

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

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#### **Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Wednesday, 3 March 2021

Dear Councillor,

#### **CABINET**

A meeting of the Cabinet will be held remotely via Microsoft Teams on **Tuesday, 9 March 2021 at 14:30.**

#### **AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 12  
To receive for approval the Minutes of 09/02/2021
4. Domestic Energy Efficiency Programme, Caerau Ward 2012 and 2013 13 - 18
5. Bridgend Town Heat Network Project Phase 1 19 - 40
6. Cosy Corner Tourism Attractor Destination Funding 41 - 46
7. Appointment of Local Authority Governors 47 - 50
8. School Admissions Policy 2022-2023 51 - 102
9. Care Home Services - Funding and Contractual Arrangements 103 - 110
10. National Adoption Service Partnership Agreement 111 - 116
11. Partnership Arrangement for Dementia Training 117 - 122
12. Regional Front Door for Fostering Recruitment - Children's Social Care 123 - 136

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| 13. | <u>Care and Support at HM Prison &amp; Youth Offenders' Institution Parc</u>  | 137 - 142 |
| 14. | <u>Non Domestic Rates: Discretionary Relief: Enhanced Hospitality And Leisure Rates Relief Scheme 2020-21</u>   | 143 - 148 |
| 15. | <u>Local Land Charges National Programme</u>  | 149 - 152 |
| 16. | <u>Urgent Items</u><br>To consider any items of business that by reason of special circumstances the chairperson is of the opinion should be considered at the meeting as a matter of urgency in accordance with paragraph 2.4 (e) of the Cabinet Procedure Rules within the Constitution.  |           |
| 17. | <u>Exclusion of the Public</u><br>The following item is not for publication as it contains exempt information as defined in Paragraph 14 of Part 4 and Paragraph 21 of Part 5, Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.<br><br>If following the application of the public interest test Cabinet resolves pursuant to the Act to consider this item in private, the public will be excluded from the meeting during such consideration. |           |
| 18. | <u>Approval of Exempt Minutes</u><br>To receive for approval the exempt minutes of 09/02/2021   | 153 - 154 |

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) or tel. 01656 643147 / 643148.

Yours faithfully

**K Watson**

Chief Officer, Legal, HR & Regulatory Services

Councillors:

HJ David

CE Smith

Councillors

HM Williams

D Patel

Councillors

RE Young

NA Burnett

CABINET - TUESDAY, 9 FEBRUARY 2021

MINUTES OF A MEETING OF THE CABINET HELD REMOTELY ON TUESDAY, 9 FEBRUARY 2021 AT 14:30

Present

Councillor HJ David – Chairperson

CE Smith  
NA Burnett

HM Williams

D Patel

RE Young

Officers:

Claire Marchant	Corporate Director Social Services and Wellbeing
Gill Lewis	Interim Chief Officer – Finance, Performance and Change
Kelly Watson	Chief Officer Legal, HR and Regulatory Services
Mark Shephard	Chief Executive
Deborah Exton	Interim Deputy Head of Finance
Mark Galvin	Senior Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support
Nicola Echanis	Head of Education & Family Support
Michael Pitman	Democratic Services Officer - Committees
Justin Kingdon	Strategic Asset Management and Investment Manager
Gaynor Thomas	School Programme Manager

611. DECLARATIONS OF INTEREST

None.

612. MEDIUM TERM FINANCIAL STRATEGY 2021-22 TO 2024-25 AND DRAFT BUDGET CONSULTATION PROCESS

The Chairperson of the Corporate Overview and Scrutiny Committee presented a report, the purpose of which, was to present Cabinet with the comments, findings and recommendations of the Corporate Overview and Scrutiny Committee (COSC) on the Council's Medium Term Financial Strategy proposals.

She advised that for ease of reference the COSC had split the recommendations into separate appendices, set out as follows.

The Budget Research and Evaluation Panel (BREP) findings and recommendations in relation to the Medium Term Financial Strategy 2021-22 to 2024-2025, were detailed at Appendix A and Appendix B to the report.

The comments and recommendations from the combined meeting of all Scrutiny Committees on the Medium Term Financial Strategy 2021-22 to 2024-25, were at Appendix C of the report.

The COSC had accepted the recommendations and comments from both the BREP and the combined meeting of all Overview and Scrutiny Committees on the MTFS proposals and therefore, had agreed to submit them to Cabinet.

The Deputy Leader extended his thanks to the Members of Scrutiny Committees, including the COSC and BREP, for the hard work and due diligence they had committed through giving their contributions on the MTFS proposals for Cabinet to consider. He added that the comments and recommendations so made, would be closely considered and responded to by the Executive. This was echoed by the Cabinet Member –

Wellbeing and Future Generations and the Cabinet Member – Education and Regeneration, in turn.

The Chairperson of the Corporate Overview and Scrutiny Committee felt that it may also be worthwhile at this point in time, revisiting the role and remit of BREP, in order to see whether or not any improvements could be made to the manner in which it functioned, bearing in mind that the Panel had been introduced over 3 years ago now, ie shortly following the local government elections going into the new administration.

The Leader felt this would be beneficial, particularly in conjunction with the different ways the Council was now conducting its business, ie such as through holding meetings remotely etc. He referred to Recommendation 12 in the report's supporting information, namely that a working group be set-up to actively look at identifying relatively small one off investments on safe routes to schools, which could offset ongoing costs of some Home to School transport. The Leader advised that he welcomed this recommendation.

He too conveyed his thanks to the Overview and Scrutiny Committees and BREP for their input into the Budget proposals for the coming year.

**RESOLVED:** That Cabinet agreed to consider the recommendations of the Corporate Overview and Scrutiny Committee, in response to the Medium Term Financial Strategy 2021-22 to 2024-25 and the Draft Budget Consultation Process and comments upon these in the MTFS report to be considered at Budget Council later this month.

**613. ANTI-TAX EVASION POLICY**

The Interim Chief Officer – Finance, Performance and Change, presented a report, the purpose of which, was to present Cabinet with the new Anti -Tax Evasion Policy for approval.

The report outlined some background information, following which it confirmed that the Council was committed to establishing and maintaining effective arrangements to prevent and detect acts of bribery, corruption and tax evasion in relation to its Council services. It requires all Elected Members and employees to demonstrate the highest standards of honesty and integrity and this included compliance with the relevant legislation.

She explained that the Council already had Anti-Fraud and Bribery and Anti-Money Laundering policies in place to support effective arrangements to prevent and detect acts of bribery and corruption, which were monitored and reviewed by the Governance and Audit Committee.

A policy had now been developed she added, specifically to address the prevention of tax evasion and this would provide a coherent and consistent approach for all employees and any person who performs services for and on behalf of Bridgend County Borough Council. The Anti-Tax Evasion Policy was attached at Appendix A to the report.

This policy statement was supplementary to the Council's wider Anti-Fraud and Bribery Strategy, which set out the key responsibilities with regard to fraud prevention and what to do if fraud or financial irregularity is suspected and the action that will be taken by management, as a result of this.

## CABINET - TUESDAY, 9 FEBRUARY 2021

The Interim Chief Officer – Finance, Performance and Change, thanked the Finance Manager – Governance and Exchequer for her hard work in developing the Policy.

The Deputy Leader commended the report which would protect the Authority and ensure that everyone who should pay tax actually does. He asked if the provisions of the Policy applied also to local members.

The Interim Chief Officer – Finance, Performance and Change advised that it did.

The Cabinet Member – Wellbeing and Future Generations asked if there would be staff training on the Policy, to which the Finance Manager – Governance and Exchequer replied that an e-learning training module could be put in place to facilitate this, as had been done with the previously introduced Anti-Fraud Policy.

The Cabinet Member – Social Services and Early Help wished to make a point regarding Direct Payments and pushing for vulnerable customers within Social Services to accept and switch to this. She stated that she just wanted an assurance, that there would be sufficient levels of information sharing and training available for those recipients of Direct Payments, in order to ensure in particular, that this type of customer doesn't accidentally fall foul of the law. The Cabinet Member – Social Services and Early Help added that it needed to be made clear to these individuals, of their responsibilities as employees and that they had access to the correct information.

The Interim Chief Officer – Finance, Performance and Change confirmed that the Corporate Director – Social Services and Wellbeing, were currently looking into the management of controls and accounts for Direct Payments, in order to support issues such as that mentioned above.

The Leader concluded debate on the report, by advising that HMRC presently were dealing with 13 live corporate criminal cases of tax fraud presently, with also 18 cases being under review. Therefore, all employees in the organisation needed to recognise the importance of tax evasion even if they fell foul of this accidentally rather than intentionally so. It was incumbent also for the Authority through its Policy and associated procedures and protocols, to endeavour to ensure no employee unwittingly contravenes the new Policy provisions, wherever possible.

RESOLVED: That Cabinet:-

- Approved the Anti-Tax Evasion Policy attached as Appendix A to the report;
- Noted the proposed amendments to the Terms of Reference and Constitution attached as Appendix B to be presented to Council for approval.

### 614. FORWARD WORK PROGRAMME

The Chief Officer – Legal, HR and Regulatory Services, presented a report, seeking Cabinet approval for items to be included in its Forward Work Programme for the period 1 March 2021 to 30 June 2021.

In accordance with the Council's Constitution, the Forward Work Programme is prepared by the Monitoring Officer to cover a period of four months except when ordinary elections of councillors occur, in which case the Forward Work Programme will cover the period up to the date of the elections.

She explained that the Forward Work Programme will contain items in the form of reports, which the Cabinet, Overview and Scrutiny Committees and full Council are likely to consider.

Attached to the report were the Cabinet Forward Work Programme (Appendix 1), the Council Forward Work Programme (Appendix 2) and the Overview and Scrutiny Forward Work Programme (Appendix 3), for noting.

The Cabinet Member – Wellbeing and Future Generations, advised that it was important for the public to see up and coming topical items that were earmarked for agendas of Cabinet, Council and Scrutiny, for reasons of transparency and to assist in allowing avenues of engagement with constituents of the County Borough. This was in order to share details of up and coming reports to be debated by Members/Officers on key service areas of the Council etc, they may have an interest in and to look to increase their interest in the local authority decision making processes of the Authority, some of which effect the County Borough as a whole.

**RESOLVED:** That Cabinet:

- Approved the Cabinet Forward Work Programme for the period 1 March 2021 to 30 June 2021 at Appendix 1 to the report;
- Noted the Council and Overview and Scrutiny Forward Work Programmes for the same period as above, shown at Appendix 2 and 3 of the report, respectively.

615. **AWARD OF FUNDING IN RELATION TO TRANSFORMING TOWNS: GREEN INFRASTRUCTURE AND BIODIVERSITY GRANT: SUNNYSIDE WELLNESS VILLAGE 2020-2021**

The Corporate Director – Communities presented a report, the purpose of which, was to seek approval from Cabinet to accept a revised funding offer from Welsh Government and enter into an agreement and associated legal charge with Linc Cymru (Linc) to support the delivery of the Transforming Towns – Green Infrastructure and Biodiversity for the Green Infrastructure elements of the Sunnyside Wellness Village.

She explained that the Transforming Towns - Green Infrastructure and Biodiversity grant, forms part of the Welsh Government's Transforming Towns (TT) programme. The TT programme is intended to build on the achievements of the 2014-2017 Vibrant and Viable Places programme, but takes a wider approach to regeneration by including ambitions of the Well-being of Future Generations (Wales) Act 2015 and the priorities identified in Local Well-being Plans and other local and regional plans, for enhancing economic regeneration and community well-being.

The TT programme was intended to run until March 2022, and would look to invest in projects which can deliver realistic economic and community outcomes. Bridgend County Borough Council (BCBC) will be looking to deliver these outcomes over the 2020-2021 and 2021-2022 financial years. Applications for funding had to be made by local authorities on behalf of themselves or another public, private or third sector organisation.

The Corporate Director – Communities advised, that Linc Cymru approached BCBC to ask that an application be made to Welsh Government for Green Infrastructure funding to support the green infrastructure elements of the Sunnyside Wellness Village development.



and enter into a funding agreement for delivery of the above and to enter into a legal charge with Linc Cymru on the development.

616. ADDITIONAL LEARNING NEEDS GRANT

The Corporate Director – Education and Family Support presented a report, in order to seek approval from Cabinet, to enter into an agreement with Rhondda Cynon Taf County Borough Council (RCTCBC), the County Council of the City and County of Cardiff, Merthyr Tydfil County Borough Council and Vale of Glamorgan County Borough Council regarding the Additional Learning Needs Transformation Grant 2020-2021.

He explained that the Additional Learning Needs Transformation Grant 2020-21 (ALN Grant) is a Welsh Government grant-funded scheme to support the delivery of the additional learning needs transformation programme, including the preparation for and management of the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET Act).

RCTCBC, acting as the lead local authority, had submitted an application to Welsh Government for the ALN Grant on behalf of Bridgend County Borough Council (BCBC), the County Council of the City and County of Cardiff, Merthyr Tydfil County Borough Council and the Vale of Glamorgan County Borough Council and third party providers (who are further education sector and local health boards in the regions of the councils).

The Corporate Director – Education and Family Support proceeded further, by advising that in December 2019, Cabinet approved entering into a similar agreement on similar terms for the Additional Learning Needs Transformation Grant 2019-2020.

The application for the ALN Grant was successful and an award of funding for up to £934,562 was made to RCTCBC (as lead local authority), which will be allocated to each council in accordance with the ALN Implementation Plan.

As the lead local authority, RCTCBC is required to accept the terms and conditions of the ALN Grant as set out in the offer letter from Welsh Government. In order to deliver the project and ensure compliance with the terms and conditions set out in the offer letter, RCTCBC requires the Council, along with the 3 other local authorities listed at paragraph 3.2 of the report, to enter into an agreement in relation to the ALN Grant. This agreement shall set out the roles and responsibilities of the councils and how the funding shall be allocated.

In terms of the report's financial implications, the total value of the grant for 2020-21 was £934,562. However, the amount available to local authorities is £809,562 as there is a retained element of £125,000 for the employment of the regional ALN Transformation Lead and associated costs and administration and finance support. The allocation of grant spend for Local Authorities is £248,487, of which BCBC expects to receive £60,885. The remainder of the grant is allocated to Schools, Further Education and Health, the Corporate Director – Education and Family Support concluded.

The Cabinet Member – Education and Regeneration welcomed the report's recommendations which would benefit all local authorities that comprised the Central South Consortium.

The Cabinet Member – Social Services and Early Help added that the grant funding would benefit our ALN children who needed greater levels of investment to receive parity of education with other young people.

The Leader was pleased to note that WG had listened and continued to engage with the sector, though an investment was required for the short, medium and longer term to help with transition proposals and how these are managed. The extent of the costs he appreciated however, would not be fully realised until the project was not only fully up and running, but until it had evolved.

He felt that the provisions of the report also reflected a good example of partnership working, with the relevant neighbouring local authorities involved in the Agreement.

**RESOLVED:** That Cabinet:-

- Approved the Council entering into the agreement with RCTCBC, the County Council of the City and County of Cardiff, Merthyr Tydfil County Borough Council and the Vale of Glamorgan County Borough Council regarding the Additional Learning Needs Transformation Grant 2020-2021; and
- Delegated authority to the Corporate Director Education and Family Support to negotiate and agree the final terms of the agreement with the other Councils and enter into and arrange execution of that agreement, subject to such delegated authority being exercised in consultation with the Section 151 Officer and Chief Officer - Legal, HR and Regulatory Services.

617. **SCHOOL MODERNISATION - BRIDGEND NORTH EAST - OUTCOME OF THE FEASIBILITY STUDY AT BRACKLA HILL**

The Corporate Director – Education and family Support submitted a report, the purpose of which, was to:

- apprise Cabinet of the outcome of the feasibility study in respect of the proposed relocation and enlargement of Ysgol Gymraeg (YG) Bro Ogwr to the Brackla Hill site;
- seek approval to discount the Brackla Hill site from any future consideration in respect of the YG Bro Ogwr, Band B proposal; and
- seek approval to continue to explore alternative options for the replacement school.

He explained that the Band B Strategic Outline Programme (SOP) was submitted to Welsh Government (WG) in July 2017. In October 2017 Cabinet was presented with a report detailing the outcome of the Band B review and gave approval to discontinue the original Band B schemes identified in the November 2010 Cabinet report, and approved the revised Strategic Outline Programme (SOP) and the projects listed in paragraph 3.1 of the report.

On 6 December 2017, the WG Department for Education gave ‘approval in principle’ for Bridgend’s second wave of investment, which at that stage had an estimated programme envelope cost of £68.2m. Further costs were to be determined, and these would be associated with additional infrastructure capacity.

Following this, in January 2020, Cabinet was presented with the outcome of the extensive options appraisal relating to each of the approved projects.

The Corporate Director – Education and Family Support, added that Cabinet approval was received to progress an on-site feasibility at Brackla Hill in respect of the preferred education option for the Bridgend North East scheme ie 2.5-form entry (FE) YG Bro Ogwr on the Brackla Hill site.

In progressing the feasibility study, the Corporate Director – Education and Family Support advised, that the project team commissioned all relevant surveys, which have been analysed by the individual disciplines. Each discipline has had input into the final 'Brackla Hill - Feasibility Report'.

The following sections of the report, contained a summary of the key aspects of the findings from such feasibility study (paragraphs 4.2 – 4.12, inclusive).

The Corporate Director – Education and Family Support concluded, by stating that when considering all these factors, it was the recommendation of the project team, that the Brackla Hill site is not taken forward for development of the new school. Alternative site options should therefore be explored, he added.

The Cabinet Member – Education and Regeneration thanked Officers for the report. He also thanked the Brackla Labour Ward Member and representatives of the 'Save Our Fields' Brackla group for their constructive engagement into the Feasibility Study proposals and outcomes and their overall consideration and engagement with Cabinet on the siting of the proposed YG Bro Ogwr school. He also thanked Carwyn Jones AM for his contribution regarding the scoping of funding options for the school (welsh and English medium) on a suitable alternative site(s) near Brackla, where the schools would be re-developed. He felt there was a need for engagement with the Brackla Community Council, with a view to protecting the green space originally proposed for the siting of the school(s) from developers, possibly through a Community Asset Transfer agreement being pursued sometime in the future.

The Leader echoed the constructive engagement exercise that had taken place between the Authority and the Brackla 'Save Our Fields' group in respect of the Feasibility Study, which had proven to be invaluable. The Council had to look after both its green/open spaces, whilst at the same time, also developing capacity for welsh medium education opportunities within the north east area of Bridgend.

The Cabinet Member – Social Services and Early Help added that she was pleased to see the safe preservation of Brackla Hill as an area of green open space, particularly as there was limited such areas in the nearby town centre area of Bridgend.

**RESOLVED:** That Cabinet:

- Noted the outcome of the on-site feasibility study in respect of the proposed relocation and enlargement of YG Bro Ogwr to the Brackla Hill site;
- Gave approval to discount the Brackla Hill site from any future consideration in respect of YG Bro Ogwr; and
- Gave approval to explore alternative options for the replacement school

618. **URGENT ITEMS**

None.

619. **EXCLUSION OF THE PUBLIC**

**RESOLVED:** That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as it

**CABINET - TUESDAY, 9 FEBRUARY 2021**

contained exempt information as defined in Paragraph 14 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above, to consider the following item in private, with the public excluded from the meeting, as it was considered that in all circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

620. **SCHOOL MODERNISATION - BRIDGEND NORTH EAST**

The meeting closed at 16:15

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

### REPORT OF THE CHIEF EXECUTIVE

#### DOMESTIC ENERGY EFFICIENCY PROGRAMME, CAERAU WARD 2012 AND 2013

#### 1. Purpose of report

- 1.1 The purpose of this report is to update Cabinet on the engagement that has taken place with relevant stakeholders involved in external wall insulation / internal wall insulation work, as part of domestic energy efficiency programmes in Caerau in 2012 and 2013.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the **Well-being of Future Generations (Wales) Act 2015:-**

1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 A report to Cabinet in November 2020 set out the detail of historical domestic energy efficiency programmes that were promoted in the Caerau ward of the county borough in 2012 and 2013. Specifically, Cabinet were advised that following an independent survey commissioned by the Council, and carried out by NuVision Energy (Wales) Ltd, that all of the 32 properties in Caerau ward that were surveyed by NuVision, had some evidence of defective work, some of it significant. In the main this related to homes that had external (EWI) or internal (IWI) insulation work carried out. In view of that, the report concluded that it was fair to assume that poor workmanship and

damage would also be found in those properties where similar work had been carried out but had not been part of the survey.

- 3.2 However, the Cabinet report also made clear that the funding mechanisms and implementation of domestic energy efficiency programmes in Caerau in 2012 and 2013 were complex and that the Council only had involvement in administering the funding for a relatively small percentage of the total number of homes where work was implemented. There was evidence of 104 properties having external or internal wall insulation in Caerau during that period. Only 25 of those properties had the work paid for by funding through the Arbed scheme administered by the Council. For the avoidance of doubt, the Council had no involvement at all in the work on the other 79 properties where EWI and/or IWI was carried out.
- 3.3 In view of this, Cabinet approved a recommendation to delegate authority to the Chief Executive to engage with other relevant stakeholders involved in the wider programme in Caerau and to explore options, with a view to bringing a further report to Cabinet for consideration.
- 3.4 In particular, Cabinet were keen that ideally an holistic solution would be developed for all properties where poor work had been carried out. This was deemed important, as the same contractor and sub contractors carried out the work regardless of where the funding for the work was administered from. Some funds were administered through the Council as part of the Welsh Government funded Arbed scheme; other work was promoted and carried out independently by the contractor, Green Renewable Wales Ltd and sub contractors, and paid for by the energy companies as part of the Community Energy Saving Programme (CESP) and Carbon Emission Reduction Target (CERT) national schemes. These schemes were established by the UK Government, which required the main energy companies to pay for 'carbon savings' in areas of the country identified as the most at risk of fuel poverty.
- 3.5 Cabinet were informed that, based on the evidence of the NuVision survey, often the householders were unaware of how and by which scheme their work had been funded. This is further evidenced by the fact that since the report to Cabinet in November 2020 the vast majority of correspondence to the Council with regard to this matter has come from householders where the work on their homes was not carried out using funding administered by the Council. In addition, Cabinet were also informed in the November Cabinet report that all of the contractors and sub contractors that had carried out the work had now gone out of business and that seemingly there was no valid warranty or insurance in place for any of the work. Therefore, whereas ordinarily the householders would have been able to approach the contractor to repair and put right any poor workmanship, that was not an option now open to them. This matter is however being explored further as while there does not seem to be any evidence of any insurance on the Arbed funded schemes administered by the Council, more recently some evidence has emerged of certificates issued to homes where the work was funded through the CERT and CESP schemes. It is not clear however whether they are still valid and would offer any recourse at this stage.
- 3.6 It is clear that the Council had no involvement in any of the work on the majority of homes, so if the Council chose to approve remedial measures for only the homes where the Council had administered the Arbed funding, other homes very close by and potentially even next door, would not fall within the scope of the remedial

measures as they were not funded via the Council administered fund. It was therefore deemed appropriate to engage with the Welsh Government, UK Government, the relevant Energy Companies (N Power, Scottish Power and EDF Energy) and OFGEM the energy regulator, as relevant stakeholders, with the aim of developing a solution for all home owners affected.

#### **4. Current situation/proposal**

- 4.1 Following the Cabinet report in November 2020 letters were sent to energy companies where, based on evidence from its investigations, the Council was aware they had been involved in CERT and CESP funded work in Caerau. A response has now been received from each of the companies. In view of the historical nature of the schemes a variable amount of detail and knowledge of the specific schemes in Caerau seems to exist within each company. However, the responses received from all of the companies consistently advised that they had no direct involvement in promoting or procuring work in Caerau and that the nature of the UK Government sponsored schemes at the time (CESP and CERT) required them to 'buy back' carbon savings by paying for work on energy efficiency schemes in some of the poorest areas of the country, where the potential for fuel poverty was at its most acute. As such they are all clear that they believe they have no liability for any poor workmanship. It has also been confirmed that these schemes were concluded and signed off many years ago by UK Government and the regulator.
- 4.2 In addition to the above engagement, two meetings have been held with senior Welsh Government officials to seek to secure their support for a solution that would address all of the EWI / IWI issues in homes in Caerau as a result of the various energy efficiency schemes. Welsh Government's position is that the Arbed scheme in Caerau was administered by the local authority and it was the local authority who commissioned the contractor to carry out the work.
- 4.3 The Council has confirmed to Welsh Government officials that only a small percentage of homes in Caerau had EWI / IWI work funded through the Council administered scheme. The majority of the affected properties had the work carried out by the same contractor under the UK Government's CERT and CESP schemes. It was therefore suggested that a further meeting should be arranged together with OFGEM the energy regulator to explore whether they may have the means to intervene in this matter.
- 4.4 That further meeting between officials representing the Council, Welsh Government and OFGEM has also now taken place. The key points that emerged were; the CESP and CERT schemes were closed and signed off many years ago and so it would be difficult to now pursue the energy companies for any redress, particularly as OFGEM confirmed the indirect role they had played in the work. Subsequent UK Government schemes had adopted the learning from these early schemes and now far greater checks and balances are in place to ensure the quality of work and relevant insurances were in place. OFGEM were the administrator, but not the regulator of the CESP and CERT schemes and therefore believed they had no power of further intervention with regard to this matter. There was a possibility, to be explored further, that current UK Government energy schemes such as 'Eco' could be bid for, but could only be used to implement new energy efficiency measures and not to put right previous poor workmanship.

- 4.5 In view of the above, a number of actions were agreed; firstly for Welsh Government to approach the UK Government so that there was full understanding of the current issues, in particular with regard to historical CERT and CESP schemes, and to request their intervention to address the issues. Secondly, Welsh Government officials would formally raise the matter with Welsh Government Ministers by means of policy advice to determine the appetite of the Welsh Government to intervene, particularly with regard to those homes funded through the Arbed scheme. Finally for OFGEM to explore more fully the potential for current schemes such as 'ECO' to be focused on offering energy efficiency measures in areas such as Caerau.
- 4.6 In conclusion, there is clearly more work to carry out before a final position and options can be presented to Cabinet with regard to this matter. While all organisations have expressed their sympathy and concern for those households affected, the nature of the various schemes and funding methods by which the EWI and IWI work in Caerau was carried out means it is inevitably proving difficult and complex to establish an agreed and comprehensive way forward.
- 4.7 While it is acknowledged that the ongoing delays in resolving this matter will be both frustrating and potentially distressing to those affected homeowners in Caerau, the Council are continuing to work towards an holistic solution for all properties, regardless of how their work was funded. With continued representations to both UK Government and Welsh Government it is hoped that a further report can be presented to Cabinet with the goal of an agreed comprehensive solution. However, if that fails to materialise the Council will consider available options specifically for the 25 properties where the Council were involved in administering the funding.

## **5. Effect upon policy framework and procedure rules**

- 5.1 There is no direct impact on the policy framework and procedure rules. The current Council's Contract Procedure Rules and procurement processes, as they relate to external funding, have been considered by internal audit and their findings have been reported to the Governance and Audit Committee in January 2021.

## **6. Equality Impact Assessment**

- 6.1 As reported to Cabinet in November 2020, an initial Equality Impact Assessment has been carried out. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality, so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Council should work to deliver wellbeing outcomes for people. The Council 'must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs'. Accordingly,

before making any decision, Cabinet must take account of the following five ways of working:

- Involvement
- Long Term
- Prevention
- Integration
- Collaboration

Should Cabinet approve the recommendations in this report, the five ways of working will continue to be taken into consideration when the Chief Executive engages with relevant stakeholders and further explores available options. Cabinet will have further opportunity to consider their duties under the Act, when they receive further reports.

## **8. Financial implications**

- 8.1 There are no financial implications at this stage but, following further engagement with the relevant stakeholders involved in the wider EWI and IWI domestic energy efficiency schemes and exploration of available options, the financial implications of each to the Council will need to be considered further and additional reports presented to Cabinet and / or Council as necessary.

