

## **CABINET**

**Venue:** Town Hall, Moorgate Street, Rotherham. S60 2TH

**Date:** Wednesday, 3 November 2010

**Room:** Council Chamber

**Time:** 10.30 a.m.

## **A G E N D A**

1. To consider questions from Members of the Public.
2. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
3. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
4. Minutes of the previous meeting held on 20th October , 2010 (copy supplied separately)
5. Corporate Risk Register (report herewith) (Pages 1 - 27)
  - Strategic Director of Finance to report.
6. Mid Year Treasury Management and Prudential Indicators Monitoring Report 2010/11 (report herewith) (Pages 28 - 39)
  - Strategic Director of Finance to report.
7. Requirement to Publish Spend > £500 (report herewith) (Pages 40 - 47)
  - Strategic Director of Finance to report.
8. Scrutiny Review - School Closure Due to Extreme Weather (report herewith) (Pages 48 - 67)
  - Strategic Director of Children and Young People's Services to report.
9. Yorkshire Purchasing Organisation (report herewith) (Pages 68 - 79)
  - Chief Executive to report.
10. Minutes of a meeting of the Members' Training and Development Panel held on 30th September, 2010 (herewith) (Pages 80 - 84)
  - Chief Executive to report.

11. Exclusion of the Press and Public.  
The following items are likely to be considered in the absence of the press and public as being exempt under those paragraphs listed below of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006).
12. Disposal of Greasbrough Depot (report herewith) (Pages 85 - 92)
  - Strategic Director of Environment and Development Services to report.

(Exempt under Paragraph 3 of the Act – information relates to business and financial affairs)
13. Land to the Rear of 13 Railway Avenue, Catcliffe (report herewith) (Pages 93 - 98)
  - Strategic Director of Environment and Development Services to report.

(Exempt under Paragraph 2 of the Act – information which is likely to reveal the identity of an individual)
14. Asset Management Services (report herewith) (Appendix 3 will be provided separately) (Pages 99 - 126)
  - Strategic Director of Environment and Development Services to report.

(Exempt under Paragraph 2 of the Act – information which is likely to reveal the identity of an individual)
15. Development Agreement - Yes Project, Pithouse West Site and Rother Valley Country Park (report herewith) (Pages 127 - 133)
  - Strategic Director of Environment and Development Services to report.

(Exempt under Paragraph 3 of the Act – information relates to business and financial affairs)
16. The Future Management of Council Housing in Rotherham (report herewith) (Pages 134 - 166)
  - Strategic Director of Neighbourhoods and Adult Services to report.

(Exempt under Paragraph 3 of the Act – information relates to business and financial affairs)

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET</b>
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<b>1.</b>	<b>Meeting:</b>	Cabinet
<b>2.</b>	<b>Date:</b>	3 November 2010
<b>3.</b>	<b>Title:</b>	Corporate Risk Register
<b>4.</b>	<b>Directorate:</b>	Financial Services

### **5. Summary**

Attached to this report is the current corporate risk register summary. The summary shows the risks associated with the Council's most significant priorities and projects, and actions being taken to mitigate these risks. This report was presented to the Strategic Leadership Team on 11 October 2010.

A small number of risks (e.g. relating to the Local Area Agreement) are currently being reviewed as a consequence of recent major budget and legislative announcements made by the Government, and any changes to these will be reflected in the next quarter's report.

There are 5 red residual risks, relating to Children's Services (4 risks) and achievement of the Cultural Quarter aspirations.

### **6. Recommendations**

**Cabinet is asked:**

- **to note the updated corporate risk register summary attached at Appendix A**
- **to indicate any further risks the Cabinet feels should be added to the risk register.**

## 7. Proposals and Details

### 7.1 Format

This report contains the latest position on the Corporate Risk Register. The report has two key parts:

- An '*at a glance*' picture showing the pattern of risk assessments for corporate priorities or projects both before and after risk management actions – see 7.3 below.
- A more detailed summary of the risk register that reflects the current risk assessments for each corporate priority or project. This is attached at **Appendix A**.

There are 3 overall categories of risk (RED, AMBER, GREEN) representing varying degrees of exposure. Each category contains a range of risk scores, so there are varying degrees of risk within each category. Appendix A shows specific current risk scores before and after mitigating actions, as well as the general risk category for each priority or project included in the register.

Appendix A also shows the risk categories for each priority for the previous 3 reports, which provides an indication of the degree of change in risk assessments over time.

