

Report

Cabinet Member for Finance & Resources

Part 1

Date: 17 February 2017

Item No: N/A

Subject Changes to the delivery of Wales Strategic Migration Partnership

Purpose To inform the Cabinet Member of the findings of a review of the Wales Strategic Migration Partnership and seek a decision on changes to the way this work is overseen.

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Ward N/A

Summary The Wales Strategic Migration Partnership is funded by the Home Office and acts as a regional strategic lead for the migration, refugee and asylum agenda. Newport City Council is the employing organisation on behalf of Welsh LA and the staff are seconded to the WLGA. This arrangement has been in place for a number of years.

Over the last year the agenda has changed significantly due to initiatives such as the Syrian Relocation Scheme and Unaccompanied Asylum Seeker Children Scheme. It is now less appropriate for Newport to continue to employ the staff given the broader remit.

A review of the WSMP, commissioned by WLGA, recommends the transfer of the service, from Newport to WLGA. This would embed it within the WLGA and remove the financial risk of employing the staff from Newport. The report details this proposal and seeks approval to allow the Head of Service to undertake the necessary work to transfer the service and staff to WLGA.

Proposal That the Cabinet Member accepts the recommendations in the report and instructs the Head of Service to undertake the necessary work to transfer the service and staff to WLGA

Action by Head of Service

Timetable March 31st 2017

This report was prepared after consultation with:

- Cabinet Member for Resources
- Welsh Local Government Association
- Home office
- Wales Strategic Migration Partnership Board members
- Wales Strategic Migration Partnership Director and Administrator

Signed

Background

The Wales Strategic Migration Partnership (WSMP) was established in 1999, funded by the Home Office, with the aim of providing an 'advisory, development and consultation function...for the coordination and provision of advice, support and services for asylum seekers, unsuccessful asylum seekers and new refugees'. Established by Newport City Council in a lead local authority role on behalf of Welsh authorities, the WSMP worked primarily with the four asylum dispersal areas in Wales (Cardiff, Newport, Swansea and Wrexham). In 2007, it broadened its remit to include migrants and its enabling function was widened to ensure it took a multi-agency approach to assist in coordination and interagency contact.

Newport City Council employs two members of staff for the Partnership (consisting of a Director and part time administrative support) but they have been on secondment to the WLGA since 2010. This secondment followed a review of the focus and effectiveness of Strategic Migration Partnerships across the UK undertaken by the Home Office that found, "where local government organisations act as the lead organisation for SMPs, they can benefit from these links and be more effective as a hub for regional migration debate, communication and collaboration".

Over the past year, issues relating to asylum seekers, refugees and migrants have increased in significance, as have the requests from the Home Office to Local Authorities. The current agenda includes:

- Syrian Resettlement Programme (SRP)
- Community Sponsorship Scheme
- National Transfer Scheme of Unaccompanied Asylum Seeking Children
- Vulnerable Children's Resettlement Scheme (VCRS)
- Unaccompanied Refugee Children from Europe
- Extending asylum dispersal areas.

The changing nature of the asylum, refugee and migration agendas, and the active involvement of all Welsh local authorities place increased significance of and pressure on the work of WSMP. WSMP is also gaining a new function in providing a single point of contact and co-ordination role for Wales in relation to the Syrian Resettlement Programme (SRP), along with some additional funding to appoint an additional member of staff. Discussions are also on-going with the Home Office on the potential role for the Partnership in relation to the unaccompanied and refugee children schemes, again with some additional funding. More recently, WSMP (and others Partnerships across the UK) have been asked to host a short-term post (until end of March 2017) to help coordinate some additional investment in ESOL provision that the UK Government has made available to local authorities involved in the SRP.

These changes to the role of the Partnership, along with some increased resource provide an opportune time to review its management and governance arrangements, along with its priority areas of work and methods of operation to ensure it is best placed to effectively carry out its role within the resources available. In March 2016, WLGA members agreed to the undertaking of a review of the governance, management and operational arrangements for the WSMP and this report sets out the findings of the Review and proposes a way forward on addressing its key recommendations.