## **9. Recommendation(s)**

- 9.1 Cabinet is recommended:
- i) To note the engagement that has taken place with Welsh Government, OFGEM and the energy suppliers since the previous Cabinet report in November 2020.
  - ii) To approve further ongoing liaison with relevant stakeholders involved in the wider external wall insulation/ internal wall insulation works in Caerau.
  - iii) To note that a further report will be presented to Cabinet outlining the outcome of the continued engagement and outlining any solutions that have been agreed.

Mark Shephard  
Chief Executive  
March 2021

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**Background documents:** Report to Cabinet 17 November 2020, Arbed Programme in Caerau

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9<sup>th</sup> MARCH 2021

#### JOINT REPORT OF THE CORPORATE DIRECTOR COMMUNITIES AND INTERIM CHIEF OFFICER – FINANCE, PERFORMANCE AND CHANGE

#### BRIDGEND TOWN HEAT NETWORK PROJECT PHASE 1

#### 1 Purpose of report

1.1 The Bridgend Town Heat Network Project is being created with the primary purpose of delivering the decarbonisation of Bridgend and contributing to the creation of a Net Zero Bridgend County Borough by 2030, as mandated by Welsh Government. The purpose of this report is:

- to seek agreement from Cabinet to present a report to Council seeking approval to include a capital budget of £3.4m in the capital programme for the Bridgend Town Heat Network Project (Phase 1),
- to establish a Special Purpose Vehicle (SPV) for the development of the Bridgend Town Heat Network Project based on recommendations within the report on the form and structure of the SPV and how it will be governed and managed,
- to seek Council approval to provide a loan of £1.821m to the Special Purpose Vehicle to enable the project to progress. The £1.821m forms part of the £3.4m capital budget for the project, with the remaining balance of the funding being provided by a Heat Network Investment Programme (HNIP) grant (£1m), BCBC contribution from its Capital Programme (£0.5m), connection charges and share capital (£0.068m) .

1.2 The delivery of the Bridgend Town Heat Network Project is ultimately predicated on the capital cost for the project being affordable. This will be determined by the outcome of the current procurement exercise for a contractor to construct the scheme.

#### 2 Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county borough.

2. **Smarter use of resources** – ensuring that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as

possible and support the creation of resources throughout the community that can help deliver the Council's well-being objectives.

### **3 Background**

3.1 The Bridgend Town Heat Network project is being taken forward to contribute to the Council's decarbonisation targets and assist in the creation of a Net Zero Bridgend. A capital grant application was made to UK Government via its Heat Network Investment Programme (HNIP) in April 2019. This was approved in December 2019 for: (i) £1,000,000 capital investment towards the construction of the heat network; and (ii) £241,000 revenue funding for pre-construction activities.

3.2 The HNIP guidance states that "local authority controlled" projects with a capital expenditure (capex) greater than £2.4m, must be delivered through a separate vehicle. Therefore, to access the HNIP capital funding, an SPV must be set up by the Council to deliver the project. The project is to be 100% owned by the Council.

### **4 Current situation/proposal**

- 4.1 To establish an SPV each of the following factors must be considered:
- The benefits and risks of establishing an SPV, notwithstanding the HNIP requirement.
  - The form of entity to be established.
  - The constitution of the SPV.
  - The practical arrangements for governance, management and administration of the SPV.
  - The contracts required between the Council and the SPV.

#### **SPV Name**

4.2 It is proposed that the SPV be called Bridgend Heat & Power Ltd.

#### **Power to establish an SPV**

4.3 The Council has the power to generate, buy and sell heat per s11 of the Local Government (Miscellaneous Provisions) Act 1976. It also includes express powers to lay pipes and carry out associated works for the purpose of conveying the heat. The Council can then rely upon the supplementary / ancillary power in s111 of the Local Government Act 1972 which gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. This is relevant only for the means by which the Council may adopt to take forward the scheme (such as the establishment of, or participation in, a company). In addition, councils in Wales have the power to establish Local Authority Trading Companies under s95 of the Local Government Act 2003 by virtue of the Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006. It is a general power subject to meeting the conditions of the Order around preparation of an appropriate business case for the trading activity. However, for the purposes of establishing the SPV, the power in s111 of the Local Government Act 1972 is sufficient.

## **The rationale for establishing an SPV**

- 4.4 The use of an SPV is often a matter of choice for a project after considering funding, project risk, management and governance. The SPV model has also been utilised by other councils to deliver similar projects with successful outcomes.
- 4.5 This project requires an SPV to comply with HNIP requirements. Despite the SPV not being a matter of choice, as part of the decision making process, it is a matter of good governance to document the benefits and risks associated with an SPV.
- 4.6 Benefits of an SPV:
  - 4.6.1 An SPV can procure and retain the necessary skills to deliver this type of specialist project which may not be available within the Council.
  - 4.6.2 Establishing an SPV can enable project benefits to be retained in the SPV to further the wider strategic objectives to be delivered from the project in the future and facilitate the primary aim of the SPV which is to assist in the delivery of decarbonisation and a Net Zero Bridgend by 2030.
  - 4.6.3 An SPV is an independent company, separate from the Council and so it can be independent i.e. it can make the best decisions in the interests of the project without having to manage competing Council constraints. The Council can get on with the business of the Council, and the SPV can get on with running the project. On some projects this is a driver for choosing to establish an SPV. This of course must be subject to robust governance.
  - 4.6.4 Project management, operations, maintenance functions and other risks can ultimately be transferred out of the public sector, while the public sector retains a high degree of influence / direction.
  - 4.6.5 Using an SPV helps to package the project more easily to facilitate a Council exit in future.
  - 4.6.6 Using an SPV helps to package the project more easily to facilitate multiple investors. This will be relevant if private sector investment is required for future expansion of the network.
- 4.7 Risks and Barriers:
  - 4.7.1 There is a cost to set up an SPV and ongoing costs associated with administering and managing the vehicle for example, audit, accounts, governance. An allowance for these costs has been included in the financial model for this project. It is accepted that these costs will need to be reviewed, and possibly amended, once the SPV is operational and the real costs are known and understood.
  - 4.7.2 The Council does not have experience of setting up and running a company and so resource will have to be dedicated to establishing the necessary governance, policies and procedures to make the company work.

- 4.7.3 Costs of the SPV will be funded by Council contributions and HNIP grant as part of the overall scheme budget until the SPV is operational and it generates its own revenues. It may be possible to have voluntary board members but the SPV will have to be resourced. An allowance for these costs has been included in the financial model for this project.
- 4.7.4 An SPV can introduce procurement risk on the energy supply where the SPV is providing the energy services to the public sector. However, for now, that risk is mitigated as the Council is the SPV's only customer (energy is being supplied to Halo via the Council) and therefore the SPV can be 'Teckal' compliant. A Teckal compliant structure means that the SPV complies with regulation 12 of the Public Contract Regulations 2015, which means that (i) the Council exercises control over the SPV as if it were a Council department, (ii) more than 80% of the activities of the SPV are carried out in the performance of tasks given to it by the Council i.e. it provides 80% of its services for the Council; and (iii) there is no private sector ownership of the SPV. The situation will need to be reviewed for future phases when the building connection makeup of those phases is known. However, breaking the Teckal compliant structure in Phase 2 does not invalidate the energy supply contracts created between BCBC and the SPV in Phase 1.
- 4.7.5 Currently Halo are able to procure their own energy however, in order for the Council to provide the energy to Bridgend Life Centre, the leisure services contract with Halo will need to be varied in relation to this venue only.
- 4.7.6 The creation of the heat network potentially opens up operational risk but the proposal is to use a gas Combined Heat and Power Unit which is a highly mature technology which has been operating for many decades within the UK and therefore is well understood. Operational risks within the project will be passed and managed by the appointed specialist contractor procured by the Council to deliver the project.
- 4.8 The SPV will have an independent board of directors, which can include representatives from the Council and those with relevant expertise from the private sector. Having sector and technical experts on the board can give the SPV additional credibility and support commercial decision making. An independent board requires strong governance arrangements to be in place so that there is clarity on matters where the board is free to make decisions and matters that require owner (i.e. Council) approval. A certain level of separation and board freedom may be important to achieve the long-term objectives of the Council for the project but this needs to be balanced against a continued requirement for Council oversight of the SPV's activities.

### **Legal Form of the SPV**

- 4.9 Various different types of legal entities (e.g. company, charity, partnership, trust) were assessed against the following factors:

- 4.9.1 the suitability in terms of the potential for liability to attach to members or officers of the SPV;
  - 4.9.2 the purpose of the SPV;
  - 4.9.3 whether the SPV would be charitable or would be capable of distributing profit to the Council as a member.
- 4.10 The recommendation from the Council's advisers is that the SPV should be established under the Companies Act 2006 as a company limited by shares with the Council as sole shareholder.
- 4.11 The reasons for this recommendation are set out below:
- 4.11.1 A company limited by shares is a straightforward and well understood structure and is the most commonly used form for SPVs on projects of this type. This may also provide greater flexibility should the Council wish to exit the project in future.
  - 4.11.2 A company has a separate legal personality such that its members (i.e. in this case, the Council) are not liable for the company's debts and obligations, nor are its directors (except in particular circumstances such as the commission of offences by the company or wrongful and fraudulent trading). A limited Liability Company can raise debt in its own name and the funder has no recourse to the owners of the company. In this case, the company rather than the Council is responsible for the debt of the SPV. The risk to the Council is if the SPV becomes unable to repay the loan from the Council. If the SPV defaults on its debt to the Council, the Council would seek to step in to operate the contracts of the SPV directly, and the Council as owner of the SPV will benefit from the value of the network's contracts and assets.
  - 4.11.3 A company has the necessary flexibility to fulfil the SPV's objects and purposes which are to support and facilitate decarbonisation. While the core purpose of the SPV is the delivery of the project initially, the SPV will be able to develop to achieve broader strategic aims of the Council on energy in line with the Council's 2030 Decarbonisation Strategy.
  - 4.11.4 A company limited by shares provides the flexibility to enable future distribution of any profit to its members (i.e. the Council or any future owner of the SPV). While the primary purpose of the project is to support decarbonisation, the Council (and HNIP) requires that the SPV is economically viable which means that the SPV is expected to generate some profit over its lifetime. That profit may be reinvested in the activities of the SPV or, if appropriate, distributed to the Council by way of dividend.
- 4.12 Various other legal forms were considered, but discounted as follows:
- 4.12.1 Limited Liability Partnership (LLP) – whilst this is an option for the Council, it is not considered suitable because the primary purpose of such a partnership is the pursuit of profit which is not the primary purpose of this

project. An LLP also requires at least two members, therefore for the Council to create an LLP would require it to set up another company, in order for that company to be the other partner. The management structure for the LLP would also require more development as there are fewer tested templates for the constitution of an LLP for this type of project.

- 4.12.2 General Partnership – this is considered unsuitable because it requires at least two partners (the Council could not be the sole owner) and those partners would be liable themselves for the partnership debts and liabilities.
- 4.12.3 Community Interest Company / Community Benefit Society – the main purpose of the project and therefore the SPV is not to carry out activities for the benefit of the community and therefore it would be difficult to meet the required tests to establish these types of vehicles. These models also require an "asset lock" which restricts the distribution of profit to members. An asset lock means that assets must stay in the company and cannot be transferred back to the Council, they can only be used for the future activities of the company.
- 4.12.4 Charity / Company Limited by Guarantee – given that the SPV will be carrying out a primarily commercial activity i.e. the development of a heat and power project (albeit for the purpose of achieving its Net Zero decarbonisation objects for Bridgend and not for pure commercial gain) that will generate revenue, this ruled out a charitable structure. A company limited by guarantee is usually asset locked and used for charities and social enterprises.
- 4.12.5 Unincorporated Association / Trust – both are unsuitable for finance arrangements as they are not separate legal persons and do not have limited liability for members. They also cannot raise finance in their own right.

### **Objects/aims of the SPV**

- 4.13 The objects of the SPV can be set out in the Articles of Association. It is not necessary to do this, but for governance and clarity, it is appropriate for an SPV of this type to have a statement of what its objects are.
- 4.14 The objects attempt to strike a balance between being broad enough (and not unduly restrictive) to take account of activities that the SPV may undertake over time, but narrow enough to constrain those activities appropriately. This means that the Council can use the SPV not only for the initial project, but for further energy projects to achieve the Council's long-term Net Zero Decarbonisation Strategy should it wish to do so. This may provide long term cost efficiencies as the Council may not need to set up other SPVs to deliver other energy projects, if the creation of an SPV was considered necessary for those projects.
- 4.15 Objects for the SPV are proposed to be:

*The company is established for the benefit of the citizens of the Bridgend County Borough, to facility the delivery of decarbonisation, provide lower cost energy, capture*

*economic opportunities and promote the improved wellbeing of its citizens. Subject to that qualification and to the proviso that the company is not precluded from carrying on activities outside the Bridgend County Borough so long as there is reasonably considered to be benefit, whether financial or non-financial, to the citizens of the Bridgend County Borough from so doing, the objects for which the company is established are:*

*To carry on in any manner the company thinks fit the businesses of generating and supplying electricity and space and water heating, exporting surplus electricity and heat, purchasing and supplying electricity and heat and generally operating in the wholesale and retail markets in commodities, fuels and others of all kinds;*

*To consider, develop and implement, and revise and update from time to time, a strategy or strategies for delivering energy and resource efficiency, energy savings, reductions in carbon and other emissions, the production of renewable or sustainable energy, district heating, and/or sustainable transport ("Energy Services"), from Energy Services;*

*To carry on in any manner the company thinks fit the businesses of delivering Energy Services, and/or the promotion of community benefits from Energy Services;*

*To provide in any manner the Company thinks fit affordable energy to persons who by reason of age, ill health, disability, financial hardship or other disadvantage would benefit from the supply of affordable energy, and in doing so to seek to reduce levels of fuel poverty;*

*To provide professional and advisory services relating to Energy Services and to provide training programmes and dissemination of information and advice relating to Energy Services;*

*To design, engineer, manufacture, construct, extend, demolish, execute, carry out, equip, improve, purchase or otherwise acquire, lease, develop, administer, manage or control buildings, facilities, works and conveniences of all kinds in the furtherance of any of the above objects; and*

*To carry on in any manner the company thinks fit the business of implementing projects which are desirable for the furtherance of any of the above objects.*

- 4.16 These objects cover the activities required initially for the delivery of this project. They also reflect the wider strategic decarbonisation aims of the Council. It is recommended that 'catch all' objects are also included to allow flexibility. However, the Articles of Association can be amended at any time by passing a special resolution of shareholders holding at least 75% of the share capital of the SPV.

### **SPV Constitution**

- 4.17 The constitution of a company limited by shares is contained in its Articles of Association. In addition to the objects of the SPV the Articles will contain terms for the management and governance of the SPV as follows:

- 4.17.1 Board of the SPV – the SPV will be managed by its board of directors. The Council as sole shareholder of the SPV has the right to appoint and remove any director.
- 4.17.2 Number / identity of directors - a minimum and a maximum number of directors should be specified, and an odd number can help the board when making majority decisions. For a single project two or three directors would be sufficient although there should be flexibility to appoint more in future by setting a higher maximum e.g. seven. Having three directors from the Council may be easiest initially and the recommendation is that most are Council officers rather than Councillors due to concerns around conflict of interest. Directors should be appointed that understand the project, have sufficient time to devote to the management of the SPV and recognise that being a Director on the SPV requires a commercial approach to their role. Ideally the SPV would appoint external (non-executive) directors, who could bring significant energy market experience to the SPV. The Council should retain a majority of Council directors to ensure that the Council controls the SPV in the same way it controls other Council departments for the purposes of "Teckal" compliance. It is recommended that the directors of the SPV should be:
- Corporate Director Communities
  - Head of Operations Community Services
  - Head of Partnership Services
- 4.17.3 Number of board meetings - there should be a specified minimum number of board meetings taking place during the year e.g. once every quarter or every two months. More frequent board meetings may be required during construction of the project.
- 4.17.4 Board meeting quorum – with a smaller board, a quorum of two directors is recommended of which at least one has to be a director appointed by the Council. (A proportion of the board such as one third or one half of the directors are present could also be specified). If there are external directors, the Council director could have a casting vote. We recommend that the chairman has no casting vote, which means the board has generally to reach a majority decision.
- 4.17.5 Board director term – No term needs to be specified and if the only directors are Council officers this is less relevant. However, if the board may be expanded in future you may want to specify a term of e.g. three years, renewable once, with any extension beyond that only with the approval either of the entire Board and/or the Council.
- 4.17.6 Directors' remuneration – directors will only be entitled to travel and other expenses for attending meetings and conducting company business, which will be paid upon proper vouching being produced.
- 4.17.7 Directors' conflict - for external directors, the conflict provisions can be in standard form but Council directors should be subject to the same conflict provisions as would apply if Council business was being conducted (which

is a separate question from declaring interests). Council directors are likely always to have an interest to declare as they are Council employees or Councillors. That does not preclude them from voting on a particular matter unless they have a particular interest in the matter in question e.g. a Councillor as director voting on a project which affects the constituency that they represent. Conflicts of interest need careful consideration if any director was to be a Council officer that performs a key oversight role e.g. audit responsibilities or contract approvals (see also SPV Governance and Oversight).

4.18 The SPV's constitution should include a list of reserved matters. These are matters which the Board cannot decide without the approval of shareholders (i.e. the Council). These provisions could be added to the Articles of Association but are more commonly included in a shareholder agreement between the SPV and its shareholders. The Articles of Association are a public document whereas a shareholder agreement can be confidential. A shareholder agreement is also easier to amend. The following activities should require prior Council consent:

- 4.18.1 establishing companies, partnerships, or joint ventures of any kind;
- 4.18.2 borrowing or lending money or entering into loan etc. transactions;
- 4.18.3 granting or taking security over any item of property of whatever type;
- 4.18.4 purchasing, selling, leasing etc. land or other property;
- 4.18.5 other key stage aspects of project implementation (once approved by the Council) such as shortlisting of contractors, appointment of a preferred contractor and contract signature;
- 4.18.6 entering into contracts of employment;
- 4.18.7 expenditure on specialist or other services in excess of thresholds established for delegated authority for Corporate Director Communities.

The above list is not exhaustive but is intended to cover the main "control" items.

4.19 The Articles of Association should also have express provisions that prohibit the key provisions described above from being amended without the Council's consent. This will not be an issue while the Council is the sole member as only its consent is required for the change but the SPV may not always have a single member.

### **SPV Governance and Oversight.**

4.20 Beyond those reserved matters listed in section 4.16 there are additional internal governance measures that will need to be put in place to ensure the Council exercises proper oversight of the activities of the SPV:

- 4.20.1 SPV Oversight - the SPV's financial and service performance will need to be embedded into the Council's own audit and scrutiny processes, as well as a mechanism for dealing with additional investment / financial difficulties.

The Council should have oversight on any strategic decisions to avoid any question of delegation of statutory function.

- 4.20.2 SPV Reporting – the Council should identify the appropriate Council board/committee for the SPV Board to report to and should specify which matters will need to be reported to Cabinet or Council as appropriate.
- 4.20.3 Policies and Procedures – the SPV will be able to adopt and comply with the vast majority of the Council's existing policies and procedures (e.g. procurement, supply chain management, freedom of information, data protection, anti-bribery and others). Some updating of policies may be required to ensure that references to the SPV are included where relevant.
- 4.20.4 Business Planning – the SPV should develop a business plan. The process for developing, reviewing, approving and updating that plan will need to be developed further. As a minimum the ongoing business plan should be prepared by the SPV management and then approved by the SPV board. However, updates to the business plan may require Council approval if they involve elements that require Council decision (e.g. entering into partnership) as part of its oversight of the SPV and the approval of any business plan should be a reserved matter in the SPV's constitution.

### **Administrative and Management Services**

- 4.21 The SPV is a small business that needs to be run on a day-to-day operational basis as well as having the appropriate governance and strategy. It is not necessary for the SPV at the outset of the project to have a management team. For day-to-day operational matters, it is proposed that an SPV manager will be seconded from the Council on a part-time basis. The SPV manager could also be a director of the SPV. Whilst there is a budget within the scheme of £40,000 to support the running of the SPV, costs will need to be monitored and reviewed to ensure that sufficient budget is provided within the SPV's operating budget to meet such costs fully.
- 4.22 The SPV will not employ its own staff and is not anticipated to have access to its own resources (e.g. IT systems or office space), however this position will be monitored in case the situation changes (e.g. the SPV requires separate accounting software). The day-to-day management and administration of the SPV will therefore need to be provided in part, by the Council initially (e.g. contract management, IT services). This may include the secondment of an SPV manager.
- 4.23 The Council will recharge the cost of performing these services to the SPV under a management services agreement. This document will describe the services to be provided from the Council to the SPV and how the Council will be paid for those services.
- 4.24 The services to be covered can include the following:
  - 4.24.1 day to day project and contract management including co-ordination with contractors, health and safety duties and contract enforcement.

- 4.24.2 sales activities and interface with customers e.g. billing and payment;
  - 4.24.3 company secretarial including arranging board meetings, taking board minutes, arranging companies house filing etc;
  - 4.24.4 arranging SPV insurances;
  - 4.24.5 provision of an SPV manager and SPV administrator;
  - 4.24.6 business planning and community engagement; and
  - 4.24.7 procurement of additional services for the SPV as required e.g. technical, financial including preparing management and financial accounts, legal and banking services.
- 4.25 With the exception of a specific time commitment from an SPV manager (8 days per month) and an SPV administrator (3 days per month), the provision of these management / administrative services is not expected to require a significant amount of time from Council employees while the SPV is solely delivering the initial heat network project.
- 4.26 It is recommended that the Council charges the SPV a fixed monthly / annual fee. A sum of £40,000 per annum has been allocated in the model for the cost of running the SPV, which could be translated into a fixed annual fee, commensurate with the services provided by the Council, to the SPV. It is recognised that these costs would need to be reviewed after 12 months of operation to ensure that they represent the real costs of operation. Should the actual costs be in excess of this amount, the Council would need to consider whether to meet these or seek to increase the charge to the SPV. The Council should also consider the extent to which the SPV will have cash available to pay for the management services from time to time to avoid triggering technical insolvency (particularly before the SPV is fully funded). In the instance of there being insufficient funds available to pay the management fee, the Council could consider delaying the payment of the management fee for a period until the SPV is able to meet its obligations (with regard to the payment of the management fee) or it could suspend or delay payment of dividends from the SPV to the Council to cover the management fee costs.

### **Contracts with the SPV**

- 4.27 To deliver the heat network project the Council will need to enter into a number of contracts with its SPV. These are described below.
- 4.27.1 Shareholder Agreement – as described above this is a private contract between the Council (in its capacity as shareholder) and the SPV. It can set out more of the detailed governance arrangements that wouldn't usually sit in standard Articles of Association.
  - 4.27.2 Funding Agreement – this will be a simple agreement to document the terms of the grant and loan to be provided from the Council to the SPV.

- 4.27.3 Energy Services Agreement – this will set out the SPV's responsibility and right to deliver the heat network project on behalf of the Council but can also include the provision of wider strategic energy services.
- 4.27.4 Energy Centre Lease – this will be a standard lease over an area within the Bridgend Life Centre in which the heat and power generation equipment for the project will be located.
- 4.27.5 Energy Supply Agreements – these will be contracts for the supply of heat and electricity to the Council buildings (including the Bridgend Life Centre). The SPV will initially only supply heat and power to the Council so that the SPV can comply with "Teckal" principles; and
- 4.27.6 Management Services Agreement – this will set out the management and administrative services to be provided by the Council to the SPV and the management fee payable to the Council.

## **5 Effect upon policy framework and procedure rules.**

- 5.1 There is no direct impact on the Council's policy framework and procedure rules.

## **6 Equality Impact Assessment**

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics and an EIA status of low priority is considered appropriate at this stage. It is considered that there will be no negative impacts from this report.

## **7 Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The Bridgend Town Heat Network Project is a positive step in regard to the Council's role in complying with the Well-being of Future Generations (Wales) Act 2015. The project demonstrates BCBC taking a positive proactive role within the decarbonisation agenda in Wales which will ensure that the significant environmental, social and economic opportunities created through the decarbonisation transition of the energy market will be captured for Bridgend as well as the area being able to demonstrate its compliance with national carbon reduction targets.
- 7.2 In terms of meeting the 5 ways of working within the Act:
  - 1. **Long Term:** The Bridgend Town Heat Network Project will provide the foundation for Bridgend Town to develop a decarbonised heat system that meets the UK 2030 decarbonisation targets in line with BCBC's Local Area Energy Strategy and Smart Energy Plan.
  - 2. **Prevention:** The Bridgend Town Heat Network Project will provide an opportunity for all to benefit from the decarbonisation transition and ensure that solutions are designed and available for everyone within Bridgend Town.
  - 3. **Integration:** The Bridgend Town Heat Network Project offers an opportunity to develop a heat network that could serve Bridgend Town and that could ultimately offer carbon reductions, reduced fuel bills and create economic opportunities through a clearly identified value chain for the area.

4. **Collaboration:** BCBC is working in partnership with both UK Government and private sector partners to deliver the project.
5. **Involvement:** The Bridgend Town Heat Network Project involves working with a variety of stakeholders to deliver a sustainable solution for the decarbonisation of heat within Bridgend Town.

## 8 Financial Implications.

The Capital Year 1 outlay for the project is £3.389m and the funding of this is broken down in Table 1.

**Table 1 Project Funding**

<b>BCBC Capital Programme</b>	£500,000	Already included within capital programme
<b>BCBC Loan to SPV</b>	£1,821,367	BCBC to fund from prudential borrowing
<b>HNIP Grant</b>	£1,000,000	Approved
<b>Connection Charges</b>	£67,366	Halo*
<b>BCBC shares</b>	£1,000	Economy, Natural Resources & Sustainability 2021-22 Budget
<b>TOTAL</b>	<b>£3,389,733</b>	

*\*This forms part of the Halo negotiations. However, if this contribution is not possible the Bridgend Town DHN project contingency budgets will be used and the cost recovered through the heat price payable by Halo.*

- 8.2 Further capital funding will be required through the life of the project for asset replacement and that is built into the business case. In terms of the loan, Council approved an amendment to its Treasury Management Strategy at its meeting on 24 February 2021, which enables the Council to lend up to £2 million to a third party. It is proposed that the Council approves a loan of £1,821,627, funded from prudential borrowing, to the Special Purpose Vehicle. The terms of the loan are outlined in Table 2 below.

**Table 2 Loan Terms**

<b>Loan Amount</b>	£1,821,267	
<b>Repayment Loan Period</b>	40	Compared to scheme financial evaluation period of 50 years
<b>Interest Payable by BCBC (charged by PWLB to BCBC)</b>	2.6%	To be determined at the date the loan is taken out by BCBC
<b>Interest Rate charged to SPV</b>	2.6%	To be determined at the date the loan is taken out by BCBC

The capital grant from HNIP has been secured and the proposed loan to be made available to the SPV is being taken to Council on 10 March 2021 for approval.

