENT

Table 1: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
The existing provider may refuse to engage with the new provider and/or challenge the decision not to go to tender.	Medium	Work closely and continually with the outgoing provider and Optalis to ensure a comprehensive communications plan is agreed and delivered, ensuring individuals receiving the service, their families and staff are fully aware of the proposed course of action. Enforce contractual obligations regarding co-operation on contract termination and TUPE clauses within the existing contract between the council and the existing provider.	Low

Delivery of the recommendation may not be implemented by 31 st March 2022	Medium	Commissioners to work with the procurement team and legal team to ensure key timelines are followed.	Low
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7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups, including those within the workforce and customer/public groups, have been considered. An EQIA has been completed for this proposal entitled LD Supported Living EQIA.
- 7.2 Climate change/sustainability. The proposals are unlikely to adversely impact on the Council's sustainability and climate change initiatives. By integrating the workforce into one employer (Optalis) there may be opportunities to improve working practices and implement changes resulting in lower carbon footprints for staff (e.g., looking at how staff travel between sites etc). Further work would be undertaken once the contract is included within the Optalis portfolio.
- 7.3 Data Protection/GDPR. Optalis will undertake a Data Protection Impact Assessment as part of their due diligence work associated with the transfer of the service.
- 7.4 Staff currently employed within the existing contract that qualify as being in scope within the Transfer of Undertakings (Protection of Employment) regulations (TUPE) will automatically be transferred into the new provider when the current contract expires. The existing contract terms and conditions require the existing provider to work with the new provider to furnish them with all necessary information relating to the transfer.

8. CONSULTATION

- 8.1 Optalis have prepared a series of statements and communications which will be jointly released by Optalis and the outgoing provider, assuring people receiving the service, that the service delivery to the individuals should remain the same and there should be minimal disruption to them. The council and Optalis have already informed individuals in receipt of the service by letter and through individual discussion where appropriate, that the current contract is expiring and that all steps are being taken to continue their care and support without interruption or disruption.
- 8.2 Working with the outgoing provider, Optalis have prepared a series of communications which will be jointly released by Optalis and the outgoing provider during January, assuring people receiving the service, their families and the staff group, that the service delivery to the individuals should remain the same and there should be minimal disruption to them. The Council and Optalis have already informed individuals in receipt of the service by letter and through individual discussion where appropriate, that the current contract is expiring and that all steps are being taken to continue their care and support without

interruption or disruption. Meetings have been set up for people, carers and families in January.

8.3

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: 1st April 2022. The full implementation stages are set out in table 2 below.

Table 2: Implementation timetable

Date	Details
27 th January 2022	Cabinet approves the decision to award the contract to Optalis effective from 1 st April 2022 and to incorporate the service within the existing Contract for Services between RBWM and Optalis dated 30 th March 2017.
January 2022 – March 2022	A full communications plan is implemented, for residents, their families and existing staff, including easy read material; meetings; drop-in sessions etc. Details of all support plans etc are provided by the current provider to Optalis.
January 2022	TUPE information is shared between the current provider and Optalis.
January 2022	Schedule of services is drawn up between the borough and Optalis detailing the services to be provided.
February 2022	A variation to the contract dated 30 th March 2017 between the borough and Optalis is issued and signed by both parties.
March 2022	Preparation for handover; decommissioning of the existing contract with the current provider.
1 st April 2022	Service and relevant personnel transfer to Optalis.

10. APPENDICES

10.1 This report is supported by 1 appendix:

- Appendix 1 – Equality Impact Assessment – Learning Disability Supported Living Service

11. BACKGROUND DOCUMENTS

11.1 None

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputy)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	16/11/21	25/11/21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	16/11/21	18/11/21
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	16/11/21	25/11/21
Elaine Browne	Head of Law (Deputy Monitoring Officer)	16/11/21	18/11/21
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	16/11/21	19/11/21
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	16/11/21	
Andrew Durrant	Executive Director of Place	16/11/21	17/11/21
Kevin McDaniel	Executive Director of Children's Services	16/11/21	
Hilary Hall	Executive Director of Adults, Health and Housing	15/11/21	16/11/21
<i>Heads of Service (where relevant)</i>			
<i>External (where relevant)</i>			
David Birch	Chief Executive Officer, Optalis Ltd	16/11/21	18/11/21

Confirmation relevant Cabinet Member(s) consulted Cllr Carroll	Cabinet Member for Adult Social Care, Children's Services, Health and Mental Health	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 28 th October 2021	No	No

Report Author: Lynne Lidster, Head of Commissioning – People 07554 459628

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

Essential information

Items to be assessed: (please mark 'x')

Strategy		Plan		Project		Service procedure	x
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Responsible officer	Lynne Lidster	Service area	People Commissioning	Directorate	Adults Health and Commissioning
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Stage 1: EqIA Screening (mandatory)	Date created: 25/10/2021	Stage 2 : Full assessment (if applicable)	Date created : xx/xx/xxxx
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): LYNNE LIDSTER

Dated: 25/10/2021

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1 : Screening (Mandatory)

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

The overall aim of the proposal is to transfer the Learning Disability Supported Living contract from the existing provider to Optalis, when the current contract expires on 31st March 2022.

Under the “Teckal exemption” the borough is able to award contracts for services to its own Local Authority Trading Company, Optalis, without recourse to a formal tender procedure.

Under the current contract, the provider supports approximately 70 adults with a learning disability and or autism, in various properties across the borough. The current contract with the existing provider commenced in 2015 and has reached the end of all possible extension options. It will expire on 31st March 2022.

As a Teckal company and provider of first choice for the borough, with Care Quality Commission ratings of “Good” for provider services, Optalis’ Provider Services were invited to put forward a proposal to the borough commissioners, to deliver the supported living service for the borough, when the current contract expires.

At the Commissioning Board meeting of 23rd July 2021; the Board agreed that the contract for supported living services should be included into the existing contract for services signed on 30th March 2017 under the Teckal exemptions afforded to a Local Authority Trading Company. The proposal would be effective from the day after the expiration of the existing supported living services contract and would therefore commence from 1st April 2022.

Optalis already provide high quality day services, respite services and community-based opportunities for people with a learning disability across the borough the significant majority of whom are the same people supported under the supported living services contract.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

The proposal will build on the opportunities already identified within the borough's Adult Social Care Strategic Plan, to provide a more flexible and person-centred range of support options to people with a learning disability across the borough.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

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Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Relevant	High	Positive	<p>Optalis already works with the people currently supported through the existing contract (Community Team for People with a Learning Disability) and provides a number of complementary services to support these individuals (day services, respite services and community-based support).</p> <p>Some of the people supported are older age adults and by taking on the services within this contract, Optalis will be able to deliver the staffing complement and rotas within one company, ensuring that the staffing mix of care and support delivered both in the individual's home and the community is more closely tailored in accordance with older people's wishes and expectations. This is therefore likely to positively impact on this equality group.</p>
Disability	Relevant	High	Positive	<p>Optalis already works with the people currently supported through the existing contract (Community Team for People with a Learning Disability) and provides a number of complementary services to support these individuals (day services, respite services and community-based support).</p> <p>By taking on this service, Optalis will be able to deliver a bespoke staffing complement for both home based support and community support, tailored to the needs and aspirations of the individual. This is therefore likely to positively impact on this equality group.</p>

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

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Gender re-assignment	Relevant	Medium	Positive	The service supports adults from aged 18 to 65+ and could include people within this protected characteristic. The single employer staff team providing home based and community-based support will be able to offer a more person-centred approach, ensuring they can offer people within this protected group the opportunity to live their lives in the way they choose. People will also be offered a Direct Payment, should they wish to source their own care and support options. The proposal is therefore likely to positively impact on this group.
Marriage/civil partnership	Relevant	Medium	Positive	The service supports adults from aged 18 to 65+ and could include people within this protected characteristic. The single employer staff team providing home based and community-based support will be able to offer a more person-centred approach, ensuring they can offer people within this protected group the opportunity to live their lives in the way they choose. People will also be offered a Direct Payment, should they wish to source their own care and support options. The proposal is therefore likely to positively impact on this group.
Pregnancy and maternity	Relevant	Medium	Positive	The service supports adults from aged 18 to 65+ and could include people within this protected characteristic. The single employer staff team providing home based and community based support will be able to offer a more person-centred approach, ensuring they can offer people within this protected group the opportunity to live their lives in the way they choose. People will also be offered a Direct Payment, should they wish to source their own care and support options. The proposal is therefore likely to positively impact on this group.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

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Race	Relevant	Medium	Positive	<p>Some people might wish to make choices on how they are supported based on their race. The single employer staff team providing home based and community-based support will be able to offer within this protected group a more person-centred approach, ensuring they can offer people the opportunity to live their lives in the way they choose. People will also be offered a Direct Payment, should they wish to source their own care and support options.</p> <p>This proposal is therefore likely to positively impact on this group.</p>
Religion and belief	Relevant	Medium	Positive	<p>Some people might wish to make choices based on their religion or belief. The single employer staff team providing home based and community-based support will be able to offer within this protected group a more person-centred approach, ensuring they can offer people the opportunity to live their lives in the way they choose. People will also be offered a Direct Payment, should they wish to source their own care and support options.</p> <p>This proposal is therefore likely to positively impact on this group.</p>
Sex	Relevant	Medium	Positive	<p>The single employer staff team providing home based and community-based support will be able to offer a more person-centred approach, ensuring they can offer people the opportunity to live their lives in the way they choose. People will also be offered a Direct Payment, should they wish to source their own care and support options.</p> <p>This proposal is therefore likely to positively impact on this group.</p>

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

Sexual orientation	Relevant	Medium	Positive	<p>Some people might wish to make choices based on their sexual orientation. The single employer staff team providing home based and community-based support will be able to offer a more person-centred approach, ensuring they can offer people the opportunity to live their lives in the way they choose. People will also be offered a Direct Payment, should they wish to source their own care and support options.</p> <p>This proposal is therefore likely to positively impact on this group.</p>
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Outcome, action and public reporting

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Incorporate Contract for Supported Living Services currently provided through third party into contract with Optalis, effective from 1st April 2022 on expiry of existing contract.

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	Not at this stage			
Does the strategy, policy, plan etc require amendment to have a positive impact?	Not at this stage			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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Report Title:	Standards and Quality of Education – A Review of the Academic Year 2020-21 (Pre and post pandemic)
Contains Confidential or Exempt Information	No – Part I
Cabinet Member:	Councillor Stuart Carroll, Deputy Chairman of Cabinet, Adult Social Care, Children’s Services, Health and Mental Health
Meeting and Date:	Cabinet, 27 January 2022
Responsible Officer(s):	Kevin McDaniel, Executive Director of Children’s Services
Wards affected:	All wards



REPORT SUMMARY

Schools and settings were closed from March – June 2020 and again in January – March 2021 to all pupils except for children of critical workers, pupils known to social care and those the school leaders deemed otherwise vulnerable.

Remote learning was put in place for all pupils not attending school, Ofsted inspections were postponed and the Department of Education cancelled all primary SATs testing and, in secondary schools, A-levels and GCSEs were teacher-assessed.

This report sets out the progress across the Borough’s schools during the pandemic, summarising the available qualitative and quantitative data that is contained in the Education Pack 2020-21 and other appendices. It is of note that attainment data has not been published nationally for specific groups of pupils and the results are not comparable to pre-pandemic years.

This report outlines some of the support provided by the Education Service and the next priority steps for continued improvement in education to give all pupils the best chance of success.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Congratulates local schools on their continued success**
- ii) Endorses the key priorities set out in section 2.59**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Background

- 2.1 This is the nineteenth annual report on the quality of education. The last report was reviewed in March 2019 by Cabinet as last year’s report was listed for a cabinet meeting disrupted by the pandemic. The report would normally present analysis of the performance of pupils in state funded schools located within the Royal Borough of Windsor and Maidenhead in the academic year 2020-21

against national and statistical neighbours and compared to previous years. Due to the pandemic, all nationally published performance data has been postponed. This report is therefore based on local qualitative and quantitative data. Several key education terms are described in Appendix 1 (The Education Data Pack 2020-21) along with the nationally published education data.

2.2 This report highlights several areas:

- Covid position at the time of writing (pre-Christmas)
- Current position of Ofsted inspection results for schools and settings.
- Key stage 4 attainment (teacher-assessed).
- Pupil absence levels
- Elective Home Education
- Current exclusion statistics for schools.
- Progress in tracking the participation of 16- and 17-year-old students.
- NEET data (Young people not in education, employment, or training).
- Current status of our Education Inclusion Service.
- Current status of our SEND (Special Education Needs and Disability) Services.
- SEND Improvement - Summary of progress against our Accelerated Action Plan (Written Statement of Action).
- Current status of our SEMH (Social, Emotional and Mental Health) Service.

Covid-19

2.3 Schools are still dealing with high numbers of positive PCR results within their school community, which includes pupils and staff, and this will have a continuing impact on learning during the 2021-22 academic year and beyond. No schools have needed to close before the end the Christmas term despite the Omicron wave of infection.

2.4 All schools and settings are currently working to government guidance and their own individual risk assessments to ensure all pupils and staff are kept safe. The impact of staff shortage due to isolation and other illnesses has resulted in some classes reverting to home learning. Currently, there is a national shortage of supply staff. We will continue to support schools to remain open to all pupils where possible, but operationally this may result in extra measures being taken.

Ofsted judgements of school quality

2.5 Ofsted resumed their inspection cycle in September 2021. Prior to this, the percentage of schools judged to be Good or Outstanding in RBWM was 94%. Since September 2021, a further 6 schools have been inspected which has raised the percentage of schools judged to be Good or Outstanding to 97%, well above the national average 86%. 22 (33%) schools are Outstanding.

2.6 Since the start of Ofsted inspections two schools (Bisham Academy and Eton Wick First school) have increased their Ofsted judgement from Requires Improvement to Good, so 65 schools in the Royal Borough are currently judged to be Good or Outstanding.

- 2.7 There are only two schools in the Royal Borough that currently have a judgement of Requires Improvement. One is a maintained school, and one is an academy. There are no schools currently judged to be inadequate.
- 2.8 School link advisers continue to ensure that there are robust Ofsted action plans in place with all schools seeking to improve their judgement to at least good.
- 2.9 As of September 2019, all schools have been judged on a new Ofsted framework, which has a knowledge-based curriculum focus. The Link Advisors worked with schools prior to the new framework being released to ensure all schools have a broad-balanced curriculum that provides all pupils with the skills, knowledge and understanding they need to develop into well-rounded, informed individuals.

Early Years

- 2.10 Currently, we have 67 Independent Private and Voluntary Nurseries (PVI) in RBWM. 11 of these are new providers and have not yet been inspected by Ofsted. Not including those 11, 55 (98%) of the remaining 56 PVI are judged Good or Outstanding. One PVI (2%) is judged as Requires Improvement.
- 2.11 Nursery classes attached to schools are not inspected separately. The Ofsted judgements for the Borough's three maintained nursery schools are included in the figures in point 2.5, and all of our three maintained nursery schools are currently judged as Outstanding.

Disadvantaged pupils

- 2.12 In November 2021, 22 schools attended our first face-to-face Pupil Premium (PP) network meeting of this academic year. The focus was on ensuring that schools publish their updated strategies in the new Department for Education (DfE) format which need to be on the school websites by the 31st December. A key change is that this format asks schools to demonstrate they have considered evidence when developing their pupil premium strategy.
- 2.13 The focus for schools currently therefore is ensuring they: have identified their pupils' needs; are using strong evidence to support their strategy; and have started the implementation of the revised strategy.
- 2.14 We will continue with termly PP network meetings, free of charge to our schools, to support Pupil Premium leads in terms of sharing good local practice, keeping their three year plans up to date, informing them of any changes to guidance and where possible having speakers in with a range of expertise in this area.
- 2.15 Research is showing that the pandemic has led to a growing gap between our disadvantaged pupils and their non-disadvantaged peers. Staff in RBWM schools are also reporting this, based on benchmarking completed by schools on return from lockdowns. The PP network will focus on the impact of recovery initiatives such as the use of tutoring during the current academic year.
- 2.16 The Department for Work and Pensions announced the launch of a £170m COVID Winter Grant Scheme (CWGS) in November 2020. The CWGS aims to support children and families in need with food and household essentials over

the winter period. RBWM has provided vouchers to all Free School Meal children throughout each holiday period since this began. This was replaced by the Household Support Fund in October 2021 and those eligible for free school meals again received vouchers worth £40 per child for this winter break. These vouchers have been delivered via schools through a coordinated scheme operated by the council's education team.

- 2.17 FUEL is a Department of Education funded free holiday activity and food project. It offers participants the opportunity to take part in a range of fun activities and receive a nutritious meal during school holiday periods. To be eligible to attend the programme, children must receive benefits related free school meals and be of school age. RBWM ran a summer and winter programme for our disadvantaged children in 2021. The Fuel Summer 2021 programme had 3106 attendances and a report was heard at Overview and Scrutiny on 22nd September 2021.

Key Stage 4 attainment

- 2.18 Due to the impact of the pandemic, the summer exam series was cancelled in both 2020 and 2021, and alternative processes were set up to award grades. Pupils were only assessed on the content they had been taught for each course. Schools were given flexibility to decide how to assess their pupils' performance, for example through mock exams, class tests, and non-exam assessment already completed. GCSE grades were then determined by teachers, based on the range of evidence available and these are referred to as teacher-assessed grades.
- 2.19 Whilst year on year comparisons are unhelpful for estimating school improvement, they do provide a degree of context.
- 2.20 The latest headlines are as follows, for 2020/21:
- Nationally 51.9% of pupils achieved a grade 5 or higher in both English and maths. This is an 8.7 percentage point increase (from 43.2%) in comparison with 2018/19. 55.7% of RBWM pupils achieved this, a 7-percentage point increase from 2018/19.
 - Nationally 38.7% of pupils were entered into the full EBacc. This is a decrease of 1.3 percentage points in comparison with the last exam year of 2018/19 when 40% of pupils were entered into the full EBacc. For RBWM 48.5% of pupils were entered for the EBacc, down from 50.3% in 2018/9 pre pandemic.
 - As higher grades were received across all GCSEs in 2020/21, both the average Attainment 8 and EBacc have increased compared with 2018/19. The average Attainment 8 score increased by 4.2 points from 46.7 to 50.9 and the EBacc APS increased by 0.38 points from 4.07 to 4.45. For RBWM the attainment 8 increased from 50.2 to 53.8 and the EBacc APS from 4.53 to 4.82.
 - There is only published data at a national level for Key Stage 4 due to this being teacher assessment. We have no local data or national data comparisons for disadvantaged pupils this year.

School Centred Initial Teacher Training (SCITT)

- 2.21 RBWM has been running a School-centred initial teacher training (SCITT) programme for many years to help with recruitment of teachers in RBWM

(Grow our own). The school-led teacher training programme leads to Qualified Teacher Status (QTS). SCITT teacher training is one of the most popular ways to gain QTS, offering trainees a chance to get hands-on teaching experience with at least two schools with RBWM.

- 2.22 Last academic year (2020-2021), RBWM SCITT successfully trained 29 teachers, 16 Primary and 13 Secondary. Training continued throughout the lock down offering a blended approach of face-to-face and virtual. All trainees managed to have two teaching experiences in school and benefitted from hands on experience. All gained Qualified Teacher Status and a PGCE. 100% of primary trainees gained employment and 92% in secondary. Overall, 74% have gone onto teach within RBWM.
- 2.23 Recruitment continued to be consistent throughout the year and the current cohort (2021-2022), is made up of 31 trainees, 20 primary and 11 secondaries.
- 2.24 September 2021 has seen the Introduction of the Early Career Framework to support Early Career Teachers over the first 2 years of their career. This has replaced a one-year programme for Newly Qualified Teachers. RBWM currently have 80 Early Career Teachers with Nursery, Primary, Secondary and Special Schools.
- 2.25 The DfE has published its response to the initial teacher training (ITT) market review report. The central recommendation is that all ITT providers implement a new set of quality requirements and that a robust accreditation process should take place to ensure that all providers meet the requirements in full, both at the point of accreditation, and on a continuing basis. It seems some providers such as our ITT will not be able to fulfil the criteria needed to ensure this programme continues due to the relatively small scale of the secondary offer. The implication for RBWM is that our ITT could become part of a bigger Berkshire programme and this may limit the number of placements for new teachers within our schools each year and put pressure on teacher recruitment for our borough. More detail can be found in Appendix 7 Final-ITT-Market-Review-statement-December-2021-1.pdf.

Absence data

- 2.26 Data is given on all causes of absence as well as where a pupil could not attend school due to COVID 19 (not attending in circumstances related to coronavirus). This includes pupils who were self-isolating; pupils who were advised to shield because they were clinically extremely vulnerable; pupils quarantining after returning from abroad; and class bubbles that were sent home and advised to isolate. Schools were advised to record pupils with a confirmed case of coronavirus as absent due to illness.
- 2.27 Even with including absences due to positive coronavirus cases, the national rate of absence due to illness, 2.5%, has decreased compared to last year (2.8%). The trend is the same for RBWM, with absence due to illness reducing from 3.1% to 2.7%. This corresponds with Public Health England data showing that cases of flu and other seasonal respiratory illnesses have decreased. Other types of absence, including holiday absence and medical appointments, have also decreased significantly as a result of the pandemic.