Findings of the Review

Doug Elliott, an independent consultant with extensive knowledge and experience of undertaking governance reviews, undertook the Review on behalf of the WLGA. The Review consisted of a review of documentation (Grant Agreements, Annual Reports, Annual Work Plans, Minutes of Meetings etc), an on-line survey of all key stakeholders in the voluntary and public sectors and a range of face-to-face interviews with a number of organisations (Home Office, Welsh Government, local authorities, Newport City Council, WLGA, COSLA, WSMP Chair and staff etc.). The final report consists of a Full Report, an Executive Summary set out under three key headings:

- Changing the overall governance model/business ethos
- Refreshing underlying governance and management arrangements

- Enhancing reputation and raising strategic awareness

There were a number of key findings in the Review that helped shape and inform the recommendations:

- The WSMP provides a valued supporting, coordinating and informing function – but primarily at an operational level - and there is scope for the Partnership to evolve more of a strategic function, supporting a more holistic, persuasive response to the emerging agendas.
- The WSMP provides a range of helpful practice guidance, toolkits and planning aids (and where capacity allows awareness raising and training) and the Executive Board provides a helpful mechanism for sharing intelligence and collective emerging challenges and supporting local stakeholder planning as a consequence.
- Current arrangements and responsibilities for leading the strategic response to the emerging agenda between WSMP and WLGA is confusing, with blurred lines of accountability. Management and accountability arrangements are also blurred (including for staff of the Partnership) with WLGA as the host organisation, Newport City Council as ‘lead authority’ and grant recipient and the role of the Chair as set out in the Grant Agreement from the Home Office. The Review states this is unsustainable as the agenda evolves.
- An alternative model of governance and management of the Strategic Migration Partnership should be considered. The model in Scotland is highlighted for further exploration and consideration where the Partnership operates within the overall governance of COSLA. The Review states this model has a strong potential to enhance the strategic focus, would provide clarity on responsibilities and simplify accountability lines.
- The existing resource and moving demand is having an increasingly detrimental impact on the ability of the small staff complement to support the governance and management architecture in place and key stakeholders have the impression of a small capacity organisation spread too thin and trying to be “all things to all people”.

Taking Forward the Recommendations

There are a few key recommendations that relate to the positioning, management and governance of the WSMP that should be determined at an early stage, and upon which taking forward other recommendations will be dependant, and could act as a catalyst for enhancing other opportunities for change. These recommendations are:

- Consider putting in place alternative business and staffing model, taking into account other models used across the UK
- Clarify management and accountability arrangements, and in particular the relationship and responsibilities between WSMP and WLGA
- Review Executive Board role and composition to help ensure it reflects and aligns to refocused strategic priorities and obtain more senior and elected member level support and involvement

Taken together, the recommendations are proposing consideration is given to establishing a new operating model for the Partnership, with amended management and governance arrangements that would bring clarity and simplification, whilst also ensuring there is increased strategic and senior level involvement in setting priorities, from both elected members and officers. The COSLA model is highlighted as a potential model to replicate. However, developing a model similar to Scotland would require the WLGA to consider if it was supportive of absorbing such a responsibility and the staff.

Discussions have taken place between Newport City Council and WLGA, and with the Chair and Director of the Partnership on potential ways forward. We have indicated that we do not feel best placed to continue in our role as lead local authority anymore, especially given the broadening nature of the agenda. Such a function would be best placed centrally to ensure links are made across the whole of Wales and across the many policy areas that are impacted upon by this agenda. The recent reductions

in the budget of WSMP are also a concern for the Council as the current grant does not cover core and operational costs and has impacted upon us financially. Should the grant cease we also carry the risks and on-going burdens solely. As such, we recommend that we should be supportive of a move of the function.