8.3 A sum of £40,000 has been allocated in the financial model to pay for administrative and management services that the SPV will require, as previously stated this figure will be reviewed once operational to ensure that it reflects the real costs of operation. Appendix 1 to this report shows a breakdown of task and costs for SPV activities. Table 3 below shows the anticipated annualised cost for the operation

**Table 3 Annualised Cost of SPV Operation**

<b>Activity</b>	<b>Role</b>	<b>SPV Resource (days per month)  £21,500 of budget is allocated to cover these activities in the Financial Model</b>	<b>External Resource  Budget is specifically allocated for these activities in the Financial Model</b>
Supporting new connections	Promotion	1	
Contract Performance	Governance	4	
Annual Accounts	Governance	0	External Audit - £5,392
Minor Asset Replacement	Ownership	2	
Major Asset Replacement	Ownership	0	
Insurances	Ownership	0	Insurances - £6,779
Supporting gaps in contract	Supplier of Last Resort	0	
Undertaking emergency operation	Supplier of Last Resort	0	
<b>TOTAL</b>		<b>7.5</b>	<b>£12,171</b>

## 9 Recommendations

9.1 It is recommended that Cabinet:

9.1.1 approves a report being presented to Council on 10<sup>th</sup> March 2021 to amend the Capital Programme 2021-2022 for the inclusion of this scheme in the Capital Programme, noting that there is already £500,000 included within the Capital Programme towards the scheme;

- 9.1.2 Subject to Council approval of the inclusion of this scheme in the Capital Programme and borrowing for the Bridgend Town DHN Project it is recommended that Cabinet:
- 9.1.2.1 recommends that Council provides a loan to the SPV on the terms set out in this report for the purposes of the Bridgend Town DHN Project and delegates authority to the Chief Executive to agree and approve the final terms of the Loan Agreement and arrange execution of the Loan Agreement on behalf of the Council subject to such powers being exercised in consultation with the Chief Officer - Legal, HR & Regulatory Services and the Interim Chief Officer Finance, Performance and Change.
- 9.1.2.2 approves the formation of a Special Purpose Vehicle as a Company Limited by shares as set out in this report (“the Company”);
- 9.1.2.3 approves the use of ‘Bridgend Heat & Power Ltd’ as the name of the Company;
- 9.1.2.4 approves the appointment of the Corporate Director Communities, Head of Operations Community Services and Head of Partnership Services as Directors of the Company for the purpose of representing the interests of the Council;
- 9.1.2.5 delegates authority to the Chief Officer - Legal, HR & Regulatory Services to enter into the following and any other related agreements to enable the Company to be established:
- Articles of Association
  - Shareholder Agreement
  - Management Services Agreement
- 9.1.2.6 approves the implementation of the governance and oversight measures set out in this report;
- 9.1.2.7 approves entering into a Management Services Agreement with the Company at a fixed annual / monthly fee, which is funded by the Company and delegates authority to the Chief Executive and the Interim Chief Officer – Finance, Performance and Change to finalise the management fee and agree the terms of the Management Services Agreement in consultation with the Chief Officer - Legal, HR & Regulatory Services.

**Janine Nightingale**  
**Corporate Director Communities**  
**9<sup>th</sup> March 2021**

**Gill Lewis**  
**Interim Chief Officer – Finance, Performance and Change**

**9<sup>th</sup> March 2021**

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**Background documents**

**None**

# Technical Note

<b>To</b> Michael Jenkins	<b>Transmittal No</b> x	<b>Project number</b> x	<b>Client</b> Bridgend
<b>Subject</b> SPV Annualised Costs	<b>Date</b> 22 February 2021	<b>Issued by</b> Rob Boyer	<b>Reason for issue</b> For Information
<b>Prepared by</b> Rob Boyer	<b>Location</b> London		

## SPV Annualised Costs

In order to operate the Bridgend District Energy Network (BDEN), a number of annual activities are required to be undertaken as summarised in the following table;

Role	SPV	Contractor	Other <sup>1</sup>	Not Applicable <sup>2</sup>	Responsibilities
Promotion	✓				<ul style="list-style-type: none"> <li>Defining physical nature of the project</li> <li>Commissioning studies to establish the viability of the network.</li> <li>Identifying funding options</li> <li>Defining the scale and timing of demand for services</li> <li>Publicising the opportunity and communicating the benefits to key stakeholders</li> <li>Attracting develop</li> </ul>
Customer	✓	✓			<ul style="list-style-type: none"> <li>Agreeing terms of heat purchase agreement (e.g. price formula, service levels, carbon intensity)</li> <li>Paying an agreed price for the heat service</li> <li>Operating a secondary and/or tertiary network in accordance with the terms of the supply agreement (e.g. maximum return temperature)</li> </ul>
Governance	✓				<ul style="list-style-type: none"> <li>Assigning roles and responsibilities</li> <li>Setting overall direction and objectives for the elements of the network within the remit of the governing body.</li> <li>Overseeing commercial behaviour and high level performance</li> <li>Taking high level commercial decisions</li> <li>Monitoring performance standards</li> </ul>
Regulation			✓		<ul style="list-style-type: none"> <li>Monitoring performance standards</li> <li>Resolving disputes between operators and customers</li> <li>Enforcing fair pricing</li> </ul>
Funder				✓	<ul style="list-style-type: none"> <li>Providing funding or arranging sources of finance, if satisfied that the scheme represents an acceptable risk</li> <li>Signing funding agreements, depending on the type of funds being provided (e.g. debt or equity)</li> <li>Obtaining appropriate security from the beneficiaries of funding.</li> </ul>
Ownership	✓				<ul style="list-style-type: none"> <li>Securing an income stream to match its responsibilities and to cover its risks</li> </ul>

<sup>1</sup> Other Roles are external to the SPV and Contractor. These could have a future impact to the operation of the DEN but are currently unknown

<sup>2</sup> Not Applicable Roles have been defined as such as they will not impact the operation of the BDEN once operation has commenced on the currently proposed network. Future works may yet be impacted by these activities.

Role	SPV	Contractor	Other <sup>1</sup>	Not Applicable <sup>2</sup>	Responsibilities
					<ul style="list-style-type: none"> <li>• Insuring or procuring insurance for the assets</li> <li>• Ensuring the assets are maintained and components replaced when life expired</li> <li>• Contracting with installers, maintenance providers, and service companies (where the Asset Owner does not undertake such activities itself)</li> </ul>
Developer				✓	<ul style="list-style-type: none"> <li>• Delivering the completed site, including secondary and tertiary heat networks</li> <li>• In some projects, making financial or in kind contributions to the heat network delivery body</li> <li>• Demonstrating to purchasers or tenants of units on the Development that the network has suitable governance structures, acceptable contract terms and continuity of heat supply.</li> </ul>
Land Ownership				✓	<ul style="list-style-type: none"> <li>• Granting leases for energy centres or substations</li> <li>• Granting easements for routing of buried pipes</li> <li>• Providing rights of access for installation, operation maintenance and replacement of plant and equipment</li> </ul>
Landlords				✓	<ul style="list-style-type: none"> <li>• Ensuring building occupiers are connected to the heat network.</li> <li>• Controlling access to maintain the secondary and tertiary networks, including ensuring that tenant leases reserve the necessary rights of access.</li> <li>• May include insuring some (e.g.. secondary and possibly tertiary) network assets.</li> <li>• May include maintaining and replacing the tertiary network assets for rental tenants</li> <li>• Where applicable, undertaking relevant Tenant Consultations</li> </ul>
Installation				✓	<ul style="list-style-type: none"> <li>• Installing a network which complies with the specification.</li> <li>• In some projects, commissioning networks and connecting new customers</li> <li>• Installing network extensions</li> </ul>
Operation		✓			<ul style="list-style-type: none"> <li>• Ensuring that heat of suitable quantity and quality (e.g. temperature) is delivered to customers</li> <li>• Where relevant, complying with the requirements of any electricity export licences or power purchase agreements.</li> <li>• Ensuring performance standards are met</li> <li>• Undertaking maintenance, repair and (in some cases) replacement works</li> <li>• Reporting to customers, landlords and the Governance body</li> </ul>
Metering and Billing		✓			<ul style="list-style-type: none"> <li>• Procuring heat (and sometimes power and cooling) delivery</li> <li>• Metering</li> <li>• Billing</li> <li>• Undertaking price reviews</li> <li>• Attracting and securing new customers</li> <li>• Collection of revenues</li> <li>• Managing customer debt and default</li> <li>• Communicating with customers</li> </ul>
Supplier of Last Resort	✓				<ul style="list-style-type: none"> <li>• Taking over Operation and Sale of Heat responsibilities where required (including in some cases taking on Asset Ownership)</li> <li>• Arranging for replacement of Operator and/or Sale of Heat roles.</li> </ul>

These terms have been taken from the BEIS Detailed Project Development Guidance and have been assigned based on the proposed procurement strategy being used for Bridgend DEN.

For BDEN, it is envisaged the SPV will outsource the functions of the Operation and Metering and Billing. The roles of Customer and Regulation will impact the SPV but should not incur standardised annualised costs. A number of roles should not incur annualised costs and have been marked as Not Applicable.

The remaining roles of Promotion, Governance, Ownership and Supplier of Last Resort will require resource to be assigned in order for the SPV to function successfully. These roles have been defined below.

### Promotion

In the context of the BDEN, the Promoter role is required to successfully develop and extend BDEN to new customers. Support for the champion at the leadership level will be needed to secure the necessary approvals.

As part of the role of promotion, the party:

- Defines the scale, nature and phasing of demand for services and the physical nature of the project to meet it
- Arranges studies to establish the viability of the network
- Identifies funding options
- Attracts developers, investors, and operators
- Is accountable for the progression of the scheme to delivery and operation
- Has a time limited interest in the scheme which maps to the project stages
- Intervenes when project stalls to solve problems
- Responsible for stakeholder engagement and is often the first point of contact for external queries, communication and advocacy for the scheme

The first tasks are the scoping of an extension project and the commissioning of studies to determine viability of a project.

### Governance

The Governance role includes setting objectives, prescribing policies and rules of conduct and overseeing performance.

These objectives, rules and policies will need to be prescribed by the contract(s) under which the network is operated. They may be promoted through wider stakeholder engagement in project direction.

Ideally, the Governing Body should ultimately be accountable to a wider set of stakeholders.

Often the governing body is specifically set up to oversee the operation of the heat network with representatives from key stakeholders, including but not limited to, the operator and the customers.

The role of governance should include:

- Assigning roles and responsibilities to parties. This function is initially undertaken by the Promoter, but once the heat network is set up it falls to the governing body to maintain and develop the heat network as conditions change and contracts come up for renewal. This would include, for example, the appointment of an operator when an existing operator's contract expires.
- Setting overall direction and objectives (for the elements of the network within the remit of the governing body). This might include objectives for network growth or the strategy for decarbonising the heat supply.
- Overseeing commercial behaviour of participating parties. This may take the form of agreeing to proposed tariff changes for example.
- Monitoring overall performance of the network, escalating and facilitating resolution of issues with relevant parties to rectify poor performance. This could include the receipt and review of network performance monitoring reports.
- Taking high level commercial decisions, such as the procurement of alternative operators and agreeing maintenance schedules.

The main CSF for the Governance role is a clear and effective organisational structure which is adequately resourced, has the necessary powers of direction and is representative of the parties and key interests on which the success of the network depends.

### Ownership

The Asset Owner owns the physical assets of the network. Ownership could be split between different classes of assets.

The role of asset ownership should include:

- Securing an income stream to match its responsibilities associated with ownership of its assets
- Insuring, maintaining and replacing and enhancing its assets
- Contracting with installers, maintainers, and service companies (where the Asset Owner does not undertake such activities itself)

The main CSFs for the Asset Owner are access to funding streams which will cover the cost of owning, maintaining and replacing the assets and provide a return on investment which meets the organisation's financial performance (i.e. hurdle rate) requirements.

With BDEN, major capital assets have been planned for replacement at end of Economic Life. The Asset Owner shall ensure that adequate technical and financial provision is available to facilitate planned replacement.

### Supplier of Last Resort

Since heat is not regulated like gas or electricity, it is best practice to make intentional provision for a "Supplier of Last Resort" (SoLR). The Supplier of Last Resort role involves providing heat to the customers if the scheme's provider is unable or no longer required to do so.

The SoLR's responsibility is triggered, almost by definition, by an unplanned event that requires a rapid adoption or re-procurement of the supplier role from the appointed Supplier. Also almost by definition, the SoLR is likely to inherit a network in some distress, which might be technical, organizational, financial or a combination of all three.

A well-prepared SoLR would have in place an ability to take rapid control of the situation to ensure a minimum disruption to customers' heat service, such as step-in rights and recovery provisions in the relevant contract with the Supplier which can be triggered automatically, as well as some form of insurance or guarantee that can be drawn upon to fund any immediate financial costs which may be incurred.

A related, but different situation is the situation which arises at the end of a Concession Contract period. The contract would make provision for reversion of assets and of supplier responsibilities to the Employer, who would be expected to have made arrangements for the orderly incorporation or procurement of a new supplier prior to the end of the Contract.

The role of supplier of last resort should include:

- Monitoring system performance and Supplier viability to maintain an accurate risk judgement of the SoLR's responsibilities being triggered.
- Taking over operator and retailer responsibilities where required (including in some cases the purchasing of assets)
- Arranging for replacement of operator or retailer roles,
- Potentially raising finance to continue / repair the existing system.

The main CSFs for the SoLR role are

- Adequate step-in rights and contingency arrangements for when an event which triggers the need for the supplier.
- Access to resources and capabilities to fulfil the supplier role or to arrange for its provision by another party.

**Annualised Value**

Based on the roles assigned to the SPV, as detailed above, the following annualised costs have been developed;

<b>Activity</b>	<b>Role</b>	<b>SPV Resource (days per month)  £21,500 of budget is allocated to cover these activities in the Financial Model</b>	<b>External Resource  Budget is specifically allocated for these activities in the Financial Model</b>
Supporting new connections	Promotion	1	
Contract Performance	Governance	4	
Annual Accounts	Governance	0.5	External Audit - £5,392
Minor Asset Replacement	Ownership	2	
Major Asset Replacement	Ownership	0	
Insurances	Ownership	0	Insurances - £6,779
Supporting gaps in contract	Supplier of Last Resort	0	
Undertaking emergency operation	Supplier of Last Resort	0	
<b>TOTAL</b>		<b>7.5</b>	<b>£12,171</b>

A total budget of £33,740 per year (indexing annually) has been included within the financial model to cover the activities identified in the table above.

Based on a blended whole time equivalent employment cost of £45,000, the day cost of for the time identified in the SPV Resource column is £200 accounting for leave and public holidays. The above assessment identifies a need of 7.5 days per month, equating to an annual cost of £18,000. The budget included in the Financial Model for these activities is £21,569 which leaves a contingency of approximately £3,500 per year. This equates to an additional 17.5 days across the year or 1.5 days per month.

The blended cost of employment recognises that the activities are a mixture of administrative and management activities.

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2020

#### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### COSY CORNER TOURISM ATTRACTOR DESTINATION FUNDING

#### 1. Purpose of report

- 1.1 The purpose of this report is to update Cabinet on the progress of securing funding through the Tourism Attractor Destination Programme to take forward a project on Cosy Corner, Porthcawl and to seek authority to commence the process of appointing architects to further develop the project detail.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015:-**

1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
2. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 2.1 In October 2020 Bridgend County Borough Council (BCBC) were informed that Credu Charity Ltd had filed notice of intention to appoint administrators and had been informed by Welsh Government of the withdrawal of funding for what was known as The Maritime Centre project, funded through the Visit Wales Tourism Attractor Destination Programme (TAD). As a result of this BCBC terminated the agreement for the lease relating to the Maritime Centre at the Cosy Corner site.
- 2.2 Following discussion with Welsh Government, officers undertook an outline appraisal of the short to medium term options available to BCBC to seek to access possible funds through the TAD programme for Cosy Corner.
- 2.3 In December 2020 the following were proposed to and agreed by Cabinet as a set of guiding principles for the way forward, based on the current understanding of the situation:

- Desire to ensure funding allocated for Cosy Corner is retained for Cosy Corner. There is potentially funding still available through the TAD programme for Cosy Corner
- Adopting a partnership approach with key stakeholders
- Taking action in a suitable timeframe
- Minimising the period of time that Cosy Corner remains in its current condition
- Minimising the on-going maintenance requirements and costs for BCBC
- Enhancing the tourism offer of Porthcawl

2.4 Should funding be available through the TAD programme the following were proposed as potential outcomes, depending on resources available:

- Improvements for use by community organisations, in particular the Sea Cadets
- Improvements to the local economy and tourism offer, in particular small retail / start up spaces
- Improvements for Marina users, in particular storage and changing facilities
- Improvements for use by the wider community, in particular a Changing Places facility, children's free play area, public seating, public realm/landscaping and an outdoor event space

These options were based on information known at the time and are therefore subject to change and are by no means definitive.

### **3. Current situation/proposal**

- 3.1 In December 2020 Cabinet authorised the Corporate Director, Communities, to develop and submit a proposal to access possible resources for improvements to Cosy Corner through the TAD programme.
- 3.2 Cabinet also agreed to receive a further report relating to the detail of any funding offer if successful and, should it be required, recommend to Council an update to the Capital programme.
- 3.3 An agreed proposal was submitted to Visit Wales and the Welsh European Funding Office (WEFO) in January 2021 based on the principles outlined in section 3.3 and the potential outcomes outlined in section 3.4.
- 3.4 In February 2021 BCBC received confirmation from Welsh Government that WEFO had completed the assessment of six of the nine criteria for assessment of operations /projects and requested that further information be supplied in order to complete the remaining assessment stages, which are cross cutting themes, delivery and financial and compliance.
- 3.5 In addition WEFO and Welsh Government have requested confirmation of match funding and confirmation of State Aid cover.
- 3.6 Three criteria remain to be assessed by WEFO because BCBC has not yet undertaken the procurement/tender exercise for architects to reach the required RIBA stage that would deliver the information needed. This work has not been progressed to date due to a desire to avoid incurring any costs for the process without first seeking a level of assurance from WEFO that, subject to value for money considerations being assessed, the project will be supported via the European Union structural funds.

3.7 Therefore, based on the assessment undertaken to date, and in order to provide the final information required, it is now proposed to undertake a procurement exercise to appoint architects and required consultancy support to progress the scheme from the outline options appraisal to RIBA stage 3. Doing so will provide greater cost certainty, confirmation of the level of match funding required, confirm deliverables for which State Aid cover would need to be considered and a forecast delivery profile.

3.8 If agreed it is proposed that a further report be provided to Cabinet once WEFO and Welsh Government have completed their assessment of all nine criteria stages and a potential funding offered is secured.

## **5. Effect upon policy framework and procedure rules**

5.1 There is no direct impact on the Council's policy framework and procedure rules.

## **6. Equality Impact Assessment**

6.1 An initial assessment has identified that there are no equality issues related to this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment Template has been completed and a summary of the implications from the assessment relating to the five ways of working is below:

- Long-term: By seeking to secure funds for future improvement of Cosy Corner, BCBC is seeking to improve the area beyond its current condition for use and access in the long-term.
- Prevention: Seeking resources to undertake improvements to Cosy Corner will ensure that the condition of the site does not deteriorate further.
- Integration: The proposal will achieve this way of working by recognising the approaches that are proposed for support are those that have been identified by internal and external stakeholders and the proposal itself will integrate with other existing activity in the area.
- Collaboration: Future action on Cosy Corner as outlined above will take place in collaboration with partners through the Harbour Operational Group and the Harbour Board.
- Involvement: Proposals relating to the future of Cosy Corner will be developed and delivered in close partnership with key stakeholders. Discussions and development with key BCBC officers will be undertaken.

## **8. Financial implications**

8.1 A proposal was submitted to WEFO and Welsh Government based on a total project value of £1,538,461. This was made up of a £1m grant request and a proposed match funding contribution from BCBC of £538,461. The match funding was

proposed to combine £153,846 land value match and £384,615 direct match funding. Cabinet agreed that the £384,615 would be provided via the Communities Directorate public realm budget although officers would continue to seek alternative sources of funding. The costings for this proposal were based on an outline options appraisal and as further detailed proposals are developed these costs may change.

- 8.2 To proceed as outlined in section 4.7 would require an agreement to utilise the direct match funding contribution from the public realm budget to deliver the final information required by WEFO and Welsh Government for consideration and a potential final award letter. This expenditure may be considered as 'at risk' however it is necessary in order to provide the detail required. Without that detail the potential £1m grant cannot be secured.
- 8.3 Incurring expenditure in this way will be considered 'at risk' until such a time as all assessment stages outlined in section 4.4 have been completed. Any preliminary costs incurred in providing the requested documentation or any retrospective expenditure will be tested against the WEFO Eligibility rules and conditions for support from the European Structural Funds 2014-2020. Any cost deemed to be an eligible cost for support will be eligible for reimbursement by WEFO. However, such costs cannot be paid until a formal letter to proceed has been issued by WEFO.

## **9. Recommendations**

- 9.1 Cabinet is recommended to:-

Authorise the Corporate Director Communities to proceed at risk with the development of the remaining information required by WEFO and Welsh Government presented in section 4.4 and to utilise the currently agreed direct match funding of £384,615 to do so in order to secure a potential £1m grant; and,

To receive a further report once WEFO and Welsh Government have completed assessment of all nine criteria stages for accessing potential funding before progressing further.

**Janine Nightingale**  
**Corporate Director, Communities**  
**9 February 2021**

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### **Background documents:**

Cosy Corner, Cabinet report, 15 December 2020

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

#### REPORT OF THE CORPORATE DIRECTOR - EDUCATION AND FAMILY SUPPORT

##### APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

#### 1. Purpose of report

- 1.1 The purpose of this report is to seek approval from Cabinet for the appointment of local authority governors to the school governing bodies listed at paragraphs 4.1 and 4.2.

#### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:

**Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.

#### 3. Background

- 3.1 In accordance with the Council's '*Guidance on the appointment of local education authority governors*' approved by Cabinet on 14 October 2008, officers have considered applications received for current and forthcoming vacancies for local authority governor positions on school governing bodies (see paragraphs 4.1, 4.2 and Appendix A).

#### 4. Current situation/proposal

- 4.1 For the eight schools in the table below, all eight applicants met the approved criteria for appointment as local authority governors and there was no competition for any of the vacancies. Therefore, the recommended appointments are:

Name	School
Mr William Anthony Esmond	Litchard Primary School
Mr Stephen Sloan	Llangewydd Junior School
Miss Amy Jones	Mynydd Cynffig Primary School
Mr Steven Clarke	Pencoed Comprehensive School
Mr William Anthony Esmond	Penybont Primary School
Mrs Sarah Louise Hunt	St Mary's Catholic Primary School
Mrs Karen Evans	Tondu Primary School
Mr Corey Gwilym Edwards	Ysgol Y Ferch O'r Sgêr

- 4.2 There was competition for one vacancy at one school and the applicants are detailed in the table below:

Name of applicants	School
Mr Graham Clifford	Bryntirion Comprehensive School
Mr Stephen Sloan	

The officer panel scrutinised the applications and noted that Mr Stephen Sloan has brief previous experience as a governor and is not currently serving on a governing body, whereas Mr Graham Clifford has several years experience as a governor and is currently serving on a governing body. The recommended appointment is therefore Mr Graham Clifford, reflecting the Council’s following selection criteria:

- currently holding office as a school governor;
- attendance record at governing body meetings in the previous two years;
- attendance record at governor training events; and
- the relevance of the phase of education.

- 4.3 Subject to the above appointments being approved, there are still 25 vacancies that need to be filled in 18 schools (see Appendix A).

## 5. Effect upon policy framework and procedure rules

- 5.1 There is no effect upon the policy framework or procedure rules.

## 6. Equality Impact Assessment

- 6.1 An assessment of the appointment of local authority governors identifies that there are no equality issues related to this report.

## 7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 A Well-being of Future Generations (Wales) Act 2015 assessment has been completed. A summary of the implications from the assessment relating to the five ways of working is as follows:

### Long term

While it is desirable for local authority governors to have previous or relevant experience of the role, in the short term, the local authority may support any person for such an appointment who is interested in supporting schools, is not disqualified from being a school governor and is willing and able to dedicate the necessary time to the role.

### Prevention

The local authority assesses the suitability of applicants for the local authority governor vacancy/vacancies applied for. The local authority, in conjunction with the Central South Consortium, supports governors with a comprehensive programme of both mandatory and voluntary training and access to resources, to enable them to develop and maintain their knowledge and skills, and be successful in fulfilling the role.

### **Integration**

School governing bodies have a strategic role in running schools and ensuring that all pupils are supported to learn and achieve so that they can access opportunities for further learning and employment, know how to maintain their wellbeing, can play active roles in their communities and can contribute positively to society as a whole.

### **Collaboration**

School governing bodies have a strategic role in ensuring that schools safeguard the health and well-being of pupils and staff. The local authority, in conjunction with the Central South Consortium, provides training to governors to enable them to develop and maintain their relevant knowledge, skills and effectiveness in this respect.

### **Involvement**

The local authority treats all applications for local authority governor vacancies fairly, to ensure equality of opportunity. School governing bodies have a strategic role in ensuring that schools safeguard the health and well-being of pupils and staff. The local authority, in conjunction with the Central South Consortium, provides training to governors to enable them to develop and maintain their relevant knowledge, skills and effectiveness in this respect.

## **8. Financial implications**

8.1 There are no financial implications regarding this report.

## **9. Recommendation**

9.1 Cabinet is recommended to approve the appointments identified at paragraphs 4.1 and 4.2.

**Lindsay Harvey**  
**Corporate Director - Education and Family Support**

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**Background documents:** None

## Appendix A

**Local authority governor vacancies: current and forthcoming  
 (up to the end of May 2021)**

<b>Name of school</b>	<b>Number of current and forthcoming vacancies</b>
<b>Abercerdin Primary School</b>	2
<b>Brynmenyn Primary School</b>	1 (ending March 2021)
<b>Cefn Cribwr Primary School</b>	1
<b>Croesty Primary School</b>	1
<b>Ffaldau Primary School</b>	1
<b>Llangewydd Junior School</b>	1
<b>Llangynwyd Primary School</b>	2
<b>Nantymoel Primary School</b>	3 (1 ending March 2021)
<b>Newton Primary School</b>	1 (ending March 2021)
<b>Nottage Primary School</b>	2 (ending March 2021)
<b>Ogmore Vale Primary School</b>	1
<b>Oldcastle Primary School</b>	1
<b>Pencoed Primary School</b>	1 (ending May 2021)
<b>St Robert's Roman Catholic Primary School</b>	2
<b>Tondu Primary School</b>	1
<b>Tynyrheol Primary School</b>	1
<b>Ysgol Gynradd Gymraeg Calon Y Cymoedd</b>	2 (1 ending February 2021)
<b>Coleg Cymunedol Y Dderwen</b>	1
<b>TOTAL VACANCIES</b>	<b>25</b>

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

### REPORT BY THE CORPORATE DIRECTOR - EDUCATION AND FAMILY SUPPORT

#### SCHOOL ADMISSIONS POLICY 2022-2023

#### 1. Purpose of report

- 1.1 The purpose of this report is to seek Cabinet approval of the School Admissions Policy 2022-2023.

#### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the Well-being of Future Generations (Wales) Act 2015:

**Supporting a successful economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.

#### 3. Background

- 3.1 Welsh Government's School Admissions Code 2013 (the Code) requires admission authorities to act in accordance with the Code. The Code includes practical guidance and imposes requirements on local authorities and admission authorities, regarding the discharge of duties in respect of school admissions. The Council must act in accordance with the Code, as determined by the School Standards and Framework Act 1998.
- 3.2. The local authority has a statutory duty to consult with the governing bodies of schools who have delegated admission powers, all neighbouring local authorities, the admission authorities for all other maintained schools in the county borough and the governing bodies of all other schools (ie community and voluntary controlled schools that do not have delegated admission powers) in Bridgend County Borough.
- 3.3. The local authority is required to annually publish an admission policy and guidance on the admission arrangements for its schools.

#### 4. Current situation/proposal

- 4.1 The Bridgend Admissions Forum agreed a draft School Admissions Policy for 2022-2023, as per the requirements under the Code.
- 4.2 The consultation period for the 2022-2023 policy was 19 January 2021 to 19 February 2021.