Persistent absence

- 2.28 A pupil enrolment is identified as a persistent absentee if they miss 10% or more of their possible sessions. Sessions where a pupil was not attending in circumstances related to coronavirus (COVID-19) are not counted as an absence but do count towards possible sessions for the purposes of persistent absence as during these sessions these pupils could not attend school.
- 2.29 Nationally 13% of pupils were persistently absent during the autumn term 2020/21 compared to 11.3% in RBWM.
- 2.30 In recent years, trends have been consistent across school types (nationally), however, this year, whilst persistent absenteeism in primary and special schools reduced, there has been an increase in secondary schools nationally, but this has remained consistent in RBWM.
- 2.31 The Education Welfare Team continue to support schools with persistent absence in schools through a traded service. The service conducts regular attendance/register checks with the allocated school, provides school with an allocated education welfare officer, accepts referrals for direct support to work with the young person, family and school and works closely with partner agencies to support and increase school attendance.
- 2.32 Schools who do not buy into the service, can contact the Education Welfare team for advice and guidance. All updated information and guidance are sent out to all schools, regardless of buy in status. The Education Welfare Service processes Fixed Penalty Notices on cases from all schools and leads in rare cases where legal action is taken.
- 2.33 All RBWM schools can contact the service for advice and guidance on attendance in general. Support from the Child Missing from Education Officer and Elective Home Education Coordinator and legal procedures is provided to all schools, regardless of buy-in into the traded offer.

Permanent exclusions

- 2.34 National comparisons relate to 2019/20 academic year and come from the DfE Statistical First Release. National data for 2020/21 is expected to be published in August 2022.

Table 1: Permanent exclusions from Royal Borough schools, by year

Academic Year	15/16	16/17	17/18	18/19	19/20	20/21
Number of pupils:#	20	20	15	31	20	20
% of total pupils:	0.09%	0.09%	0.07%	0.14%	0.09%	-

*20/21 data is not yet published in the national dataset.

#SFR data is rounded to the nearest ten until 2018/19.

- 2.35 The 2019/20 academic year includes the start of the pandemic when, from 23 March, school sites were closed for all but those children of critical workers and vulnerable children, with others being educated remotely. Permanent exclusions and suspensions were possible throughout the full academic year but comparisons to previous years should be treated with caution.

- 2.36 The number of Permanent Exclusions in RBWM decreased to 20 in 2019/20 compared to 31 the previous year.
- 2.37 The national exclusion rate in 2019/20 (the latest year for which data is available) was 0.06% (i.e., on average 6 students in every 10,000 were permanently excluded).
- 2.38 In 2019/20, there were 4 permanent exclusions in the Primary phase. The number of permanent exclusions in the Secondary phase was 16. This represents a rate of 0.09%, above the national rate but influenced by the small number of students.
- 2.39 Please see appendix 2 for a full breakdown and analysis of permanent exclusion for 2020-21 by the service and next steps. There is no national average as the 2020/21 data is internal and local statistics only.
- 2.40 In 2019/20 and 2020/21, the Education Welfare service has seen a significant increase in children being electively home educated (EHE) in RBWM. In 2021/22, a total of 213 children have been recorded as EHE, currently, 180 pupils are on the register. This significant increase in referrals has also been seen nationally with fears about the pandemic given as a factor in many cases.
- 2.41 To ensure that all children who are electively home educated are receiving a good level of education, we appointed an additional fixed term, full time position which is currently being funded by one-off pandemic grant. This will need to be reviewed if the number of children who are home educated does not fall back to pre-pandemic levels so that RBWM continues to fulfil its statutory duty.
- 2.42 The local authority has a duty to be satisfied that all young people are receiving a reasonable education. This includes: conducting home visits; making virtual calls; liaising with the school and family and involved professionals; chasing the education proposal form; and analysing the returned form to ensure we are satisfied. The Department for Education have recently supported a local authority in a legal case which has confirmed that the level of assurance needed is higher than just knowing that a child is registered for elective home education.
- 2.43 It is important to highlight that the overall number of children who are Electively Home Educated, does not reflect the churn in referrals on a monthly basis. For example, 10 children may return to education and 10 new referrals for home education are received. Whilst the overall number remains the same, a large amount of work is put in to supporting the children and families making the transition to return to school and processing and supporting new notifications.

Pupil destination

- 2.44 The pupil Key Stage 4 (eg GCSE) and 5 (eg A Level) destinations for 2019/20 are taken from the DfE Statistical First Release. The key points are:
- **Education and employment - at the end of Key Stage 4.** The proportion of Royal Borough students that went onto, or remained in, education or

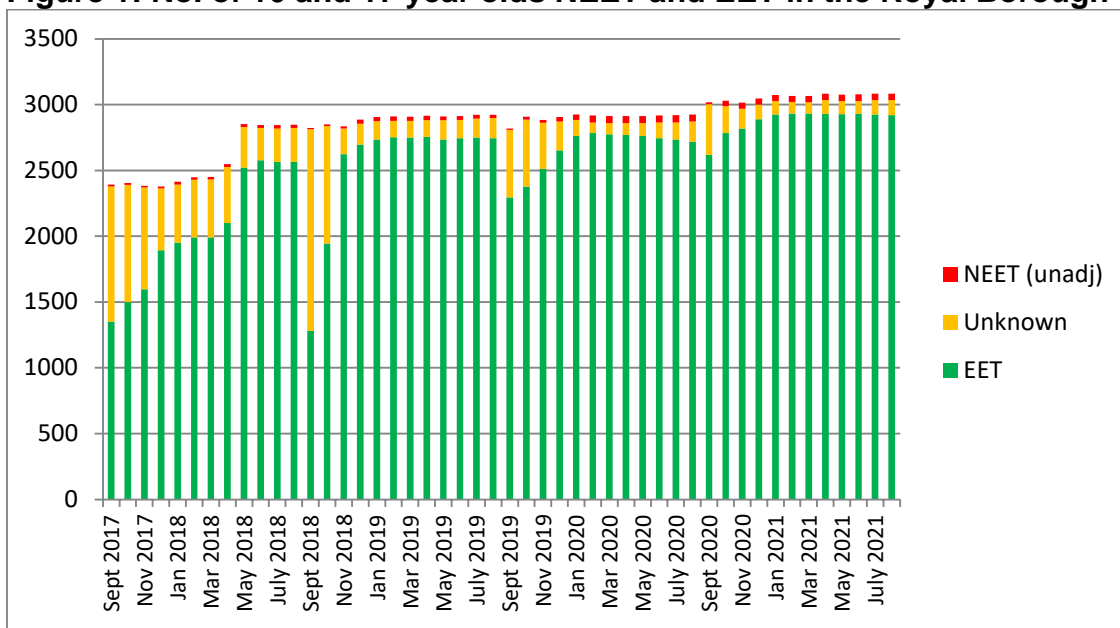
employment (95%) is similar to national (94%) and South East (94%) figures.

- **Types of Institution - at the end of Key Stage 4.** The proportion of Royal Borough pupils in school sixth forms (60%) continues to be well above national (37%) and South East (38%) figures.
- **Disadvantaged pupils – at the end of Key Stage 4.** The proportion of disadvantaged students in the Royal Borough in sustained education or employment was 88%, similar to national (88%) and South East (87%) figures.
- **Education and employment – at the end of Key Stage 5.** The proportion of students from the Royal Borough’s school sixth forms who were recorded as being in sustained education and/or employment in the year after A-levels is 91%; three percentage points above the national and South East figures.
- **Disadvantaged pupils – at the end of Key Stage 5.** The proportion of KS5 students in Royal Borough schools and colleges who were disadvantaged and in sustained education and/or employment/training is 72%, equal to the national figure. The Royal Borough’s disadvantaged cohort at Key Stage 5 is very small, so each student is just under 2% of the figures.

Young people Not known to be in Education, Employment & Training (NEET)

2.45 Figure 1 shows the numbers of RBWM 16–17-year-olds identified as NEET (not in Education, Employment and Training), EET (in Education, Employment and Training) and the number for which the information is unknown from September 2017.

Figure 1: No. of 16 and 17 year olds NEET and EET in the Royal Borough



2.46 The percentage of NEET and Unknown is now 5.3% which is just below the England average of 5.4%

2.47 The percentage unknown was 3.7% for August 2021. This is higher than the England average of 2.3% for the same period. RBWM now uses the same processes as Richmond and Kingston since moving to Achieving for Children and the proportion of ‘unknown’ has fallen from 19.7% in 2017.

Social Emotional Mental Health Service

- 2.48 The SEMH intervention service was established in September 2019 to reduce the risk of primary permanent exclusions and increase capacity within the primary schools across the Borough. The data in 2.34 suggests this is beginning to have an impact.
- 2.49 Schools Forum recognised a need for investment for the SEND strategy to enable the RBWM to develop a new policy and approach to the provision of the educational support within the high needs block.
- 2.50 In November 2018, it was agreed by Schools Forum, following a consultation with schools, to complete a 0.5% block transfer from the Schools block to the high needs block for the financial year 2018-19 (£416,000 in total) to support the SEMH three-year programme.
- 2.51 Since then, the service has supported 23 pupils who were at risk of exclusion across all phases of school. No pupil who has received support from the service has been excluded. There has been no exclusion of any other pupil in primary (not on the programme) since the services began.
- 2.52 The project has evolved to include a secondary model that has been purchased through a Buy Back initiative by 2 middle and 2 secondary schools over the academic year 2021/22.
- 2.53 55 SEMH leads attended the September SEMH Network Meeting in person. This resulted in a greater understanding of the Borough-wide initiative for the Online Boxall Profile and revisited the Head Teacher training delivered by Paul Dix in 2019 to senior leaders.
- 2.54 The Boxall Profile provides a framework for the precise assessment of children and young people's social and emotional aptitudes. It provides school staff with insights and suggests points of entry to engage the pupil in learning by meeting their Social, Emotional and Mental Health needs, allowing teachers to think about what lies behind their student's behaviour, and how to plan accordingly.

Next steps

- Initial funding for the SEMH intervention Project concludes April 2022. The Schools' Forum have indicated the desire to ensure sustainability and funding for this initiative and include the additional support outlined in this appendix.
 - An evaluation of the additional support and Secondary buy back initiative will take place at the end of this academic year.
 - Continued promotion of the Online Boxall Profile.
 - Evaluation of impact of the SEMH Network Meetings through feedback. In addition, the opportunity for 2 Virtual meetings to act as an SEMH surgery to discuss individual cases between schools under the direction of the SEMH Coordinator will be trailed.
- 2.55 Please see Appendix 3 for a full breakdown and analysis of the SEMH service.

SEND Services

- 2.56 The SEND service is responsible for carrying out statutory Education, Health & Care Assessments of children and young people with significant special

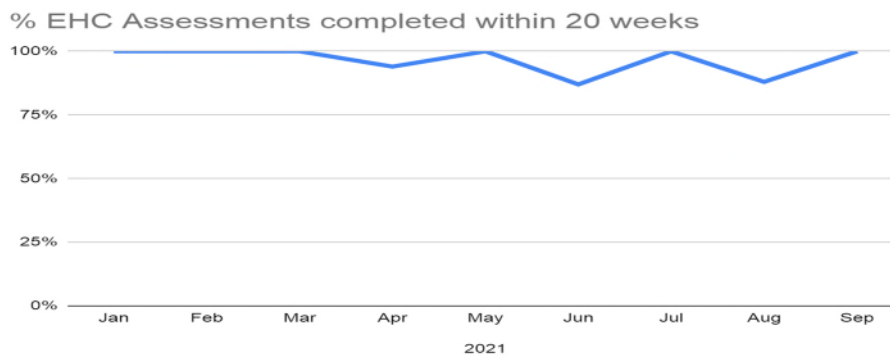
educational needs in our Borough. Its main role is arranging SEN provision and placement for all Children and Young People (CYP) with Education, Health & Care Plans (EHCP) along with coordinating multi-agency EHC Assessments for those CYP who require significant additional educational support.

Table 2: Primary EHCP need in the Royal Borough

Primary Need	Total Pupil No	Total Pupil No.	% Increase/ Decrease
	Jan -20	Dec -21	
Autistic Spectrum Disorder	357	392	10
Social, Emotional and Mental Health	133	177	33
Hearing Impairment	21	16	-24
Moderate Learning Difficulty	96	85	-11
Multi-Sensory Impairment	0	0	0
Physical Disability	57	58	2
Profound & Multiple Learning Difficulty	19	16	-16
Speech, Language and Communication	163	176	8
Severe Learning Difficulty	18	17	-6
Specific Learning Difficulty	49	46	-6
Visual Impairment	12	13	8
Other	45	39	13
Total	970	1035	+6.7

- 2.57 The highest frequency primary need in our Borough is Autism, followed by Speech & Language Needs and Social, Emotional and Mental Health Difficulties. See table 2 for full Borough breakdown of need for CYP with EHCPs.
- 2.58 The majority of CYP with EHCPs are placed in state-funded mainstream and special schools and Further Education colleges, with around 38% in mainstream schooling, 24% in state-funded special schools and 14% in Further Education colleges. The remaining are placed in Early Years settings in the Private and voluntary sector and Alternative provision.
- 2.59 The remaining (around 12%) of CYP with EHCPs are educated in the independent sector, which represents the highest cost placements and accounts for 26% of the overall High Needs block expenditure.
- 2.60 The percentage of EHC assessment completed within the 20-week statutory timescale remains in the 90%-100% range. This includes during the pandemic period. See figure 2 for timeline.

Figure 2: % of EHCP assessments completed within 20 weeks



Wave 13 Covid-19 LA SEND Service Data Collection – Key Findings
29/11/21

Based on the data received from 106 responding Local Authorities:

- Workforce capacity issues continue to be frequently reported by several Local Authorities, with reported impacts on meeting statutory timeframes. This includes educational psychologist and SEN team capacity as well as that of health professionals following residual impacts of the Covid-19 pandemic.
- 2.61 This graph indicates times of pressure in the annual cycle and an Annual Review Officer has recently been appointed to monitor and improve the completion rate of EHCP reviews and measure our compliance with statutory annual review timeframes.
- 2.62 For comparison, the most recent national data collection for SEND in November reports that “Of the 3,556 final EHC plans excluding exception cases issued in October 2021, 1,850 (52%) were issued within 20 weeks of the initial request (down from 56% in September). There was a range of performance on this measure, with 35% of responding LAs reporting 80% of final plans were issued within 20 weeks (down from 38% in September 2021)”.
- 2.63 The service will continue to focus on minimising the number of children with an EHCP who are not able to access all of the provision in their plan. This typically occurs when schools struggle to provide the required services and relationships breakdown as a result, with the young person then not in school enough of the time. The SEND team challenge this through actions such as:
- Ensuring schools follow the statutory SEN process and arranging interim reviews to discuss placement concerns rather than moving to exclude pupils.
 - Closer monitoring of annual reviews to more proactively identify where changes to placements or provision may be needed for SEN pupils.
 - Regular monitoring of placements at risk / pupils out of education through fortnightly team discussions
 - Continuing to look for long term placement solutions for those children in interim/alternate placements

Resource Base Investments

- 2.64 Two Resource Provisions were opened in September 2021 to support primary aged pupils who have an Education Health and Care Plan (EHCP) with Autism Spectrum Disorder (ASD) as the primary need. One is at the Dedworth First/Middle School campus and the other on the Furze Platt Primary Federation campus. In September 2021, eight places were commissioned at each provision with an increase to 10 places in September 2022.
- 2.65 Expectations of the host school, and of the Local Authority, including commissioning numbers are set out in a Service Level Agreement which will be reviewed on an annual basis.
- 2.66 Pupils are expected to eventually spend at least 50% of their time in school in the mainstream classrooms alongside their peers. Additional, bespoke support is provided for the remainder of the time in the Resource Provision, in smaller groups or 1:1. Targeted training has been provided for all school staff from staff at Shine, the secondary ASD Resource Provision based at Furze Platt Secondary School.
- 2.67 This additional capacity ensures that fewer pupils need to be placed in specialist settings, possibly in an Out of Borough independent school. It has also eased the pressure for places at Manor Green School which are needed for pupils on the ASD spectrum but with more complex learning needs.
- 2.68 As a part of an annual quality assurance process conducted by the Local Authority, the schools have been visited by the SEND consultant and the Area SENCO for a readiness to open meeting. A quality assurance audit report completed by the school informs this process and during the visit areas for further development are agreed. There will be a second monitoring visit later in the year, during the summer term.
- 2.69 In the summer term, a report will be written to School Forum summarising the visits to the 6 RBWM Resource Bases to demonstrate the quality assurance process and to ensure that expenditure on these bases, is value for money.
- 2.70 South Ascot Village School has submitted an expression of interest in opening an SEN Unit for pupils with slightly more complex ASD needs. In this provision, pupils are likely to be spending more than 50% of their time in the Unit rather than the mainstream school. This provides the time to deliver the additional support that the pupils require.
- 2.71 Please see appendix 4 for a full breakdown and analysis of the SEND service and next steps.

Update of Statement of Action (SEND)

- 2.72 A Statement of action was written in response to the 2017 RBWM SEND inspection. After a successful revisit in October 2019, we had shown sufficient progress in 6 of the 8 areas for improvement. We are currently under the Department of Education (DFE) monitoring cycle. Our current Accelerated Action Plan (AAP) has been updated and is regularly monitored by the DfE. We were revisited during the pandemic, in March 2020 and again in October 2021. The action plan is implemented and governed through the SEND Steering Board and Implementation Groups.

- 2.73 Our recent monitoring letter from the DfE is positive regarding progress especially in the areas of education (See appendix 5). We are working with Health colleagues to improve the last two outstanding statement actions which relate to access to some specialist services and how we jointly develop support services. However, waiting times for Occupational Therapies (OT) and Speech and Language Therapies (SALT) remain an issue both locally and East Berkshire wide and a transformative approach is being implemented in addition to one-off waiting list investments by the CCG.

Parents and Carers in Partnership

- 2.74 We would like to thank Parents and Carers in Partnership (PaCiP) for their support and active contributions to our strategic work over the past few years. Due to unforeseen circumstances, PaCiP have taken the decision to dissolve the forum. Currently the grant for this organisation is being held by the DfE agency CONTACT who have allocated an associate to work with parents to support the initiation of a new forum. They will be working face-to-face in the region from 11th to 13th January at SEND consultation events and other events such as coffee mornings to connect with local parents. CONTACT will develop and build relationships with local services and organisations including parent led organisations, Healthwatch and Achieving for Children to try to re-establish this crucial forum for parental views.
- 2.75 Achieving for Children are still utilising other methods to gain parental insight and feedback via: schools; the Information, Advice and Support Service (IAS) and local organisations and charities that support parents. The internal processes for parental feedback and communication within RBWM remain open.
- 2.76 The Area SENCo and our SEND Consultant are currently working on improving our SEND services by building a community of practice through initiatives to; support SENCos, share good practice and celebrate inclusion. (appendix: 6).

These include:

- Inclusion Quality Mark or SEND Peer Review
- Annual SEND Conference
- Localised SENCo clusters
- Termly SENCo Leadership Forum
- Cross-phase SEND register moderation Clusters
- The Collaborative responsibility resource and promotional staff meeting
- Consultation events on RBWM's 5-year strategy including, parent/carer meetings, young people's participation day and a business conference to develop the idea of a 'special welcome award'

Summary of key priorities

- 2.77 Based on the analysis above, the following items are the key priorities for the council to continue to ensure that all pupils in the borough get a great education

Key Priorities	Next Steps
Maintain school improvement focus on all schools	To continue to support schools to maintain and improve their Ofsted ratings and support with ongoing COVID19 concerns
Continued focus on disadvantaged pupil plans and outcomes	Through network meetings, continue to support schools to establish Quality First Teaching approaches for their disadvantaged pupils. Set-up cluster groups of disadvantaged networks to moderate and compare data and share good practice.
Transform therapy services with health for additional needs	The Area SENCo and the SEND Team Manager will continue to work closely with Berkshire Health Foundation Trust (BHFT), CYPIT and CCG colleagues on both a larger East Berkshire Transformation project and a local prototype 'Occupational Therapy (OT) village' project. Some of the recent work has involved: Online training delivered, facilitated by Area SENCo (OT) and face-to-face provision demonstrations in schools (SALT). Representatives from health are in the SEND implementation group work streams as well as the SEND steering board.
DSG finance management	Work on an action plan to address areas of high needs spending including out of borough and Independent places
EHE and exclusions – making sure pupils on the edges are not missing out	The newly appointed EHE coordinator will work closely with all families, children and school where a child is either newly home educated or has been home educated for a period of time to encourage a return to school. Children who are at risk of exclusion or have been permanently excluded will be supported by the education service including the Inclusion & Access Manager. Support will be provided to help young people access early help and prevention services. Where a young person is ready to return to mainstream education, the fair access panel will work effectively with all schools to ensure a child returns to mainstream education as quickly as possible.
Establish new parent carer forums	Work with the DfE CONTACT group to re-establish a Parent and Carer forum within RBWM

3. KEY IMPLICATIONS

3.1 There are no key implications arising from this report.

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The level of overspend in the High Needs services remains unaffordable for the Council, therefore, it is important that all local partners continue to work to bring the cost of high needs services back in line with the Government grant allocation.

The 2020/21 budget relies on: promoting independence and use of the local education offer; managing increasing demand for services through increased early intervention; working with partners to ensure that everyone involved in a child’s education is confident in supporting children with additional needs; and increasing the amount of local provision, ensuring that provision is aligned to need.

4.2 The financial trajectory will need to be carefully monitored in 2021/22 to ensure that the level of spending on education services is affordable. Schools Forum and schools will have a clear role in monitoring the position and in implementing the plans in partnership

4.3 The DSG conditions of grant 2021/2022 requires that any Local Authority with an overall deficit on its DSG account at the end of the financial year 2020/21, or whose DSG surplus has substantially reduced during the year, must be able to present a plan to the Department for Education (DfE) for managing their future DSG spend.