Financial Summary

The costs and financial implications: You must discuss financial implications with the Head of Finance and the report must identify from where your proposals will be funded, together with any impact on budgets or any opportunity costs

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					
Net Costs (Savings)					
Net Impact on Budget					

Risks

The WSMP is supported through an annual grant from the Home Office. This grant has been reduced from £120k to £80 in recent years. This has placed a financial burden on Newport City Council but has also increased the risk associated with being the employing body. Accepting the proposal in the report will remove the risk from NCC.

NB: This section on risk in the report should consider the risk of taking the proposed decision as well as any risks that could impact on the proposals

In any dispute, the SLT will conclude on whether the risk appraisals are of sufficient quality.

You will need to complete the following Risk table

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Impact on staffing as a result of TUPE transfer to WLGA	M	L	The TUPE process will ensure that the terms and conditions of staff are protected at point of transfer.	Head of People and Business Change
Contractual risks	M	L	Discussions are on-going with the Home Office regarding the transfer of the grant agreement from NCC to WLGA.	Head of People and Business Change
Reputational risks	M	L	NCC will still play an active role in the WSMP and in the wider agenda regarding migration, refugees and asylum within Wales	Head of People and Business Change

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The proposal links to the One Newport, Single Integrated Plan – Safe and Cohesive Communities Theme.

Options Available and considered

1. Continue with the current arrangements by accepting the grant from the Home Office and the terms and conditions of the grant
2. Agree to the transfer of service to WLGA, subject to Home Office approval to transfer the grant arrangements
3. Decline the grant from the Home Office for 2017/18 and begin the process of re-deploying the affected staff, going through a redundancy situation or TUPE transfer with a different, potential deliverer of WSMP

Preferred Option and Why

The preferred option is option 2, to transfer the service and staff to WLGA. This will ensure that the WSMP is better placed to strategically link in with policy and decision makers across Wales and also reduce the financial risk to Newport City Council

Comments of Chief Financial Officer

There are no financial implications to this report as this budget is fully grant funded and will transfer with service.

Comments of Monitoring Officer

The proposed transfer of the WSMP services and staff from the Council to the WLGA would regularise the current secondment arrangements and provide clearer lines of responsibility and a more effective strategic governance model. Although the Council has retained the lead authority role and continues to receive the Home Office grant funding, the WSMP staff have been on secondment to the WLGA since 2010 and the service is, effectively, managed and delivered through the WLGA offices. However, the transfer of the staff and the service must be conditional upon the WLGA taking on direct responsibility under the Home Office grant agreement for the delivery of the service objectives and any clawback arrangements for non-delivery, so there is no residual responsibility retained by the Council. This would require the consent and agreement of the Home Office. Subject to this, then arrangements can be made to transfer the staff and the risk in terms of any future grant under-funding. The transfer of the grant arrangements may not be a strict TUPE transfer, as such, given that this is an administrative function which is centrally grant funded. Therefore, there may not be a service delivery change or transfer of a commercial undertaking for the purposes of TUPE. However, the staff transfer would, in any event, be covered by the statutory Code of Practice on staff transfers in the public sector and, therefore, the contractual transfer would be concluded with the WLGA on the same basis as if TUPE did apply and with the same employment and pension protection rights for the staff.

Comments of Head of People and Business Change

As detailed within the report the proposal impacts upon two members of staff who will be subject to a transfer under TUPE should the proposal be approved. Further comments are detailed within the report.

Comments of Cabinet Member

Ensuring that there is a co-ordinated and strategic approach to planning for migration, refugees and asylum seekers across Wales is critical. Whilst none of these areas is a devolved responsibility of the Welsh Government the burden for delivery does fall to Local Authorities and we will only be able to meet any legal and moral obligations, whilst not adversely affecting those already living in the area, by working together to jointly solve implementation problems and combining resources. Now that the agenda has moved on it is clearly the right thing for the Wales Strategic Migration Partnership to now become part of WLGA so that it is better positioned to serve all of Wales.

Scrutiny Committees

Please include a record of any consultation with scrutiny committees. Please add here details of any consultation and the outcomes.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

Report writes need to indicate how they have considered the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act. You will need to demonstrate you have considered the following:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

Background Papers

Dated: 17 February 2017