4.3. The table below details the representations received as part of the consultation and the actions taken in response.

Consultation proposal	Representations received	Actions taken
<p>To maintain the content of section 3, relating to catchment areas, unchanged from that within the 2021-2022 policy.</p> <p>To maintain the content of section 6, relating to Welsh-medium education provision, unchanged from that within the 2021-2022 policy.</p>	<p>The Welsh Education Strategic Plan (WESP) should be referenced in the policy and the actions being taken by the local authority to implement the WESP should be detailed in the policy.</p> <p>The position regarding catchment areas for Welsh-medium schools is unclear.</p> <p>The policy should state that transport is offered to Welsh-medium schools so that parents do not see this as a barrier for choice.</p> <p>The statement that the provision for every child to have the opportunity to learn and use the Welsh language includes the teaching of Welsh as a second language in English-medium schools, should be removed.</p> <p>As there are no catchment areas for Welsh-medium schools, parents/carers cannot be expected to know the transport implications of applications for Welsh-medium schools.</p>	<p>No change to the draft policy for approval has been made, on the basis that the School Admissions Policy is not a strategy document and is not developmental.</p> <p>The policy section relating to catchment areas in the draft policy for approval has been extended with a statement that there are no catchment areas for the Welsh-medium schools in Bridgend. In light of this addition, the same clarification has been stated for faith schools in Bridgend.</p> <p>Section 6 of the draft policy for approval has been amended and extended to clarify the position as regards eligibility for home-to-school transport to Welsh-medium schools in the county.</p> <p>The statement is considered to be appropriate for this section and has not been removed from the draft policy for approval.</p> <p>Section 6 of the draft policy for approval has been amended and extended to clarify the position as regards eligibility for home-to-school transport to</p>

<p>To maintain the content of section 7, relating to arrangements with other local authorities, unchanged from that within the 2021-2022 policy.</p> <p>To maintain the content of section 11, relating to equalities, unchanged from that within the 2021-2022 policy.</p> <p>-</p>	<p>The information states that Rhondda Cynon Taf County Borough Council (RCTCBC) will cover the cost of transporting children who reside in RCT but wish to attend Pencoed Comprehensive School, but does not state whether RCTCBC will cover the cost of transporting children who reside in RCT but wish to attend Ysgol Gyfun Gymraeg Llangynwyd</p> <p>There should be no reference to the Welsh Language Act 1993 (WLA 1993) as this has been replaced by the Welsh Language (Wales) Measure 2011 (WLWM 2011).</p> <p>The local authority is not adhering to equality for the Welsh language as there are no defined catchment areas for Welsh-medium schools in the county, as there are for English-medium schools.</p>	<p>Welsh-medium schools in the county.</p> <p>As the information communicates the arrangements that RCTCBC has determined, no change has been made to section 7 of the draft policy for approval.</p> <p>The WLWM 2011 makes provision for the development of standards of conduct relating to the Welsh language, which are intended to gradually replace the existing system of Welsh language schemes provided for by WLA 1993, but Part II of the WLA 1993 remains in force. Accordingly, the WLWM 2011 has been referenced in section 11 of the draft policy for approval, in addition to the WLA 1993.</p> <p>There is no legal requirement for school catchment areas to be designated. If applications for any Welsh-medium school in the county should exceed the number of available places, applications are prioritised for acceptance on the basis of distance from the child's residence to the school in pace of any catchment criteria. Therefore, the absence of defined</p>
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-	Oversubscription criteria reference schools' defined catchment areas but there are no catchment areas for the Welsh-medium schools.	<p>catchment areas for Welsh-medium schools does not represent a disadvantage for parents/carers who wish to choose Welsh-medium education for their child/ren. Accordingly, no change has been made to the draft policy for approval.</p> <p>All sections in the draft policy for approval relating to oversubscription criteria have been amended to make it clear that catchment areas are only applicable in respect of applications for English-medium, non-faith schools and that proximity to the school is applicable in respect of applications for Welsh-medium and faith schools. It is referenced in the policy that the local authority is the admission authority for only one faith school (ie Pen y Fai Church in Wales Primary School).</p>
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## 5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the policy framework or procedure rules.

## 6. Equality Impact Assessment

6.1 It is a statutory duty that admission authorities are mindful of their duties with regards to equalities legislation. The School Admissions Policy 2022-2023 and the amendments to the draft policy for approval referenced at paragraph 4.3 of this report adhere to these requirements.

## 7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The Well-being of Future Generations (Wales) Act 2015 assessment has been completed. A summary of the implications from the assessment relating to the five ways of working is as follows:

### Long term

The school admissions policy sets out how the local authority will balance the discharge of its statutory duty in relation to parental preference, the need to

safeguard the delivery of effective education and the safety of pupils, and the need to support pupils in particular circumstances (for example, learners with specific vulnerabilities), in circumstances where the applications for places at a school exceed the number of available places.

### **Prevention**

Consultation on the school admissions policy allows stakeholders to raise issues or make comments on proposals, for consideration of appropriate actions.

### **Integration**

The school admissions policy supports the provision of education in the communities in which pupils live.

### **Collaboration**

Each year, the local authority works in conjunction with key stakeholders to develop proposed school admission arrangements, for those schools for which it is the admissions authority.

### **Involvement**

In accordance with the specified requirements of the Education (Determination of Admission Arrangements) (Wales) Regulations 2006 and the School Admissions Code 2013, the local authority consults each year on the proposed admission arrangements for those schools for which it is the admissions authority.

Consultation for the academic year to which the admission policy applies, takes place two years in advance of that policy coming into effect.

## **8. Financial implications**

8.1 There are no financial implications regarding this report.

## **9. Recommendation**

9.1 Cabinet is recommended to:

- approve the School Admissions Policy 2022-2023.

**Mr Lindsay Harvey**  
**Corporate Director - Education and Family Support**

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**Attachments**

Appendix A: School Admissions Policy 2022-2023

**Background documents**

None

# APPENDIX A

Mae'r ddogfen hon ar gael yn Gymraeg/This document is available in Welsh



# School Admissions Policy 2022-2023

(1 September 2022 – 31 August 2023)

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## 1. The admission authority

The entry of children to schools is controlled and administered by an 'admission authority'. In the case of community schools in Bridgend, the admission authority is Bridgend County Borough Council (also referred to in this document as 'the local authority').

In accordance with the Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999, the relevant area for the admission authority is the geographical area of the County Borough of Bridgend.

Where the local authority is the admission authority, the school's governing body is under a duty to implement the local authority's decisions on applications, and to act in accordance with the local authority's admission arrangements.

**The local authority continuously reviews and reserves the right to amend its admissions procedures for statutory and non-statutory education.**

The local authority has no arrangements for the provision of education at schools not maintained by the local authority.

### 1.1 Admission to voluntary controlled schools

The one voluntary controlled school in the Bridgend County Borough is Pen y Fai Church in Wales Primary School, which is financed by the local authority. The admissions criteria are consistent with that of the local authority, as detailed in this policy, and with the Trust Deed of the school. Appeal arrangements are managed by the local authority and are consistent with the provision of the Trust Deed.

### 1.2 Admission to voluntary aided schools

There are five voluntary aided schools in the Bridgend County Borough, which are financed largely by the local authority. These are:

1. St Mary's Catholic Primary School
2. St Mary's and St Patrick's Catholic Primary School
3. St Robert's Roman Catholic Primary School
4. Archdeacon John Lewis Church in Wales Primary School
5. Archbishop McGrath Catholic High School

The governing body of each voluntary aided school is the admission authority with responsibility for all admission arrangements. Parents/carers who wish to seek admission/s to these schools will need to contact the school/s directly for further information.

### **1.3 Admissions to sixth forms**

The local authority is the admitting authority for post-16 admissions to sixth forms in the community schools within the Bridgend County Borough. However, the individual schools administer the admission arrangements on behalf of the local authority. Therefore, applications in this category should be made directly to the school.

While the local authority has a policy of open access to schools' sixth forms, the individual schools are responsible for determining and issuing entry criteria on sixth-form admissions.

Admission arrangements for other post-16 further education institutions are determined by those institutions and applications should be made directly to the institution/s concerned.

### **1.4 Admissions to special schools**

The two special schools in the Bridgend County Borough are regional centres with pupils admitted from neighbouring local authorities. Admissions to these schools are not included within, or subject to the provisions of this policy.

## **2. Parental preference**

### **2.1 The duty to comply with parental preference**

In relation to admissions to primary schools (excluding nursery classes), junior schools and secondary schools (including sixth-forms), the local authority has a statutory duty to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents/carers, so far as that would be compatible with the provision of efficient education and the avoidance of unreasonable public expenditure (S.9 Education Act 1996).

The local authority applies the same principle of parental preference to applications for non-statutory, nursery education in a local authority-maintained school.

The duty of the local authority to comply with parental preference does not apply where:

1. To admit would be incompatible with the statutory duty to meet infant class size regulations.
2. To admit the child would prejudice the provision of efficient education or efficient use of resources.
3. Where arrangements for entry to a school's sixth form are based wholly on selection by reference to ability or aptitude and compliance with the preference would be incompatible with selection under those arrangements.

4. The child has been permanently excluded from two or more schools. Where this is the case, the local authority is not required to comply with parental preference for a school place for a period of two years from the first school day of the second exclusion.

This disapplication from the requirement to comply with parental preference does not apply to:

- pupils who were below compulsory school age when they were excluded;
- pupils who were reinstated after permanent exclusion or pupils who would have been reinstated following a permanent exclusion had it been practicable to do so;
- pupils with statements of special educational need; or
- pupils who are looked after (the application for admission must be made by the corporate parent), or previously looked after children (the application for admission must be accompanied by evidence of the previously looked after status).

## **2.2 Compliance with parental preference**

Within the Bridgend County Borough, each school has an area it serves (its catchment); however, the local authority must allow all parents/carers the opportunity to express a positive preference for the school they wish their child to attend. While most parents/carers are happy to choose their catchment school, it is necessary for that school to be selected by parents/carers on a school admission or in-year school admission/transfer application. The application allows parents/carers to list more than one school in order of preference. The local authority will offer a place at the highest available preferred school.

The local authority is committed to the principle of providing local schools for local children and will make every effort to ensure that parents/carers are able to secure a place for their child/ren at the catchment school, where parents/carers have expressed a positive preference for that school. However, parents/carers must not automatically assume that a place will be available for their child at their catchment school, or any particular school.

The local authority will meet the preferences for admission expressed by parents/carers ahead of those who have expressed no preference. Consequently, for the admissions rounds, parents/carers must ensure they record their preference/s on the school admission application and that the application is submitted to the local authority by the stated deadline.

## **2.3 Changes to an expressed parental preference**

For admission rounds, if the parent/carer wishes to make a change to the school preference/s after the application has been submitted to the local authority:

1. The change must be notified to the local authority in writing (email or letter).

2. If the change is notified to the local authority before the published closing date for the admission round, the change will be taken into consideration in the application of oversubscription criteria and the allocation of places.
3. If the change is notified to the local authority after the closing date for the admission round, the school preference/s recorded on the application will be used in the application of oversubscription criteria and the allocation of places. The parent/carer will have the option to complete and submit a late application if the allocated place is at a school that is no longer the preferred school, which would be subject to the provisions relevant to late applications (see section 13.1). However, in these circumstances, the local authority will offer the applicant the option to, instead, maintain the original application and school preference/s.

If a parent/carer expresses a preference for only one school and a place is not offered at that preferred school, the local authority will take no further action in respect of the application. The parent/carer will be required to complete and submit a new application for any alternative school, which will be processed as a late application in accordance with the provisions of section 13.1.

### **3. School catchment areas**

#### **3.1 Welsh-medium and faith schools**

There are no catchment areas for the Welsh-medium schools and faith schools within Bridgend.

#### **3.2 All other schools**

School catchment area maps are published on the local authority's website:  
[www.bridgend.gov.uk/schooladmissions](http://www.bridgend.gov.uk/schooladmissions)

Catchment areas are subject to change, with any changes being subject to consultation prior to implementation.

**There is no right to, or guarantee of, an offer of a place at a child's catchment area school.**

### **4. School capacity and published admission number**

The capacity of a school is the number of pupil places it contains.

Welsh Government has published a capacity calculation methodology for all schools. This aims to provide a robust and consistent method of assessing the pupil capacity of all community, voluntary aided, voluntary controlled and foundation schools in Wales.

A school's calculated capacity is based on existing accommodation at a school and its usage. For statutory-age year groups (reception to Year 11) the calculated capacity informs the published admissions number for a school.

For a normal year of entry (ie reception and Year 7), the local authority must admit pupils up to the published admission number (with the exception of twice-excluded pupils – see section 2).

For all other years, it is not a statutory requirement that the local authority admits pupils up to the published admission number, although the local authority will generally do so. However, in the case of infant classes (reception, Year 1 and Year 2), infant class size legislation is relevant (see section 5). The local authority is entitled to refuse admission for places in any year other than the normal year of entry (ie reception), if offering a place would result in class size prejudice (eg necessitating that the school employs an additional teacher or creates another classroom). This means that the local authority may refuse admission to Year 1 and Year 2 if offering a place would result in class size prejudice, even if the admission number has not been reached in relation to these year groups.

As the published admission number reflects the school's ability to accommodate pupils, the local authority will only exceed the published admission number in exceptional circumstances.

## **5. Infant class size limit**

In order to improve educational standards in schools, The School Admission (Infant Class Size) (Wales) Regulations 2013 limit the number of children in reception, Year 1 and Year 2 classes to 30 when a single qualified teacher is present.

The local authority will refuse admission to classes in these year groups if an admission would result in the infant class size limit being breached (ie it would result in infant class size prejudice), unless the situation is such that an exception to the infant class size limit is permitted by the legislation, eg the admission of children who are looked after or previously looked after.

In relation to the reception year, infant class size prejudice does not arise if the number of pupils in the reception year has not reached the school's published admission number.

Decisions on the structure of classes at a school is reserved to the headteacher. If a headteacher decides to operate a mixed-age class where some of the pupils in the class are reception, Year 1 or Year 2 pupils, the infant class size limit will only apply if the majority of the pupils in the class are reception, Year 1 or Year 2 pupils.

## **6. Welsh-medium education**

In accordance with statutory requirements, the local authority policy is that every child should have the opportunity to learn and use the Welsh language.

With regard to school admissions, provision is made for this in the following ways:

1. The teaching of Welsh as a second language in English-medium schools.
2. Welsh-medium education at four Welsh-medium primary schools and one Welsh-medium secondary school located within the Bridgend County Borough.

Admission to the Welsh-medium schools in the Bridgend County Borough is controlled by the provisions and criteria specified within this policy.

There are no catchment areas for the Welsh-medium schools in Bridgend.

A parent/carer can make an application for a place for their child at any Welsh-medium school within the county. However, if a parent/carer chooses to apply for place at a Welsh-medium school that is not the nearest Welsh-medium school to the child's place of ordinary residence, and that application is successful, there is no entitlement to free home-to-school transport to that requested school.

Eligibility for school transport only applies where the child's place of ordinary residence is more than two miles from the nearest Welsh-medium primary school or three miles from the nearest Welsh-medium secondary school.

## **7. Arrangements with other local authorities**

The local authority has made the following arrangements with Rhondda Cynon Taf County Borough Council, where surplus admission places are available:

1. Pupils from Abercerdin Primary School may attend Tonyrefail Comprehensive School with Bridgend County Borough Council being responsible for transport costs.
2. Pupils from Dolau Primary School, Brynnau Primary School and Llanharan Primary School may attend Pencoed Comprehensive School with Rhondda Cynon Taf County Borough Council being responsible for transport costs.

## **8. Ensuring fair access**

Particular considerations apply in respect of specific groups of children, as detailed below.

### **8.1 Children from overseas and UK children living abroad**

The local authority will treat applications for such children on an individual basis and in accordance with all applicable Welsh Government legislation/requirements, UK legislation and Home Office rules. Also, any European Union law that may be applicable to the UK.

It should be expected that the local authority will seek information on a range of relevant factors, including but not necessarily limited to:

- when the child is expected to be resident in the UK; or
- whether the parents/carers' application for leave to enter the UK has been or will be successful, or if it has been, on what terms entry has been granted.

## **8.2 Children in receipt of a statement of special educational needs (SEN) or a local authority-maintained individual development plan (IDP)**

Where a mainstream place in a community school is the named placement in a **final** statement of SEN or a local authority maintained IDP, the local authority will admit the child to that school.

## **8.3 Children with additional learning needs (but without a statement of SEN or a local authority-maintained IDP)**

Applications in respect of such children will be considered in the same way as all applications on the basis of the procedures and admission criteria set out in this policy.

If a child is currently being assessed under the statutory process for a statement of SEN or a local authority-maintained IDP, and at a later date, the local authority concludes that the child should have a statement of SEN or a local authority-maintained IDP, the appropriate school placement will be addressed as part of that statutory process.

## **8.4 Children with disabilities**

The local authority will comply with the reasonable adjustments duty owed to disabled pupils, as defined in the Equality Act 2010.

## **8.5 Children with challenging behaviours**

The local authority will not refuse to admit a child on the basis of his/her behaviour. Such children will include those who are considered to be potentially disruptive, exhibiting challenging behaviours or those who may be considered as requiring assessment for special educational needs.

After admission, a school may consider such disciplinary action as appropriate, in response to challenging behaviour. However, children exhibiting challenging behaviours may be

disabled as defined by the Equality Act 2010 and require reasonable adjustments to be made for them in school.

## 8.6 Looked after and previously looked after children

In respect of looked after children, the following provisions apply even if the corporate parent is Bridgend County Borough Council.

### Admissions rounds

Applications in respect of looked after and previously looked after children are prioritised under the applicable oversubscription criteria, **subject to**:

1. The application for a looked after child is completed and submitted by the corporate parent (ie the local authority with responsibility for looking after the child) and supporting evidence is provided (a Care Order or Interim Care Order).
2. The application for a previously looked after children is accompanied by supporting evidence from the former corporate parent.

### In-year admissions/transfers

In accordance with the statutory School Admissions Code 2013, where in-year admission/transfer of a looked after child is being sought, the corporate parent must consult with the local authority before making the application. This is to ensure the appropriateness of the preferred school in light of the child's background and circumstances. This consultation and completion of an application is also required in respect of looked after children who have been permanently excluded from two or more schools.

Additionally, in the case of a looked after child who has been permanently excluded from two or more schools, the corporate parent must also consult with the governing body of the identified school.

In both instances, the consultation need not be onerous.

For applications for in-year admission/transfers in respect of looked after children, a place will be offered at the agreed school and an exception to the infant class size limit (if relevant) will be applied, **subject to** the application having been completed and submitted by the corporate parent (ie the local authority with responsibility for the child) and supporting evidence having been provided (a Care Order or Interim Care Order).

For applications for in-year admission/transfers in respect of previously looked after children, a place will be offered at the preferred school and an exception to the infant class size limit (if relevant) will be applied, **subject to** the application being accompanied by supporting evidence from the former corporate parent.

The relevant supporting evidence referred to above must be submitted with the application.

## 8.7 Gypsy, Roma and Traveller children

When considering admission applications relating to Gypsy, Roma and Traveller children, the local authority will take account of Welsh Government Circular No: 003/2008 (Moving Forward – Gypsy Traveller Education) and sections 3.25 and 3.26 of the statutory School Admissions Code for Wales, 2013.

## 8.8 Children of serving UK service personnel and other serving Crown Servants (including diplomats)

‘UK service personnel’ refers to persons serving in the military forces. ‘Crown Servants’ are officers of the UK government, including diplomats.

There is no automatic right to a place at a preferred school for children of serving UK service personnel and other serving Crown Servants.

The local authority will accept a ‘unit’ postal address for applications from serving service personnel in the absence of a new home postal address.

For normal admissions rounds, the local authority will treat children of serving UK service personnel and serving Crown Servants as if they are already resident at a future address **provided that** the application is accompanied by an official Ministry of Defence (MOD) or Foreign and Commonwealth Office (FCO) letter declaring a return date and confirmation of the new home. The local authority will allocate a school place in accordance with the applicable criteria for the relevant admission round.

In respect of in-year admission/transfer applications for children of serving UK service personnel and serving Crown Servants:

- such children will be given ‘excepted status’ for infant class size limit purposes (if relevant), if admitted to a preferred school;
- if the application is unsuccessful and a place at the preferred school is refused, the parents/carers may appeal against the decision and any appeal hearing would be heard as a normal prejudice appeal.

Applications for children of former UK service personnel or former Crown Servants will be treated as all other applications.

## 8.9 All vulnerable or hard-to-place children

The provisions of this policy will apply. However, in accordance with the requirements of the statutory School Admissions Code 2013, the local authority is additionally required to

maintain fair access protocols for such children. The local authority has a panel whose role is to recommend placements that can meet the needs of these children.

### **8.10 School 'managed moves'**

The local authority has a separate policy for the managed moves (transfers) of pupils between schools.

Managed moves of pupils are treated differently to regular admissions. The pupil will remain on roll at the current school during the managed move period. At the end of the managed move period, if the managed move is deemed successful, the pupil will be placed on roll at the receiving school. If the managed move is deemed to have been unsuccessful, the pupil will return to the school at which they are on roll.

The Managed Move Policy does not apply in any instances where the parent/carer completes a school admission application; the School Admissions Policy applies in all such cases.

## **9. Requests for admission outside of the normal age group**

Occasionally, a parent/carer or school may seek a place outside of the chronological age group for a child who they consider to be gifted/talented or experiencing problems, or who has missed part of a school year, for example, due to ill health.

The local authority will consider each request carefully and make decisions on the basis of the circumstances of each case. The local authority will consider what is most beneficial for the child and, in every case, will consider information from the parents/carers, the school, an educational psychologist and any other appropriate parties, to inform its decision.

If the local authority decides that an out-of-year group application is appropriate, but that application is refused due to no places being available in the requested year group at the school, the parents/carers have a statutory right of appeal. However, there is no right of appeal if the local authority has offered a place but not in the requested year group (ie where the place offered is in the correct year group for the child's chronological age).

If the local authority decides that an out-of-year group application is appropriate and the application is for a part-time nursery place in the following January or April, or a full-time nursery, reception, junior school Year 3 or secondary school Year 7 place from the following September, the application will be subject to, and considered in accordance with, the conditions and criteria applicable to those admissions rounds.

## **10. Information or circumstances that the local authority does not consider when making admission decisions**

The following is not an exhaustive list, but details the principle information and circumstances that have no bearing on admission decisions:

- Any school that the child has previously attended.
- Any particular school that the child might attend in the future.
- A parent/carer communicating to any school that there is an intention to apply for a place at the school.
- An invitation to, or attendance by a child, at a 'taster'/transition day at any school.
- Allowance by any school of a visit by the parents/carers and/or child.
- Any indication either explicitly given, or assumed by a parent/carer to have been given, by a school that there are places available at the school in any year group, with the exception of sixth form places. This would include any instance when a parent/carer believes that they have 'registered' their child's name for a place at the school.

## 11. Equalities

The local authority's admissions policy and arrangements seek to achieve full compliance with all relevant legislation and guidance, with regard to equal opportunities and human rights (Equality Act 2010, the Human Rights Act 1998, the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011).

The local authority wants its services to be accessible to the whole community and will challenge discrimination in our communities, whether it is based on a person's transgender status, race, sex, disability, age, sexual orientation, religion or belief, pregnancy and maternity marriage or civil partnership.

The local authority's Corporate Equality Scheme sets out how the local authority will comply with its Public Sector Equality Duty in the exercise of its functions, having due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the legislation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not.

## 12. Data protection and information sharing

The local authority complies with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The full Data Protection guidance and principles of the local authority may be viewed on the website [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

Any information recorded by an applicant in a school admission application will be held electronically and used by the local authority for the purpose of processing the application.

The local authority will share the information provided in a school admission application with the relevant school/s in accordance with the Fair Processing Statement – Education and Family Support, which is available at <https://www.bridgend.gov.uk/my-council/freedom-of-information/data-protection/>

## 13. Admissions rounds

### 13.1 Submission of applications

#### The requirement to apply for a school place

For both admissions rounds and in-year admissions/transfers, a school admission application **must** be completed by a parent/carer.

A separate application is required for each child.

A child will not be permitted to start at a school until an application has been received and processed by the local authority, and a school place has been offered by the local authority.

#### The applicant

In respect of applications for nursery children and children of statutory school-age, the application must be made by a 'parent' of the child, as defined by Section 576 of the Education Act 1996. This states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child.

Therefore, for the purposes of education law, a 'parent' is deemed to include:

- all biological parents, whether they are married or not;
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative;
- any person who has care of a child or young person but is not a biological parent and does not have parental responsibility.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part-time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

The local authority uses the term 'parent/carer' throughout this policy to reflect the legal definition of 'parent', as detailed above.

The local authority will only accept an application from a person who is not a parent/carer if it is accompanied by an appropriate written authorisation from a parent/carer.

An applicant will be required to make a declaration of the relationship to the child and provide such information as the local authority requires, including documentation, evidencing that relationship, at the time the admission application is submitted.

The local authority expects that the parents/carers of a child reach agreement about the preferred school/s and who will submit the application, before a school admission application is submitted. The local authority will not intervene in disputes between parents/carers over school applications and will expect that these are resolved privately. If parents/carers cannot agree and a Court order stating who should be making the application and what the school preference/s should be has not been obtained, the local authority will proceed to accept the application from the parent/carer in receipt of Child Benefit for the child.

Applications in respect of post-16 admissions/transfers can be submitted by a parent/carer or the learner.

### How to apply

Applications can be completed online through sign up to 'My Account' on the Bridgend County Borough Council website.

Any parents/carers who do not have access to their own computer/laptop or smart phone, may use the computers available within the libraries in the county borough to sign up to My Account and complete a school admission application. A parent/carer who remains unable to create a My Account and access the relevant online school admission application, may contact the local authority and request a hardcopy school admission application.

If parents/carers permit completion and submission of a school admission application for their child through the My Account of a third party, the My Account holder will be deemed to be submitting the application on behalf of, and with the full authority of, the parents/carers of the child. In these circumstances, the parents/carers will be considered as accepting responsibility for the consequence of any errors or deficiencies in the completion of the application and/or the submission of the application.

**The local authority accepts no responsibility for the non-receipt of an application that is not submitted through the online facility.**

If the local authority's arrangements for submission of admission applications should change before or during the effective dates of this policy, details will be published on the local authority's website [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

### Late applications

All applications should be submitted in time for receipt by the local authority by the relevant published closing dates.

The local authority will accept late applications that are received after the relevant published closing date **provided that** the application is received before the local authority has undertaken its allocation of places in preparation for the admissions offer (this date will be determined by the local authority at the time but will be at least one month before the published offer date for places) **and** the local authority is satisfied as to the parents/carers' reasons for the late application.

All other late applications will not be accepted for inclusion in the allocation of places that will be notified to applicants on the relevant published offer dates. Such applications will be processed by the local authority after the relevant published offer date and in order of date received. Oversubscription criteria will not apply; if a place is available in the preferred school at the time the application is processed, it will be offered. Therefore, late applicants may find that their preferred school is already full, even if the school is their catchment school.

No applications for admissions rounds that are received by the local authority after 31 August 2022 will be processed. After this date, an in-year admission/transfer application is required and all considerations applicable to in-year admission/transfer applications will be relevant. The local authority does not accept in-year admission/transfer applications made more than one half term in advance of the start date. Consequently, all applications for a part-time nursery class in April 2023 that are received after 31 August 2022 will not be processed until the spring term 2023.

Applications in respect of looked after children and previously looked after children, or children with a statement of SEN or an IDP that names a specific school, will not be treated as late applications regardless of when the application is received.

### 13.2 Nursery class admissions rounds

Nursery education is non-statutory; however, in Wales, children are entitled to a free, part-time, early-years education place from the start of the term following their third birthday. The place can either be at a local authority-maintained school ('LA-maintained'), or within the non-maintained sector with a registered early year's provider. **This policy applies only to admissions to nursery classes in LA-maintained schools.**

The local authority is the admissions authority for nursery classes in LA-maintained schools in Bridgend County Borough. Parents/carers who wish to apply for a nursery place at a voluntary aided school must approach that school directly.

Places at LA-maintained schools are part-time for three-year-olds (Nursery Year 1) and full-time for four-year-olds (Nursery Year 2). Although nursery education is non-statutory, the local authority expects all children who are offered a part-time place to attend for five half days per school week and all children who are offered a full-time place to attend for five full days per school week.

A school admission (nursery) application **must** be completed by the parents/carers of eligible children for admissions to nursery classes in LA-maintained schools.

A child will only be permitted to attend a nursery class at a LA-maintained school if the relevant application has been submitted **and** the local authority has formally offered a place at that school.