4.4 Based on current demand, pricing and estimated future grant funding the current projected cumulative deficit for the DSG by 31 March 2023 is in the region of £5m.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications arising from this report.

6. RISK MANAGEMENT

Table 6: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
The school improvement grant, which currently comes to the local authority, could be delegated to schools. This would mean that there is no grant to run a school improvement service.	High	A strong case was provided to the consultation from RBWM, the regional improvement body for children’s social care and the ADCS. However the decision sits with the DfE.	High
The Department for Education (DfE) has	High	No mitigating actions are possible as this	High

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
published its response to the initial teacher training (ITT) market review report.		decision rests with the DfE and RBWM could lose its own ITT programme which has helped with teacher retention in Schools	
PaCiP have taken the decision to dissolve the forum, and this makes consultation with parents harder for services	High	Working with DfE and CONTACT to establish a new parent/carer forum	High
Waiting times for occupational therapy (OT) are increasing. As a result, too many children and young people's needs continue to be unmet.	High	Working closely with commissioners, therapy providers and school settings to broaden training offer and ordinarily available provision for those on the waiting list. An east Berkshire project team has been established to develop a sustainable model	Medium
Lack of specific group data for analysis	Medium	Through the pandemic some additional project work was done on outcomes for all. The PP network will look to share that good practice so that pupils don't get left behind.	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). An Equalities Impact Assessment (EqIA) is attached at Appendix E.
- 7.2 Climate change/sustainability. There are no climate change/sustainability risks arising from this report.
- 7.3 Data Protection/GDPR. There are no data protection or GDPR implications arising from this report.

8. CONSULTATION

- 8.1 No consultation has been required for the completion of this report. Consultation will be sourced with stakeholders such as Youth Council and Parents for ongoing improvements

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 No Implementations arising from this report.

10. APPENDICES

- 10.1 This report is supported by 7 appendices:

Contained in paper copies

- Appendix 1: The Education Data Pack 2020-21
- Appendix 2: Permanent Exclusion Service
- Appendix 3: SEMH Service
- Appendix 4: SEND Service
- Appendix 5: AAP review monitoring visit
- Appendix 6: Area SENCo Service
- Appendix 7: Final-ITT-Market-Review-statement-December-2021-1.pdf

Electronic only

- Appendix E - Equalities Impact Assessment (EqIA).

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by 0 background documents:

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
Mandatory:	Statutory Officers (or deputy)		
Adele Taylor	Executive Director of Resources/S151 Officer	16/12/21	20/12/21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	16/12/21	01/01/22
Deputies:			
Andrew Vallance	Head of Finance (Deputy S151 Officer)		
Elaine Browne	Head of Law (Deputy Monitoring Officer)		

Karen Shepherd	Head of Governance (Deputy Monitoring Officer)		
Other consultees:			
Directors (where relevant)			
Duncan Sharkey	Chief Executive	16/12/21	07/01/22
Andrew Durrant	Executive Director of Place	16/12/21	
Kevin McDaniel	Executive Director of Children's Services	09/12/21	16/12/21
Hilary Hall	Executive Director of Adults, Health and Housing	16/12/21	16/12/21

Confirmation relevant Cabinet Member(s) consulted	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision: No	No	No

Report Author: Clive Haines, School Leadership Development Manager
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RBWM

Education Data Pack

Academic Year 2020 – 2021

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EXECUTIVE SUMMARY

This Education Data pack covers the latest academic year September 2020 to June 2021. There was no Data Pack produced for the previous academic year (September 2019 to June 2020) during the initial months of the coronavirus pandemic. Since March 2020 schools have been disrupted and data is not always available. The data presented in this pack reflects latest available data and explanations for missing data are given section by section.

SUMMARY OF KEY DATA

1 School Ofsted Inspections

- 1.1 The number of RBWM schools given an Ofsted judgement of good or outstanding has increased in the 2019/20 academic year to 94% (from 91%) while nationally it has remained at 86%.
- 1.2 A phased return to routine inspection began September 2020 after six months without inspections. Since then, Ofsted have made visits to schools, colleges and other further education and skills providers to look at how they are managing, to help them with collaborative conversations, and to report on the picture across England. The full programme of graded school inspections resumed in autumn 2021.

2 Educational Attainment Data

- 2.1 As part of steps taken in response to the coronavirus (COVID-19) pandemic, the government announced that all statutory key stage 1 and 2 assessments, tests and GCSEs, AS levels, A levels, other regulated general qualifications and some vocational and technical qualifications due to take place in schools and colleges in England in summer 2020 and in spring and summer 2021 would not go ahead as planned.
- 2.2 Qualification grades achieved using alternative assessment arrangements in 2020 and 2021 will not be used to produce the normal suite of institution level performance measures (for example Attainment 8, or level 3 value added) and Qualification Achievement Rates (QARs).
- 2.3 As in 2020, the DfE will not publish institution level data based on 2021 key stage 1 and 2 assessments, tests, GCSEs, AS levels, A levels, other regulated general qualifications, or vocational and technical qualifications. QARs for 2020 to 2021 will also not be published at institution level.
- 2.4 This data will not be available for others, such as Ofsted, Regional Schools Commissioners (RSCs) or local authorities, to use to hold schools and colleges to account.
- 2.5 Consequently, there is no educational attainment data published at LA or school level for this Data Pack. Sections 2,3,5 and 6 have no data this academic year.
- 2.6 For GCSEs the DfE published headline attainment statistics only which likely reflect the changed method for awarding grades. Nationally 51.9% of pupils

achieved a grade 5 or higher in both English and maths. This is an 8.7 percentage point increase (from 43.2%) in comparison with 2018/19. 55.7% of RBWM pupils achieved this a 7-percentage point increase from 2018/9.

- 2.7 National headlines only were published for 16 – 19 attainment. The average A grade achieved in 2020/21 increased to a B grade from a C+ in 2018/19 (33.77 points to 41.6 points)

3 Pupil absence

- 3.1 The first absence data collected via the school census covering the pandemic is for the autumn term 2020. RBWM absences for autumn term 2020/21 were 4.2% below the national rate of 4.7%. There were a further 4.9% of sessions missed for reasons relating to Coronavirus but this is below the national figure of 7%. (Section 7).

4 Pupil exclusions

- 4.1 The number of permanent exclusions in RBWM has fallen in 2019/20 to 21 pupils (0.09% of total pupils). Nationally 6 students in every 10,000 (0.06%) were excluded. (Section 8.2 Table 8a). The 2019/20 academic year includes the start of the pandemic when, from 23 March, school sites were closed for all but those children of critical workers and vulnerable children, with others being educated remotely. Permanent exclusions and suspensions were possible throughout the full academic year but comparisons to previous years should be treated with caution.

5 Pupil destinations and not in education employment or training (2019/20)

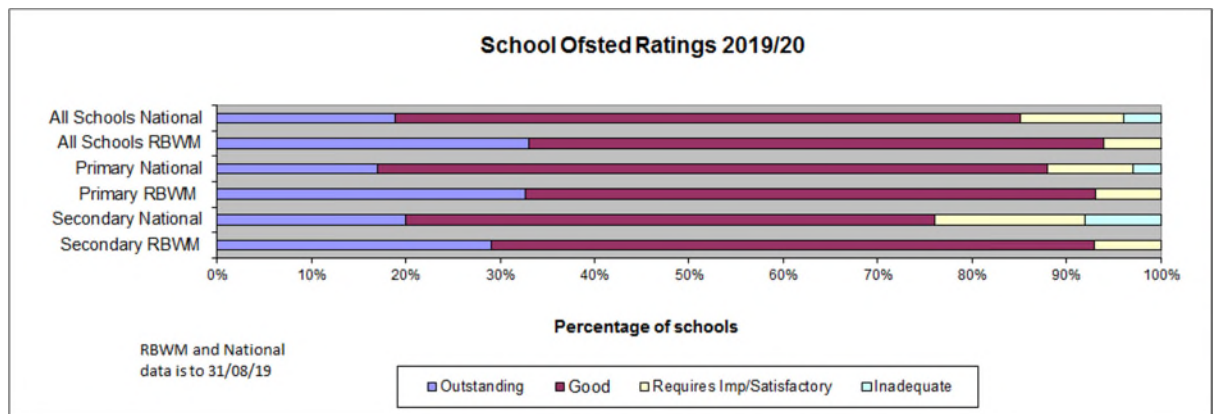
- 5.1 The analysis of pupil destinations shows:
- 5.2 At the end of Key Stage 4, 94% of RBWM students went on to, or remained in, education or employment, which is similar to the national (Section 9.1).
- 5.3 At the end of Key Stage 5, 58% of RBWM school pupils progressed to UK Higher Education Institutions. (Section 9 Table 9c)
- 5.4 The average number of young people who were known to be not in education employment or training (NEET) during the 3 months to August 2021 was 49; this represents 1.6% of the cohort. This is lower than the England average for the same period of 3.1%.
- 5.5 The % unknown is 3.7% which has come down from 19.7% in the 2017 but is still above the national average of 2.3% for the same period. (Section 10.5). RBWM now uses the same processes as Richmond and Kingston since moving to Achieving for Children and the proportion of 'unknown' has fallen from 19.7% in 2017.

SECTION 1 - SCHOOL OFSTED INSPECTIONS

ALL SCHOOLS

- 1.1 On 25 March 2020, the Secretary of State for Education wrote to Her Majesty's Chief Inspector, suspending routine inspection activity from March 2020 due to the Covid pandemic. A phased return to routine inspection began September 2020. Since then, Ofsted have made visits to schools, colleges and other further education and skills providers to look at how they are managing, to help them with collaborative conversations, and to report on the picture across England
- 1.2 The full programme of graded school inspections resumes in autumn 2021. Some monitoring inspections under the education inspection framework restarted on 4 May 2021.
- 1.3 The last academic year for which schools were inspected was 2019/20. Since then, RBWM has received only monitoring visits in the summer term of 2021. The number of RBWM schools given an Ofsted judgement of good or better has increased in the 2019/20 academic year to 94% (from 91%) while nationally it remained at 86%.

Table 1a School Ofsted Ratings 2019/20



NURSERY SCHOOLS

- 1.4 No nursery schools have been inspected.

PRIMARY AGE SCHOOLS

- 1.5 Overall, 93% of primaries were rated good or outstanding at the end of academic year 2019/20.
- 1.6 Eight RBWM primary age schools were inspected in the academic year 2019/20, of which one improved its rating, five remained the same and two decreased.

SECONDARY AGE SCHOOLS (including middle schools for Ofsted purposes)

- 1.7 93% of all RBWM secondary schools were rated good or outstanding at the end of the academic year 2019/20. One middle school improved its rating. RBWM is well above the national figure of 76% at the end of the 2019/20 academic year.
- 1.8 The Alternative Provision was inspected and improved its rating to Good.

OFSTED CHARTS

- 1.9 The Ofsted status table (Data Pack Figure 1a) shows percentage of schools by category and type for the academic year 2019/20.
- 1.10 The Ofsted visit table (Data Pack Figure 1b) gives the latest visit and status by School
- 1.11 In the autumn 2021 term three first schools have been inspected but no reports have yet been

Figure 1a Ofsted Status - RBWM Schools Academic Year 2019 - 2020

KEY STATISTICS (ofsted format)		Outstanding			Good			Requires Improvement			Inadequate		
Count	Maintained Schools	RBWM		National	RBWM		National	RBWM		National	RBWM		National
3	Nursery Schools	3	100%	63%	0	0%	35%	0	0%	1%	0	0%	0%
31	Primary Schools	8	26%	16%	21	68%	75%	2	6%	8%	0	0%	1%
1	Middle	0	0%	16%	1	100%	65%	0	0%	15%	0	0%	5%
1	Secondary Schools	0	0%		1	100%		0	0%		0	0%	
1	Special Schools	0	0%	38%	1	100%	55%	0	0%	4%	0	0%	3%
1	Pupil Referral Units	0	0%	16%	1	100%	73%	0	0%	8%	0	0%	2%
Count	Academies	Outstanding			Good			Requires Improvement			Inadequate		
7	Primary Phase(Converters)	2	29%	21%	5	71%	69%	0	0%	9%	0	0%	1%
6	Secondary Phase(Converters)	1	17%	28%	5	83%	56%	0	0%	13%	0	0%	3%
1	Primary (Sponsor-led)	0	0%	8%	1	100%	70%	0	0%	19%	0	0%	3%
3	Middle	0	0%	11%	2	67%	57%	1	33%	25%	0	0%	6%
Count	Free Schools	Outstanding			Good			Requires Improvement			Inadequate		
1	Primary	1	100%	38%	0	0%	56%	0	0%	5%	0	0%	1%
1	Secondary	1	100%	28%	0	0%	55%	0	0%	11%	0	0%	5%
1	Special	0	0%	17%	1	100%	67%	0	0%	4%	0	0%	13%
Count	Academies Historic Inspections only	Outstanding			Good			Requires Improvement			Inadequate		
6	Primary (Converters)	4	67%		1	17%		1	17%		0	0%	
2	Secondary Phase (Converters)	2	100%		0	0%		0	0%		0	0%	
Count		Outstanding			Good			Requires Improvement			Inadequate		
		RBWM		National	RBWM		National	RBWM		National	RBWM		National
38	Maintained schools 31 Aug 2020	11	29%		25	66%		2	5%		0	0%	
58	Current inspected schools 31 Aug 2020	16	28%		39	67%		3	5%		0	0%	
66	All Inspected Schools 31 Aug 2020	22	33%	19%	40	61%	67%	4	6%	10%	0	0%	4%
66	All Inspected Schools 31 Aug 2019	23	35%	20%	37	56%	66%	6	9%	10%	0	0%	4%
	Change (this academic yr)		↓		↑			↓			→		

Currently Inspected Schools

229

National as at 31/8/2020

Schools	Date	All Inspections			Currently Inspected Schools			Maintained Schools			Academies		
		All	Primary	Secondary	All	Primary	Secondary	All	Primary	Secondary	All	Primary	Secondary
% of RBWM Schools Outstanding/Good	31.08.2020	94%	93%	93%	95%	90%	92%	95%	94%	100%	92%	93%	91%
% of Schools in Stats neighbours graded Outstanding/Good	31.08.2020	89%	88%	89%				92%	92%	81%	n/a	n/a	n/a
% of schools in South East graded as Outstanding/Good	31.08.2020	91%	91%	87%				92%	92%	88%	n/a	n/a	n/a
% of Schools in England Outstanding/Good	31.08.2020	86%	88%	76%				91%	91%	81%	n/a	n/a	n/a

Pupils	Date	All Inspections			Currently Inspected Schools			Maintained Schools			Academies		
		All	Primary	Secondary	All	Primary	Secondary	All	Primary	Secondary	All	Primary	Secondary
% of pupils attending RBWM Schools Outstanding/Good	31.08.2020	95%	94%	95%	94%	93%	94%	99%	99%	100%	96%	100%	95%
% of Pupils in Stats neighbours graded Outstanding/Good	31.08.2020	90%	88%	92%				91%	91%	80%	n/a	n/a	n/a
% of Pupils in South East graded as Outstanding/Good	31.08.2020	90%	91%	89%				92%	92%	90%	n/a	n/a	n/a
England % of pupils attending Outstanding/Good Schools	31.08.2019	84%	88%	80%				89%	91%	83%	n/a	n/a	n/a

CiC and Free School Meal pupils	Date	All Inspections			Currently Inspected Schools			Maintained Schools			Academies		
		All	Primary	Secondary	All	Primary	Secondary	All	Primary	Secondary	All	Primary	Secondary
% of RBWM Children in care at Outstanding/Good Schools	31.08.2020	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
% of pupils eligible for FSM in RBWM Schools	12.10.19	6%	7%	6%	7%	7%	6%	8%	7%	11%	6%	6%	6%
% of RBWM FSM pupils at Outstanding/Good RBWM Schools	12.10.19	93%	92%	93%	91%	90%	90%	92%	90%	100%	94%	100%	91%

Improved: Trevelyan, Courthouse, RBWM ALP	3
Same: Queen Anne, St Marys, Kings Court, Wessex, St Michaels	5
Declined: Riverside, Cheapside	2
Total Schools	10

Schools Good/Out	62	94%
Schools RI/Inadeq	4	6%

Stats Neighbour LAs are Bracknell Forest, Bucks, Cambridgeshire, Hants, Herts, Oxon, Surrey, Trafford, West Berks and Wokingham
 Grey cells give national data by school type
 South East comprises of 19 LAs

We have 66 schools

Key Headlines

94% of RBWM pupils attend Good/Outstanding Schools
 There have been ten inspections this academic year.

RBWM has a higher percentage of schools Good/Outstanding when compared to the latest Ofsted national picture (86% on 31.08.20)

Inspections this Academic Year 2019/2020 (published reports)	
Autumn Term	5
Spring Term	3
Summer Term	2

Ofsted Visits Academic Year 2019-2020

School Type	School	Overall effectiveness	Inspection Date	Report Date	Type of Establishment	Academy Conversion date	Inspection	
Nursery	Cookham Nursery	Outstanding	23rd January 2018	22nd February 2018	LA Maintained		Current	
	Maidenhead Nursery	Outstanding	12th June 2018	29th June 2018	LA Maintained		Current	
	The Lawns Nursery	Outstanding	14th February 2019	12th March 2019	LA Maintained		Current	
Infant	Alwyn Infants	Good	27th March 2018	27th April 2018	LA Maintained		Current	
	Boyne Hill CE Infant and Nursery	Outstanding	6th June 2013	27th June 2013	LA Maintained		Current	
	Burchetts Green CE Infants	Outstanding	3rd June 2009	19th June 2009	Academy Converter	1st December 2014	Historic Academy	
	Furze Platt Infants	Good	25th September 2014	17th October 2014	LA Maintained		Current	
Junior	All Saints CE Junior	Good	2nd February 2017	2nd March 2017	LA Maintained		Current	
	Courthouse Junior	Good	1st October 2019	11th November 2019	LA Maintained		Current	
	Furze Platt Junior	Outstanding	4th December 2018	9th January 2019	LA Maintained		Current	
Primary	Bisham CE Primary	Requires Improvement	16th March 2016	26th April 2016	Academy Converter	6th September 2017	Historic Academy	
	Braywick Court	Outstanding	7th June 2017	11th July 2017	Free		Current Free	
	Cheapside CE Primary	Good	10th December 2019	22nd January 2020	LA Maintained		Current	
	Cookham Dean CE Primary	Good	8th March 2017	19th April	LA Maintained		Current	
	Cookham Rise Primary	Good	19th April 2017	9th May 2017	LA Maintained		Current	
	Datchet St Mary's Primary	Good	11th September 2018	3rd October 2018	Academy Converter	1st January 2012	Current Academy	
	Holy Trinity CE Primary Cookham	Outstanding	7th October 2015	9th November 2015	LA Maintained		Current	
	Holy Trinity CE Primary Sunningdale	Good	19th June 2018	10th July 2018	LA Maintained		Current	
	Holyport CE Primary	Good	30th April 2019	17th May 2019	Academy Converter	1st June 2016	Current Academy	
	Knowl Hill CE Primary	Outstanding	21st March 2017	3rd May 2017	Academy Converter	1st September 2014	Current Academy	
	Larchfield Primary and Nursery	Good	10th June 2015	3rd July 2015	LA Maintained		Current	
	Lowbrook Primary	Outstanding	29th January 2008	February 2008	Academy Converter	1st April 2011	Historic Academy	
	Oldfield Primary	Outstanding	30th September 2014	22nd October 2014	LA Maintained		Current	
	Riverside Primary	Requires Improvement	12th November 2019	12th December 2019	LA Maintained		Current	
	South Ascot Village School	Good	11th July 2019	29th July 2019	LA Maintained		Current	
	St Edmund Campion Catholic Primary	Outstanding	23rd September 2009	15th October 2009	Academy Converter	6th July 2017	Historic Academy	
	St Francis Catholic Primary	Outstanding	15th January 2013	1st February 2013	Academy Converter	1st September 2015	Historic Academy	
	St Luke's CE Primary	Outstanding	11th October 2017	20th November 2017	Academy Converter	1st December 2014	Current Academy	
	St Mary's Catholic Primary	Good	10th December 2019	13th January 2020	Academy Converter	1st July 2013	Current Academy	
	St Michael's CE Primary	Good	3rd March 2020	12th May 2020	LA Maintained		Current	
	Waltham St Lawrence Primary	Outstanding	31st January 2017	2nd March 2017	LA Maintained		Current	
	Wessex Primary School	Good	25th February 2020	18th March 2020	LA Maintained		Current	
	White Waltham CE	Good	26th February 2019	18th March 2019	Academy Converter	1st September 2012	Current Academy	
	Woodlands Park Primary	Good	8th November 2017	12th December 2017	LA Maintained		Current	
	Wraybury Primary	Good	27th September 2017	19th October 2017	LA Maintained		Current	
	First	Alexander First	Good	3rd October 2017	24th October 2017	LA Maintained		Current
		Braywood CE First	Outstanding	15th February 2011	15th March 2011	LA Maintained		Current
		Clewer Green CE Aided First	Good	12th February 2019	11th March 2019	LA Maintained	1st April 2020	Historic Academy
		Dedworth Green First	Good	6th November 2018	27th November 2018	Academy Converter	1st May 2016	Current Academy
		Eton Porny CE First	Good	3rd October 2018	31st October 2018	Sponsored Academy	1st February 2016	Current Academy
		Eton Wick CE First	Requires Improvement	20th March 2018	23rd April 2018	LA Maintained		Current
		Hilltop First	Outstanding	27th May 2010	21st June 2010	LA Maintained		Current
		Homer First	Good	25th January 2017	22nd February 2017	LA Maintained		Current
King's Court First		Good	3rd March 2020	24th June 2020	LA Maintained		Current	
Oakfield First		Good	6th November 2018	27th November 2018	LA Maintained		Current	
St Edward's Catholic First		Outstanding	26th February 2009	16th March 2009	LA Maintained		Current	
The Queen Anne Royal Free CE Controlled First		Good	24th September 2019	18th October 2019	LA Maintained		Current	
The Royal (Crown Aided)		Good	12th October 2016	8th November 2016	LA Maintained		Current	
Trinity St Stephen CE Aided First		Good	22nd November 2017	3rd January 2018	LA Maintained		Current	
Middle (deemed secondary) Schools		Dedworth Middle	Requires Improvement	30th October 2018	23rd November 2018	Academy Converter	1st May 2016	Current Academy
	St Edward's Royal Free Ecumenical Middle	Good	6th June 2017	11th July 2017	LA Maintained		Current	
	St Peter's CE Middle	Good	13th September 2017	12th October 2017	Academy Converter	1st November 2014	Current Academy	
Secondary School	Trevelyan Middle	Good	1st October 2019	11th November 2019	Academy Converter	1st November 2016	Current Academy	
	Altwood Church of England	Good	11th October 2017	22nd November 2017	Academy Converter	1st July 2012	Current Academy	
	Charters	Outstanding	4th November 2009	December 2009	Academy Converter	1st October 2012	Historic Academy	
	Churchmead CE (VA) School	Good	2nd July 2019	19th July 2019	LA Maintained		Current	
	Cox Green	Good	20th September 2018	6th November 2018	Academy Converter	1st December 2011	Current Academy	
	Desborough College	Good	12th February 2019	7th March 2019	Academy Converter	1st October 2012	Current Academy	
	Furze Platt	Good	20th September 2016	18th October 2016	Academy Converter	1st December 2011	Current Academy	
	Holyport College	Outstanding	17th May 2017	26th June 2017	Free		Current Free	
	Newlands Girls	Outstanding	9th October 2018	19th November 2018	Academy Converter	1st October 2015	Current Academy	
	The Windsor Boys'	Good	27th February 2018	18th April 2018	Academy Converter	1st March 2015	Current Academy	
Special	Windsor Girls'	Outstanding	9th May 2013	7th June 2013	Academy Converter	1st March 2015	Historic Academy	
	Manor Green	Good	2nd November 2017	23rd November 2017	LA Maintained		Current	
AP	Forest Bridge	Good	13th June 2018	17th July 2018	Free		Current Free	
	RBWM Alternative Learning Provision (RISE)	Good	19th November 2019	5th December 2019	LA Maintained		Current	