Children who are admitted to a part-time nursery class of a LA-maintained school **do not have an automatic right to a full-time nursery place at the same school.** All parents/carers of children attending a part-time nursery class, whether residing within or outside the defined catchment area, must complete a school admission application for a full-time nursery year place, at the appropriate time, indicating their school preference/s.

Children who are admitted to a full-time nursery class of a LA-maintained school **do not have an automatic right to a reception year place at the same school.** All parents/carers of children attending a full-time nursery class, whether residing within or outside the defined catchment area, must complete a school admission application for a reception year place, at the appropriate time, indicating their school preference/s.

As nursery education is non-statutory, parents/carers have **no right of appeal** in respect of decisions on nursery class admissions.

### [Timetable for nursery admissions 2022-2023](#)

The timetable for nursery admissions is not governed by the School Admissions Code 2013. The local authority's expected timetable for processing applications for nursery admissions for 2022-2023 is as follows:

#### **Full-time nursery class admissions - pupils born between 1 September 2018 and 31 August 2019, starting in a full-time nursery class in September 2022:**

Action	Date
Opening date for submission of applications	10am Monday, 10 January 2022
Closing date for receipt of applications by the local authority	4pm Friday, 25 March 2022
Notification to applicants of offer or refusal of places (the 'offer date')	Monday, 16 May 2022

#### **Part-time nursery class admissions - pupils born between 1 September 2019 and 31 December 2019, starting in a part-time nursery class in January 2023:**

Action	Date
Opening date for submission of applications	10am Monday 10 January 2022
Closing date for receipt of applications by the local authority	4pm Friday 27 August 2022
Notification to applicants of offer or refusal of places	By 31 October 2022

**Part-time nursery class admissions - pupils born between 1 January 2020 and 31 March 2020, starting in a part-time nursery class in April 2023:**

Action	Date
Opening date for submission of applications	10am Monday 10 January 2022
Closing date for receipt of applications by the local authority	4pm Friday 27 August 2022
Notification to applicants of offer or refusal of places	By 31 October 2022

[Allocation of full-time nursery class places in English-medium, non-faith schools](#)

The local authority will normally only admit up to the equivalent of the school's published admission number when allocating full-time nursery places.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons
3. Children whose place of ordinary residence is within the school's defined catchment area.

Where a school is oversubscribed under this criterion, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

4. Children not currently ordinarily resident within the school's defined catchment area whose parents/carers have satisfied the local authority, by the published closing date for submission of the relevant school admission applications that the child will be ordinarily resident within the defined catchment area by the commencement of the school term to which the application relates.

Where a school is oversubscribed under this criterion, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

5. Children living outside the school's defined catchment area will be considered for any remaining places in the order of priority set out below:

- a) Children who will have a sibling at the school in any age group from reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from place of ordinary residence to the nearest openly accessible school gate.

#### [Allocation of full-time nursery class places in Welsh-medium and faith schools](#)

The local authority will normally only admit up to the equivalent of the school's published admission number when allocating full-time nursery places.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons
3. Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.
4. Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

#### Allocation of part-time nursery class places in English-medium, non-faith schools

In determining the number of part-time nursery places available for allocation in any school, the local authority will take into account the capacity of the accommodation used for nursery pupils, the published admission number and the number of full-time nursery pupils already on roll at the school.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children born between 1 September 2019 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from January 2023 or April 2023) who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children born between 1 September 2019 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from January 2023 or April 2023) for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons.

3. Children born between 1 September 2019 and 31 December 2019 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from January 2023) and whose place of ordinary residence is within the school's defined catchment area.

Where a school is over-subscribed the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

4. Children born between 1 September 2019 and 31 December 2019 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from January 2023) who are not currently ordinarily resident within the school's defined catchment area but whose parents/carers have satisfied the local authority, by the published closing date for submission of the relevant school admission applications, that the child will be ordinarily resident within the defined catchment area by the commencement of the school term to which the application relates.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

5. Children born between 1 September 2019 and December 2019 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery pace from January 2023) whose place of ordinary residence is outside the school's defined catchment area.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

- 6. Children born between 1 January 2020 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from April 2023) whose place of ordinary residence is within the school's defined catchment area.

Where a school is over-subscribed the local authority will allocate the places in the following order of priority:

- c) Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- d) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

- 7. Children born between 1 January 2020 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from April 2023) who are not currently ordinarily resident within the school's defined catchment area but whose parents/carers have satisfied the local authority, by the published closing date for submission of the relevant school admission applications, that the child will be ordinarily resident within the defined catchment area by the commencement of the school term to which the application relates.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- c) Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- d) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

8. Children born between 1 January 2020 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from April 2023) whose place of ordinary residence is outside the school's defined catchment area.

Where a school is over-subscribed the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

#### Allocation of part-time nursery class places in Welsh-medium and faith schools

In determining the number of part-time nursery places available for allocation in any school, the local authority will take into account the capacity of the accommodation used for nursery pupils, the published admission number and the number of full-time nursery pupils already on roll at the school.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children born between 1 September 2019 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from January 2023 or April 2023) who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children born between 1 September 2019 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from January 2023 or April 2023) for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons.
3. Children born between 1 September 2019 and 31 December 2019 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-

time nursery place from January 2023) who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.

4. Children born between 1 September 2019 and 31 December 2019 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from January 2023) on the basis of proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.
  
5. Children born between 1 January 2020 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery place from April 2023) who will have a sibling at the school in any age group from the reception year to Year 6 in the academic year 2022-2023.
  
6. Children born between 1 January 2020 and 31 March 2020 who will attain the age of three in the academic year 2022-2023 (these children will be eligible for a part-time nursery pace from April 2023) on the basis of proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

### **13.3 Primary/infant school admission round (reception year)**

The relevant age group for the reception year is 4-5 years.

Every child is required by law to receive full-time education from the beginning of the school term after his/her fifth birthday. In the Bridgend County Borough, children are normally admitted to the reception year in the September following their fourth birthday. However, parents/carers have the option of deferring their child's entry to the reception year until later in the same school year. The deferment cannot continue beyond the beginning of the term after the child's fifth birthday, nor beyond the school year for which the original admission application was accepted by the local authority. Where the parent/carer wishes to defer the child's entry to the reception year as detailed, the local authority will hold a place for the child.

An application for a reception year place must be submitted. **There is no automatic admission to the reception year at any primary or infant school, regardless of the school at which the child may be attending a nursery class.**

[Timetable for reception year admissions for September 2022](#)

The expected timetable for children born between 1 September 2017 and 31 August 2018, entering a reception class in September 2022 is as follows:

Action	Date
Opening date for submission of applications	10am Monday 22 November 2021
Closing date for receipt of applications by the local authority	4pm Friday 11 February 2022
Notification to applicants of offer or refusal of places (the 'offer date')	Tuesday 19 April 2022
Closing date for parents/carers to submit an appeal	4pm Tuesday 17 May 2022

### Allocation of reception year places for September 2022 in English-medium, non-faith schools

The local authority will admit children up to the school's published admission number and will only exceed the published admission number in exceptional circumstances.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons
3. Children whose place of ordinary residence is within the school's defined catchment area.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from Year 1 to Year 6 in respect of primary schools, or Year 1 and Year 2 in respect of infants schools, attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

4. Children not currently ordinarily resident within the school's defined catchment area whose parents/carers have satisfied the local authority, by the published closing date for submission of the relevant school admission applications that the child will be ordinarily resident within the defined catchment area by the commencement of the school term to which the application relates.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from Year 1 to Year 6 in respect of primary schools, or Year 1 and Year 2 in respect of infants schools, attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

5. Children living outside the school's defined catchment area will be considered for any remaining places in the order of priority set out below:

- a) Children who will have a sibling at the school in any age group from Year 1 to Year 6 in respect of primary schools, or Year 1 and Year 2 in respect of infants schools, attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

#### [Allocation of reception year places for September 2022 in Welsh-medium and faith schools](#)

The local authority will admit children up to the school's published admission number and will only exceed the published admission number in exceptional circumstances.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons
3. Children who will have a sibling at the school in any age group from Year 1 to Year 6 attending the school in the academic year 2022-2023.
4. Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

### **13.4 Junior school admission round (Year 3)**

In primary schools, the infant and junior sections are simply departments of the same school and children progress through the school from the infants to juniors without having to transfer elsewhere. Parents/carers are therefore **not** required to complete a school admission application, since the children are already regarded as registered pupils in the primary school.

Children attending Year 2 in an infant school do not automatically transfer to Year 3 at junior school. An application for a Year 3 place at junior school must be submitted. **There is no automatic admission to a junior school or any primary school regardless of the infant school or primary school that a child currently attends.**

Children normally enter Year 3 in junior school at the beginning of the academic year following their seventh birthday.

In Bridgend, there is one junior school ie Llangewydd Junior School, which is an English-medium school.

If parents/carers do not wish their child to attend Year 3 at junior school and instead wish for their child to attend Year 3 at a standard primary school, an in-year admission/transfer application must be submitted. Parents/carers should note that places in Year 3 in a

standard primary school may be very limited or unavailable. Also, that the local authority will not make admission decisions in respect of in-year admission/transfer applications for a September 2022 start date until Easter 2022.

### Timetable for Year 3 junior school admissions for September 2022

The expected timetable for children born between 1 September 2014 and 31 August 2015, moving from infants school (Year 2) to junior school (Year 3) in September 2022 is as follows:

Action	Date
Opening date for submission of applications	10am Monday 22 November 2021
Closing date for receipt of applications by the local authority	4pm Friday 11 February 2022
Notification to applicants of offer or refusal of places (the 'offer date')	Tuesday 19 April 2022
Closing date for parents/carers to submit an appeal	4pm Tuesday 17 May 2022

### Allocation of Year 3 junior school places for September 2022

The local authority will admit children up to the school's published admission number and will only exceed the published admission number in exceptional circumstances.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons
3. Children whose place of ordinary residence is within the school's defined catchment area.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from Year 4 to Year 6 attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

4. Children not currently ordinarily resident within the school's defined catchment area whose parents/carers have satisfied the local authority, by the published closing date for submission of the relevant school admission applications that the child will be ordinarily resident within the defined catchment area by the commencement of the school term to which the application relates.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from Year 4 to Year 6 attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

5. Children living outside the school's defined catchment area will be considered for any remaining places in the order of priority set out below:

- b) Children who will have a sibling at the school in any age group from Year 4 to Year 6 attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- c) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

### **13.5 Secondary school admission round (Year 7)**

Children normally enter Year 7 in secondary school at the beginning of the academic year following their eleventh birthday.

An application for a Year 7 place must be submitted. **There is no automatic admission to any secondary school, regardless of the primary or junior school that a child currently attends.**

In Bridgend, there is one Welsh-medium secondary school (ie Ysgol Gyfun Gymraeg Llangynwyd). There is one faith secondary school (ie Archbishop McGrath Catholic High School), for which the local authority is not the admission authority. All other secondary schools are English-medium.

### [Timetable for Year 7 secondary school admissions for September 2022](#)

The expected timetable for children born between 1 September 2010 and 31 August 2011, transferring from junior/primary school (Year 6) to secondary school (Year 7) in September 2022 is as follows:

Action	Date
Opening date for submission of applications	10am Monday 18 October 2021
Closing date for receipt of applications by the local authority	4pm Friday 21 January 2022
Notification to applicants of offer or refusal of places (the 'offer date')	Tuesday 1 March 2022
Closing date for parents/carers to submit an appeal	4pm Tuesday 29 March 2022

### [Allocation of Year 7 secondary school places for September 2022 for English-medium schools](#)

The local authority will admit children up to the school's published admission number and will only exceed the published admission number in exceptional circumstances.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons.

3. Children whose place of ordinary residence is within the school's defined catchment area.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from Year 8 to Year 11 attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

4. Children not currently ordinarily resident within the school's defined catchment area whose parents/carers have satisfied the local authority, by the published closing date for submission of the relevant school admission applications that the child will be ordinarily resident within the defined catchment area by the commencement of the school term to which the application relates.

Where a school is oversubscribed under this criteria, the local authority will allocate the places in the following order of priority:

- a) Children who will have a sibling at the school in any age group from Year 8 to Year 11 attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

5. Children living outside the school's defined catchment area will be considered for any remaining places in the order of priority set out below:

- a) Children who will have a sibling at the school in any age group from Year 8 to Year 11 attending the school in the academic year 2022-2023.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

- b) Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

The local authority will admit children up to the school's published admission number and will only exceed the published admission number in exceptional circumstances.

Where the number of applications exceeds the number of places available, the local authority will apply the following **oversubscription criteria**, in order of priority, to allocate the places available:

1. Children who are looked after or previously looked after and children for whom the school is the named placement in the statement of SEN or local authority-maintained IDP.
2. Children for whom the local authority has received and accepted written evidence from a relevant professional/s that the placement is essential for medical, psychological, or compelling social reasons.
3. Children who will have a sibling at the school in any age group from Year 8 to Year 11 attending the school in the academic year 2022-2023.
4. Proximity to school, as measured by the shortest available walking route from the place of ordinary residence to the nearest openly accessible school gate.

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

## **14. Explanations of oversubscription criteria**

### **14.1 Looked after and previously looked after children**

The local authority is under a duty to give looked after and previously looked after children the highest priority in the oversubscription criteria.

In the case of a looked after child, the school admission application must be completed and submitted by the corporate parent (ie the local authority with responsibility for the child) and supporting evidence must be provided (a Care Order or Interim Care Order).

In the case of previously looked after children, the school admission application must be accompanied by supporting evidence from the former corporate parent.

The relevant supporting evidence must be submitted with the application.

#### **14.2 Children in receipt of a statement of special educational needs (SEN) or a local authority-maintained individual development plan (IDP)**

To satisfy this criterion, the child must have a statement of SEN or a local authority maintained IDP and the application is in respect of a mainstream place at a preferred community school.

#### **14.3 Children for whom a placement is essential for medical, psychological, or compelling social reasons**

To satisfy this criterion:

1. applicants must provide supporting written evidence from a relevant professional/s, ie a registered health professional and/or a social worker, that states the reasons why the preferred school is the most suitable school and what difficulties would arise if the child had to attend another school. The evidence must be dated no more than three months prior to the application submission date; and
2. that written evidence is accepted by the local authority as sufficient to determine that placement at the preferred school is essential for the child.

Evidence that purely confirms a child's diagnosis or circumstances does not satisfy this criterion.

Applications in respect of young carers will be considered under this criterion subject to provision of the necessary evidence, as set out above.

The local authority expects the applicant to provide the required written evidence at the time the application is submitted. If this is not possible, the local authority must be advised of and satisfied as to the reasons and the required written evidence must then be provided prior to the closing date of the admission round. If the required written evidence is not provided to the local authority before the closing of the admission round, the application will not be prioritised under this criterion.

#### **14.4 Child's address / place of ordinary residence**

Applicants must record the current address at which the child is ordinarily resident on a school admission application.

When considering whether a child lives in a school's catchment area (English-medium, non-faith schools) or the proximity to the school (Welsh-medium and faith schools), it is the child's place of ordinary residence that the local authority considers to be the home address and satisfying the relevant admissions criteria.

Where the child's parents/carers are not living together but have shared responsibility for the child, and the child lives with each parent/carer for part of the periods during which the child receives education, the child will be considered as being ordinarily resident at the places where **each** of the parents/carers is ordinarily resident. Accordingly, the local authority will accept the address of either parent/carer as being the child's place of ordinary residence.

### Changes to the child's address / place of ordinary residence

If the child's place of ordinary residence changes after the school admission application has been submitted:

1. The local authority must be notified immediately in writing (email or letter).
2. If the change is notified to the local authority before the closing date for the admission round, the change will be taken into consideration in the application of oversubscription criteria and the allocation of places.
3. If the change is notified to the local authority after the closing date for the admission round, the place of ordinary residence recorded on the application will be used in the application of oversubscription criteria and the allocation of places. The applicant will have the option to complete and submit a late application if the allocated place is at a school that is no longer the preferred school, which would be subject to the provisions relevant to late applications (see section 13.1).
4. If the applicant does not inform the local authority of a change of ordinary residence prior to the child date on which the child would start school, the local authority will take the action detailed below under 'provision of false or misleading information'.

### Applications made on the basis of a future change in the place of ordinary residence

Where the applicant is in the process of a house move at the time that the application is submitted and is expressing a preference for a school that is the catchment school for the future address (English-medium, non-faith schools) or the most proximate school for the future address (Welsh-medium and faith schools), the applicant **must** record this on the application form and **must** provide the following evidence to the local authority:

- written evidence from a solicitor that the house sale has been completed, contracts have been exchanged and that a moving date has been agreed such that the child will be resident at the new address by the commencement of the school term to which the application relates; or
- a written tenancy agreement evidencing that the child will be resident at the new address by the commencement of the school term to which the application relates.

All required evidence **must** be received by the local authority prior to the closing date for the admission round and it is the responsibility of the applicant to provide the required evidence to the local authority by that date closing date. If the required evidence is not received prior to the closing date, the application will be treated as an out of catchment application for the

preferred school/s (English-medium, non-faith schools) or the proximity to the preferred school (Welsh-medium and faith schools) will be calculated using the current address.

If the evidence does not confirm that the child will be resident at the new address by the commencement of the school term to which the application relates, the application will be treated as an out of catchment application for the preferred school/s.

#### Provision of false or misleading information

Where a parent/carer provides fraudulent or intentionally misleading information relating to the child's place of ordinary residence (this includes the failure to notify the local authority of changes to the place of ordinary residence) in order to obtain the advantage of a particular school placement to which the child would otherwise not be entitled, the local authority reserves the right to withdraw the offer of a place.

Where a place is withdrawn, the application will be considered afresh based on the accurate place of ordinary residence, and a right of appeal will be offered if a place at the preferred school/s is refused.

Where there is doubt about the child's place of ordinary residence, the local authority reserves the right to seek further verification from the applicant in the form of documentary evidence, which may include, but not necessarily be limited to, a utility bill or council tax statement. If the local authority is not satisfied by the evidence provided and a place has already been offered, the local authority reserves the right to withdraw the offer.

### 14.5 Siblings

A sibling is classified as a half or full brother/sister, a step-brother/sister, an adopted brother/sister, or a child living in the same household.

An application will be considered under the sibling criterion if the following conditions are met:

1. the full sibling details are recorded on the application; and
2. the sibling and the child who is the subject of the application **will** be attending **the same school at the same time** and the sibling is of statutory school-age.

This means that for reception year applications, the sibling must be Year 1 to Year 6 in the academic year for which the application is being made. For Year 3 junior school applications, the sibling must be in Year 4 to Year 6 in the academic year for which the application is being made. For Year 7 secondary school applications, the sibling must be in Year 8 to Year 11 in the academic year for which the application is being made.

For full-time nursery and part-time nursery applications, the sibling must be reception year to Year 6 in the academic year for which the application is being made. As there is significant similarity in the timetables for the reception, full-time nursery and part-time nursery admissions rounds, a parent/carer may not have been notified of the outcome of a reception application for a child when completing a full-time or part-time

nursery application for another child. The parent/carer will be able to record the details of the child for whom a reception application has been submitted but the sibling criterion will not be met if the local authority does not subsequently offer a reception place at the relevant school to the sibling.

### Provision of false or misleading information

Where a parent/carer provides fraudulent or intentionally misleading information relating to the sibling criterion in order to obtain the advantage of a particular school placement to which the child would otherwise not be entitled, the local authority reserves the right to withdraw the offer of a place.

Where a place is withdrawn, the application will be considered afresh based on the accurate information, and a right of appeal will be offered if a place at the preferred school/s is refused.

### 14.6 Multiple birth children

A multiple birth is defined as the birth of more than one baby from a single pregnancy (eg the birth of twins or triplets).

When allocating places, if the last place is offered to a multiple birth child, the local authority will also admit the other sibling/s.

### 14.7 Proximity to school

The measurement will be from the child's place of ordinary residence to the nearest openly accessible school gate through which pupils may enter the school grounds.

It will be for the local authority to determine whether any entrance at any school does or does not constitute an openly accessible school gate.

In respect of residences that are within blocks of flats, the distance will be calculated from the front entrance of each flat.

The distances will be calculated to four decimal places.

The local authority uses software to measure all distances within the Bridgend County Borough that takes into account the assessed, available walking routes to the school/s. The local authority will not take into account any other walking routes to a school that a parent/carer may choose to use.

For applications where the child's place of ordinary residence is outside the Bridgend County Borough, the distance will be measured using publicly-available web-based services.

## 15. The offer process for admissions rounds

### 15.1 Offer dates

The School Admissions Code 2013 sets out how admission authorities in Wales must identify the offer date for primary school (reception), junior school and secondary school admissions rounds. The relevant offer dates for all admissions rounds for 2022-2023 are detailed in section 13.

### 15.2 Communication of the outcome

Parents/carers who submit an application by the published closing date of an admission round, or parents/carers whose late application has been accepted by the local authority for inclusion in the allocation of places, will be notified in writing of the outcome of their school admission or in-year school admission/transfer application.

Parents/carers may not expect that the outcome of their application will be communicated verbally.

If the application is refused, the notification will set out the reasons for the decision and will advise parents/carers on the appeal process. As nursery education is non-statutory, **parents/carers have no right of appeal in respect of unsuccessful nursery class applications.**

### 15.3 Waiting lists

The local authority maintains waiting lists for oversubscribed schools. If a place at the preferred school is not offered, the child will be automatically included in the waiting list for the school unless the parent/carer expressly advises the local authority that this action is not required.

For the admissions rounds, children will remain on the waiting list, for any school at which they have been refused a place, until 30 September 2022. Children will automatically be removed from the waiting list/s after this date.

If additional places become available at a school, they will be allocated to children on the waiting list on the basis of the published oversubscription criteria (see sections 15 and 16) and **not** the length of time a child has been on the waiting list.

## 16. In-year admissions / transfers

### 16.1 Circumstances in which an in-year admission/transfer application is required

An in-year admission/transfer application **must** be completed in any of the following circumstances:

1. If a child moves into Bridgend County Borough during the course of an academic year and the parents/carers wish the child to attend a school for which the local authority is the admission authority.
2. If the parents/carers wish their child/ren to move to a different school within the Bridgend County Borough during the course of an academic year and the parents/carers wish the child to move to a school for which the local authority is the admission authority.
3. If an application for an admission round has not been completed and submitted to the local authority by 31 August 2022 (ie an application is being submitted on or after the official start date of the 2022-2023 academic year).

## **16.2 School transfers**

Parents/carers who wish to apply for a place at a different school for reasons other than a change of ordinary residence are advised to carefully consider the information available on [www.bridgend.gov.uk/schooladmissions](http://www.bridgend.gov.uk/schooladmissions).

Parents/carers should talk to the headteacher of the pupil's current school about the reasons for a change of school being considered. There is a significant amount of research evidencing that changing schools is disruptive and can have a negative impact on a pupil's attainment. There are many reasons for this. It is particularly important that careful consideration is given to the impacts of moving pupils in Year 10 and Year 11, who would have already begun to study for their chosen GCSE subjects, as those GCSE subjects may not be available at a different school.

## **16.3 'Advance' requests**

It is not fair and equitable for the local authority to hold places open for children for undue periods of time. Accordingly, the local authority will only accept 'advance' in-year school admission/transfer applications, ie for a future admission date, where that requested admission date is in the period up to the end of the following half term and the local authority is satisfied as to the reasons for the advance request.

## **16.4 Availability of places**

Section 4 provides information regarding school capacities and published admission numbers, which the local authority uses to determine whether places are available.

As the number of pupils on roll in any school can change on a frequent basis, the local authority will not provide information on the availability of places in any year group at any school in advance of an in-year school admission/transfer application being submitted.

## **16.5 Consideration of applications**

In-year school admission/transfer applications are considered by the local authority in strict order of date received.

For in-year admissions/transfers, whether the child lives in or out of the catchment area of the requested school (English-medium, non-faith schools) or the proximity to the school (Welsh-medium and faith schools), is of no relevance to the local authority's decision on whether a place at the requested school can be offered. (However, it is of relevance to the determination of whether there is eligibility or not for the provision of free home-to-school transport.)

If there is no place available in the relevant year group at the requested school, the local authority child will refuse admission to that school unless the circumstances are such that the local authority considers an exception should be made.

Where there is a place in the relevant year group at the requested school but the in-year school admission/transfer application is not made in consequence of a change in the child's ordinary residence, or the circumstances are such that the local authority determines there is no need for an immediate move of school, **the local authority will automatically defer the admission to the start of the following school term.** This is to minimise disruption to the education of both the child and the other children at the school. However, if both the current and the preferred school jointly advise the local authority that they are able to support the child's immediate admission, the local authority will admit the child accordingly.

## 16.6 Communication of the outcome

Applicants will be notified in writing of the outcome of their in-year school admission/transfer application within 15 school days or 28 calendar days of the date of the application being received, whichever is the sooner.

Parents/carers may not expect that the outcome of their application will be communicated verbally.

If the application is refused, the notification will set out the reasons for the decision and will advise parents/carers on the appeal process. As nursery education is non-statutory, **parents/carers have no right of appeal in respect of unsuccessful nursery class applications.**

## 16.7 Offer of a place at an alternative school

If a place at the preferred school is refused, the local authority will either offer a place at the nearest alternative school that has an available place in the relevant year or explain why such an offer cannot be made (eg where the nearest alternative school is the child's current school). The offer of a place at the nearest alternative school will be open for 10 days from the date of the local authority's letter and will automatically expire if not accepted within that period.

If the offer of a place at the nearest alternative school is not accepted, or is expressly refused, the parent/carer must submit a new application if seeking a place at any other preferred school.

## 16.8 Waiting lists

The local authority maintains waiting lists for oversubscribed schools. If a place at the preferred school is not offered, the child will be automatically included in the waiting list for the school unless the parent/carer expressly advises the local authority that this action is not required.

For all in-year admission/transfer applications, children will remain on the waiting list for any school at which they have been refused for a period of three months from the date of the refusal letter. Children will automatically be removed from the waiting list/s after these periods have elapsed.

Submission of a new in-year admission/transfer application for the same school does not renew a child's place on a waiting list. If a new in-year admission/transfer application is submitted and is refused, the child will be recorded as a new entry to the waiting list from the date of the refusal letter.

Registration of an admission appeal does not extend a child's time on the waiting list, irrespective of the date for the admission appeal hearing.

If additional places become available at a school, they will be allocated to children on the waiting list on the basis of the published oversubscription criteria (see sections 15 and 16) and **not** the length of time a child has been on the waiting list.

A place cannot be allocated to a child who is not on the waiting list.

## 17. Admission appeals

### 17.1 General

School admission appeals are conducted in accordance with Welsh Government's School Admission Appeals Code 2013.

Any person who is considering an appeal is strongly recommended to read this School Admissions Policy 2021-2022, the School Admissions Code 2013 and the School Admission Appeals Code 2013 in full.

In the vast majority of cases, children are offered places in line with the expressed preference for a specific school. If, however, a child is unable to gain admission to the preferred school, parents/carers or post-16 learners may choose to appeal to an independent appeal panel.

Parents/carers/ or post-16 learners may accept a place offered at an alternative school while pursuing a place at the preferred school. The independent appeal panel will consider the grounds put forward by appellant/s and determine whether the merits of the case outweigh the case presented by the local authority.

As nursery education is non-statutory, parents/carers have **no right of appeal** in respect of decisions on nursery class admissions.

## 17.2 Registering an appeal

### Persons who may register an appeal

In respect of appeal registrations for children of statutory school-age, the appeal must be registered by the parent/carer, as defined in section 13.

The local authority will only accept an appeal registration from a person who is not a parent/carer if it is accompanied by an appropriate written authorisation from a parent/carer.

The person registering the appeal will be required to make a declaration of the relationship to the child and provide such information as the local authority requires, including documentation, evidencing that relationship, at the time the appeal registration is submitted. The person registering the appeal will not be required to submit such if it has already been submitted in support of the admission application.

Appeals in respect of post-16 admissions/transfers can be registered by either a parent/carer or the learner.

### Timescale for registering an appeal

In the case of appeals relating to the refusal of places in an admissions round, the appeal **must** be registered with the local authority by the closing date as detailed in section 13.

In the case of appeals relating to the refusal of a place following submission of an in-year admission/transfer application, the appeal **must** be registered with the local authority within 10 working days of the date of the written notification of the refusal.

### How to register an appeal

An appeal must be registered in writing.

Persons registering an appeal are able to complete a school admission appeal registration online by signing up to My Account on the Bridgend County Borough Council website.

Guidance on completing the registration is available on:

[www.bridgend.gov.uk/schooladmissions](http://www.bridgend.gov.uk/schooladmissions)

Any person who does not have access to a computer/laptop or smart phone, may use the computers available within the libraries in the Bridgend County Borough to sign up to My Account and complete an online registration. A person who remains unable to access the online registration may contact Bridgend County Borough Council on telephone number 01656 643643 to request a hardcopy registration.

**The local authority accepts no responsibility for the non-receipt of an appeal registration that is not submitted through the online facility.**

### **17.3 Arrangements for the appeal hearing**

The local authority will refer the appeal to an independent appeal panel. The clerk to the panel will arrange a time and place for the hearing.

Appellants will have the opportunity of attending the panel hearing and making their representations (oral and/or written).

Appellants are advised that:

1. They may elect not to attend the appeal meeting and, instead, allow the appeal to be considered on a written statement.
2. The appeal will be decided on the information available if parents/carers have indicated an intention to attend the appeal but do not do so, and fail to provide a reasonable explanation.
3. If appellants cannot attend on the scheduled date and it is not reasonably practicable to offer an adjourned hearing, the appeal will be decided on the information available.
4. Appellants will be given at least 14 days (10 working days) written notice of the meeting of the appeal panel, unless they agree to a shorter period. The appellant should confirm this in writing to the clerk to the panel.

Appellants may be accompanied at a panel hearing by a friend or adviser or an interpreter, however, local authority councillors are not permitted to attend. Appellants are requested to inform the clerk to the independent appeal panel of any representation at least seven days before the hearing.

Organisations such as ACE (The Advisory Centre for Education) may be able to provide assistance to parents/carers in relation to school admission appeals. Information is available from the organisation's website [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

### **17.4 Repeat appeals**

Parents/carers and post-16 learners do not have a right to a second appeal in respect of the same school and the same academic year except where:

- there were faults in the first appeal process and there is a significant possibility that the outcome might have been affected by the faults (this may be on the recommendation of the Public Services Ombudsman for Wales); or
- a fresh application is accepted because there has been a significant and material change in the circumstances of the parent/carer or child and that application has also been refused. Common examples of where a fresh application is considered are where a family has moved address or there are new medical reasons pertaining to the choice of school.

Parents/carers and post-16 learners who appeal unsuccessfully may re-apply for a place at the same school in respect of a later academic year (but subject to the timescales set out in section 13). Parents/carers and post-16 learners will have a right to appeal if that application is refused.

Any information provided by an appellant a school admission appeal registration will be held electronically and used by local authority for the purpose of processing the admission appeal request.

## **18. The Bridgend Admission Forum**

The local authority is under a statutory duty to establish an admission forum.

The Bridgend Admission Forum is constituted in accordance with Annex D of the statutory School Admissions Code 2013.

The role of the forum is to help ensure that the school admissions system in Bridgend is fair, straightforward and easy for parents/carers to understand. The forum is responsible for monitoring the local authority's compliance with the statutory School Admissions Code 2013 and may advise the local authority on ways in which admission arrangements could be improved.

The terms of reference, meeting agendas, meeting minutes and annual reports of the Bridgend Admission Forum are published on the local authority's website at:

<https://www.bridgend.gov.uk/residents/schools-and-education/school-admissions/school-admissions-forum/>

## **19. Additional information**

In addition to the sources of information already detailed, the local authority's Starting School Prospectus for 2021-2022 provides further and additional information on matters associated with school admissions and starting school.

## **20. Queries**

Queries in relation to this policy and the admissions or appeal registration processes may be directed to the Learner Support Team as follows:

E-mail: [pupilservices@bridgend.gov.uk](mailto:pupilservices@bridgend.gov.uk)

Tel No: 01656 642622

Address: Learner Support  
Education and Family Support Directorate  
Bridgend County Borough Council  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

This policy is published on the Bridgend County Borough Council website:  
[www.bridgend.gov.uk/schooladmissions](http://www.bridgend.gov.uk/schooladmissions)

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

#### REPORT OF THE CORPORATE DIRECTOR – SOCIAL SERVICES AND WELLBEING

#### CARE HOME SERVICES – FUNDING AND CONTRACTUAL ARRANGEMENTS

#### 1. Purpose of report

1.1 The purpose of this report is:

1.1.1 to provide Cabinet with the feedback received from care home providers in respect of the viability of establishing an openly procured flexible framework of care home providers, as approved by Cabinet in March 2020.

1.1.2 to seek approval to continue the waiver under Contract Procedure Rule 3.2.3, from the requirement to competitively tender the provision of residential and nursing care home services, based on this feedback received and the risks set out in the report.

1.1.3 to seek approval to enter into new contracts with existing residential and nursing care providers, and enter into contracts with any new providers identified by the Local Authority, for a contract period of up to six years.

1.1.4 to set out the fee-setting approach undertaken for the care home sector in 2021/22.

#### 2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

1. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.

2. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

3.1 Part 9 of the Social Services and Well-being (Wales) Act 2014 (“the Act”) requires local authorities to make arrangements to promote co-operation with their relevant

partners and others, in relation to adults with needs for care and support, carers and children.

- 3.2 Section 144B of the Act requires local authorities to prepare and publish market stability reports, including an assessment of the sufficiency of care and support and of the stability of the market for regulated services within the local authority area.
- 3.3 Previously in February 2014, and subsequently in September 2016, Cabinet have approved waivers under Contract Procedure Rule (CPR) 3.2.3, from the requirement to competitively tender the provision of residential and nursing care home services.
- 3.4 The waivers were approved on the basis that the existing providers were the only tenderers who could technically provide such a service, due to statutory restrictions in respect of the Council's obligation to set appropriate fees, which means that there is no competitive market place available for these services. It remains to be the case that the Council sets fee levels and as a result there is no competitive market place available for these services.
- 3.5 The decisions made above were in keeping with the Care and Support (Choice of Accommodation) (Wales) Regulations 2015, which state that: Where -
- (a) a local authority is going to meet needs under sections 35 to 38 of the Act by providing or arranging for the provision of care home accommodation in the United Kingdom;
  - (b) the person for whom the accommodation is to be provided expresses a preference for a particular care home; and
  - (c) the conditions in regulation 3 are met

The local authority must provide or arrange for the provision of the preferred accommodation in accordance with these Regulations. In essence, this means it is an individual's choice in respect of their where to live, and this is not (and cannot) be determined by the local authority so long as the conditions set out in regulation 3 are met. Regulation 3 provides that the preferred accommodation must meet the individuals assessed care and support needs, a place in the accommodation must be available and the provider of the accommodation must agree to provide the accommodation to the person on the local authority's terms.

- 3.6 In March 2020, a report was presented to Cabinet, where it was approved to:
- Give approval to continue the waiver under Contract Procedure Rule 3.2.3, from the requirement to competitively tender the provision of residential and nursing care home services for a further one year period.
  - Note that, during that one year period, officers will monitor the effectiveness of the new regional contractual terms and conditions, and liaise with our existing accredited service providers and consider the viability of establishing an openly procured flexible framework of care home providers based on the terms and conditions of the regional contract and specification for a longer term duration.

#### **4. Current situation/proposal**

Care home contracts

- 4.1 BCBC currently has contracting arrangements with 19 older persons' residential and nursing care providers in the borough – with capacity in the region of 780 beds – and BCBC commissioning just under 50% of placements made within homes.
- 4.2 Contracting arrangements in place with residential and nursing care home providers are in the form of:
- Pre-placement Agreements – which is the overarching contract in place with the care home provider setting out contractual and service requirements and expectations
  - Individual Care Contracts (ICC's) – which are the individual spot-purchasing contracts when specific placements are made at a care home
- 4.3 Spot-purchasing is a process which allows the Local Authority to place an individual based on their level of need as and when they are required, rather than committing to block purchasing arrangements, which can tie the Local Authority to a certain number of placements at a fixed cost.
- 4.4 This practice is in keeping with all other Local Authority's social care arrangements for care homes across Wales, and has enabled the directorate to provide timely and flexible responses to a range of needs, as and when they are required.
- 4.5 There are also mechanisms in place to ensure the services that are commissioned meet the Local Authority's quality requirements (in the form of a well-established quality framework), and there are also strong contracting, monitoring and safeguarding procedures in place, in order to ensure that good quality care is provided and people are safeguarded.
- 4.6 The Welsh Government (WG) has recently published a White Paper consultation, entitled 'Rebalancing care and support; a consultation on improving social care arrangements and strengthening partnership working to better support people's well-being'. The consultation runs until April 2021, and it seeks views on proposals to introduce new legislation to improve arrangements for care and support and strengthen partnership working to achieve the vision set out in the Social Services and Well-being (Wales) Act 2014. Proposals include setting out a clear national framework to support services to be planned regionally and delivered locally, and for the strengthening of partnership arrangements. As such, there are still a range of unknowns about how we are to work with and commission the care home sector.
- 4.7 As approved by Cabinet in March 2020, officers have made contact with the 19 care home providers operating across BCBC in order to "consider the viability of establishing an openly procured flexible framework of care home providers" from a provider perspective.
- 4.8 A summary of the findings and feedback is shown below:
- 13 of the 19 care home providers responded to the request
  - 5 care home providers advised they might consider it – depending on how it worked
  - 2 care home providers advised they would go with the majority of opinion
  - 6 care home providers (amounting to 203 beds which is over 25% of total capacity) raised significant concerns at the suggestion of this approach

- 4.9 Feedback received from care home providers stated that they were extremely concerned at the timing and subject of the request, and significant concerns were also raised about following such a process.
- 4.10 There are a number of risks/issues associated with attempting to establish an openly procured flexible framework, which need to be considered against the risks of not carrying out a procurement exercise, which can be viewed in the risk assessment below:

Risk	Risk scores		Risk score comment
A risk of home and bed capacity being lost from the care home sector, that had less than 5% voids pre Covid, if do not tender	Likelihood	5	Feedback suggests at least 6 homes (accounting for over 25% of the market) may not tender, which would have a catastrophic and destabilizing impact on an already stretched and pressured sector – and would be a failure in our duty of maintaining a stable market
	Impact	4	
	<b>TOTAL</b>	<b>20</b>	
Safeguarding risks for individuals/ residents if a home was not to tender/get on the framework	Likelihood	5	Where residents have had to move to other care homes, this has resulted in a negative impact on an individual's physical and emotional wellbeing and in severe cases, can result in a death occurring earlier than would be expected
	Impact	4/	
	<b>TOTAL</b>	<b>20</b>	
Reputational risks associated with not listening to feedback from our care home providers, if BCBC do go to tender	Likelihood	4	Feedback from providers has been clear, and there are further risks as this is a process which goes against contracting practices across the whole of Wales, at a time when there is a commitment to work more effectively in partnership with our care sector providers
	Impact	3	
	<b>TOTAL</b>	<b>12</b>	
Risk of challenge from other care home providers who are not on the framework, if not tendered	Likelihood	1	The likelihood of challenge is minimal as no provider is excluded from entering the care home market, as long as the relevant accreditation checks are passed and quality criteria met. i.e. there is an open market where new capacity is encouraged/welcomed
	Impact	3	
	<b>TOTAL</b>	<b>3</b>	
Risk of compliance issues from regulators and/or audit agencies, if not tendered	Likelihood	1	The practice of not procuring care home services is common across all 22 Welsh LAs. There is also robust regulation of care homes and audits of care home services, none of which have identified any issues or concerns with contracting arrangements
	Impact	3	
	<b>TOTAL</b>	<b>3</b>	

**Note: Likelihood Score maximum 6, Impact Score maximum 4, Total Score maximum 24**

- 4.11 As mentioned in paragraph 4.6, WG has recently published a White Paper consultation which could have a significant bearing on how we work with our providers and commission services. The proposal is in keeping with the vision of the National Commissioning Board, which is to have a far greater focus on partnership working and quality, as per the extract below from the consultation document:

*We intend to develop a national framework for commissioning social care that will rebalance care and support. It will reduce complexity and ensure that quality is the key determinant of success in the social care market.*

- 4.12 Pending any new framework established following the White Paper consultation, the commissioning guidance currently in place continues to be WG's Guidance and Good Practice Commissioning Framework "Fulfilled Lives, Supportive Communities". The extract below is taken from Standard 7 of this WG Commissioning Framework:

*Social care commissioners will need to make judgements, based on their analysis of the existing market, about the most appropriate approaches to market development and procurement in their local area, including different contract forms, grants or in-house provision. Local authorities will need to ensure that council-wide financial regulations do not unnecessarily limit the capacity of social care commissioners to effect change in the local market due to overly bureaucratic or burdensome tendering processes.*

- 4.13 The care home sector is a heavily regulated area, where there have been significant pre-qualifying and quality requirements undertaken in order to register services with Care Inspectorate Wales under the Regulation and Inspection of Social Care (Wales) Act 2016. This is further demonstrated by annual inspections and of services and audits, which sit alongside BCBC's own quality framework monitoring arrangements.
- 4.14 Due to the balance of risks identified above which has the potential to have a major impact on market stability, we are seeking approval to waive the requirement to tender for these services on the same basis as the previously approved waivers and to enter into new contracts with existing care home providers for a period of 3 years (with the option to extend by a further 3 years).
- 4.15 Whilst the feedback above indicates the market should not be openly procured, there would be considerable risks to both the Council and the residents if the Council does not enter into new contracts with the current care home providers. Therefore, it is imperative that the Council has a contract in place with each provider, to enable the authority to continue to place residents in these homes, and ensure necessary quality and safeguarding requirements are met.
- 4.16 It is recognised that the needs of individuals are continually changing, and it is also recognised that the shape of the care home market can change at very short-notice. The service are working across the region on a Care Home action plan that will have a focus on developing the market to meet the needs of the population. Even though officers feel there is already a robust and responsive market in place across the county borough, officers would also wish to seek approval to enter into new contracts with any new residential and nursing care providers that may be required during this (up to) 6 year period, to be able to continue to have a robust market that meets need and demand.

#### Care Home Price Schedule – 2021/22

- 4.17 Alongside the review of the contract and specification undertaken in readiness for 2020/21, BCBC officers took the opportunity to review the care home price schedule – which details the rates paid to care homes for BCBC commissioned placements.

4.18 The review was timely as BCBC had seen an increase in the amount of Third Party Top-Up (additional costs) charges being levied by care homes, and there were also specific pressures and challenges in the nursing care home market, in particular for nursing EMI placements.

4.19 There is a considerable interest in respect of the cost of care and rates paid to care home providers, which has been reported in a document published by Care Forum Wales during 2020/21, entitled the “cheapskate awards story”. The document included a ‘league of shame’ table, as below, with BCBC’s rates highlighted in yellow showing how we compare to national averages and rates paid across Wales:

Region	LA	Res	Res EMI	Nursing	Nursing EMI	LA avg
C&V	Cardiff	737.89	793.48	730.08	786.99	<b>762.11</b>
Gwent	Torfaen	659.94	724.58	690.75	723.31	<b>699.65</b>
W Wales	Pembrokeshire	652.00	709.00	665.00	721.00	<b>686.75</b>
Gwent	Blaenau	612.00	702.00	674.00	716.00	<b>676.00</b>
Gwent	Monmouthshire	632.00	704.00	668.00	692.00	<b>674.00</b>
C&V	Vale of Glam	634.60	702.04	634.60	702.04	<b>668.32</b>
CTM	Rhondda CT	638.00	676.00	645.00	682.00	<b>660.25</b>
CTM	Merthyr	585.00	650.00	649.73	696.73	<b>645.37</b>
N Wales	Conwy	586.00	636.00	661.00	698.00	<b>645.25</b>
Gwent	Caerphilly	615.00	671.00	612.00	675.00	<b>643.25</b>
<b>CTM</b>	<b>Bridgend</b>	<b>612.00</b>	<b>653.00</b>	<b>632.00</b>	<b>673.00</b>	<b>642.50</b>
N Wales	Gwynedd	566.30	629.33	653.52	689.80	<b>634.74</b>
W Wales	Ceredigion	605.00	645.00	617.00	657.00	<b>631.00</b>
N Wales	Wrexham	585.72	609.91	634.10	670.38	<b>625.03</b>
N Wales	Anglesey	576.00	609.91	634.10	670.38	<b>622.60</b>
N Wales	Denbighshire	566.31	609.01	634.10	670.38	<b>619.95</b>
N Wales	Flintshire	583.44	607.53	624.37	660.53	<b>618.97</b>
W Wales	Carmarthenshire	594.39	626.52	575.56	663.40	<b>614.97</b>
Swansea Bay	Swansea	564.00	564.00	640.00	664.00	<b>608.00</b>
Swansea Bay	Neath PT	593.26	600.50	593.26	600.50	<b>596.88</b>
Powys	Powys	539.00	559.00	544.00	580.00	<b>555.50</b>
<b>Wales avg</b>		<b>606.56</b>	<b>651.51</b>	<b>638.67</b>	<b>680.59</b>	<b>644.34</b>

4.20 In keeping with the fee-setting methodology agreed with care home providers operating in BCBC, cost pressures analysis has been undertaken in January 2021 in order to determine an uplift amount that existing rates will be increased by, which considers financial pressures for care homes linked to legislative changes (such as National Living Wages (NLW) increases) and other inflationary factors. These calculations have determined a 1.62% increase linked to this cost pressures analysis.

4.21 In addition to the 1.62% increase identified above – which will be funded through agreed budget pressures and inflation provisions approved as part of the Medium Term Financial Strategy (MTFS) – the Social Services and Wellbeing directorate will also be using £250k of WG Workforce grant funding to supplement this increase during 2021/22, which will increase the uplift offer to 2.5% (rounded to 1d.p). It will be

made clear to providers that the extra £250k (equating to 0.86% of the uplift offer) is non-recurring, and must be used for staff/ workforce cost pressures.

- 4.22 This discretionary increase will enable care home providers to improve the terms and conditions of their frontline workforce. Further work will be undertaken in the next year to review the fee setting methodology for social care providers.

## **5. Effects on the policy framework and procedure rules**

- 5.1 Approval is being sought to waiver under the Council's Contract Procedure Rules, from the requirement to competitively tender for the provision of future residential care homes contracts under CPR 3.2.3.

## **6. Equalities Impact Assessment**

- 6.1 There are no equalities implications arising from this report, therefore an Equalities Impact Assessment is not required.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 Entering into contractual arrangements with care home providers for the duration of time requested (up to 6 years) supports the five ways of working under the Well-being of Future Generations (Wales) Act 2015, as follows:

- **Long Term** – entering into contractual arrangements with current (and potentially new) care home providers for a period of up to 6 years will provide assurances for care home providers, which in turn will have the benefit of a more stable and sustainable care home market
- **Prevention** – the vision within the directorate is to help and support people to continue to live as independently as possible within their environment, but care home services continue to be critical in order to meet the needs of citizens.
- **Integration** – service providers will continue to work with individuals and health colleagues (for nursing placements) to ensure quality of services provided, in accordance with the requirements of the residential quality framework.
- **Collaboration** – working collaboratively and in close partnership with key stakeholders is a key requirement of the care home contracts.
- **Involvement** – care home providers have been engaged with and their feedback has been used to help determine the proposal as set out in the recommendations.

## **8. Financial Implications**

- 8.1 In order to implement the new contract and the revised Price Schedule from 2021/22, there is a financial implication forecast to be in the region of £723k per annum.
- 8.2 The table below provides a breakdown of these additional costs, and also shows where it is intended for the additional cost to be met from.

<b>Cost implication</b>	<b>£ Amount</b>	<b>Met by</b>
Cost pressure linked to NLW increase	£429k	BCBC NLW budget pressure agreed in MTF5
Cost pressure linked to other inflationary costs	£44k	BCBC price inflation funding
One-off discretionary increase to move towards Real Living Wage	£250k	WG Social Care Workforce & Sustainability Pressures Grant 2021/22
<b>TOTAL</b>	<b>£723k</b>	

## **9. Recommendations**

### 9.1 Cabinet is asked to:

- note the feedback received from care home providers in respect of the viability of establishing an openly procured flexible framework of care home providers;
- give approval to continue the waiver under Contract Procedure Rule 3.2.3, from the requirement to competitively tender the provision of residential and nursing care home services;
- give approval to enter into new contracts with existing residential and nursing care providers, and enter into contracts with any new providers identified by the Local Authority, for a contract period of up to six years with an initial term of 3 years and option to extend for a further 3 years;
- note the fee-setting approach undertaken for the care home sector in 2021/22.

#### **Claire Marchant**

Corporate Director – Social Services and Wellbeing  
February 2021

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**Background documents:** None

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

#### REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

##### NATIONAL ADOPTION SERVICE PARTNERSHIP AGREEMENT

#### 1. Purpose of report

- 1.1 The purpose of this report is to seek Cabinet approval to sign the revised National Adoption Service In Wales partnership agreement.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  2. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 The National Adoption Service for Wales (NAS) was established in 2014 in response to service user and Government recommendations for improving services. The original role and operational format of NAS was based on a Functional Model led by Association of Directors of Social Services Cymru (ADSS-C), agreed by the Welsh Local Government Association (WLGA) and approved by the then Deputy Minister for Social Services. Subsequent legislation underpinned it. Complex governance arrangements emerged to facilitate local government senior officer and political oversight of this local government collaborative service which exists within a wider collaborative partnership with a range of stakeholders particularly the Voluntary Adoption Agencies in Wales (VAA's). A Partnership Agreement has been in place since the formation of NAS and the Regional Collaborations.
- 3.2 In 2018 the Governance Board and Advisory Group for NAS determined that coherence and ability to improve needed to be strengthened in order to enhance the achievement of strategic objectives and priorities for adoption services across Wales. The WLGA and ADSS-C commissioned The Institute of Public Care at Oxford Brookes University (IPC) to undertake a review of the existing arrangements. IPC engaged in various ways with a wide range of NAS organisations and stakeholders including Advisory Group and Governance Board

workshops, the Welsh Government and the National Assembly for Wales Children, Young People and Education Committee which concluded with three potential ways forward. In November 2018 the Governance Board decided that it wanted to create a hybrid of two of these to facilitate the below; it also considered NAS' role in respect of the National Fostering Framework national functions. The focus was primarily on NAS operating differently and more consistently rather than significant changes to structure. There were three key strands to this as follows:

- Combining the Former Governance Board and Advisory Group to undertake both functions. The new Combined Governance Board (CGB) started in July 2019.
- Creation of a 'Commissioning Fund' to support the central team to commission more strategically. Changing the management of regional resources was felt to be unrealistic at the time but that any future investment / 'new' resources should be used in a different way to achieve this. The award of £2.3m investment by Welsh Government in 2019 provided this opportunity which, from 2020, is to be routed through the central team.
- Setting out 'how' NAS will function in the future, in a document to replace the original functional model. This is the new Partnership Agreement.

3.3 IPC engaged further with a range of NAS stakeholders, including some regions and Directors of Social Services to test out and gain commitment to a different way of working. It was also discussed with the All Wales Heads of Children's Services Group (AWHOCS) and ADSS-C. The new Partnership Agreement that was produced is rooted in the NAS Directions 1. In many respects it describes NAS as it currently operates but also contains differences, which, in addition to the CGB and Commissioning Fund, will facilitate NAS operating differently.

3.4 The ambition is for:

- NAS to operate consistently to an agreed optimal model of excellence and as a single service.
- Increased ownership and accountability throughout the service for improvement against nationally agreed objectives, policies and priorities.
- Streamlined links between national and regional governance as well as service delivery and strategy.
- More working together across regions and centrally to share best practice, improvement and where appropriate resources

#### **4. Current situation/proposal**

##### ***The new Partnership Agreement***

4.1 In summary key elements of the Revised Agreement are:

- Consistency in regional management board and delivery arrangements over which the NAS Governance Board has increased oversight.
- Implementation of agreed optimal models and their resourcing which is actively overseen by the Governance Board.

- Changes to political engagement regionally, different approaches to service financing, shared commissioning of some external services, access to shared regional and central resources to deliver on priorities through an internal strategic commissioning arrangement, protocols on partner engagement etc.
- Strengthened links between regional management boards and the NAS CGB / central team to improve focus and commitment to nationally agreed priorities.
- Continuing to mature the relationship between the VAAs and the NAS with additional opportunities for developing and commissioning VAA services through national strategic commissioning and the fund.
- Strengthened relationships with the wider regional children's services agenda to better predict and respond to changing demand and better link to external opportunities for planning and funding services.
- Strengthening arrangements for joined up input from adopters and adoptees to planning, performance review as well as feedback at regional / VAA level and nationally.

4.2 One of the key changes for Western Bay Adoption Service referred to within the new Partnership Agreement is the development of Regional Joint Committees. These are made up of lead Cabinet Members across a region who meet twice a year to agree plans and resource recommendations via the Regional Management Board (RMB). This should include the member that sits on the NAS Governance Board. The committee will support Members to be kept fully informed and involved in the strategy, delivery and resourcing of NAS both at regional and national levels. In the event of a situation where a regional Joint Committee cannot be established, an equally robust arrangement to bring the Cabinet Members with portfolio responsibility for children's social care together across the region, should be put in place to focus on the regional adoption service. Any such arrangement should be agreed with the Co-Chairs of the Combined Governance Board and the Director of NAS.

4.3 A briefing Paper will be presented to the next Management Board in April 2021 to consider how the region will address this particular element of the agreement.

## **5. Effect upon policy framework and procedure rules**

5.1 Existing policy and procedures will need to be reviewed and revised to incorporate the impact of the new agreement. This is predominately in relation to any issues raised from the further consideration of the Regional Joint Committee.

## **6. Equality Impact Assessment**

6.1 There are no equality implications arising from this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing Act (Wales) (SSWBA) 2014, in turn, supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. By promoting an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the wellbeing goals of a Healthier and more equal Bridgend and Wales are supported.

7.2 The Wellbeing of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Authority should work to deliver well-being outcomes for people. The following is a summary to show how the relevant well-being goals have been considered in this report:

- **Long Term** – Social Services is demand led and the SSWBA focusses on sustainable well-being outcomes for the future. There is a requirement to meet the needs of people in the longer term and, because of rising demographics and increasing complexity, the transformation of services continues to be a priority.
- **Integration** – the implementation of the SSWBA and the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015 requires local authorities to work with partners, particularly the NHS and Education, to ensure care and support for people and support for carers is provided. The report evidences work with partners to enable children to be placed in permanent arrangements.
- **Collaboration** – The collaborative approaches described in the report, are managed and monitored through the regional collaborative management board and the National Adoption Service Advisory Group and Governance Board where there is local authority and sector stakeholder representation.
- **Involvement** – the key stakeholders are the people who use social care. There is considerable engagement including surveys, stakeholder meetings, feedback forms and the complaints process. The provision of accessible information and advice helps to ensure that the voice of adults, children and young people is heard.

## 8. Financial implications

8.1 The reviewed Partnership agreement does not have any financial implications for the Authority.

## 9. Recommendations

9.1 That Cabinet:

- Notes the contents of this report;
- Delegate authority to the Corporate Director – Social Services and Wellbeing to agree the terms and execute the Partnership Agreement in consultation with the Chief Officer – Legal, HR and Regulatory Services.

**Claire Marchant**  
**CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING**  
**February 2021**

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**Background documents:**

- Final Partnership Agreement-Bridgend
- NAS Partnership Letter to Directors for Signature 12/11/20

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

## REPORT OF THE CORPORATE DIRECTOR – SOCIAL SERVICES & WELLBEING

### PARTNERSHIP ARRANGEMENT FOR DEMENTIA TRAINING

#### 1. Purpose of report

- 1.1 To seek approval to enter into a partnership agreement with Cwm Taf Morgannwg University Health Board with the objective of collaboration to support the health and social care workforce through joint learning and development activity in order to improve the lives of people affected by dementia, which will require a suspension of the Council's Contract Procedure Rules (CPRs).