SECTION 4 – KEY STAGE 4 ATTAINMENT

- 4.1 Due to the impact of the COVID-19 pandemic, the summer exam series was cancelled in both 2020 and 2021, and alternative processes set up to award grades. Pupils were only assessed on the content they had been taught for each course. Schools were given flexibility to decide how to assess their pupils' performance, for example, through mock exams, class tests, and non-exam assessment already completed. GCSE grades were then determined by teachers based on the range of evidence available and they are referred to as teacher-assessed grades, or TAGs.
- 4.2 Whilst year on year comparisons are not valid for estimating school improvements, they do provide context to the trends seen within the data.
- 4.3. The top-line attainment measures for KS4 are
- the percentage of pupils achieving a grade 5 or above (strong pass) in English (language or literature) and mathematics.
 - the percentage of pupils entering the English Baccalaureate, which is English and mathematics, two sciences, a humanity (specifically history or geography) and a language.
 - The EBacc average point score measure (APS) across the five pillars of the Ebacc using the pupils best grades. This ensures the attainment of all pupils is recognised, not just those at particular grade boundaries, encouraging schools to enter pupils of all abilities, and support them to achieve their full potential.
 - the Attainment 8 measure, which looks at attainment across 8 subjects including English and Maths (both double counted), three Ebacc subjects and 3 other subjects (which can include additional Ebacc subjects or approved non-GCSEs). This was introduced as a top line measure in 2016 and now uses the new GCSEs (9-1) scores and the points from legacy GCSEs mapped onto the 9 to 1 scale (with 8.5 being the maximum points available for legacy GCSEs).
 - Progress 8 which was introduced as a top line measure in 2016. Data for this has not been published in 2020/21.
- 4.4. The latest headlines are as follows, in 2020/21,
- Nationally 51.9% of pupils achieved a grade 5 or higher in both English and maths. This is an 8.7 percentage point increase (from 43.2%) in comparison with 2018/19. 55.7% of RBWM pupils achieved this a 7-percentage point increase from 2018/9.
 - Nationally 38.7% of pupils were entered into the full EBacc. This is a decrease of 1.3 percentage points in comparison with the last exam year of 2018/19 when 40% of pupils were entered into the full EBacc. For

RBWM 48.5% of pupils were entered for the Ebacc down from 50.3% in 2018/9 pre pandemic.

- As higher grades were received across all GCSEs in 2020/21 both the average Attainment 8 and EBacc APS measures have increased compared with 2018/19. The average Attainment 8 score increased by 4.2 points from 46.7 to 50.9 and the EBacc APS increased by 0.38 points from 4.07 to 4.45. For RBWM the attainment 8 increased from 50.2 to 53.8 and the Ebacc APS from 4.53 to 4.82.

SECTION 7 - ABSENCE DATA

BACKGROUND

- 7.1 The first absence data collected via the school census covering the pandemic is for the autumn term 2020. This term coincided with the reopening of schools on 1 September 2020. Schools were expected to be open throughout the whole of the autumn term although in some schools, where there was a case of coronavirus, pupils were sent home in bubbles to self-isolate.
- 7.2 School level data has been collected via the Department's education settings survey on pupil attendance throughout the pandemic, but this data set is derived from pupil level data from which further analysis, such as the amount of time missed, can be derived. The categories of absence in this release match those used on school registers and differ to those used in the education settings survey.

ABSENCE DATA

- 7.3 Data is given on absence as well as where a pupil could not attend school due to COVID 19 (not attending in circumstances related to coronavirus). This includes pupils who were self-isolating, pupils who were advised to shield because they were clinically extremely vulnerable, pupils quarantining after returning from abroad and class bubbles who were sent home and advised to isolate. Schools were advised to record pupils with a confirmed case of coronavirus as absent due to illness.
- The overall national absence rate in Autumn 2020/21 was 4.7%. This was similar to last year (4.9%). For RBWM the overall absence rate was 4.2% below the 4.8% for the previous year. This does not include sessions where pupils were not attending in circumstances related to coronavirus (COVID-19) for which nationally a further 7.0% of sessions were recorded. In RBWM a further 4.9% of sessions were recorded for coronavirus reasons.
 - Despite including illness due to positive coronavirus cases, the national rate of absence due to illness, 2.5%, has decreased compared to last year (2.8%). The trend is the same for RBWM with absence due to illness reducing from 3.1% to 2.7%. This corresponds with Public Health England data showing that cases of flu and other seasonal respiratory illnesses have decreased. Other types of absence, including holiday absence and medical appointments, have also decreased as a likely result of the pandemic.

PERSISTENT ABSENCE

- 7.4 A pupil enrolment is identified as a persistent absentee if they miss 10% or more of their possible sessions. Sessions where a pupil was not attending in circumstances related to coronavirus (COVID-19) are not counted as an absence but do count towards possible sessions as during these sessions these pupils could not attend school.
- 7.5 Nationally 13% of pupils were persistently absent during the autumn term 2020/21 and 11.3% in RBWM.
- 7.6 In recent years, trends have been consistent across school types, however, this year, whilst persistent absenteeism in primary and special schools reduced, there has been an increase in secondary schools nationally, but this has remained flat in RBWM.

SECTION 8 - EXCLUSIONS DATA

BACKGROUND

8.1 National comparisons relate to 2019/20 academic year and come from the DfE SFR. National data for 2020/21 is expected to be published in August 2022.

PERMANENT EXCLUSIONS

8.2 The table gives RBWM exclusions over the last five years.

Table 8a - Permanent Exclusions

	RBWM Permanent Exclusions				
	2015/16	2016/7	2017/8	2018/9	2019/20
Number of pupils#	20	20	15	31	20
% of Total pupils	0.09%	0.09%	0.07%	0.14%	0.09%

Source: Exclusions SFR

SFR rounds total pupil numbers to nearest 10 until 2018/9

- The 2019/20 academic year includes the start of the pandemic when, from 23 March, school sites were closed for all but those children of critical workers and vulnerable children, with others being educated remotely. Permanent exclusions and suspensions were possible throughout the full academic year but comparisons to previous years should be treated with caution.
- The number Permanent Exclusions in RBWM has decreased to 20 in 2019/20.
- The national exclusion rate in 2019/20 (the latest year for which data is available) was 0.06% (i.e., on average 6 students in every 10,000 were permanently excluded).
- In 2019/20 there were 4 permanent Exclusions in the Primary phase. The number of Permanent Exclusions in the Secondary phase was 16 this year

A breakdown of Permanent Exclusions by school and reason code for 2016/7, 2017/8 and 2018/9 and 2019/20 is shown in Table 8b. Permanent Exclusions in independent schools are shown in italics and are included in the totals.

Table 8b - Permanent Exclusions by reason code

Academic Year 2016/17		
School	No. of Permanent Exclusions	Reason
Altwood	5	Drugs x4, Other (serious breach of behaviour policy) 1
Charters	1	PAC
Cox Green	6	PDB, PAC, Weapon into school, 3x Other (violence, damage to property, violent threats)
Dedworth Middle	2	PDB, PAA
Furze Platt Junior	1	PDB
Furze Platt Senior	2	VA to adults, PDB
St Lukes Primary	1	PDB
<i>St Pirans</i>	1	<i>PDB</i>
Windsor Boys School	2	Weapon in school, drugs
Total	21	
Academic Year 2017/2018		
School	No. of Permanent Exclusions	Reason
Altwood	2	2 PDB
Charters	1	PDB
Churchmead	1	PAC
Cox Green	4	2x Drugs, 1x PDB, 1x PAC
Desborough	4	1x Drugs, 2x Damage to property, 1x Weapon
Furze Platt Senior	2	1x PAC, 1x PDB
Holyport College	1	Drugs
Newlands Girls School	1	Repeated setting off fire alarm
The Royal Grammar	1	Drugs
Trevelyan Middle School	2	Drugs
Windsor Boys' School	1	PAC
Furze Platt Junior	1	PDB
Total	21	

Table 8b - Permanent Exclusions by reason code

Academic Year 2018/2019		
School	No. of Permanent Exclusions	Reason
Altwood	0	-
Desborough	3	1 assault on a child, 1 DR, 1 WR - taking a knife to school
Churchmead	0	-
Cox Green School	8	5 PDB, 2 DR, 1 WR (knife into school)
Windsor Girls	0	-
Charters	1	VA on an adult
Holyport College	2	1 PDB, 1 PAA
Furze Platt Senior School	8	4 x DR, 1 PAC, 3 PDB
Furze Platt Junior school	1	PDB
Furze Platt Infant School	1	PDB
Riverside primary School	1	PAC
Wessex Primary School	2	1 PDB, 1 PAC
Windsor Boys School	3	2 x DR (cocaine), 1 PAC
The Royal First School	1	PDB
Total	31	
Academic Year 2019/20		
School	No. of Permanent Exclusions	Reason
Altwood	1	PA
Bisham	1	PA
Charters	2	PDB
Courthouse	1	PA
Cox Green	2	WR, PA
Dedworth Middle	1	WR
Desborough	3	WR, DA, OT
Furze Platt Senior	5	PDB
Holyport College	1	PD
Larchfield	1	PA
Woodlands Park Primary	1	PDB
School Out of borough	1	DA
Total	20	

Key:

PDB – Persistent Disruptive Behaviour
 VA – Verbal Assault
 PA – Physical Assault
 PAC – Physical Assault on child
 H & S – Health and Safety
 PA A&C – Physical Assault on Adult and Child
 WR – Carrying knife
 DA – Drug and Alcohol
 OT- Other

SUSPENSIONS (FTES)

- 8.3 Suspensions were previously known as 'fixed term exclusions'. The most recent suspension data from the school census is shown in Table 8c for 2019/20. As expected, due to school closures, suspensions are substantially lower than in previous years. Previously suspensions had been increasing in number, largely driven by increases in suspensions in secondary schools and to a lesser extent in primary schools. In 2019/20, decreases were seen across all school types.

Table 8c Fixed Term Exclusions

Fixed Term Exclusions 19/20		
	Primary	Secondary
Total number of Fixed Term Exclusions	102	511
Number of Pupils who received FTE's	56	316
Total Number of days of FTE's	198	945
Total Fixed Term Exclusions	613	
Total number of Pupils who received a FTE	372	
Total number days of FTE	1143	

- 8.4 The suspension rate in RBWM was 2.69 (269 suspensions per 10,000 pupils compared to 3.8 nationally).

SECTION 9 - PUPIL DESTINATIONS

KEY STAGE 4 AND KEY STAGE 5 PUPIL DESTINATIONS 2019/20

The pupil destinations for 2019/20 are taken from the Department of Education Statistical First Release.

DESTINATIONS IN THE YEAR AFTER KEY STAGE 4

9.1 Education and employment

The proportion of RBWM students (95%) that went on to, or remained in, education or employment was similar to national (94%) and South East (94%)

9.2 Types of institutions

The proportion of RBWM pupils in school sixth forms (60%) continues to be well above national and South East (37% and 38%).

9.3 Disadvantaged Pupils

The proportion of disadvantaged students at KS4 in sustained education or employment in RBWM was 88%, similar to South East and national (87% and 88%).

Table 9a - Destinations in the year after Key Stage 4

	No. of students	Overall Education or Employ't /Training Destinat'n	% in FE College	% in School 6 th form	% in 6 th form College	Destinat'n not sustained	Activity not captured in data
England	543029	94%	36%	37%	13%	5%	1%
SE	86123	94%	32%	38%	17%	5%	1%
RBWM	1478	95%	26%	60%	4%	4%	1%
England disadv	144025	88%	44%	24%	10%	10%	2%
SE disadv	16740	87%	43%	22%	11%	11%	2%
RBWM disadv	215	88%	36%	38%	5%	10%	2%
England non-disadv	399004	96%	33%	41%	14%	3%	1%
SE non-disadv	69385	96%	29%	42%	18%	3%	1%
RBWM non-disadv	1260	96%	24%	63%	4%	3%	1%

Source DfE SFR

Table 9b - Destinations in the year after Key Stage 4 – School level data

	No. of students	Overall Education or Employ't /Training Destination	% in Education	% in apprenticeships	% in employment	Destinat'n not sustained	Activity not captured in data
Altwood	73	90%	81%	4%	5%	7%	3%
Charters	245	95%	92%	2%	2%	4%	x
Churchmead	57	84%	72%	9%	4%	14%	2%
Cox Green	162	96%	88%	4%	4%	2%	1%
Desborough	125	96%	90%	5%	2%	4%	0%
Furze Platt	196	94%	90%	3%	1%	5%	2%
Holyport College	87	94%	93%	1%	0%	1%	5%
Newlands	187	98%	95%	2%	2%	1%	1%
The Windsor Boys	178	93%	87%	4%	2%	4%	3%
Windsor Girls	166	98%	96%	1%	1%	1%	1%

Source DfE Performance Tables

DESTINATIONS IN THE YEAR AFTER TAKING A LEVEL/ LEVEL 3 QUALIFICATIONS

9.4 Education and employment

The proportion of students from RBWM (school sixth forms) recorded in sustained education and/or employment in the year after A levels is 91% three percentage points above South East and national.

9.5 Selective institutions

- RBWM has a far higher proportion of pupils in school sixth forms than nationally. National data shows that students at colleges are much less likely to go to selective institutions. The combined figure for schools and colleges shows RBWM has higher percentages than national going to selective institutions.

9.6 Disadvantaged Pupils

The proportion of KS5 students in RBWM schools and colleges who were disadvantaged and were in sustained education or employment/training is 72% equal to the national figure. The RBWM disadvantaged cohort at Key Stage 5 is very small, so each student contributes around 1/2% to the figures.

Table 9c - Destinations in the year after Key Stage 5

	Number of students	Overall Education or Employment /Training Destination	% UK HEducation on Institution	Activity not Captured in Data
England schools	217271	88%	55%	4%
South East schools	36573	88%	51%	4%
RBWM schools	928	91%	58%	3%
England colleges	303932	76%	21%	6%
South East colleges	51719	78%	20%	7%
RBWM colleges	607	76%	11%	8%
England schools & colleges	521203	81%	35%	5%
South East schools & colleges	88292	82%	33%	6%
RBWM schools & colleges	1535	85%	39%	5%
England schools & colleges disad	126437	72%	26%	6%
South East schools & colleges disad	15400	71%	17%	7%
RBWM schools disad	210	72%	21%	8%
England schools & colleges non disadv	394766	84%	38%	5%
South East schools & coll non disadv	72890	85%	36%	6%
RBWM schools & coll non disadv	1325	87%	42%	5%

Source DfE SFR

Table 9d - Destinations in the year after Key Stage 5 – School level data

School Name	Number of students	Overall Education or Employment /Training Destination	% UK Education Institution	% in employment
Altwood	84	87%	50%	24%
Charters	190	95%	74%	18%
Cox Green	77	92%	55%	31%
Desborough	58	95%	69%	17%
Furze Platt	124	93%	74%	14%
Holyport College	82	87%	63%	23%
Newlands	109	91%	70%	20%
Windsor Boys	120	88%	50%	31%
Windsor Girls	80	94%	65%	21%
BCA	607	76%	19%	48%

BACKGROUND AND TECHNICAL NOTES

All data from DfE Statistical Release on Destination Measures, published October 2021.

The Key Stage 4 Measure is based on activity at academic age 16 (i.e., the year after the young person took their GCSEs)

The Key Stage 5 Measure is based on activity in the year after the young person took their A Level or other qualifications.

The data relates to young people completing KS4 or KS5 in 2018/19 and identifies their destinations in 2019/20. There is therefore a time-lag before DfE publish this data. To be included in the measure, young people have to show sustained participation in an education or employment destination in all of the first two terms of the year after they completed KS4 or took A level or other qualifications. The first two terms are defined as October to March.

Numbers relate to mainstream and special state-funded schools for KS4 and mainstream schools and colleges for KS5.

In all tables, DfE have applied the following:

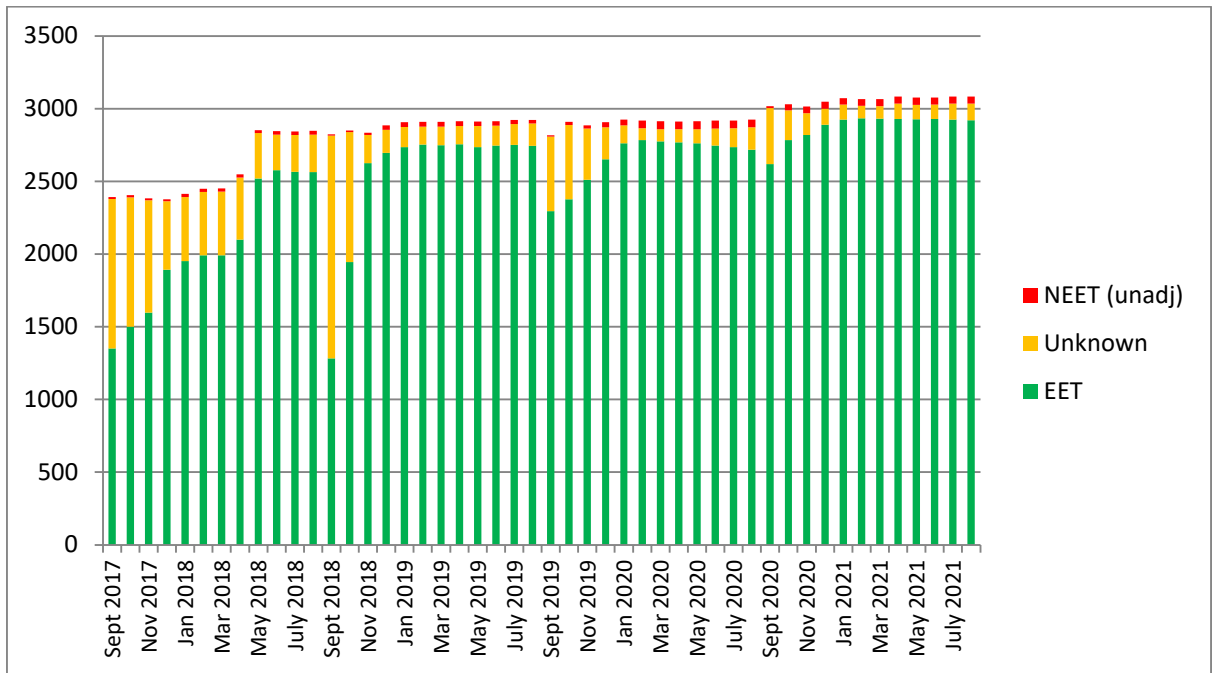
- “x” means the data has been suppressed as the school or college has fewer than 6 students in the cohort, or small numbers, 1’s and 2’s in the reporting lines. Results are not shown because of the risk of an individual student being identified.
- All totals have been rounded to the nearest 10.
- Zeros are shown as zeros.
- All remaining breakdowns have been rounded to the nearest 5. This includes cohort numbers.
- Suppression of small numbers is reflected in the associated percentages.