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 Bridgend County Borough Council (BCBC) entered into a funding relationship with Abertawe Bro Morgannwg University Health Board (ABMUHB) Region over 10 years ago to support the development and delivery of dementia care training and support to the social care sector. The core budget for this service originally funded two full time equivalent posts, based in ABMUHB's Dementia Care Training Team. However due to a reduction in the annual budget for this service BCBC now contribute £23,500 per annum to fund half a post in the Cwm Taf Morgannwg University Health Board (CTMUHB) Dementia Care Training Team, with 1.5 full-time equivalent posts funded by CTMUHB.
- 3.2 During the transition period of re-alignment from ABMUHB to CTMUHB in 2019-20, BCBC entered into a temporary contractual agreement with CTMUHB agreed via the Scheme of Delegation. The purpose of securing a previously informal arrangement was to ensure business continuity and continuity of support to dementia care service

providers to allow for a period of review of dementia care training and support requirements. The pandemic and its impact on the service has delayed progress to date.

- 3.3 The review concluded that the current relationship arrangement provides value for money training, through the provision of additional aspects, in assessment teams and direct care services, ongoing support to care providers beyond training, monitoring the quality of care involving the BCBCs Contract Monitoring team, and developing and extending that support to include future joint training opportunities and support to informal carers. Such a range of benefits, in their entirety, would not be able to be secured by formal tendering for a commissioned training provider. Neither would it be possible to secure even the training element at the same level of service at a comparative cost when compared to other dementia training providers' costs.
- 3.4 A formal partnership arrangement will support effective collaboration for solutions to support health and social care challenges faced by priority groups for integration under Part 9 of the Social Services and Wellbeing (Wales) Act 2014. Converting the informal arrangement to a formal partnership will secure the quality of care delivered, cost benefits, added value, and maintain consistency in delivering skills based training to health and social care staff in the Bridgend area. There is therefore a strategic approach to supporting workforce development activity and training in order to guide and inform local delivery of care and support to people living with dementia and their carers, whether supported at home, in a care home, or in hospital.
- 3.5 The proposed partnership is underpinned by the following:

#### **The Social Services and Wellbeing (Wales) Act 2014**

The Council has the statutory duty to make arrangements to promote co-operation with the health board in the exercise of its functions relating to adults with needs for care and support under section 162 of the Social Services and Well-being (Wales) Act 2014. For those purposes the Council and health board may provide staff, goods, services, accommodation or other resources to one another, establish and maintain a pooled fund and share information with each other.

#### **The principles of the Good Work Framework**

“This framework is intended to support what matters most to the people of Wales as well as the spirit and requirements of Welsh policy, legislation and guidance regarding the care, support and empowerment of people with dementia, carers and the health and social care workforce”. *Good Work. A Dementia Learning and Development Framework for Wales 2016*

The Framework is intended to support the learning needs of anyone coming into contact with people living with dementia, including the public in communities, informal carers, health and social care direct care staff, ancillary staff, and managers of care services.

#### **Dementia Action Plan for Wales 2018-20**

The Action Plan set out a clear strategy for Wales to become a dementia-friendly nation that recognises the rights of people with dementia to feel valued and live as independently as possible in their communities. The Welsh Government's expectation is that the Action Plan is delivered by regional partnerships.

Bridgend County Borough Council joined the Cwm Taf Morgannwg Dementia Workforce Development Sub Group in 2019, reporting to the Regional Dementia Board.

The key objective from the Action Plan for the sub-group is that 'Staff in Cwm Taf Morgannwg have the skills to help them identify people with dementia and to feel confident and competent in supporting individuals' needs post-diagnosis. While this Regional initiative has not progressed further since the pandemic impacted in March 2020, this proposed partnership arrangement would continue to develop the dementia care workforce locally in line with this objective.

#### **4. Current situation/proposal**

- 4.1 The proposed arrangement will ensure that collaborative working arrangements are effective, co-ordinated and comprehensive to encourage closer cooperation, liaison and information exchange between the parties with a shared aim of providing high quality local authority and independent care and support service provision through ensuring the workforce is better trained and better informed which will ensure consistent service delivery to people with dementia in the borough.
- 4.2 The proposed arrangement will be delivered on a not for profit basis and will provide a cost effective, sustainable collaboration that will ensure a joint approach to developing the workforce to deliver dementia care and ensure that BCBC and CTMUHB have access to wider opportunities for a consistent approach to dementia delivery to the residents of BCBC and CTMUHB.
- 4.3 The Dementia Care Training Team staff are qualified and experienced dementia care practitioners, experienced trainers, and whose knowledge and expertise is informed by research.
- 4.4 As part of the partnership agreement with CTMUHB, the health board will be providing training and development to support and develop the dementia care workforce in Bridgend to ensure the approach to supporting people with dementia in Bridgend is consistent with CTMUHB. That aspect of the collaboration would ordinarily be subject to the requirements of our CPRs but the preferred approach being recommended to Cabinet is that this be dealt with through the collaboration with CTMUHB and as such the requirements of the CPRs would need to be suspended. Cabinet should be aware, that in entering into this partnership agreement the Council is exposed to the risk of potential challenge from other providers of such services, as the Council is entering into a contract without any competition, which breaches the requirements of procurement legislation. Legislative provisions exist that allow local authorities to collaborate to provide services but they do not overrule the procurement obligations. They may however reduce the overall potential for a challenge, as collaboration is a commonly used tool for the provision of services between public bodies.
- 4.5 Subject to the Cabinet's approval, it is intended that the Council enter into a partnership agreement with Cwm Taf Morgannwg University Health Board for the provision of dementia training from 1<sup>st</sup> April 2021 for a term of 3 years with the option to extend up to a further 6 months.

#### **5. Effect upon policy framework and procedure rules**

5.1 This report is requesting a suspension of the Council's CPRs.

## **6. Equality Impact Assessment**

6.1 An Equality Impact Assessment (EIA) has been undertaken. It was found that a full EIA is not required as there would be no changes to the level of service received by individuals supported should the Council enter into a partnership agreement with Cwm Taf Morgannwg University Health Board.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 Approval to enter into a partnership arrangement for dementia training supports the five ways of working under the Well-being of Future Generations (Wales) Act 2015, as follows:

**Long Term** – will enable continuity of the service to provide consistent skills based support to care staff who will be supporting an increasing number of people living with dementia.

**Prevention** – the service supports and encourages staff to deliver care that enables people to continue to live as independently as possible within their environment.

**Integration** – service providers will continue to work with individuals to enable continuation of support in their environment.

**Collaboration** – the service will continue to support and encourage staff to collaborate with individuals whom they support.

**Involvement** – the service supports and encourages staff to work with individuals to be involved in decisions about the delivery of their care and support.

## **8. Financial implications**

8.1 The anticipated cost of the contract estimated to the end of the contract term, including the potential extension period should Cabinet decide to utilise this option is £82,250. The annual contribution is in line with the current core budget available for this service.

## **9. Recommendations**

9.1 It is recommended that Cabinet:

- Approves entering into the partnership agreement with CTMUHB in order to bring about the positive benefits for those living with dementia as set out in the report, and suspends the relevant parts of the Council's CPRs in respect of the requirements relating to the procurement of the dementia training and development provision which CTMUHB shall fulfil;
- Delegates authority to the Corporate Director – Social Services and Wellbeing, to approve the final terms of the partnership agreement with CTMUHB on behalf of the Council and to arrange execution of the agreement on behalf of the Council, subject to such delegated authority being exercised in consultation with the Chief Officer - Legal, HR and Regulatory Services and Interim Chief Officer – Finance, Performance and Change.

**Claire Marchant**  
**Corporate Director – Social Services and Wellbeing**  
**February 2021**

**Contact Officer** Jacqueline Davies  
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**Background documents**

None

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

#### REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES & WELLBEING

#### REGIONAL FRONT DOOR FOR FOSTERING RECRUITMENT - CHILDREN'S SOCIAL CARE

#### 1. Purpose of report

1.1 The purpose of this report is to:

- Request approval to align fostering recruitment across Bridgend, Rhondda Cynon Taf and Merthyr Tydfil through the creation of a Cwm Taf Morgannwg (CTM) Regional 'front door' to potential foster carers. The 'front door' will effectively support all: fostering recruitment enquiries, processing applications, co-ordinating the marketing function and supporting potential foster carers through the process of becoming a foster carer.
- Seek authorisation to delegate authority to the Head of Children's Social Care to represent Bridgend County Borough Council on the Regional Strategic Group, which will provide governance for, and make decisions in relation to, the implementation of the regional fostering service functions set out in this report.

#### 2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of

resources throughout the community that can help to deliver the Council's well-being objectives.

### **3. Background**

- 3.1 Supporting people to become foster carers is critical to the provision of the right substitute family care for children who are looked after. The challenges facing fostering services nationally, and the case for change, have been well documented through the National Fostering Framework (NFF) 'First Thoughts' paper and phase one and two reports. These challenges can be summarised as:
- 'growing concerns about the overall effectiveness and sustainability of fostering services in Wales;
  - pressures in the care system and challenges in matching needs and through sufficiency and range of foster care options; and
  - difficulties in recruiting foster carers and in providing them with the range of skills and support needed for the complex and challenging work they undertake.' (National Fostering Framework, 2016, p.3)
- 3.2 The NFF phase 3 report sets out the principles for regional working within its 8 work-streams. The streams this report focused on are:
- Work-stream 2: Development of regional work programmes based on priorities aligned with the national performance framework.
  - Work-stream 4: Create an all Wales brand for local authority fostering and establish a marketing strategy at regional and central level for the brand.
  - Work-stream 5: Increase capacity within the regions to respond to additional enquiries following the marketing activity.
- 3.3 All three Cwm Taf Morgannwg Local Authorities have experienced difficulties in the recruitment of foster carers. Each year there is attrition due to retirement, sickness, change of career, transfer to Independent Fostering Agencies (IFA) and other life events. It is necessary to ensure sufficient numbers and a range of skills and experience in the foster carer population in order to provide the right homes to meet current and future needs of children looked after.
- 3.4 Insufficient numbers of Local Authority foster carers can lead to an increased use of Independent Fostering Agency (IFA) carers at additional costs to the Council. The homes offered by the independent agencies are also more likely to be out of county which creates additional pressures and can mean poorer outcomes for children and young people as they can lose connections with local schools and wider family and community.
- 3.5 The learning from IFAs on successful foster carer recruitment demonstrates the importance of a responsive customer focused approach. Evidence suggests that prospective foster carers are more likely to choose to apply to an agency if they receive a prompt and timely response; hence the need for a dedicated recruitment resource and a comprehensive customer focused culture at a front door which specialises in foster carer recruitment. The learning from these

organisations also suggests that a dedicated marketing specialist is essential to provide expertise in promoting foster care opportunities to the widest ranges of potential foster families.

- 3.6 At present advertising, marketing and enquiries are managed in the following ways:

### **Rhondda Cynon Taf (RCTCBC) and Merthyr Tydfil (MTCBC)**

From 1st April 2019, RCTCBC and MTCBC have been working in collaboration to operate a Regional Front Door for fostering recruitment. The team consists of a Regional Development Manager, Regional Recruitment Officer and Regional Communications and Marketing Officer. The recruitment team facilitates all enquiries, recruitment visits, marketing activity and initial visits up to the point of assessment. At the point of assessment the applicant is transferred over to the fostering team manager in the individual local authority. The enquirer will contact the service via phone, email, web enquiry or online chat. If required, a return phone call is completed within 24 hours and an initial visit (pre-assessment screening) takes place within 5 working days of initial enquiry. Following a positive initial visit, assessments need to be allocated within 10 working days.

The following timescales are in place for responses to enquiries:

- Initial enquiry – follow up call within 24 hours
- Initial Visit - within 5 working Days of the initial enquiry or at a time convenient to the applicant
- Preparation Training – runs every 1-2 months on a regional basis (keeping in touch processes and early assessment work plans are in place whilst this is arranged)
- Assessment – Completion 4 to 6 months from commencing assessment.

The Regional Recruitment Officer coordinates all recruitment activity including maintaining databases and systems, making recruitment calls, completion of initial visits and processing application forms. They also coordinate the regional skills to foster pre-approval training.

The Regional Marketing Officer coordinates all marketing activity in relation to fostering, including the development of a comprehensive marketing strategy for each local authority, the development of materials, content and case studies, maintaining and facilitating each local authority's fostering Facebook pages, maintenance and updating of the regional fostering website and linking in with national priorities.

### **Bridgend (BCBC)**

BCBC currently have a vacant post for a full-time development officer with responsibility for some recruitment and marketing activity, including the development of a recruitment strategy.

In addition, the service has a shared marketing resource in the form of a staff member within the corporate communications department. However, this post is not dedicated to fostering and facilitates a portfolio of marketing activity for several departments within the local authority.

The service handles enquiries through the following means:

### **Initial enquiry received via email**

The Development officer will contact the applicant and complete initial contact form (Screening). If the contact is positive and the applicant wants to proceed this is forwarded to a social worker to complete the initial visit.

### **Initial enquiry by phone/ in person**

Whoever receives the contact within the team will complete the initial contact form, if they are a social worker, they will also arrange the initial visit during this call.

Where possible, assessments are allocated to in house social workers for completion

## 3.7 **Bridgend Recruitment Data**

Year	Enquiries	Initial Visits		Assessments Allocated	
		Number	% of enquiries	Number	% of enquiries
2018-19	91	30	33.3%	14	15.5%
2019-20	142	49	34.5%	14	9.8%
2020/21 (to 31/01/21 only)	88	35	39.8%	22	25%

## 3.8 **Merthyr Tydfil Recruitment Data**

Year	Enquiries	Initial Visits		Assessments Allocated	
		Number	% of enquiries	Number	% of enquiries
2018-19	21	15	75%	4	20%
2019-20	23	15	65.2%	8	34.8%
2020/21 (to 31/01/21 only)	19	13	68.4%	7	46.8%

### 3.9 RCT Recruitment Data

Year	Enquiries	Initial Visits		Assessments Allocated	
		Number	% of enquiries	Number	% of enquiries
2018-19	146	24	16.4%	17	11.6%
2019-20	143	40	30%	25	17.5%
2020/21 (to 31/01/21 only)	113	46	40.7%	20	17.7%

### 3.10 Timescales for current Cwm Taf Regional Front Door provision

	Follow up Call	Initial Visit	Allocated Assessment
2018/19	4.8 days	35 days	66.2 days
2019/20	1 day	11.9 days	55.1 days
2020/21	1 day	4.9 days	30.1 days

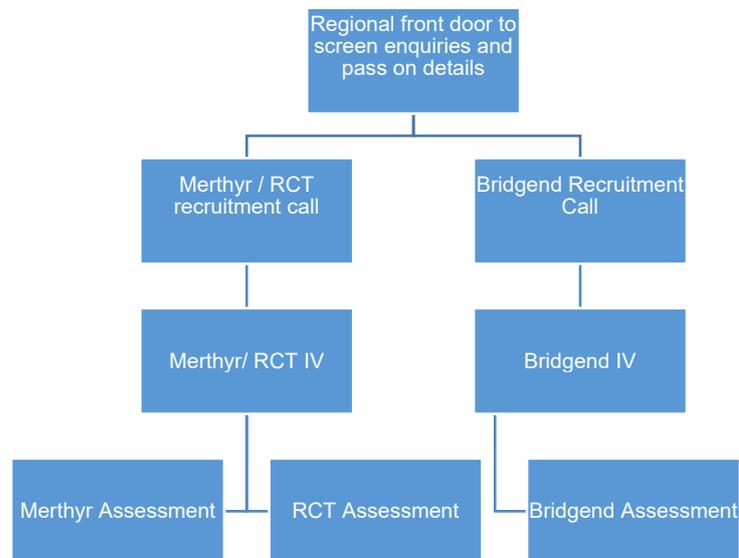
- 3.11 Improved performance is evidenced in the Rhondda Cynon Taf and Merthyr Tydfil regional front door. This can be attributed to both a dedicated resource at the front door handling enquiries in a prompt and professional manner and the specific content, developed by the Regional Marketing Officer, allowing people to have all the information available prior to taking the first step of enquiring to become a foster carer.
- 3.12 The table in 3.10 shows the impact that having a dedicated resource at the front door has on reducing timescales between enquiry and allocation of assessment, therefore reducing the risk of applicants going to other agencies. By providing a dedicated, responsive service we can ensure that all applicants have the opportunity to progress into assessment as quickly as possible, whilst still gathering all the information needed to make informed decisions on whether or not applicants are suitable for fostering.
- 3.13 By further investing in the area of marketing and recruitment and bringing these front door functions together, on a collaborative basis (and providing dedicated staff to the role of recruitment and marketing), this will replicate good practice in independent agencies, improve the responsiveness towards enquiries, completing initial visit pre assessment screening within an appropriate time and the number of applicants reaching assessment. It is anticipated this will result in an increase in the number of approved foster carers. This will lead to a greater availability of local authority foster families, better matching and less reliance on expensive IFA carers and therefore better outcomes for children and young people. Shared resources and ideas will represent better value for

money, an opportunity for regional recruitment campaigns and provide a much-improved service.

#### 4. Current situation/proposal

4.1 A range of options have been considered by the regional strategic group. These can be outlined as follows:

- Option 1- Regional Phone line



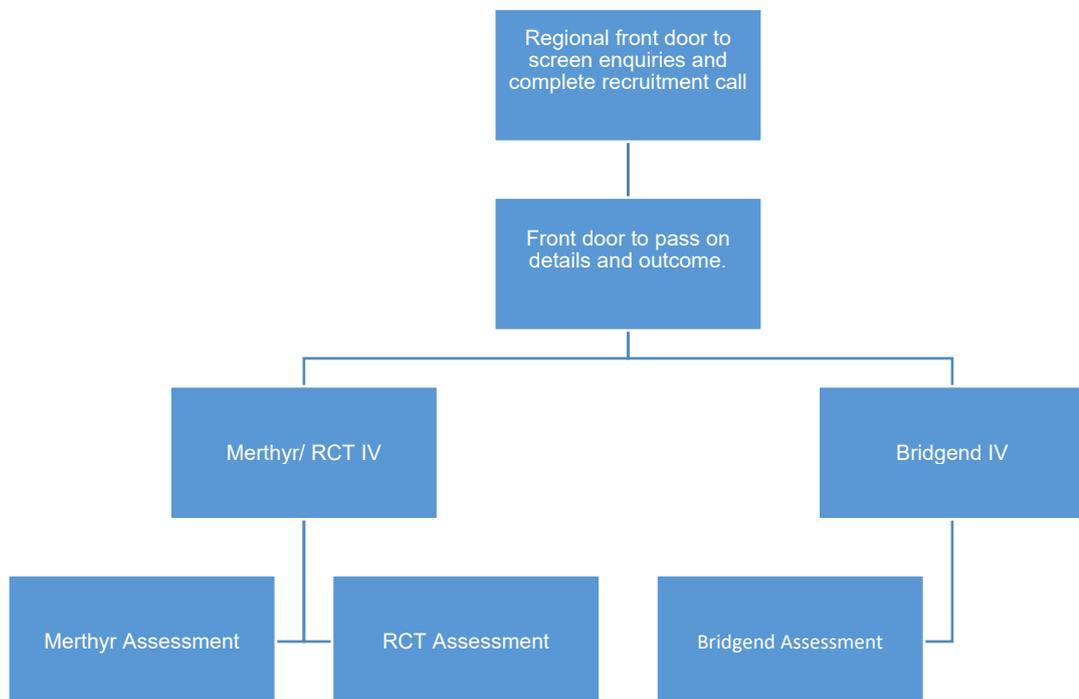
##### Strengths:

- Allows for central point of contact for all 3 Local Authorities (LAs), would allow for regional marketing campaigns (same recruitment number/ email address to contact).
- Would add resilience to handle initial phone calls and emails for BCBC.
- Promotes shared agreement for those living in each LA and enquiring. Ensures they go forward for their own LA.
- Can be facilitated within existing resources.

##### Weaknesses:

- Does not solve capacity issues for processing enquiries and completing recruitment calls/initial visits.
- Does not allow for marketing expertise within BCBC fostering.
- Response may be delayed for BCBC applicants if waiting on a call back due to time allowed for information to be passed on.
- Does not align recruitment processes in all 3 LAs.
- Local marketing strategies may remain independent from each other.

- Option 2 – Regional Recruitment Calls



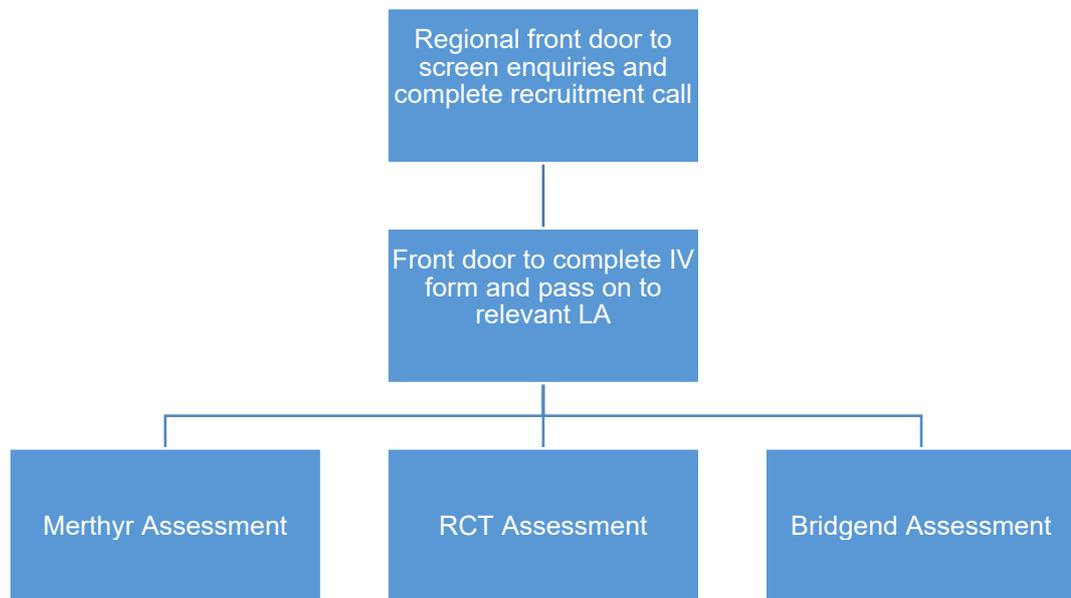
### Strengths

- Allows for central point of contact for all 3 LAs, would allow for regional marketing campaigns.
- Would add resilience to handle initial phone calls and emails for BCBC.
- Promotes shared agreement for those living in each LA and enquiring. Ensures they go forward for their own LA.
- Can be facilitated within existing resources.

### Weaknesses

- Lack of consistency for applicant in terms of point of contact.
- Does not solve capacity issues for processing enquiries and completing IVs.
- Does not allow for marketing expertise within BCBC fostering.
- Response may be delayed for BCBC applicants from recruitment call to IV due to time taken for information to be passed on.
- Does not align recruitment processes in all 3 LAs.
- Local marketing strategies may remain independent from each other.

- Option 3 – Regional Pre Assessment process



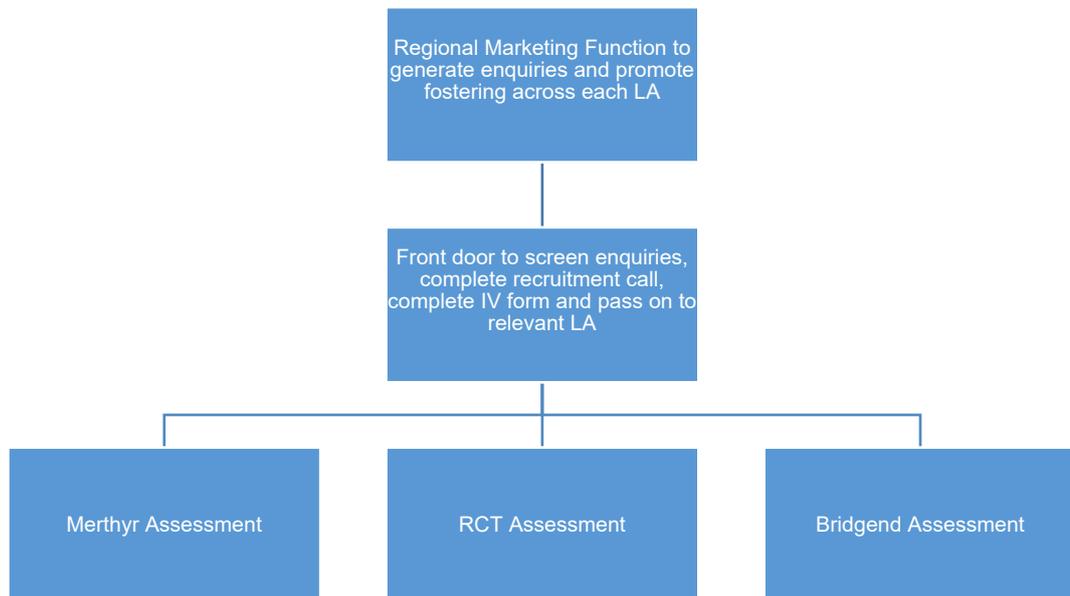
Strengths:

- Allows for central point of contact for all 3 LAs, would allow for regional marketing campaigns.
- Would add resilience to handle initial phone calls and emails for BCBC.
- Promotes shared agreement for those living in each LA and enquiring. Ensures they go forward for their own LA.
- Can be facilitated within existing resources.
- Aligns recruitment processes in all 3 LAs.
- Consistency of point of contact up to the point of assessment.
- Allows for strict monitoring of timescales between enquiry and IV.
- Frees up capacity for Supervising Social Workers to concentrate on Assessments and Support.

Weaknesses:

- Does not allow for marketing expertise within BCBC fostering.
- Local marketing strategies may remain independent from each other.
- Does not include central point of contact for Foster Wales on a regional level to link in with national picture.
- Adoption of recruitment posts would need to be considered as to which LAs they were based in and processes for line management of staff, ICT equipment etc established.
- Recruitment processes are currently different within Bridgend and all LAs processes may need to be adapted/ changed to ensure consistency across the service.
- If enquiries increase will need additional capacity for recruitment at the front door to avoid delay ( minimum 0.5 FTE post)

- Option 4 – Regional Front Door for Fostering recruitment



### Strengths

- Enables marketing expertise and marketing resource dedicated to fostering in all 3 LAs at fostering service level.
- Would enable a speedy, consistent and robust response to enquiries across the region.
- Responsiveness of current service has been effective so far in Merthyr and RCT (similar model).
- Alignment of recruitment processes across the region.
- Cost saving from current practice for each LA based on 2020/21 budgets (more for less).
- Avoids duplication of work across the region.
- Would lay the ground for Foster Wales and provide a coordinated link with national priorities across the region.
- Would enable regional marketing campaigns to take place, pooling resources to have a stronger impact across the local area.
- Campaigns that have not been viable locally due to finance could take place regionally.
- Regional website would reflect new regional footprint and contain details and case studies from all 3 LAs.
- Future funding may be available through NFF/ Foster Wales to adopt this approach, CTM would be a step ahead.
- Sustain links and sharing of good practice between all 3 LAs.
- Common aim and shared agreement between all 3 LAs means consistency and strengthens LA voice over IFAs.
- Local marketing strategies can be aligned, whilst maintaining individuality.

- Fully in line with Foster Wales ethos of shared marketing resource across whole of region.