SECTION 10 – YOUNG PEOPLE NOT IN EDUCATION, EMPLOYMENT OR TRAINING (NEET)

NEET DATA

- 10.1 NEET data is held on DfE’s NCCIS (National Client Caseload Information System).
- 10.2 Data now relates to young people aged 16-17.
- 10.3 The headline measure combines the LA’s NEET rate with their ‘not known’ rate. DfE believe this gives a more accurate and well-rounded impression of how well LAs are fulfilling their duty to track young people and encourage them to participate. In addition some LAs statistics were significantly underestimating the number of young people in their area who were NEET because of the high number of ‘not knows’ in their data (NCCIS website).
- 10.4 Table 10a shows the numbers of RBWM 16-17 year olds identified as NEET (not in Education, Employment and Training), EET (in Education, Employment and Training) and the number for which the information is unknown from September 2017.

Table 10a Number of 16-17 year olds NEET and EET in RBWM



10.5 The key findings were as follows:

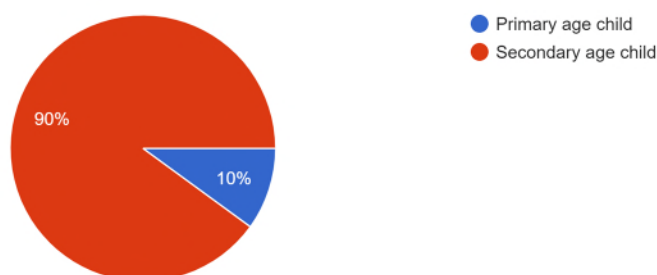
- The average number of 16-17 year olds identified as NEET in RBWM was 49 over the 3 months to August 2021.
- The average % NEET for 2019 was August 1.6%. This is the percentage of young people known to be NEET and indicates the minimum proportion of young people that are NEET. This is less than the England average for the same period of 3.1%.
- The percentage unknown was 3.7% for August 2021. This is higher than the England average of 2.3% for the same period. RBWM now uses the same processes as Richmond and Kingston since moving to Achieving for Children and the proportion of 'unknown' has fallen from 19.7% in 2017.
- The percentage of NEET and Unknown is now 5.3% just below the England average of 5.4%

Appendix 1: Exclusion

Service:	Education Inclusion Service	Name:	Rosie Gossage																											
Appendix Heading	Permanent Exclusions 2020/21																													
Brief Description of Service:																														
<p>Manages permanent exclusions across the borough, supporting young people to continue their education following a permanent exclusion. Works with schools to supportive alternative options to permanent exclusions. Provides advice and support to families and Head Teachers around the exclusion process. Liases directly with RISE (RBWM alternative provision provider) to support children’s next steps following an exclusion and also supporting their return to mainstream education where possible.</p>																														
Data Outputs:																														
<p>1. Details of schools where a permanent exclusion was issued to an RBWM resident in 2020/21</p> <p>School Name 20 responses</p> <table border="1"> <thead> <tr> <th>School Name</th> <th>Number of Exclusions</th> <th>Percentage of Responses</th> </tr> </thead> <tbody> <tr> <td>Altwood</td> <td>2</td> <td>10%</td> </tr> <tr> <td>Charters</td> <td>4</td> <td>20%</td> </tr> <tr> <td>Courthouse</td> <td>1</td> <td>5%</td> </tr> <tr> <td>Cox Green</td> <td>1</td> <td>5%</td> </tr> <tr> <td>Desborough College</td> <td>4</td> <td>20%</td> </tr> <tr> <td>Furze Platt Senior School</td> <td>5</td> <td>25%</td> </tr> <tr> <td>The Windsor Boys School</td> <td>2</td> <td>10%</td> </tr> <tr> <td>West Twyfor...</td> <td>1</td> <td>5%</td> </tr> </tbody> </table>				School Name	Number of Exclusions	Percentage of Responses	Altwood	2	10%	Charters	4	20%	Courthouse	1	5%	Cox Green	1	5%	Desborough College	4	20%	Furze Platt Senior School	5	25%	The Windsor Boys School	2	10%	West Twyfor...	1	5%
School Name	Number of Exclusions	Percentage of Responses																												
Altwood	2	10%																												
Charters	4	20%																												
Courthouse	1	5%																												
Cox Green	1	5%																												
Desborough College	4	20%																												
Furze Platt Senior School	5	25%																												
The Windsor Boys School	2	10%																												
West Twyfor...	1	5%																												

Primary/Secondary?

20 responses

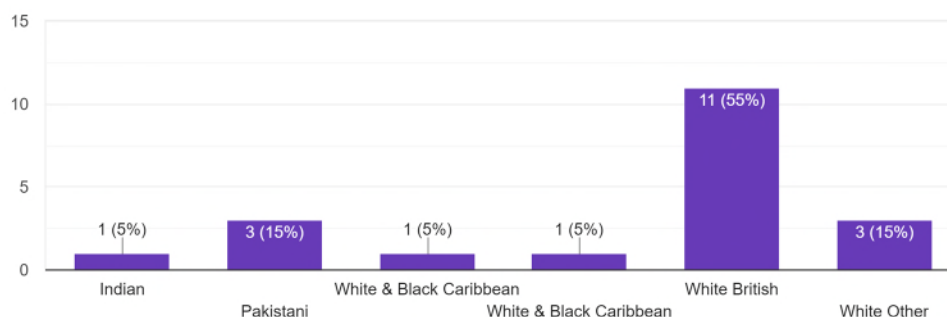


Summary: Overall, secondary schools had a much higher permanent exclusion rate compared to primary schools. 18/20 young people were permanently excluded from a secondary or upper school provision. 2/20 young people were permanently excluded from a primary school, one of those schools being out of borough.

2. Ethnicity of children and young people permanently excluded in 2020/21

Child Ethnicity

20 responses

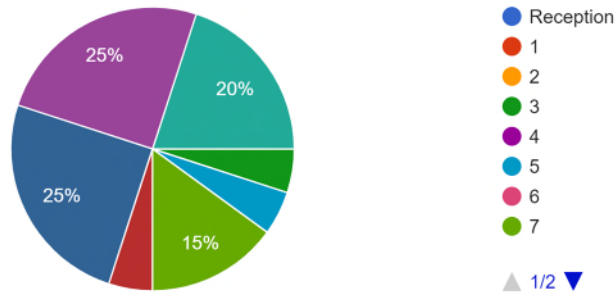


Summary: 11/20 young people were from a White British ethnic group, 3/10 were from a Pakistani ethnic group, 3/20 were from a White Other ethnic group, 2/20 were from a White & Black Caribbean ethnic group and 1/20 were from an Indian ethnic group. In 2018 to 2019, the DfE published the following in relation to school exclusions and ethnicity groups:

- White Gypsy and Roma pupils had the highest school permanent exclusion rates in the 2018 to 2019 school year
- pupils from the Chinese and Indian ethnic groups had the lowest permanent exclusion rates – the rates are based on very small numbers of pupils and are less reliable as a result

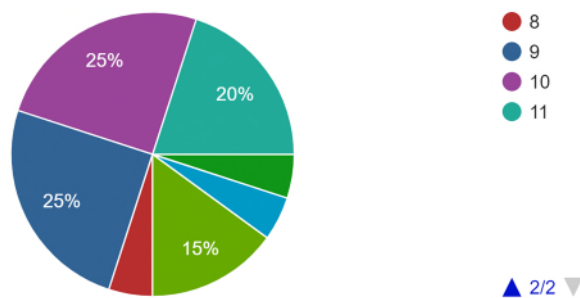
3. Permanent exclusions 2020/21 broken down into year groups

Year Group
20 responses



Continued:

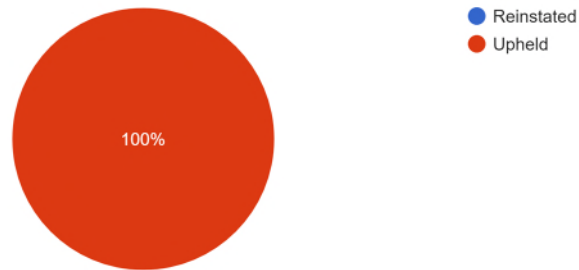
Year Group
20 responses



Summary: 5 students from Year 9 (25%) and 5 students from Year 10 (25%) were permanently excluded from school in 2020/21 which equates to 50% of permanent exclusions being issued for Year 9 & 10 students. 4 students were in Year 11 (20%), 3 students were in Year 7 (15%) and 1 student each in Year 8, Year 5 and Year 3. Two out of the four students in Year 11 were successfully placed in another mainstream provision. All four of the students successfully completed their GCSE's.

4. Governing hearing meeting outcomes

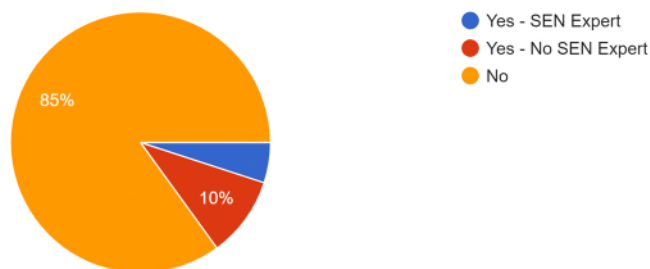
Governing board outcome
20 responses



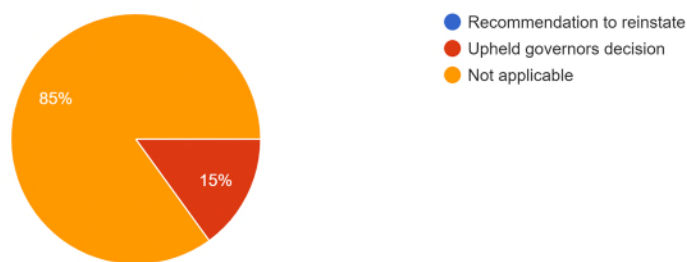
Summary: Following the Head Teacher's decision to permanently exclude a pupil, a governing hearing meeting must be called within 15 school days to ensure the Head Teacher's decision to permanently exclude a pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties. 20/20 of the governing hearing meetings upheld the Head Teachers decision to permanently exclude a pupil.

5. Independent review panel requests and outcomes

IRP
20 responses



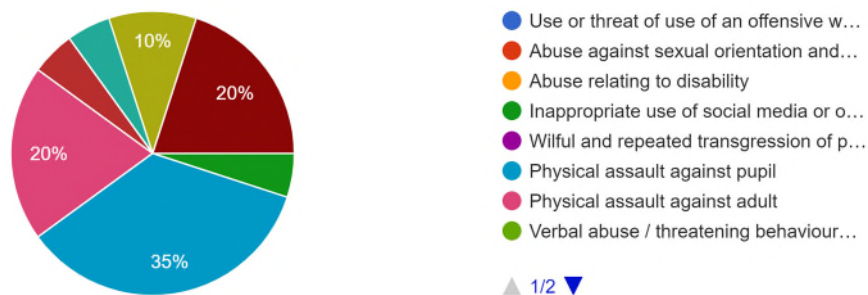
Outcome of IRP
20 responses



Summary: Following the outcome of the governor hearing meeting, the parent/carer can request an Independent Review Panel, whereby an independent chair is appointed to review the governor's decision not to reinstate the pupil. 3/20 (15%) parents/carers requested an independent review and one parent requested for an SEN expert to be present. None of the Independent Review Panels resulted in the Head Teacher being asked to reinstate the pupils.

6. Reason for the permanent exclusions 2020/21 broken down by categories

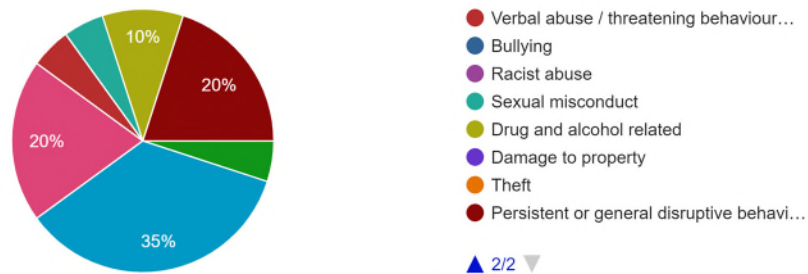
Reason for the permanent exclusion (the use of the term 'other' has now ceased)
20 responses



Continued...

Reason for the permanent exclusion (the use of the term 'other' has now ceased)

20 responses



Summary:

- 7 pupils (35%) were permanently excluded for physical assault against a pupil
- 4 pupils (20%) were permanently excluded for physical assault against an adult
- 4 pupils (20%) were permanently excluded for persistent or general disruptive behaviour
- 2 pupils (10%) were permanently excluded for drug or alcohol related reasons
- 1 pupil (5%) was permanently excluded for inappropriate use of social media/online technology
- 1 pupil (5%) was permanently excluded for verbal abuse/threatening behaviour again an adult
- 1 pupil (5%) was permanently excluded for sexual misconduct

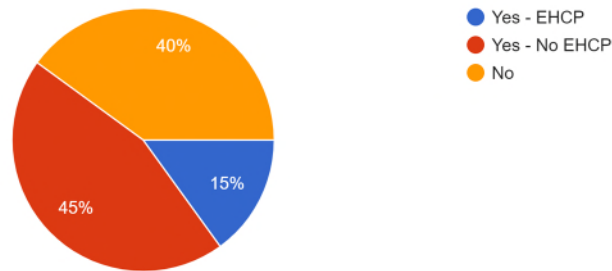
55% of the overall reason for a permanent exclusion being issued was for physical assault. Thames Valley Police have launched a violence prevention PSHE lesson pack for KS3 students to help to support and educate young people around physical violence and better managed conflicts.

A range of supportive measures to help support schools, families and young people to prevent further exclusions has been issued via an exclusions handbook which is available for all schools.

7. Children with Special Educational Needs who were excluded from school

Special Educational Needs

20 responses

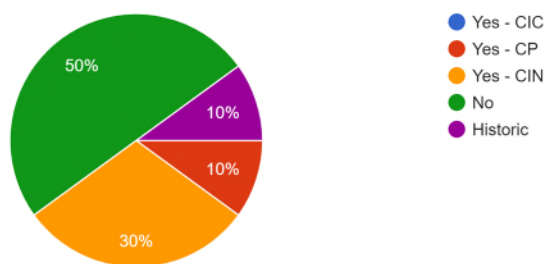


Summary: 3 children (15%) who were permanently excluded from school had an Education Health Care Plan (EHCP). 9 children (45%) had Special Educational Needs (no EHCP). 8 children did not have any known special educational needs or an EHCP at the point of the permanent exclusion. Therefore, 60% of children who were permanently excluded from school had a special educational need.

8. Social Care and Early Help involvement for pupils who were permanently excluded in 2020/21

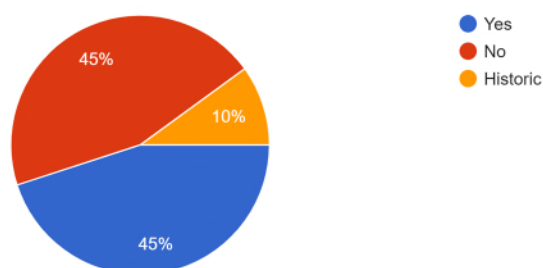
Social Care Involvement?

20 responses



Early Help Involvement?

20 responses



Summary: 8/20 (40%) pupils who were permanently excluded from school were subject to a child protection or child in need plan. 2/20 (10%) of pupils were previously open to social care. 10/20 (50%) pupils had no current or historic social care involvement. 9/20 (45%) of pupils had early help services involved with supporting the children/family. 2/20 pupils had historically been supported by an Early Help service and 9/20 (45%) pupils had not historically been open or received support from an early help service prior to the exclusion.

Impact:

- The number of permanent exclusions for 2020/21 was significantly lower than 2019/20. The rationale behind this will be because a large number of children did not attend school during the pandemic.
- The primary school aged pupils who received a permanent exclusion is lower than previous years, the SEMH programme that has been running for the last 3 years has helped to support primary school aged pupils who are at risk of permanent exclusion to remain in school.
- In 2020/21, two young people successfully completed a managed move which prevented them from being permanently excluded from school.
- The highest reason for a permanent exclusion being issued in 2020/21 was for physical assault against another pupil or adult. Schools reported an increase in the number of physical assaults that were taking place in schools following the lockdown period.
- The Inclusion & Access Manager works closely with RISE, RBWM schools, children and parents to ensure as many children as possible are able to return to mainstream education following a permanent exclusion. 5/20 of the young people who were permanently excluded from school returned to a mainstream school. A further 3/20 students were allocated a mainstream school in Autumn 2021/22.

Next Steps:

- RBWM schools and Inclusion services to continue working together to support young people to remain in mainstream education where possible - continued support
- SEMH service and behaviour support to continue working to support both primary and secondary schools - continued support
- Exclusion handbook to be launched to help support schools with strategies, support services, advice and guidance for children at risk of suspension/exclusion - October 2021
- New youth worker employed to work with schools and pupils where children at at risk of suspension/exclusion - October 2021
- To work closely with the police and other agencies around launching the drugs diversion scheme - January 2022
- Inclusion Manager to liaise with SEND, YOT, Youth Services, SEMH & Behaviour Support to ensure any child at risk of exclusion receives the right support

Service:	SEMH Service	Name:	Alasdair Whitelaw
Appendix Heading	SEMH Intervention		
Brief Description of Service:			
SEMH intervention Project established September 2019 to reduce the risk of exclusions and increase capacity within the primary schools across the borough.			
Data Outputs:			
SEMH Intervention Project			
Setting	No of settings supported	Children at risk of PEx supported	
Infants/First Schools	5	5	
Primaries	12	12	
Middles	3	3	
Secondaries	1	1	
Total	21	21	
<u>Additional support</u>			
Setting	No of settings supported	Children at risk of PEx supported	
Middle	2	3	
Secondaries	8	19	
Total	10	21	
SEMH Training – Creating a Climate for Learning			
This training is for all staff within a setting and is delivered over 2.5hrs. 706 staff members have been trained so far.			
Online Boxall Profile - Launched Sept '21			
RBWM have purchased 65 licences for all school settings across the borough. We are the first borough to provide this in the country. Each setting has 300 subscriptions and can assess a child as many times as required throughout the academic year.			
SEMH Network Meetings – Launched Sept '21			
A network meeting for the 78 SEMH Leads across the borough to ensure information sharing, networking, new initiatives of support, examples of good practice and networking opportunities to be arranged at least 3 times per academic year.			
SEMH Email – Launched Sept '21			

All RBWM Schools have been given a direct email to the Inclusion and Access officer and the SEMH Coordinator for support, guidance and signposting regarding children at risk of permanent exclusion.

Behaviour Support Service

This service has transferred from the Educational Psychology Service to the SEMH Service in April 2021.

Impact:

- No Child on the **SEMH intervention Project** has been excluded.
- The **additional support** stemming from the project has evolved to include a secondary model that has been purchased through a Buy Back initiative by 2 middle and 2 secondary schools over the academic year 2021/22.
- The **Online Boxall Profile** has been adopted by 50 schools so far. 28 have allocated the Borough as a Super-User in order to track data.
- 55 SEMH leads attended the September **SEMH Network Meeting** in person at Moor Hall and agreed ongoing meetings to be held. This resulted in a greater understanding of the borough wide initiative for the Online Boxall Profile and revisited the Head Teacher training delivered by Paul Dix in 2019.
- The **SEMH email** has received 4 referrals resulting in 1 direct observation and 3 consultations. No child referred to this email has been permanently excluded so far.
- The **Behaviour Support Service** has continued to deliver Behaviour Support interventions, Nurture support and Transition programmes effectively and the wait times for intervention have been reduced.

Next Steps:

- Funding for the **SEMH intervention Project** concludes April 2022. A schools forum paper will be written to ensure sustainability and funding for this initiative and include the additional support outlined in this appendix. It will evolve to meet the requirements of schools and children with complex SEMH needs
- An evaluation of the **additional support** and Secondary buy back initiative will take place at the end of this academic year.
- Continued promotion of the **Online Boxall Profile**
- Evaluation of impact of the **SEMH Network Meetings** through feedback. In addition, the opportunity for 2 Virtual meetings to act as an SEMH surgery to discuss individual cases between schools under the direction of the SEMH Coordinator will be trailed.
- Data from the **SEMH Email** will be captured, measured and evaluated in order to establish ongoing impact.
- The **Behaviour Support Service** will be included in the schools forum paper to ensure the impact of this service and specific outcomes are continued.

Service:	Special Educational Needs	Name:	David Griffiths
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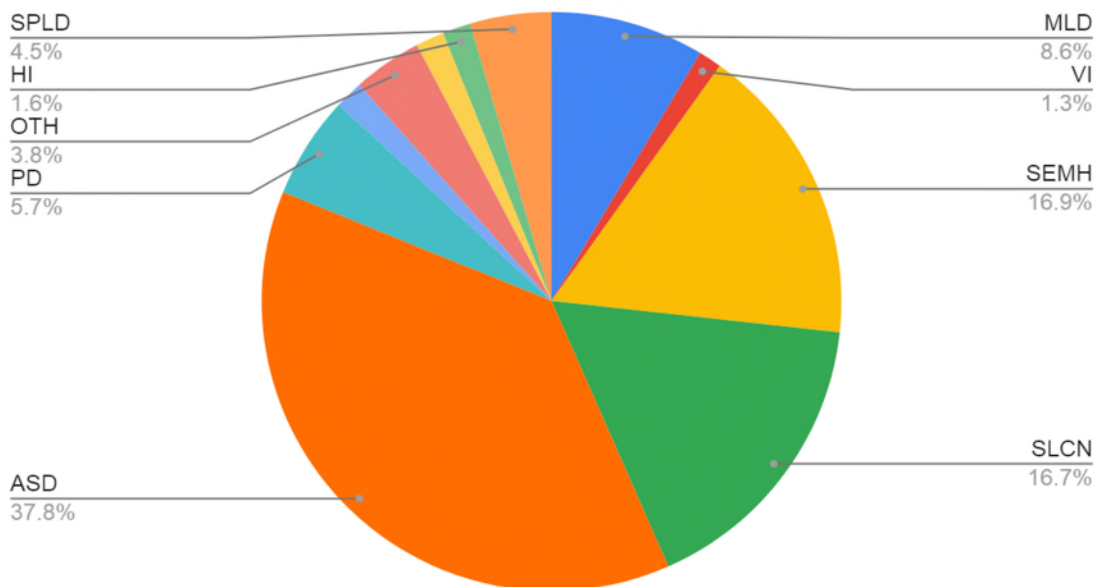
Appendix Heading	Education, Health and Care Plans
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Brief Description of Service:

Carrying out statutory Education, Health & Care Assessments of children and young people with significant special educational needs. Arranging SEN provision and placement for all CYP with Education, Health & Care Plans.

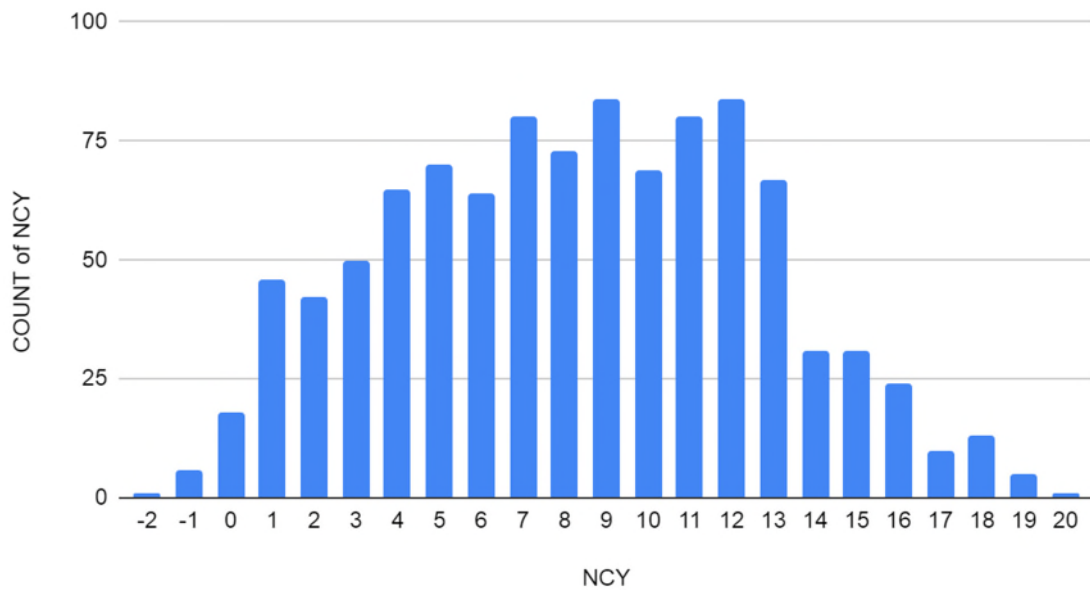
Data Outputs:

Primary Need



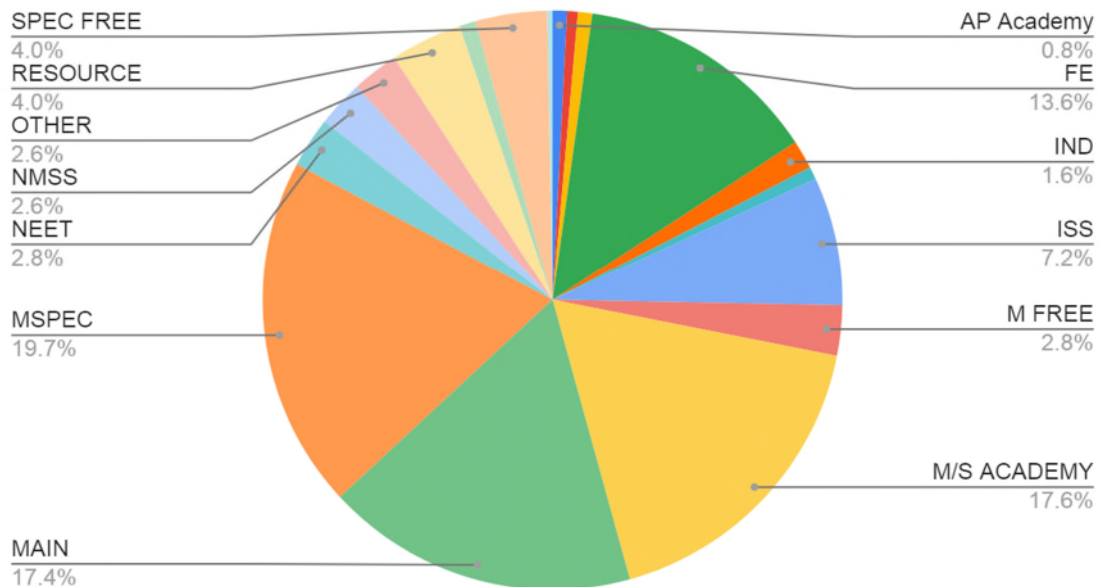
The highest frequency primary need by some distance is Autism, followed by Speech & Language Needs and Social, Emotional and Mental Health Difficulties.

EHCP Year Groups



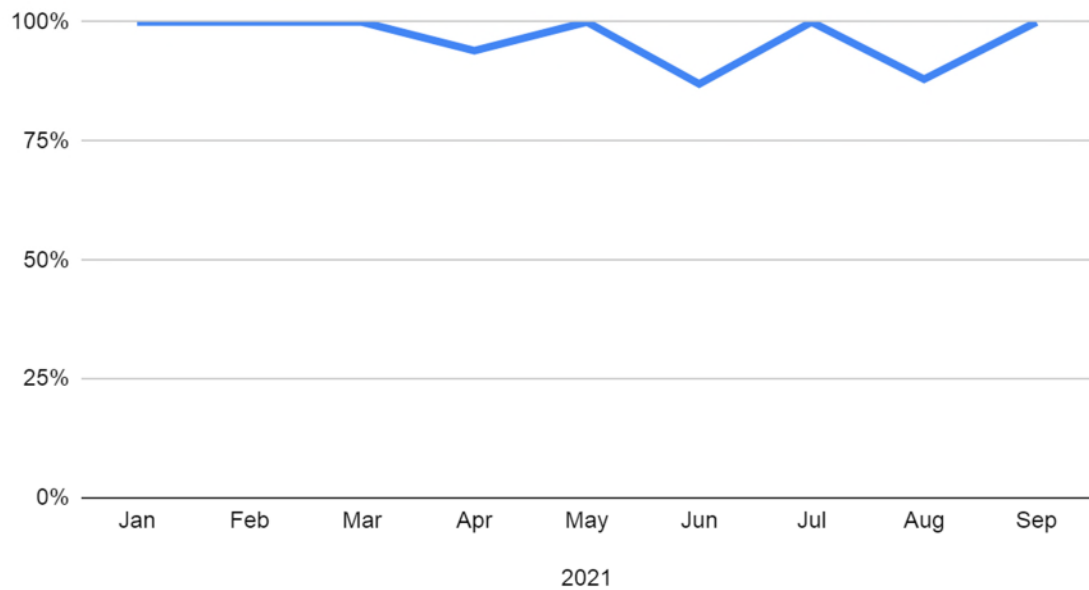
EHCP numbers increase through primary phase, remain more constant during secondary and reduce after age 16 as young people begin to leave education

TYPE OF SETTING



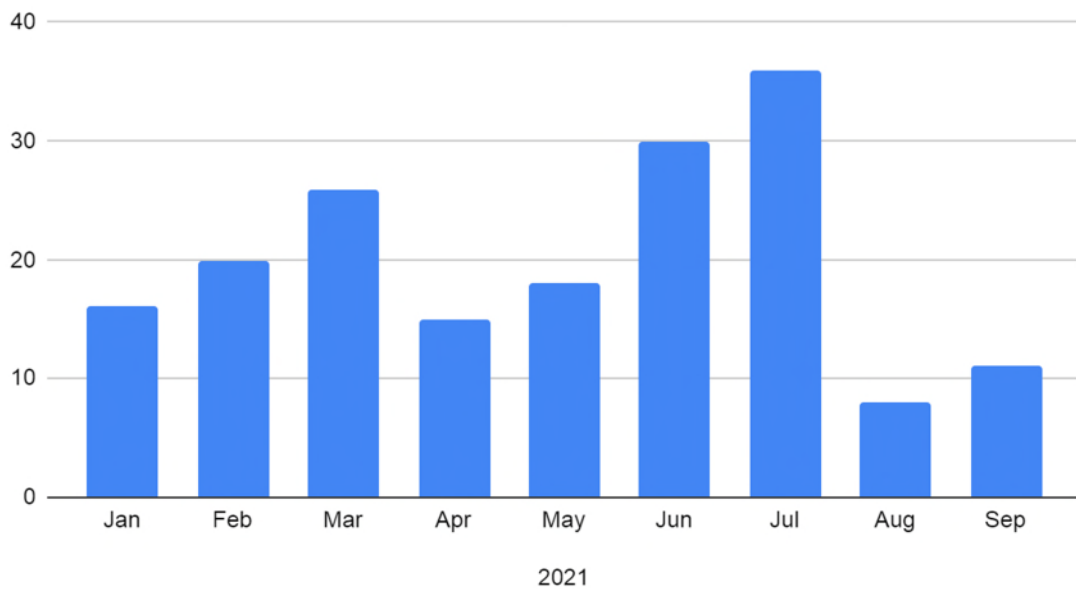
The majority of CYP with EHCPs are placed in state-funded mainstream and special schools and Further Education colleges, with around 38% in mainstream schooling, 24% in state-funded special schools and 14% in FE college. Around 12% of CYP with EHCPs are educated in the independent sector, which tends to be higher cost.

% EHC Assessments completed within 20 weeks



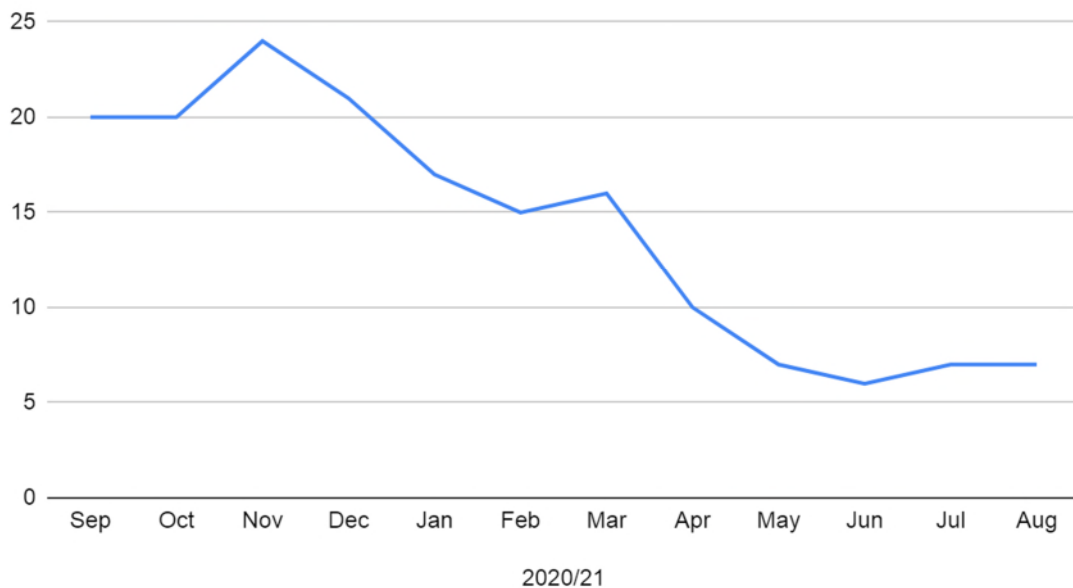
The percentage of EHC assessment completed within the 20-week statutory timescale remains in the 90%-100% range.

Number of new requests for EHC assessment



There were unusually high numbers of EHC assessment requests in June and July 2021; this may have been related to the end of the lockdown at Easter.

Young people with EHCPs who are NEET



Since September 2020 there has been a significant reduction in the number of young people who are NEET (Not in Education, Employment or Training). Preparing for Adulthood (PfA) Education Engagement Officers work in close partnership with young people to support them in working towards their next educational placements and towards all aspects of preparing for adulthood.

Next Steps:

With the employment of a dedicated Annual Review Officer, we will need to start monitoring the completion rate of EHCP reviews and measuring our compliance with statutory annual review timeframes.

We will continue to focus on minimising the number of CYP missing education across all age ranges.



Department
for Education

Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Kevin McDaniel, Director of Children's Services, Achieving for Children
Caroline Farrar, Executive Place Managing Director, CCG

21st October 2021

SIX MONTH PROGRESS REVIEW AGAINST YOUR ACCELERATED PROGRESS PLAN (APP)

Dear Kevin and Caroline,

Thank you to you and your colleagues for meeting with DfE SEND and NHS England advisers and officials on Monday 4th October to review the progress you have made against your APP over the last six months.

We were pleased to hear of the progress being made across Windsor and Maidenhead, and that there is evidence of planning in place to support the required improvements for children and young people with SEND.

The evidence provided alongside the feedback from partners demonstrated a range of actions in place and progress made to accelerate improvement in relation to the two areas remaining on the Accelerated Progress Plan:

- the inequality of services and variability of experience for children and young people with SEND and their families.
- poor joint commissioning arrangements that limit leaders' ability to ensure that there are adequate services to meet local area needs.

It was pleasing to hear that a lot of work has taken place to change the perception to one where SEND is recognized as being the responsibility of everyone within the Local Area. In addition, the creation of the dashboard allows all agencies to have a better understanding of SEND, alongside providing clearer evidence of impact. The evidence on how SENDCo training has supported better triage, which has led to a reduction in the number of referrals alongside improved signposting is very encouraging.

We are grateful to your schools' representatives for their insight. It was also helpful to hear that parents and schools were complimentary about the sensory workshop.

It was useful to hear the perspective of Berkshire Healthcare as well as the CCG and DCO for the Frimley System as this provides a more rounded understanding of the joint system health plans supporting the improvement for Therapy and ASD provision.

There is evidence that the Inclusion Mark accreditation process and improvements in Quality First Teaching in schools has had an impact, as demonstrated by positive feedback showing 100% of the respondents agree or strongly agree that outcomes have improved for CYP. Your implementation of the PATH model has reduced NEET data down to single figures over the last four-month period.

We were disappointed to learn that the PCF (PaCiP) had very recently ceased to exist

which increased the challenge in gaining parent, carers and families views of the progress made against the APP at this review meeting. We acknowledge this happened shortly before the meeting and that you are seeking a solution to this, so we look forward to meeting with the parent carer forum at the next meeting.

The overall progress made to date is reassuring and it is clear much work has taken place to support SEND improvement as a whole. At your next review meeting it will be useful to hear increased evidence of:

- Health attending EHCP panel meetings and the impact of this.
- The measures you will use to evidence the impact of improved access to therapy provision.
- The impact of Joint Commissioning, in particular: Memorandums of Understanding between agencies and joint commissioned areas and the governance and oversight, examples of systems in place for monitoring and examples of where joint funding is working well to enable services to meet local area needs.
- The voice of parents, carers and families on their experience relating to the two remaining APP areas shown above. In particular, their views on identification of need, their involvement in joint commissioning, the waiting times and how they are kept informed, and the progress towards an equitable and consistent service for Children and Young People with SEND in the Local Area.
- A review of the data included within your dashboard an update on how you have used this data to consider and refine the services on offer to CYP with SEND to further improve their experience

The next six-month review meeting will take place in May 2022. A primary focus will be on the impact of the work undertaken in relation to the two remaining areas on the APP.

In the meantime, SEND and NHS England Advisers, Liz Flaherty, Natalie Warman, Jacqui Stillwell and I as your DfE Case Lead, will continue to provide you with support and challenge. If you have any questions or need any further support, please contact me in the first instance.

We are copying this letter to Andrew Johnson, Leader of the Council, and to your SEND and NHSE Advisers.

Yours sincerely,



Heather Campbell
Regional Lead
SEND Improvement and Operations Division
Department for Education (DfE)

Appendix 2: Area SENCo – SEND Improvement

<p>Area SENCo/SEND Consultant</p>	<p>Summary on Progress of AAP</p>
<p>Service: SEND Improvement (APP/SIG/SEND steering)</p>	<p>Name: Kelly Nash and Helen Huntley</p>
<p>Brief Description of Service:</p>	
<p>The delivery of services for C&YP with SEND: education, health and social care.</p> <p>The Accelerated Progress Plan was written in response to the 2017 RBWM SEND inspection. This has been updated and monitored for DfE revisits in 2019, March and October 21. The plan is implemented and governed through the SEND Steering Board and Implementation groups.</p>	
<p>Data Outputs:</p>	
<ul style="list-style-type: none"> • The progress and impact is evidenced in three ways... • The APP and Risk assessment • The data dashboard • Through working party action plans • As well as other commissioned work. 	
<p>Impact:</p>	
<p>Local Authority</p> <p>Governance of SEND embedded and restructuring of Implementation Groups to action and monitor developments. The Implementation plans (Universal, targeted and specialist) include a traffic light system which can only be green if impact can be measured. Parents representatives on all groups.</p> <p>Creation and monitoring of SEND Data dashboard to inform challenge regarding the delivery of SEND services. Systems in place for multi-disciplinary monitoring of the dashboard.</p>	

Schools:

Highly effective support for SENCOs which has resulted in

1. Improved delivery of Quality First teaching in schools - improved identification of a SEND need and of meeting this need through reasonable adjustments.
2. Greater uptake of Inclusion Mark and SEND review process.
3. A range of universal and targeted interventions in place following consultation with schools

SEND Department

1. Embedded processes of Multi agency quality assurance of EHCPs which has improved the quality of these.
2. Greater opportunities created to receive feedback from parents and young people.
3. Local specialist provision created to support increasing numbers of young people with ASD in two mainstream primary schools.

Creation of a Post 19 action plan to further develop local provision following consultation with all stakeholders including all YP at the RBWM local special school from Yr. 9 upwards

Next Steps:

For health to take a leading role in the next revisit with a focus on demonstrating how health has managed to:

1. Reduce waiting times for OT and SALT as well as Neurodiversity services.
2. Further develop and implement plans to mitigate the risk of needs remaining unmet because of the waiting times



The National Association of
School-Based Teacher Trainers

Release date: 1st December 2021

NASBTT statement on Government response to the initial teacher training (ITT) market review report

The Department for Education (DfE) has today published its response to the initial teacher training (ITT) market review report. The central recommendation that all ITT providers implement a new set of quality requirements and that a robust accreditation process should take place to ensure that all providers meet the requirements in full, both at the point of accreditation, and on a continuing basis, has been confirmed.

Applicants will be able to apply for accreditation in at least two application rounds taking place in 2022. Any provider that is not successful in the first round will be able to re-apply in later round(s) if they wish to. They will be asked to demonstrate, via a written application process, their plans for curricula, mentoring and partnerships, and how these plans will deliver against the Core Content Framework (CCF) and the ITT criteria for 2024-25 (which will incorporate the new quality requirements set out in this response). The DfE will also take financial viability to deliver ITT into account.

Providers will, if accredited, have a minimum of 12 months to develop their curricula ahead of delivery in 2024. A post-accreditation follow-up process will take place between the point of accreditation and the start of programme delivery during which providers will be asked to submit a number of curriculum samples and discuss their mentoring plans and partnership proposals.

In addition to (re)accreditation, Ofsted will continue to inspect ITT delivery. The current inspection cycle will be completed earlier than expected, by July 2024. Ofsted will then move to a three-year inspection cycle from September 2024.

NASBTT Executive Director Emma Hollis said:

“We would like to place on record our appreciation to colleagues at the Department for Education (DfE) for listening to our feedback on many of the practical and logistical difficulties identified by the sector in relation to a number of the recommendations. Adaptations and clarifications around many of the requirements are to be warmly welcomed, particularly those around intensive training and practice, lead mentor teams and structures and partnership. We are especially pleased to note the recognition in the report of the “importance of enabling providers of different types and sizes, and in different contexts, to operate in the market”. NASBTT, alongside UCET, has been asked by DfE to support providers around these issues and we look forward to continuing to work with the sector.

We also warmly welcome the commitment to funding for the implementation of the recommendations, for development of intensive training and practice opportunities, and to support lead and mentor training. We are cautiously optimistic about the commitment this government is showing to building the capacity of the mentor workforce in schools. The steps taken in this response represent some important pieces in the puzzle and are definitely to be

applauded. However, the wider issue of capacity in schools will need to continue to be monitored closely and concerted efforts made to ensure that capacity is built over time to support this, and other, initiatives they aspire to deliver.