### Weaknesses

- Adoption of recruitment posts would need to be considered as to which LAs they were based in and processes for line management of staff, ICT equipment etc established.
- Recruitment processes are currently different within Bridgend and all LAs processes may need to be adapted/ changed to ensure consistency across the service.
- Requires financial contribution from all 3 LAs.
- New digital marketing tools will need to be established (Bridgend Facebook page).
- Timescale to implement may have impact on current recruitment service.
- Robust and regular regional meetings between LA's need to be re-established to ensure the project is a success and a partnership approach is adopted

4.2 The decision reached by the regional strategic board was that option 4 was the preferred model which is in line with the direction of travel set out within the National Fostering Framework. Progressing this option will benefit Bridgend Fostering with social workers able to dedicate more time to support foster carers to contribute to family stability and help to deliver improved outcomes for children and young people.

### 4.3 **Implementation of a Regional Fostering Recruitment Service:**

Subject to approval from Cabinet, a dedicated implementation plan has been drafted which will be followed to achieve the regional front door launch in April 2021 and the arrangements for the collaboration as follows:

- RCTCBC will remain the employer of the Regional Marketing Officer, who will have the responsibility for marketing fostering for all three LAs, including the development of a recruitment and marketing strategy, implementing local and regional recruitment campaigns, developing content for the websites and social media channels and leading on national recruitment and marketing priorities. Each individual local authority will continue to support marketing, including posting content on the Council's main social media channels and website and website development. There will be no HR implications for Bridgend County Borough Council as we will not be directly employing any members of staff within this service and no current BCBC employees will be at detriment.
- MTCBC will remain the employer of the Regional Recruitment Officer who will have the responsibility for fostering recruitment across all three LAs, including organising recruitment events, handling initial enquiries,

completion of initial visits and recommendations, processing of application forms and being the point of contact up to the point of assessment.

- The team will be managed by the Regional Development Manager for Fostering Services, who is employed by and based in RCTCBC.
- Any phone calls will be directed through a dedicated phone line in the RCT Contact Centre and web enquiries sent directly to the recruitment team through RCT's CRM system.
- Funding for the project has been identified through existing budgets and an apportioned cost has been agreed between the Authorities.
- An allocation protocol has been agreed so that Bridgend residents would be referred to Bridgend fostering services. This agreement also considers those living outside Bridgend and carers personal choice.
- Each local authority would retain its own brand identity so that we can ensure a local fostering identity remains. The recruitment officer would visit either on behalf of BCBC or on behalf of RCTCBC or on behalf of MTCBC and not as Cwm Taf Morgannwg, however some regional collaboration on marketing activity would be of benefit to all 3 LAs.
- The LAs shall enter into a collaboration agreement for this arrangement and one is currently being developed between the parties, setting out the responsibilities of each LA and the pooling of resources.

## **5. Effect upon policy framework and procedure rules**

5.1 There is no effect on the Policy Framework and Procedure Rules.

## **6. Equality Impact Assessment**

6.1 An initial Equality Impact Assessment screening has been undertaken and there are no direct equality implications as a consequence of this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing (Wales) Act 2014 (SSWBA) in turn, supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. By increasing the pool of local authority foster carers we are helping to give children stable and loving homes within their own communities we are therefore promoting an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the well-being goals of a Healthier and more equal Bridgend and Wales are supported.

7.2 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Authority should work to deliver well-being outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:

- **Long Term** – Social Services is demand led and the SSWBA focuses on sustainable prevention and well-being outcomes for the future. There is a requirement to meet the needs of people in the longer term and, because of rising demographics and increasing complexity, the remodeling and transformation of services continues to be a priority. The Fostering Service promotes secure attachment as a means of helping children and young people and their carers maintain placements (living and educational) so that they can feel safe enough to develop supportive attachments/relationships, and opportunities for positive growth and resilience in the future.
- **Prevention** – Availability of local, well prepared foster carers will help to prevent placement breakdown and keep children within their own communities, preventing issues that arise from out of county moves escalating further. In addition we are seeking to address the decline in fostering households across the region and nationally to prevent a shortfall in fostering placements in the future.
- **Integration** – the implementation of the SSWBA requires local authorities to work with partners, the regional approach to fostering recruitment is the starting point for future collaborative work to further improve Local Authority foster care across the region.
- **Collaboration** –The regional front door for fostering recruitment has been developed and agreed at a regional level in order to increase the pool of local authority foster carers available. Collaborating will help inform and support the region’s vision to provide the best possible opportunity for recruiting more foster carers in order to find stable, loving homes for children looked after. Collaborating will allow the sharing of good practice and the sharing of resource in order to achieve this common goal.
- **Involvement** – the key stakeholders are the people who use social care. There is considerable engagement including surveys, consultation events, feedback forms and the complaints process. The provision of accessible information and advice helps to ensure that the voice of adults, children and young people is heard.

## 8. Financial implications

- 8.1 This proposal sets out to deliver improvements by implementing this collaborative project within current budgets. At this stage, no additional funding will be required over and above existing fostering budgets with BCBC re-aligning money from its in-house fostering budget to a pooled fund to pay for the implementation.
- 8.2 The estimated direct staff cost of the proposed new team is approximately £73,536, of which BCBC will provide £28,073. RCT CBC will provide £29,214 and MTCBC will provide £16,249. This will be reviewed on a regular basis and at least annually.
- 8.3 The costs for the resource requirements relating to the running of the Service shall be apportioned between the Authorities as laid out in the table below: -

Resource (and annual financial contribution apportionment basis)	2020/2021 Total Cost	2020/2021 Annual Cost Apportionment		
		RCT CBC	MTCBC	BCBC
1 X Gr5 Recruitment officer (apportioned based on No. of fostering enquires 2019 / 2020)	£ 32,178	<u>£15,091</u>	<u>£3,057</u>	<u>£14,030</u>
1 X Gr9 Marketing Officer (apportioned equally between the Authorities)	£38, 858	<u>£12,953</u>	<u>£12,952</u>	<u>£12,953</u>
Contact Centre (Call Handling) (apportioned based on No. of fostering enquires 2019 / 2020)	£2,500	<u>£1,170</u>	<u>£240</u>	<u>£1,090</u>
Total contribution (see section 2)	£73,536	<u>£29,214</u>	<u>£16,249</u>	<u>£28,073</u>

8.4 It is proposed that any direct costs associated with recruitment, retention and marketing activity on a local level (i.e. relating to local authorities own schemes) will be funded by each respective Local Authority individually, through retaining their existing recruitment and marketing budgets.

8.5 A collaboration agreement is being developed between the three local authorities to formalise arrangements, including financial implications and governance of the project.

## 9. Recommendations

9.1 It is recommended that Cabinet:

- Approves entering into a regional collaboration with RCTCBC and MTCBC for the creation of a Cwm Taf Morgannwg Regional Front Door for Fostering Recruitment which will align fostering recruitment across Bridgend, Rhondda Cynon Taf and Merthyr Tydfil.
- Delegate authority to the Corporate Director Social Services and Wellbeing in consultation with the Interim Chief Officer – Finance, Performance and Change, and Chief Officer- Legal, HR and Regulatory Services, to agree and approve the terms of the regional collaboration agreement and pooled fund agreement and to arrange execution of the regional collaboration agreement and pooled fund agreement on behalf of the Council.
- Delegate authority to the Head of Children’s Social Care to represent and make decisions for Bridgend County Borough Council on the Strategic Board

- Delegate authority to the Group Manager, Placements and Provider Services and Team Manager, Bridgend Fostering to represent and make decisions for Bridgend County Borough Council on the Operational Board

**Claire Marchant**  
**Corporate Director, Social Services and Wellbeing**  
**February 2021**

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**Background documents:**

Business case for a Cwm Taf Morgannwg Collaborative project: Developing a regional service to meet the recruitment, marketing, response to enquiries and assessment of foster carers functions of the Local Authority Fostering Services.

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

#### REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

#### CARE AND SUPPORT AT HM PRISON & YOUTH OFFENDERS' INSTITUTION PARC

### 1. Purpose of report

- 1.1 To seek authority to waive the Council's Contract Procedure Rules (CPRS) in accordance with CPR 3.2.3 in respect of the provision of a Care and Support Service at HM Prison and Youth Offenders' Institution Parc (HMP & YOI Parc).

### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015:-**

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

### 3. Background

- 3.1 In July 2016 a report to Cabinet informed that due to Part 11 of the Social Services and Wellbeing (Wales) Act coming into effect in April 2016, the Council's responsibilities for people in prison had changed. From April 2016 local authorities have been responsible for addressing and meeting the care and support needs of all adults and young people in the secure estate not just upon discharge but while they are in custody. This was a significant change and additional responsibility for the Council as the Act applies equally to those in the secure estate as for those individuals in the community and therefore the Council is responsible for meeting the care and support needs of individuals with eligible needs. Since April 2016, social care assessment, care and support costs and equipment has been the responsibility of the Council.
- 3.2 The July 2016 Cabinet report sought approval to enter into a pilot arrangement with G4S Health Services (UK) Limited, and sought authorisation to waive the Council's Contract Procedure Rules under 3.2.3 from the requirement to seek competitive tenders for the provision of care and support within HMP & YOI Parc on the basis that

there was technically only one potential provider of the care and support services for the reasons set out in that report. This was approved and a pilot arrangement/contract was entered into with G4S Health Services (UK) Limited for the provision of a care and support service from 1<sup>st</sup> April 2016. HMP & YOI Parc is operated by G4S Care and Justice Services (UK) Limited and provide the care and support service through G4S Health Services (UK) Limited, who are registered with the Care Inspectorate Wales, to provide a domiciliary support service at HMP & YOI Parc.

- 3.3 The Council's Secure Estate Social Work Team, created as a result of the Council's responsibilities to HMP & YOI Parc, provides assessment to individuals referred to the team and, where the individual is eligible, the Social Worker will arrange care and support to be provided in accordance with their developed care and support plan.

#### **4. Current situation/proposal**

- 4.1 The pilot arrangement entered into has been successful, but contract entered into from 1<sup>st</sup> April 2016 with G4S Health Services (UK) Ltd has now ended with no further extension provision. Therefore, officers are seeking approval to enter a new contract with G4S Health Services (UK) Ltd from 1<sup>st</sup> April 2021 for a period of 2 years with the option to extend up to 2 years,

- 4.2 The Council's Contract Procedure Rules (CPR) 3.2.3 provides that a waiver from obtaining quotations or tendering in respect of any new contract can apply where:

*"The works/goods/services can be provided only by a particular Tenderer. Single tender procedure shall only be permitted when a single firm or Contractor or a proprietary item or service of a special character is required and justified and is due to the needs of the service."*

- 4.2 It is considered that G4S Health Services (UK) Limited is the only potential provider as it is considered competition is absent for technical reasons as there is no reasonable alternative for the provision of the care and support service at HMP & YOI Parc.

- 4.3 In relation to the delivery of care and support within HMP & YOI Parc, there is a requirement for any provider to deliver a reliable, sustainable and continuous service at all times in line with the individual needs of the person. The provider must be able to respond to all personal care and support calls and meet all needs within the individual's care and support plan and the provider's personal plan for the individual. G4S currently provide such care and support within the prison. It would be extremely difficult for an outside agency to provide a care and support service, for the following reasons:

- (i) Due to the nature of the prison being an environment of a locked secure premises, outside agencies would need to go through enhanced security clearance processes in order to attend to individuals requiring social care and support. G4S have advised that the application process for security clearance may take up to sixteen weeks to complete for any external social care worker. In addition, external workers are required, by G4S, to complete four days of non-operational training that includes security, personal protection and safeguarding in the prison environment.

- (ii) As social and personal care will need to be provided twenty four hours a day, seven days a week, more than one social care worker would be required to deliver a service and therefore a number of social care workers would need to go through security clearance processes in order to provide care and support in the prison. The time taken to clear outside workers would present a risk in terms of continuity planning if a social care worker left the organisation or had unplanned absence as any replacement worker would need to go through the security clearance process. This would present a risk to individuals within the prison if there were not enough social care workers with clearance.
- (iii) In addition to the above security approval, visits to gain access to the prison, from external agency workers, would take approximately 50 minutes from the prison car park to delivering care and support, as an access security check, that includes identification and physical checks are undertaken, and also on exiting the prison the same timeframe, and checks, apply. This process would significantly impair the ability of a provider to deliver a timely and flexible response to individuals within the prison, and could present significant risks to those requiring time sensitive calls. It would also present a significant risk to an outside agency of not being able to meet its requirements in regards to 'missed calls' as there would be a number of outside influences that could prevent an agency from attending to a service user on time, as missed calls by domiciliary care agencies have to be notified to the Council, and where a missed call has caused significant harm to an individual, the provider must notify the Care Inspectorate Wales and the Council's Safeguarding Team. There is a requirement for social care workers to deliver personal care and support to individuals in a flexible and timely manner, in line with their assessed needs. Some tasks, such as medication management or toileting are extremely time sensitive.
- (iv) Certain situations, within the environment, require the prison to 'lock down'. When this occurs visitors are not able to enter or leave the prison, which would further increase the risk that an external provider agency would miss a call and be unable to deliver planned care in line with the individual's personal plan. It would also present a risk of missed calls to any other individuals that that social care worker would be scheduled to support outside the prison if they were unable to leave.

4.4 It is therefore proposed that the Council waives the requirement to obtain quotations or tender under Contract Procedure Rule 3.2.3, and enter into a contract with G4S Health Services Limited for the provision of care and support at HMP & YOI Parc.

4.5 Subject to Cabinet approval, it is intended that the Council enter into an agreement with G4S Health Services Ltd for the provision of a Care and Support Service at HMP & YOI Parc from 1<sup>st</sup> April 2021 for a period of 2 years with the option to extend up to 2 years, at an approximate cost of £420k over a 4 year period based on a projection of provision to date, during the current financial year.

## **5. Effect upon policy framework and procedure rules**

5.1 This report is requesting a waiver of the Council's CPRs. There is no impact on the policy framework and procedure rules.

## **6. Equality Impact Assessment**

6.1 An Equality Impact Assessment (EIA) has been undertaken. It was found that a full EIA is not required as there would be no changes to the level of service received by individuals supported should the waiver of CPRs with authority to enter into a contract with G4S Health Services (UK) Ltd be approved.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 Approval to enter into a contract with G4S Health Services (UK) Ltd supports the five ways of working under the Wellbeing of Future Generations (Wales) Act 2015, as follows:

**Long Term** – will enable the continuity of the service and staff to individuals in receipt of the service.

**Prevention** – the service supports people to continue to live as independently within the environment as they are able to and maintain their relationships with staff who currently deliver the service.

**Integration** – the service provider will continue to work with individuals to enable continuation of support in their environment.

**Collaboration** – the service will continue to collaborate with individuals.

**Involvement** – the service supports individuals to be involved in the delivery of their care and support.

## **8. Financial implications**

8.1 The anticipated cost of the contract over a 4 year period is estimated to be £420k for the proposed contract term of two years with an option to extend for a further period of up to 2 years. This sum is projected based on provision during the current financial year of the number of individuals receiving a service and the hours provided. There is a current core budget available for this service.

## **9. Recommendations**

9.1 It is recommended that Cabinet:

- Approves a waiver of the Council's Contract Procedure Rules under Rule 3.2.3 from the relevant parts of the Contract Procedure Rules for the procurement of the provision of care and support within HMP and YOI Parc on the basis that there is technically only one organisation which can deliver this service.
- Delegates authority to the Corporate Director Social Services and Wellbeing, to approve the final terms of the contract with G4S Health Services (UK) Ltd on behalf of the Council and to arrange execution of the contract on behalf of the Council, subject to such delegated authority being exercised in consultation with the Chief Officer - Legal, HR and Regulatory Services and Interim Chief Officer – Finance, Performance and Change.

**Claire Marchant**  
**Corporate Director – Social Services and Wellbeing**  
**February 2021**

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**Background documents:** None

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

#### REPORT OF THE INTERIM CHIEF OFFICER- FINANCE, PERFORMANCE AND CHANGE

##### NON DOMESTIC RATES: DISCRETIONARY RELIEF: ENHANCED HOSPITALITY AND LEISURE RATES RELIEF SCHEME 2020-21.

### 1. Purpose of report

- 1.1 The purpose of the report is for Cabinet to adopt the Welsh Government's Enhanced Hospitality and Leisure Rates Relief Scheme for 2020-21.

### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
- The scheme aims to help businesses to reduce their business rates charges for the period 01/04/21 – 31/03/22 in order to support continued occupation of High Street and retail premises.

### 3. Background

- 3.1 The Welsh Government recently announced on 24 February 2021 that an Enhanced Hospitality and Leisure Rates Relief Scheme will be available for the current financial year, 2020-21, to support eligible occupied businesses within the hospitality and leisure sector in Wales with a rateable value over £500,000. The Scheme sets out the various categories of hospitality and leisure premises that will benefit from relief. These are detailed in **Appendix A** of the report, but broadly the premises included are those that have a rateable value of over £500,000, are occupied, and are hotels, holiday parks and stadia across Wales.
- 3.2 The Scheme will be administered by the Council as a 'reimbursing local authority' that uses discretionary relief powers (under section 47 of the Local Government Finance Act 1988). It will be for individual local billing authorities to decide to grant relief under section 47 but Welsh Government will reimburse local authorities for the relief that is provided.

3.3 The Welsh Government will provide 100% rates relief for eligible properties for the year 2020-21.

3.4 It is estimated that there is only one eligible property in the borough that could potentially benefit from reduced rates bills under this Scheme which will now benefit from having any actual rates paid for 2020-21 reimbursed to them.

#### **4. Current situation/proposal**

4.1 The Council can elect to adopt the Scheme but does not have discretion over any elements of the Scheme. It is proposed that the Council adopts the Scheme for 2020-21 by making the appropriate determination and decision, as required by Sections 47(1) (a) and 47(3) respectively of the Local Government Finance Act 1988.

4.2 Full details of the Enhanced Hospitality and Leisure Rates Relief Scheme for 2020-21 and the guidance on the application of the Scheme have been received from Welsh Government. If the Scheme is adopted, the eligible business will be written to and upon receipt of the information requested by Welsh Government, the decision to award relief be made by the Revenues Manager providing all terms of the Scheme are met.

4.3 The Chief Executive has delegated power to award relief to all qualifying businesses in accordance with the Non-domestic Rates Relief Scheme that may be eligible following receipt of the information requested by Welsh Government.

#### **5 Effect upon policy framework and procedures rules**

5.1 There is no direct impact on the Council's policy framework and procedure rules.

#### **6. Equality Impact Assessment**

6.1 An initial assessment has identified that there are no equality implications arising from this report.

6.2 Once adopted, the Council is obliged to comply with the Welsh Government's rules in applying the Scheme. These are detailed in Appendix A.

#### **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

#### **8. Financial implications**

8.1 There are no direct financial implications to the Council in adopting the scheme. The full value of the Enhanced Hospitality and Leisure Rates Relief awarded will be reimbursed by the Welsh Government.

## **9. Recommendation**

It is recommended that Cabinet:

9.1 Adopt the Non Domestic Rates Enhanced Hospitality and Leisure Rates Relief Scheme for 2020-21 as detailed within Appendix A;

**Gill Lewis**

**Interim Chief Officer – Finance, Performance and Change and Section 151 Officer**

**1 March 2021**

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### **Background documents:**

Non-domestic Rates Enhanced Hospitality and Leisure Rates Relief Scheme for 2020-2021 in Wales Guidance

## APPENDIX A

### Resolution

(a) The Council determines that, unless hereditaments are excepted under (b) below, Section 47(1)(a) (discretionary relief) of the Local Government Finance Act 1988 will apply as regards the hereditaments described in 'The Scheme' in accordance with the rules described in relation to those hereditaments.

It is reasonable for the Council to make this decision having regard to the interests of persons liable to pay business rates set by the Council.

(b) Relief is not available under this resolution in respect of any hereditament which is occupied by -

- the Welsh Ministers, a Minister of the Crown or government department,
- any public authority (including any local authority),
- the holder of any public office, or
- the Crown

(c) The Council decides, under Section 47(3) of the Local Government Finance Act 1988, that during the billing year 2020-21 'The Scheme' shall apply to the hereditaments described..

### The Scheme to be Adopted

#### Introduction

This support is aimed at businesses in Wales in the hospitality, leisure and tourism sectors operating from properties with a rateable value over £500,000.

The Welsh Government will provide grant funding to the relevant local authorities in Wales to provide the support to eligible ratepayers for 2020-21. The scheme aims to provide support for eligible occupied properties by offering a grant equal to a discount of 100% on the non-domestic rates bill for a property, subject to conditions. The scheme will apply to all eligible ratepayers with a rateable value of more than £500,000.

Properties that will benefit from this support will be occupied hospitality, leisure and tourism properties that have a rateable value of over £500,000 – such as hotels, holiday parks and stadia across Wales

Grant support should be provided to each eligible business as a reduction to its rates bill based on occupation between 1 April 2020 and 31 March 2021.

For the avoidance of doubt, hereditaments which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this support.

As the support is discretionary, local authorities may choose not to provide the support if they consider it appropriate, for example where providing the support would go against the local authority's wider objectives for the local area.

The list set out above is not intended to be exhaustive as it would be impossible to list all the many and varied high street retail uses that exist. There will also be mixed uses. However, it is intended to be a guide as to the types of uses that the Welsh Government considers should qualify for the High Street Rate Relief Scheme. Determinations will be required as to whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

As the grant of the relief is discretionary, local authorities may choose not to grant the relief if they consider that to be appropriate, however it is highly unlikely that the Council would not wish an eligible business to benefit from the reduction in rates that the scheme affords.

The total amount of government funded support available for each property will be 100% of the non-domestic rates liability for the 2020-21 financial year subject to two criteria being met.

- Ratepayers can demonstrate that there has been a material negative impact on their business between 1 April 2020 and 31 December 2020.
- The level of support, equal to 100% of the non-domestic rates liability, should not exceed operating costs over the same period (1 April 2020 to 31 December 2020). If the level of support exceeds operating costs the amount of support will be equal to the value of the operating costs.

To ascertain whether the criteria have been met, applicants should provide the following information to local authorities:

- Annual turnover information. This should include income from sales as well as revenue from public sources (eg Grants, Economic Resilience Fund, or special rental arrangements). The application should also include a declaration that turnover has been negatively impacted by 40% or more as a result of coronavirus restrictions.
- Operating costs (minus staff) between 1 April 2020 and 31 December 2021.
- Details of their business' current headcount and also planned headcount at October 2021. This should be based on the number of full-time equivalent (FTE) staff.
- Declarations confirming whether the applicant has received other funding from the Welsh Government, and where appropriate can be checked against any Economic Resilience Fund application in terms of existing job safeguard conditions already in place.
- A declaration stating whether the applicant has an Economic Contract in place with the Welsh Government. For those that do not, the Welsh Government will work with them to put one in place within a 4 week period of relief being awarded.

## State Aid

Following the end of the transition period for the United Kingdom leaving the European Union on 31 December 2020, EU State Aid regulations only apply in limited circumstances. As the grant support is not funded by EU residual funds, EU State Aid regulations no longer apply for this scheme. As of 1 January 2021, the UK Subsidy Regime came into force, the scheme has been viewed to be outside the scope of any international trade agreements as measures are focused locally within Wales.

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO CABINET

9 MARCH 2021

#### REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

##### LOCAL LAND CHARGES NATIONAL PROGRAMME

#### 1. Purpose of report

- 1.1 The purpose of the report is to apprise Cabinet of the Local Land Charges National Programme and to seek authority to enter into a Collaborative Agreement with HM Land Registry.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

**Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 Every local authority is required to hold a local land charges register that records obligations affecting properties within their administrative area.
- 3.2 In 2015, HM Land Registry (HMLR) was given the authority under the Infrastructure Act 2015 to create a single, national, digital register of Local Land Charges (LLC) across England and Wales. It is the Government's ambition that the national register becomes a trusted and guaranteed source of LLC information, containing all local authority records in England and Wales by 2025. This is a historic step forward in the ambition to make the home-buying process simpler, faster and cheaper. HMLR is working in partnership with local authorities to standardise and migrate local land charges register information to one accessible place.
- 3.3 Anyone will be able to access the national register 24/7. Each search result will provide details of entries on the local land charges register relating to the land or property concerned. Local authorities will continue to provide replies to CON29 enquiries, such as nearby road schemes or outstanding notices, which may affect a purchaser's decision on whether or not to proceed. Once the Authority's local land charges data has been migrated to HMLR members of the public will no longer be able to get a local land charges search from the Authority.
- 3.4 The benefits of the register will be as follows:
- Guaranteed search results that provide the highest level of due diligence
  - The full spatial extent of every charge appears on the search result
  - Standard £15 fee for each search
  - Consistent quality of data which provides clear and accurate search results
  - Instant online search results with 24/7 access to the data, reducing delays in receiving search results

- Unlimited repeat searches for six months to check for any new charges before completing a transaction
- Search history dashboard giving access to previous searches at any time.

#### **4. Current situation / proposal**

- 4.1 Bridgend County Borough Council (BCBC) has been scheduled to migrate its LLC records in 2022/23. A delivery plan is being implemented by HMLR in order to ensure a smooth transition and certainty about timelines for the Authority and local residents. By entering into a Collaborative Agreement and formalising the delivery plan now HMLR can finalise preparatory work that reflects the Authority's needs, capability and readiness to migrate. The Authority will also be given a support package selected according to its needs.
- 4.2 The geospatial data set eventually created by HMLR will bring the following benefits to the Authority:
- data that can be shared across different departments to help deliver services more effectively and transparently;
  - spatial data which can be overlaid with other mapping systems to provide a holistic picture of the Authority's assets, locally maintained areas and features; and
  - free access to spatial data which will allow staff to self-serve when answering queries, reducing the number of requests for information between departments.
- 4.3 HMLR will offer 4 different models to the Authority as part of the pre-migration. As the Authority does not have internal capacity to deliver HMLR needs it is proposed that the Authority proceed with either the HMLR Supplier or HMLR Delivered model to ensure that it has full support to undertake the migration.

##### **HMLR Supplier**

A single end to end supplier works closely with LA to compile digital dataset  
The supplier manages the migration with HMLR support and supervision  
Moderate HMLR Delivery Manager resource required

##### **HMLR Delivered**

HMLR works closely with LA to compile digital dataset  
HMLR managed migration  
Full HMLR Delivery Manager resource required

##### **LA Delivered**

LA self-manages delivery and compiles digital dataset  
HMLR provides support and tools  
LA has dedicated LA Advocate/Mentor  
Minimal HMLR Delivery Manager resource required

##### **LA Self-Serve**

LA self-manages delivery and compiles digital dataset  
HMLR provides support, tools and suppliers as required  
Occasional HMLR Delivery Manager resource required

- 4.4 A working group will now be established within the Authority comprising of officers from Land Charges, Legal, Finance, ICT and Planning to lead the migration and ensure that the Authority fulfils its responsibilities to agreed timescales and feeds back to all stakeholders including HMLR.

#### **5. Effect upon policy framework and procedure rules**

- 5.1 There is no effect upon the policy framework.

## **6. Equality Impact Assessment**

- 6.1 The report does not give rise to concerns on equality grounds and does not impact sections of society differentially.
- 6.2 An assisted digital process will be available for anyone who cannot access the HMLR GOV.UK Service. Essentially customers will contact their LLC Processing Team and they will undertake the search on their behalf. As the Authority moves towards Go-Live, all relevant customers will be informed of the change. At this point targeted solutions will be implemented for any customers who might be digitally excluded.

## **7. Wellbeing of Future Generations (Wales) Act 2015 implications**

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals /objectives as a result of this report.

## **8. Financial implications**

- 8.1 The cost of migrating to the central register is fully funded by HMLR and resources are free to all local authorities throughout the migration. Additional financial incumbrance is also fully funded with a new LLC burden issued within 3 months of the migration taking place.

## **9. Recommendation**

It is recommended that Cabinet:

- 9.1 Delegate authority to the Chief Officer – Legal, HR and Regulatory Services to agree the terms of the Collaborative Agreement with HMLR and any ancillary agreements and to arrange execution of such agreements on behalf of the Council;
- 9.2 Note that further reports will be presented to Cabinet on the LLC National Programme.

Kelly Watson, Chief Officer – Legal, HR and Regulatory Services  
March 2021

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**Background documents:** None

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By virtue of paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

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