Having been able to broadly welcome and support the outcomes of the quality requirement recommendations, where the concerns of the sector have clearly been heard and responded to, we are hugely disappointed to note that the legitimate and widely expressed concerns about the accreditation process have been ignored and the government is intent on pursuing a risky, expensive and entirely unnecessary accreditation process. We have consistently reported, and firmly believe, that the quality requirements could be met in other, far less disruptive, ways. We remain convinced that this process poses an unnecessary risk to supply and will unfairly discriminate against smaller providers in particular.

The timeline proposed for the accreditation process – two application rounds taking place in 2022 – demonstrates a complete lack of recognition of the pressures in the school sector and shows the government to be unresponsive to the reasonable arguments put to it over the past few months regarding the incredible strain everyone is under. Whilst the government has, rightly, recognised the need for more time for implementation, this recognition has not extended to their plans for the accreditation process itself. Given that the report also confirms that the Ofsted inspection cycle will be accelerated, with all providers inspected by July 2024, we would strongly suggest that the accreditation process is an entirely unnecessary additional burden for providers whose readiness to deliver the new requirements could more easily, and with less disruption, be assessed through the existing quality assurance process of Ofsted inspections.

Given that an accreditation process is now inevitable, we do recognise and welcome the funding commitment offered to successful providers and the fact that time has been built into the process to support post-accreditation follow-up. The government has indicated that the accreditation process will recognise the need for development over time and will not seek to exclude providers who have capacity to meet the quality requirements but who, for legitimate reasons, may need more time to develop their offer.

Needless to say we will support our members through the process of accreditation. We are now arranging a series of events on the approach to accreditation and will continue to provide opportunities for knowledge-sharing and networking – and these will begin on 8th December.

NASBTT is absolutely committed to working with school-based ITT providers – SCITTs, School Direct Lead Schools and Teaching School Hubs – and HEIs to ensure the sector remains at the forefront of developing the next generation of teachers. We will do everything in our power to ensure that children’s education is not affected by any unintended consequences of today’s announcement in terms of teacher supply.”

-ENDS-

NASBTT is a registered charity committed to promoting high-quality schools-led programmes of training, education and professional development of teachers. NASBTT represents the interests of schools-led teacher training provision in relation to the development and implementation of national policy developments. Our members include SCITTs, School Direct Lead Schools, Teaching School Hubs, HEIs as well as a range of other organisations involved in the education and professional development of teachers. We have over 250 members representing more than 12,000 individual trainees.

Website: www.nasbtt.org.uk

Social: [@NASBTT](https://twitter.com/nasbtt)

Media Resources: nasbtt.org.uk/media-hub

Media Contact:

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Phil Smith
NASBTT PR consultant
Telephone: 01778 218180 / 07866 436159
Email: phil@philsmithcommunications.co.uk

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Standards and Quality of Education – A Review of the Academic Year 2020-21 (Pre and post pandemic)

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	x
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Responsible officer	Clive Haines	Service area	Education	Directorate	Children Services
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Stage 1: EqlA Screening (mandatory)	Date created: 10/01/2022	Stage 2 : Full assessment (if applicable)	Date created : xx/xx/xxxx
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Clive Haines

Dated: 10/01/2022

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Standards and Quality of Education – A Review of the Academic Year 2020-21 (Pre and post pandemic)

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the “protected characteristics” under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Standards and Quality of Education – A Review of the Academic Year 2020-21 (Pre and post pandemic)

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

Schools and settings were closed from March – June 2020 and again in January – March 2021 to all pupils except for children of critical workers, pupils known to social care and those the school leaders deemed otherwise vulnerable.

Remote learning was put in place for all pupils not attending school, Ofsted inspections were postponed and the Department of Education cancelled all primary SATs testing and, in secondary schools, A-levels and GCSEs were teacher-assessed.

This report sets out the progress across the Borough's schools during the pandemic, summarising the available qualitative and quantitative data that is contained in the Education Pack 2020-21 and other appendices. It is of note that attainment data has not been published nationally for specific groups of pupils and the results are not comparable to pre-pandemic years.

This report outlines some of the support provided by the Education Service and the next priority steps for continued improvement in education to give all pupils the best chance of success.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Standards and Quality of Education – A Review of the Academic Year 2020-21 (Pre and post pandemic)

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Standards and Quality of Education – A Review of the Academic Year 2020-21 (Pre and post pandemic)

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.
Disability	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.
Gender re-assignment	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.
Marriage/civil partnership	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.
Pregnancy and maternity	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.
Race	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.]
Religion and belief	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.
Sex	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.
Sexual orientation	Not Relevant			The Service focuses on the provision needed to meet the required support in schools and settings. There are no decisions relating to this characteristic.

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Standards and Quality of Education – A Review of the Academic Year 2020-21 (Pre and post pandemic)

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

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If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

Report Title:	Schools Condition Allocation 2022-23
Contains Confidential or Exempt Information	Report and appendices A, B, D and E are Part I. Appendix C is Part II, and not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Cabinet Member:	Councillor Stuart Carroll, Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health
Meeting and Date:	Cabinet, 27 January 2022
Responsible Officer(s):	Kevin McDaniel, Executive Director of Children's Services
Wards affected:	All wards

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REPORT SUMMARY

This report seeks approval of Children's Services bids to the 2021/22 capital programme, to be funded by the School Condition Allocation (SCA). This will allow planning and tendering of SCA schemes in time for delivery over the summer in 2022, before schools restart in September.

The Local Authority receives the SCA grant from the Department of Education (DfE) to help maintain and improve the condition of school buildings and grounds. This funding is for community and voluntary controlled schools only. Voluntary aided and academy schools (including free schools) receive funding for this via a different route.

This report sets out the schemes in schools to be funded through the SCA for 2022/23, see Appendix B.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) recommends the budget increases to previously approved boiler replacement projects in the 2021/22 capital programme, as set out in Table C1, Appendix C to Council.**
- ii) recommends the Children's Services 2022/23 capital bids for schemes to be funded by the School Condition Allocation, and includes them in the overall 2022/23 capital programme. This is subject to any changes that may be required to the list of schemes set out in Appendix B following confirmation of the level of grant.**
- iii) approves the listed schemes in Appendix B being put out to tender.**
- iv) delegates any variation of the list of schemes set out at Appendix B to the Director of Children's Services, in consultation with the Cabinet Member for Adult Social Care, Children's Services, Health and Mental Health.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Background

- 2.1 The Department for Education (DfE) allocates funding to help maintain and improve the condition of school buildings and grounds. This funding consists of:
- **Devolved Formula Capital (DFC)**, which goes to individual schools of all types, including academy, community, free, voluntary aided and voluntary controlled schools. The DFC is intended to allow schools to maintain their buildings and carry out small capital works.
 - **School Condition Allocations (SCA)**, given to eligible bodies responsible for managing an estate of school buildings. Eligible bodies include local authorities and large Multi-Academy Trusts (MATs). The SCA is intended to allow eligible bodies to fund larger schemes, which individual schools could not generally fund through their DFC and that are identified as a priority for improvement.
 - **Condition Improvement Fund (CIF)**, held by the Education, Skills and Funding Agency, and to which single academies and smaller multi-academy trusts can bid (as they do not have access to funding via the SCA).
- 2.2 This report is focused on the SCA allocation to the Royal Borough of Windsor and Maidenhead for the 2021/22 financial year. Appendix A [*electronic distribution only*] provides a more detailed summary of the grants relating to school places and buildings.
- Purpose of the School Condition Allocation
- 2.3 The SCA for the Royal Borough is intended to cover any works at community and voluntary controlled schools related to improvements to the school estate. This includes major replacements and improvements to the fabric of the buildings and grounds. The scheme includes compliance works to meet health and safety and building regulations. Schemes may, therefore, include works to:
- boilers, radiators and pipework
 - doors and windows
 - external areas such as playgrounds, paths and roads
 - floors
 - internal and external walls
 - kitchens
 - roofs, gutters and soffits
 - utilities
- 2.4 The SCA is not intended for use on new school places, as this is covered by the Basic Need grant, as set out in the *Demand for school places* report considered by Cabinet in November 2021.
- Timings and amount of School Condition Allocation grant
- 2.5 The level of grant allocated to the Royal Borough via the SCA is not usually announced until after the start of the financial year to which it applies – the 2021/22 SCA announcement was in late April 2020. This means that the level of SCA funding for 2022/23 won't be known until after Council has approved its wider 2022/23 capital programme.

- 2.6 The Royal Borough's SCA for the 2021/22 financial year was £1,404,558. This is significantly larger than in previous years, following revisions to the DfE's methodology for calculating the allocations.
- 2.7 The level of grant is based on the number of pupils attending the borough's community and voluntary controlled schools, with different weightings according to the age of those pupils. One more (first) school has become an academy, and so this will reduce the allocation by a relatively small amount.
- 2.8 The assumption at present, therefore, is that the 2022/23 SCA will be similar to the 2021/22 allocation, at £1.35m.

Budget increases for the 2021/22 School Condition Allocation

- 2.9 The council approved a £1.11m School Condition programme for the 2021/22 financial year. The higher grant, together with savings on some of the schemes approved in that programme, means that there is currently £497k of unallocated SCA funding. Spending this sum would take the 2021/22 programme above the approved £1.11m, and so Cabinet is being asked to recommend some budget increases to Council in February to address this.
- 2.10 It is proposed that the £497k funding is used mainly to support the increased costs of replacing oil-fired boilers at five schools with gas boilers. An increased focus on efficiency and lower carbon emissions means that more efficient models are now proposed than originally budgeted for. Additionally, rising costs across the construction sector mean that scheme budgets have had to be further increased.
- 2.11 The budget increases set out in Appendix C, Table C1 (which is a Part II appendix) raise the budgets for those schemes where necessary, using the £497k of unallocated SCA funding. These budget increases can only be approved by Council. Some small additional funds are also requested to enable design works to be carried out on the last two remaining major schemes from the 2021/22 school condition programme – heating upgrades at Eton Wick CE First School and Woodlands Park Primary School.
- 2.12 These budget increases are all funded from within the School Condition Allocation, and have no other impact on borough capital or revenue.

Early consideration of the School Condition Allocation schemes for 2022/23

- 2.13 Many school improvement projects happen over the six-week summer holiday, in order to minimise disruption to teaching and learning.
- 2.14 This report seeks, therefore, provisional approval of the prioritised list of SCA schemes (attached at Appendix B). This will enable officers to proceed with the planning, design and procurement of projects in time to allow delivery in summer 2022.
- 2.15 It will also make it easier to achieve better prices from contractors. As many schools, MATs and local authorities will be carrying out improvement works over the summer, late tendering can lead to higher contract prices. Contractors can also reach capacity very quickly once decisions about the summer programme start to get made. Getting provisional approval of the programme now means that the procurement process can start in good time,

maximising the likelihood of tenders attracting more competitive bids from good contractors.

Provisional schemes for the 2022/22 School Condition Allocation

- 2.16 Appendix B provides the list of schemes for 2022/23. Most of the schemes are school specific projects where, if provisional approval is given, the planning and design works can begin immediately. These schemes have been identified through school requests, use of the DfE school condition surveys and site visits by contracted engineers.
- 2.17 The list also includes a generic line for feasibility works, to fund the various investigative and feasibility works required to identify future school condition schemes.
- 2.18 Finally, there is a line for contingency, which will allow the borough to carry out any unplanned maintenance works, and also address any increased tender prices on estimated budgets.
- 2.19 The amounts set for the feasibility and contingency lines are based on previous experience of spending in these categories. Any unspent funding in either line will then be proposed to be carried into following year to help fund the 2023/24 programme.
- 2.20 Due to the commercial sensitivities around budgets for individual schemes, the costs are omitted from Appendix B. Appendix C, which is a Part II paper, includes these costs in Table C2.
- 2.21 It is proposed that approval to vary the list of approved schemes at Appendix B is delegated to the Executive Director of Children's Services, in consultation with the Cabinet Member for Adult Social Care, Children's Services, Health and Mental Health. Any increase in the overall budget for the 2022/23 programme – arising, for example, from additional grant – would need to go back to Council for approval.

Public Sector Decarbonisation Scheme

- 2.22 The Department for Business, Energy and Industrial Strategy's Public Sector Decarbonisation Scheme (PSDS) is providing capital for projects that reduce carbon emissions and energy bills. All state schools (Community, Voluntary Controlled, Voluntary Aided, Academy and Free) are initially eligible for funding, provided that works could be carried out to reduce the carbon impact of heating; reduce overall energy demand or enable a future decarbonisation project. The highest priority appears to be for the replacement of coal and oil-fuelled heating systems with low carbon alternatives such as heat pumps.
- 2.23 The borough has seven Community and Voluntary Controlled schools with oil-fired heating systems. Five of these have already been identified as a priority for replacement next year, and are either already in the capital programme, or are in the list for approval at Appendix B.
- 2.24 The borough has successfully bid for funding under the PSDS for feasibility works to inform a full bid to the scheme by early January 2021. Feasibility works are underway on all seven schools, with an expectation that successful bids will be confirmed in early February. This means that it is possible that some, or all, of the boiler schemes in Appendix B, plus one already in the

programme but not yet tendered, may be funded by the PSDS. This will then release funding from the SCA to fund other priorities further down the list in Appendix B.

- 2.25 A number of Voluntary Aided and Academy schools also have oil-fuelled boilers, which may be replaced under the PSDS programme as well. The schools are outside the scope of the SCA and so any successful schemes here will not impact on the borough's capital programme.

Managing the 2022/23 School Condition Allocation

- 2.26 The total cost of the schemes included in Appendix B is £1.35m, which is equal to the expected grant.
- 2.27 If the 2022/23 SCA is less than the £1.35m expected, then the schemes will need to be tailored according to overall affordability and priority, using the order set out in the Appendix B. It is likely that schemes slipping below the affordable budget line will then be included in the 2023/24 programme, with the next round of priorities, which will come back to Cabinet for approval in late 2022.
- 2.28 If the decarbonisation bid set out in paragraphs 2.22 to 2.25 above is successful, then additional funding will be available, and may be managed within the School Condition programme. If this is announced in time then this will be included in the capital programme to be considered by Council in February 2021.

Progress on the 2021/22 School Condition Allocation schemes.

- 2.29 Appendix D provides a summary of the projects in the 2021/22 approved by Cabinet in December 2020.

Options

Table 1: Options arising from this report

Option	Comments
<p>Recommends the budget increases to previously approved boiler replacement projects in the 2021/22 capital programme, as set out in Table C1, Appendix C to Council. This is the recommended option</p>	<p>A number of budget increases are proposed for consideration by Council. This will allow the remaining boiler replacement schemes to proceed from the end of February. Cabinet are asked to recommend these increases to Council.</p>
<p>Recommends the Children's Services 2022/23 capital bids for schemes to be funded by the School Condition Allocation, and includes them in the overall 2022/23 capital programme. This is subject to any changes that may be required to the list of schemes set out in Appendix B following confirmation of the level of grant. This is the recommended option</p>	<p>Will allow the borough to begin the planning and design of schemes early, making it more likely that they can be delivered next Summer. This should also help keep costs down. If this is not approved, design and tendering will be delayed until approval is given, making delivery over the summer much less likely, and increasing costs.</p>
<p>Approves the listed schemes in Appendix B being put out to tender. This is the recommended option</p>	<p>This will allow officers to put the schemes listed in Appendix B out to tender without having to return subsequently to Cabinet for approval, whilst still ensuring that the overall cost of the programme remains in budget.</p>
<p>Delegates any variation of the list of schemes set out at Appendix B to the Director of Children's Services, in consultation with the Lead Member for Adult Social Care, Children's Services, Health and Mental Health. This is the recommended option</p>	<p>This will allow for changes to be made to the schemes listed in Appendix B, particularly in response to any changes in the level of SCA (due to be announced in April 2022). Any increase in the overall budget will, however, need to be brought back to Council for approval.</p>
<p>Do nothing This is not the recommended option</p>	<p>Doing nothing means that no new projects can be funded using the School Condition Allocation, and that none of the benefits from early approvals will be realised.</p>

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded/ significantly exceeded	Date of delivery
Agreed schemes delivered by	01/4/2023	31/8/2022	01/5/2022 to 31/8/2023	30/04/2022
Programme budget (under) / overspend	>+0.5%	+0.5% to -2%	-2% to -6%	< -6%

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The 2022/23 School Condition Allocation (DfE grant) is estimated to be approximately £1.35m. The unassigned £497k from the 2021/22 programme is recommended to be allocated as set out in the main body of this report. The 2022/23 allocation is expected to be confirmed in April 2022.
- 4.2 A number of schemes in the 2021/22 programme have not yet started, mainly in the boiler programme as new bids were put into the Public Sector Decarbonisation Scheme in the autumn to fund more ambitious projects with further reduced carbon emissions. These are requested to be slipped into the 2022/23 financial year. Any underspends/savings in the School Condition Allocation are carried forward into the following financial year to fund that year's programme.
- 4.3 The programme will be managed so that the 2022/23 spend does not exceed the available grant.

Table 3: Financial Impact of report's recommendations

REVENUE COSTS	2021/22	2022/23	2023/24
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

CAPITAL COSTS	2021/22	2022/23	2023/24
Additional total	£0	est. £1.35m	£0
Reduction	£0	£0	£0
Net Impact	£0	est. £1.35m	£0

5. LEGAL IMPLICATIONS

- 5.1 The Council is required to produce a balanced budget that provides Service Directors with sufficient resource to meet their own statutory requirements.

6. RISK MANAGEMENT

Table 6: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Lower than expected School Condition Allocation in 2022/23, means that some or all of the programme set out in Appendix B cannot be carried out.	Medium	Although preparation for carrying these schemes will proceed, no contracts will be signed until the SCA allocation is approved. Current messages from the DfE are that the national spend on school condition works in 2022/23 will be higher than this year.	Low
Higher than expected costs and/or emergency works result in overspend on the programme.	Medium	The borough will carry out tendering exercises in accordance with Contract Rules to achieve best Value for Money. Monthly budget monitoring meetings are held to ensure that spending is tracked and within budget. The inclusion of a sum for contingency ensures that there is some capacity built in to address these risks.	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). An Equalities Impact Assessment (EqIA) is attached at Appendix E.
- 7.2 Climate change/sustainability. The government is placing increasing importance on the sustainability of school buildings. Many school improvement projects, including new boilers, windows and doors, and roofs can have a positive environmental impact. A number of projects, including some boiler replacements that are not immediately urgent could be completed under the Public Sector Decarbonisation Scheme, which will help further reduce carbon emissions.
- 7.3 Data Protection/GDPR. There are no data protection or GDPR implications arising from this report.

8. CONSULTATION

- 8.1 Decisions about spending the SCA are based on a prioritisation of schemes by officers in Achieving for Children and Property Services, taking into account requests from schools and surveys carried out by specialists.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: It is proposed that the design and planning works on the schemes listed at Appendix B begin immediately. Procurement will proceed once the availability of funding is confirmed. Projects will then be delivered over the 2022/23 financial year.

10. APPENDICES

- 10.1 This report is supported by five appendices:

Contained in paper copies

- Appendix B - Provisional schemes for SCA spending in 2022/23.
- Appendix C - Provisional schemes for SCA spending in 2021/22, including estimated costs. (Part II) Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Electronic only

- Appendix A - Summary of education capital.
- Appendix D - Summary of progress on 2021/22 SCA schemes.
- Appendix E - Equalities Impact Assessment (EqIA).

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by one background document:

- [Condition funding: methodology for the financial year 2021-2022](#), April 2021, DfE.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
Mandatory: Statutory Officers (or deputy)			
Adele Taylor	Executive Director of Resources/S151 Officer	20/12/21	23/12/21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	20/12/21	01/01/22
Deputies:			

Andrew Vallance	Head of Finance (Deputy S151 Officer)	20/12/21	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	20/12/21	
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	20/12/21	
Other consultees:			
Directors (where relevant)			
Duncan Sharkey	Chief Executive	20/12/21	24/12/21
Andrew Durrant	Executive Director of Place	20/12/21	
Kevin McDaniel	Executive Director of Children's Services	17/12/21	22/12/21
Hilary Hall	Executive Director of Adults, Health and Housing	20/12/21	20/12/21
Heads of Service (where relevant)			
Insert as appropriate	Head of		
	Head of		
	Head of		
External (where relevant)			
Insert as appropriate or N/A			

Confirmation relevant Cabinet Member(s) consulted	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	Yes 22/12/21
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No

First entered into the Cabinet Forward Plan: 29/09/22		
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Report Author: Ben Wright, School Places and Capital Team Leader

Summary of education capital

1.1 This document provides a summary of the main education capital funding streams for local authorities and state schools in the local authority area. It currently excludes the funding for new school established in the free school waves.

2. Capital grants for new school places

Basic Need

2.1 Basic need funding is the money given by the DfE to local authorities each year to help them fulfil their duty to make sure there are enough school places for children in their local area.

2.2 Basic Need can be spent at any state school (e.g. academy (including free schools), community, voluntary controlled and voluntary aided). Allocations are reduced proportionally, however, if projected need for new school places is partially or wholly met by a centrally funded free school.

2.3 The figures allocated are based on the pupil projections and school capacity information submitted by local authorities each July in the annual School Capacity (SCAP) survey. The DfE also collect information about how the Basic Need grant is spent as part of the annual Capital Spend Survey.

2.4 Due to the Covid-19 crisis, the 2020 SCAP return was cancelled, whilst the Capital Spend Survey has been delayed until June 2021. The 2021 SCAP exercise is going ahead, with submissions due on 31st July.

2.5 The DfE have used the pupil projections data from the 2019 SCAP to calculate 2021-22 and 2022-23 grant allocations.

2.6 Recent Basic Need allocations for the Royal Borough are set out below:

- 2016-17: £2,763,424
- 2017-18: £2,435,239
- 2018-19: £1,164,054
- 2019-20: £1,226,537
- 2020-21: £0
- 2021-22: £790,954
- 2022-23: £1,349,079

2.7 In the Royal Borough, decisions about spending Basic Need are usually taken by Cabinet, following public consultation on proposals for new school places. Budgets are agreed by Council in February and spend monitored by monthly budget monitoring meetings.

Targeted Basic Need

2.8 On occasion, the DfE announces one-off grants to either top up existing grants or support specific policy objectives. In the past, where these relate to new school places, these have been called Targeted Basic Need grants. There have been no recent grants to the local authority in this category.

[Selective Schools Expansion Fund \(SSEF\)](#)

- 2.9 This is not a grant that the Royal Borough of Windsor and Maidenhead can access, but it can impact on school places locally. This grant is given to expand academies or local authority maintained schools that are partially or fully selective and who have committed to increase admissions of pupil premium children. In the first, (2018-19) round, two local grammar schools (Sir William Borlase's Grammar School and Sir John Hampden Grammar School) were successful, and have increased their intakes by 30 places per year group each. No local schools were successful in the 2019-20 round. There are currently no indications in relation to a third round of SSEF.

[S106/CIL](#)

- 2.10 Between 2001/02 and 2018/19, the Royal Borough collected £13,108,072.78 of S106 developer contributions to be used towards the creation of extra capacity in local schools. The majority of the funding (£9,147,052.52) was collected between 2012/13 and 2016/17 as the number of housing completions accelerated, and before the scheme was wound down.
- 2.11 As part of the preparation of the Borough Local Plan, Children's Services has contributed to the development of the Infrastructure Delivery Plan. This sets out the potential new education infrastructure required to meet the demand from the planned new housing. This would be partly funded by the Community Infrastructure Levy.

3. Capital grants for rebuilding schools

[Priority School Building Programme](#)

- 3.1 The Priority School Building Programme has run for much of the last decade, in two phases. Phase 1 carried out whole school rebuilds and refurbishments at 260 schools. Phase two has focused more on addressing individual school buildings, replacing specific blocks at 277 schools. No schools in the Royal Borough have qualified in either round. The programme is expected to complete in late 2021, and is being replaced by the School Rebuilding Programme.

[School Rebuilding Programme](#)

- 3.2 This government programme is intended to carry out major rebuilding and refurbishment projects at school and sixth form college buildings across England, with buildings prioritised according to their condition.
- 3.3 The government announced the first 50 schools in the programme in February 2021, and a second wave in July 2021. No schools in the Royal Borough were included.
- 3.4 It is understood that the programme will see a further 50 projects carried out each year over the course of a decade. The DfE will again be selecting schools based on their Condition Survey information, and has consulted Responsible Bodies on prioritisation of schools in the remaining rounds. On the basis of that consultation it is not thought likely that any schools in the borough are in poor enough condition to be included in future rounds.

4. Capital grants for school condition

Devolved Formula Capital (DFC)

- 4.1 All schools receive Devolved Formula Capital (DFC) as part of their annual school funding allocations from the DfE. This is to assist schools with the day to day upkeep of their premises. The local authority remains responsible for monitoring the spend of DFC in community and voluntary controlled schools.
- 4.2 The most recent guidance has clarified that any DFC not spent within three years of payment being made is at risk of clawback by the DfE. This may result in issues where schools are saving relatively small DFC allocations towards larger projects.

School Condition Allocation (SCA)

- 4.3 This grant is given to 'responsible bodies'; that is local authorities and Multi-Academy Trusts and Voluntary Aided school bodies with more than five schools as at 1st September 2021 and 3,000+ pupils as at the Spring 2021 census¹. It is intended to address more serious condition works that cannot be funded by an individual's DFC. For 2021/22, only four bodies responsible for schools in the borough qualify for SCA; the local authority, the Oxford Diocese (which covers the Church of England VA schools); the Oxford Diocesan Schools Trust (ODST) (a MAT that covers most, but not all, of the Church of England academies), and the Portsmouth Diocese (which covers the one Catholic school in the borough that is not in the Frassati Catholic Academy Trust). None of the other MATs covering schools in the borough are large enough to qualify for SCA, including the Ashley Hill MAT, Frassati Catholic Academy Trust; Pioneer Educational Trust, Slough & East Berkshire C of E MAT or Windsor Learning Partnership.
- 4.4 The local authority's SCA is for spend at community and voluntary controlled schools only, and may fund projects such as:
- New roofs and roof repairs.
 - Boiler and pipework replacement.
 - Electrical and re-wiring works.
 - Resurfacing, paths and access improvements.
 - Window and door replacements.
 - Structural works.
- 4.5 Recent SCA allocations for the Royal Borough are set out below:
- 2016-17: £940,753
 - 2017-18: £778,251
 - 2018-19: £763,898
 - 2019-20: £765,392
 - 2020-21: £764,240 + £354,927.31 = £1,119,167.31 (see para 4.10).
 - 2021-22: £1,404,558

¹ Additionally, pupil numbers in special and alternative provisions are multiplied by 4.5 when assessing the pupil number threshold. The only academy special school in the borough, Forest Bridge School, is in a standalone MAT, and so this does not apply.

- 4.6 The amount of SCA awarded to the Royal Borough has, in general, fallen as more schools have become academy.
- 4.7 The significantly larger 2021-22 grant was not expected, and follows revisions to the DfE's methodology for calculating the allocation. In particular, the 2021/22 guidance² notes an increase in the per pupil 'base' rate from £115.15 to £146, as well as additional factors based on school condition, location, Voluntary Aided status and PFI status. The assessment of the school condition factor is based on the DfE's Condition Data Collection programme.
- 4.8 There is currently no indication that this methodology will change for 2022/23.
- 4.9 The announcement of the grant amount usually happens each April, in the year in which the grant is allocated. In other words, the 2021-22 grant allocation was announced this year on 27th April 2021. Representations have been made by many local authorities to the DfE about the challenges this presents in managing the grant.
- 4.10 In response to the Covid-19 crisis, the government announced, in June 2020, a further £560m for repairs and upgrades to schools. On the 5th August 2020, the details of this spending were confirmed as top-ups to the SCA. This was worth an additional £354,927.31, taking the allocation for 2020-21 to £1,119,167.31.
- 4.11 In the Royal Borough, decisions about spending SCA are based on a prioritisation of schemes carried out by officers, taking into account requests from schools and surveys carried out by specialists. The prioritised list is approved in principle by Cabinet in December, before being approved by Council in February. The approval in principle allows initial work to be carried out ahead of confirmation of the capital grant in April. This makes it more likely that the projects can then be delivered over the subsequent summer holiday period. Further prioritisation takes place over the year as new urgent projects are identified.
- 4.12 Spending of the SCA is now being reported to the DfE, combined with the Basic Need spending, as part of the Capital Spend Survey.

[Condition Improvement Fund \(CIF\)](#)

- 4.13 Academies (including free schools) and Voluntary Aided schools that are not part of a larger MAT or Voluntary Aided body can apply to the DfE for funding for significant condition projects via the Condition Improvement Fund. In a small number of cases this funding can also be used to support school expansions at good or outstanding schools in the CIF category who have a need to expand.
- 4.14 In RBWM, the criteria mean that academies and VA schools (other than those in the Oxford Diocese or part of the ODST) can apply for CIF funding.
- 4.15 The successful bids for the 2021 to 2022 CIF rounds have just been published (24th June 2021), with the following schools successful:
- Altwood CofE Secondary School – heating project.

² [Condition funding: methodology for the financial year 2021-2022](#), April 2021, DfE.

- Desborough College – urgent electrical and fire safety improvements.
 - Furze Platt Senior School – works to renew defective roofs.
 - Furze Platt Senior School – water supply and heating infrastructure repairs.
 - Knowl Hill CoE Academy – pitched roof covering.
 - Knowl Hill CoE Academy – flat roof covering.
 - Lowbrook Academy – boiler replacement scheme.
 - St Mary’s Catholic Primary School – security/safeguarding improvements.
 - St Mary’s Catholic Primary School – heating improvements.
 - White Waltham CoE Academy – windows.
 - White Waltham CoE Academy – roof covering replacement.
 - Windsor Girls’ School – window and door replacement.
- 4.16 Schools eligible for CIF can also apply to the Urgent Capital Support grant for emergency funding to address issues that put the safety of pupils and staff at risk, or threaten the closure of a school.
- 4.17 The 2022/23 round is now open for bids.

5. Capital funding for special educational needs

- 5.1 There is currently no specific annual funding available for new special educational needs places.

[Special Provision Capital Fund](#)

- 5.2 This is a one off capital fund, paid over three years, to create new school places and improve existing facilities for children and young people with SEN and disabilities. This focuses on facilities for children with Education, Health and Care Plans (EHCPs).
- 5.3 The full amount allocated to the Royal Borough of Windsor and Maidenhead was £1.227m.
- 5.4 The Royal Borough’s Cabinet has approved, in principle, the opening of four new Resource Bases, providing additional support for primary age children with communication difficulties and related behaviours (largely Autistic Spectrum Disorder). The opening of these bases will be phased. The projects are:
- Dedworth Campus. Resourced Provision formally approved and opened in September 2021.
 - Furze Platt Primary Federation. Resourced Provision formally approved opened in September 2021.
 - South Ascot Village Primary School. Approved in principle by Cabinet. This is likely to be an SEN Unit, opening in September 2022. Development of the proposal is about to commence. A formal approvals process will need to be carried out.
 - Wraysbury Primary School. Approved in principle by Cabinet. This will be a Resourced Provision, opening in September 2023. Development of the proposal is about to commence. A formal approvals process will need to be carried out.

High Needs Provision Capital Allocation

- 5.5 This grant was announced in April 2021, and is intended to support the provision of places for pupils with special educational needs and disabilities and pupils requiring alternative provision.
- 5.6 The allocation for The Royal Borough is £500,000.
- 5.7 The guidance suggests that public consultation should be carried out on priorities for the funding. The borough's CYPDS team are developing proposals that can be brought forward for consultation/Cabinet consideration.
- 5.8 An initial sum has already been allocated to improvements to the Resourced Provision at Charters School in Ascot, to support urgent accessibility works.

Appendix B: Provisional schemes for School Condition Allocation spending in 2022/23, not including requested budgets.**Table B1 – Summary of prioritised schemes for the 2022/23 programme, to be funded using the expected £1.35m School Condition Allocation**

Rank	Project name	Cost Centre (if available)	Project description
1.	Urgent safety works various schools	CSDQ	This is funding set aside to carry out minor emergency repairs and urgent works as they arise during the financial year.
2.	Feasibility and survey costs	CSEX	This funding supports the delivery of the school condition programme by the borough, and funds survey/investigation works and feasibility studies.
3.	Kitchen duct installation & hatch works	CSKR	This programme involves installing new compliant ductwork with access hatches in some kitchens where extractor fan duct access is currently difficult. Access to clean these ducts is vital to prevent build-up of flammable deposits and safe and efficient operation. Additional budget is sought following investigations work in 2021.
4.	School kitchen oven upgrades	CSLA	This programme involves the gradual replacement of deep fat fryers, and some old school ovens, with new combi-ovens. Additional budget is sought to allow for two further replacements in 2022/23.
5.	Eton Wick First incoming power supply and electrical upgrade	-	This project was previously approved as part of the 2021/22 capital programme, but there was insufficient funding to take it forward, aside from the design works set out in Table C2.
6.	Woodlands Park Primary heating upgrade	-	This project was previously approved as part of the 2021/22 capital programme, but there was insufficient funding to take it forward, aside from the design works set out in Table C2.
7.	Furze Platt Infants heating upgrade	-	The school's heating system is old, and will benefit from works to maintain and upgrade pipes and emitters ¹ .
8.	Furze Platt Junior heating investigations and upgrade	-	Investigation of the heating equipment, leading to the potential upgrade of hot and cold water pipework, gas distribution pipework and the heating pipes and emitters.
9.	Alwyn Infants heating upgrade	-	Works to maintain and upgrade the school's heating pumps, control panel, emitters and pipework.
10.	Alwyn Infants hot water supply	-	Investigations to the incoming water supply pipework, and possible upgrade.
11.	Waltham St Lawrence Primary electrical supply	-	The electrical supply and distribution needs investigation and possible upgrading due to reported electrical overloading.
12.	King's Court First electrical distribution	-	The electrical distribution system at Kings Court First requires investigation and potential upgrading.
13.	Riverside Primary electrical distribution	-	The sub-main electrical distribution system at Riverside Primary requires investigation and potential upgrading.
14.	Eton Wick First external areas resurfacing	-	Some of the outside areas at the school require resurfacing to remove trip hazards.
15.	Hilltop First roof repair	-	Part of the roof at Hilltop needs repair.
16.	Hilltop First window adjustments	-	The winding mechanisms of the roof windows at Hilltop need adjustment due to difficulties in opening the windows. This will make the windows easier to operate, at a time when ventilation of classrooms is very important.
17.	Alwyn Infants rainwater equipment	-	Repairs are required to the school's fascia, soffits and rainwater equipment.
18.	Alexander First windows	-	Some of the windows at Alexander First need replacing.
19.	Boyne Hill Infants toilets	-	This project will relocate toilets for nursery children that are currently difficult to access, and that are unsuitable for nursery children. A staff WC will also be added.
20.	Wessex Primary toilets	-	The condition of the toilets in the infant school block is unpleasant and a full refurbishment and new toilet system is required.
21.	Riverside Primary LED lights	-	Replacement of older light fittings with more energy efficient LEDs.
22.	Contingency	-	All the remaining funding will be held as contingency, to cover cost increases above the expected budgets, and to allow new projects to be funded (subject to normal approvals) as they arise during the year.

¹ 'Emitters' are the part of a heating system that actually heat a room. Most commonly, these are radiators, but there are other types of emitters, depending on the heating system.

Appendix D: Progress on the 2021/22 SCA projects.

Table D1 – Summary of progress on the 2021/22 SCA projects

Rank	Project name ¹	Project description	Cost centre	Status	Budget (compared to original approved capital budget)	Comment	Expected completion
1.	Courthouse Junior School boiler replacements (main school and swimming pool).	Replacement and upgrade of life expired oil-fired boiler, unreliable biomass boiler and obsolete heating controls.	-	Not yet started	Additional budget sought as per main report.	All of the 2021/22 boiler projects have been subject to further investigations and, in particular, considerations around inclusion in the government's Public Sector Decarbonisation Scheme (PSDS). The borough was not successful in getting funding for these schemes in the first round of PSDS bidding. The outcome of a second bid in the third round of the PSDS is expected in early 2022. Regardless of the outcome, Initial design works are expected to begin in late February 2022.	By December 2022
2.	Oakfield First School boiler replacement.	Replacement of oil-fired boiler.	-	Not yet started	Additional budget sought as per main report.	As above.	By December 2022
3.	Alexander First School boiler replacement.	Oil to gas conversion, replacement of life-expired boilers and obsolete heating controls.	-	Not yet started	Additional budget sought as per main report.	As above.	By December 2022
4.	Braywood First School boiler replacement.	Replacement of life-expired boiler.	-	Not yet started	Additional budget sought as per main report.	As above.	By December 2022
5.	School kitchen oven upgrades.	Ongoing programme of installing combi-ovens and removal of fat fryers.	CSLA	Onsite investigations	Savings expected	Although a small notional increase was made to the budget, it is expected that a small saving will be made on the two combi-oven projects, which can support further delivery in 2022/23.	By March 2022
6.	Hilltop subsidence scheme.	Address building subsidence.	CSLL	Out to tender	Slight increase in budget	Notional increase to budget made, to account for increasing construction costs generally.	By March 2022
7.	Alwyn air conditioning upgrade	Replacement of air conditioning units and condenser pump.	CSLB	Awaiting tender approval	Slight increase in budget	Tenders have come in slightly higher than originally budgeted, reflecting increasing construction costs generally.	By March 2022
8.	All Saints CE Junior School water pipework replacement.	Replacement of obsolete copper piping, which is affecting the quality of hot and cold water.	CSLF	No longer needed	Whole budget saved	Issues with water quality have been resolved by the earlier boiler replacement project.	n/a
9.	Cookham Nursery electrical upgrade.	Upgrade to the school's electrical distribution system.	-	No longer needed	Whole budget saved	Project no longer required as upgrades had been previously carried out.	n/a
10.	Hilltop boiler replacement and pipework upgrade.	Replacement of general and plantroom pipework. Heating emitter replacement. Replacement of life-expired boiler and pumps.	-	Not yet started	Significant increase in budget	Initial design works are expected to begin in late February 2022.	By December 2022
11.	Waltham St Lawrence Primary School cold water tank.	Cold water booster tank system to address low water pressure at entry to school.	CSLK	Waiting to start onsite	Budget reduced, giving small saving	Although a small notional increase was made to the budget to reflect increased construction costs, savings on the original budget are now expected.	By March 2022

¹ Project names have been updated from the original titles given when the programme was approved. Project names now reflect those given in the capital programme.

Rank	Project name ¹	Project description	Cost centre	Status	Budget (compared to original approved capital budget)	Comment	Expected completion
12.	Riverside Primary School new gas meter.	Replacement of gas meter.	-	No longer needed	Whole budget saved	Gas meter replaced by utility company.	n/a
13.	Boyne Hill water system and electrical upgrade.	New hot water heaters, and replacement of hot and cold-water distribution equipment. Electrical upgrade including replacement of electrical switch gear, distribution equipment. Rewiring and new small power unit for the plant room.	CSLC	Expecting to approval appointment of contractor shortly	Budget reduced, giving large saving	A significant notional increase to the budget was made, but further investigations have reduced the scope of the project, allowing a large saving to be made.	By March 2022
14.	Maidenhead Nursery mains water connection.	Conversion of cold-water system to mains, removing non-compliant cold-water tank.	CSLI	Waiting to start onsite	Budget reduced, giving small saving	Although a small notional increase was made to the budget to reflect increased construction costs, savings on the original budget are now expected.	By March 2022
15.	Larchfield heating pump and emitter upgrade.	Replacement of secondary heating pump, some pipework and heating emitters.	CSLH	Out to tender	Increase in budget	Notional increase to budget made, to account for increasing construction costs generally.	By March 2022
16.	Woodlands Park Primary heating upgrade	Replacement of heating emitters. Replacement of secondary pipework associated with direct hot water service.	-	Not yet started	Additional budget sought as per main report.	The project to upgrade the heating at Woodlands Park Primary School was approved as part of the 2021/22 budget, subject to funding becoming available. It is anticipated that the funding will now be available in the 2022/23 financial year. An initial budget is sought to allow design works to begin immediately.	By December 2022
17.	Eton Wick First heating upgrade	Replacement of incoming power supply service, switch gear, sub mains distribution cabling and earthing. Replacement of power supply in plant room.	-	Not yet started	Additional budget sought as per main report.	The project to upgrade the heating at Eton Wick First School was approved as part of the 2021/22 budget, subject to funding becoming available. It is anticipated that the funding will now be available in the 2022/23 financial year. An initial budget is sought to allow design works to begin immediately.	By December 2022
18.	Boyne Hill Infants fire alarm works	Fire alarm upgrade.	-	Paused	No spending so far	A wider programme of investigations of fire alarms may be carried out in 2022/23, possibly leading to upgrades in 2023/24. There is no suggestion that any of the fire alarms are currently faulty.	n/a
19.	Larchfield Primary fire alarm works	Fire alarm upgrade.	-	Paused	No spending so far	(as above)	n/a
20.	Hilltop First fire alarm works	Fire alarm upgrade.	-	Paused	No spending so far	(as above)	n/a
21.	Woodlands Park fire alarm works	Fire alarm upgrade.	-	Paused	No spending so far	(as above)	n/a
22.	SCA contingency		-	Ongoing	Budget redistributed	The contingency funding has largely been distributed around the above projects to address budget increases. Any remaining at year end will be slipped into 2022/23 to support that programme.	n/a

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqlA : Title of EQIA

Essential information

Items to be assessed: (please mark 'x')

Strategy		Plan		Project	x	Service procedure	
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Responsible officer	Ben Wright, School Places and Capital Team Leader	Service area	School Support Services	Directorate	Children's Services
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Stage 1: EqIA Screening (mandatory)	Date created: 01/12/2021	Stage 2 : Full assessment (if applicable)	N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Lynne Penn, School Support Services Service Leader

Dated: 01/12/2021

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The aim of the project is to carry out larger scale maintainance and improvement works at Community and Voluntary Controlled schools in the borough, funded by the DfE's School Condition Allocation, and spent in accordance with the guidance. Projects are prioritised based on condition and urgency.

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1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqlA : Title of EQIA

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant	n/a	n/a	n/a
Disability	Not relevant	n/a	n/a	n/a
Gender re-assignment	Not relevant	n/a	n/a	n/a
Marriage/civil partnership	Not relevant	n/a	n/a	n/a
Pregnancy and maternity	Not relevant	n/a	n/a	n/a
Race	Not relevant	n/a	n/a	n/a
Religion and belief	Not relevant	n/a	n/a	n/a
Sex	Not relevant	n/a	n/a	n/a
Sexual orientation	Not relevant	n/a	n/a	n/a

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqlA : Title of EQIA

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Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	No	Ben Wright, School Places and Capital Team Leader.	The proposed schemes should be completed in the 2022/23 financial year.
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	No	Ben Wright, School Places and Capital Team Leader.	The proposed schemes should be completed in the 2022/23 financial year.

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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