### 7.2 Changes since previous report.

The main changes occurring since the previous report are as follows:

- The risk relating to public satisfaction/Image (formerly Ref 19) has been removed from the corporate risk register following the abolition of the Place Survey by Government, although ongoing work is being carried out to improve residents' perceptions.
- The risk relating to safeguarding adults/physical disability (formerly Ref 38) has been removed from the corporate risk register following the successful inspection and the completion of the subsequent outstanding actions.
- The risk relating to public views relating to narrowing the gap in neighbourhoods (formerly Ref 47) has been removed from the corporate risk register following the abolition of the Place Survey.
- The residual risk score relating to the new Civic Building Accommodation (Ref 3) has been downgraded from Amber to Green as the fit out contract is now let and building is progressing on time with no issues to report.
- The residual risk score relating to the Community Stadium (Ref 61) has been upgraded from Green to Amber as, despite the successful purchase of the site, it is felt that Green is overly optimistic given that the planning application has not yet been considered by the Planning Board.

There are five red residual risks, relating to Children's Services (risk numbers 10 – BSF, 22 – Children's Plan, 44 – Commissioning and 59 – resources / use of resources) and achievement of the Cultural Quarter aspirations (risk number 63).

7.3 Corporate Risks at a Glance

7.3.1 Risk assessments prior to mitigating actions.

The first diagram shows the pattern of risk assessments for corporate priorities or projects before risk management actions.

<b>Probability: Will it Happen?</b>	<b>Very high</b>				59 CYPS Resources (80) 22 Children's Plan (72) 58 DCSF imp't plan (72)
	<b>High</b>		37 YES Project (48) 51 Carbon Red'n (48) 52 LAA (44)	43 LG Reform (60) 45 2010 Fin. Perf. (56) 11 Capital Program (52) 29 Adults Demand (52) 46 In House Prov. (52)	10 BSF (64) 44 Commissioning (64) 63 Cultural Quarter (64) 60 Machinery of Govt (64) 64 Managing budget adjustments (64)
	<b>Medium</b>		55 RBT contract (36) 3 Civic Accom (34) 53 EDRMS (33) 15 Single Status (33)	6 Waste Management Strategy (48) 26 Decent Homes (42) 61 Community Stadium (39) 62 Civic Centre (38)	
	<b>Low</b>				
	<b>Very low</b>				
	<b>Minimal</b>	<b>Minor</b>	<b>Moderate</b>	<b>Serious</b>	<b>Severe</b>

**Impact: Will it Hurt?**

**Note on the diagram entries:**  
**EG "19 Public Image (48)".** The first number, in this case 19, is the reference number of the risk. Risks are listed in reference number order in the risk register summary at Appendix A. The second number in brackets, in this instance (48), shows the risk score. The higher the score, the greater the risk.

**7.3.2 Risk Assessments after allowing for mitigating controls**

The second diagram shows the pattern of risk assessments for corporate priorities or projects after risk management actions.

<b>Probability: Will it Happen?</b>	<b>Very High</b>				
	<b>High</b>		46 In House Prov. (40)		22 Children's Plan (64) 44 Commissioning (60) 59 CYPS Resources (64) 63 Cultural Quarter (60) 10 BSF (60)
	<b>Medium</b>	3 Civic Accom (24) 55 RBT contract (24)	37 YES Project (36) 29 Adults Demand (33) 26 Decent Homes (33) 60 Machinery of Govt (33) 64 Managing budget adjustments (33) 51 Carbon Red'n (30) 61 Community Stad (30) 52 LAA (28) 15 Single Status (27)	45 2010 Fin. Perf. (42) 58 DCSF imp't plan (42) 11 Capital Prog'me (39)	
	<b>Low</b>	53 EDRMS (16) 62 Civic Centre (16)	43 LG Reform (26)	6 Waste Man't Strategy (30)	
	<b>Very low</b>				
	<b>Minimal</b>	<b>Minor</b>	<b>Moderate</b>	<b>Serious</b>	<b>Severe</b>
	<b>Impact: Will it Hurt?</b>				

It can be seen from the second chart, that risk is being reduced by management actions. The following tables provide a summary of the risk reduction achieved.

**Table 1** shows the risk category that initial red and amber risks are converted to, following mitigating actions:

Risk category	Number of Projects / Priorities in the category BEFORE mitigating actions		Risk category	Number of Projects / Priorities in the category AFTER mitigating actions
<b>Red</b>	13		<b>Red</b>	5
<b>Amber</b>	11		<b>Amber</b>	8
			<b>Green</b>	NIL
			<b>Amber</b>	7
			<b>Green</b>	4

**Table 2** shows the average risk score for priorities rated as red and amber prior to mitigating actions, and the average reduction in risk scores resulting from the mitigating actions:

Risk category	Average risk score BEFORE mitigating actions	Average risk score AFTER mitigating actions	Reduction in average risk score as a result of mitigating actions
<b>Red</b>	63	46	17
<b>Amber</b>	40	27	13

## 8. Finance

The risks contained in the register require ongoing management action. In some cases additional resources may be necessary to implement the relevant actions or mitigate risks. Any additional costs associated with the risks should be reported to the Strategic Leadership Team and Members for consideration on a case by case basis.

## 9. Risks and Uncertainties

It is important to review the effectiveness of our approach to capturing, managing and reporting corporate risks on an ongoing basis, to ensure risks relating to the Council's key projects and priorities are effectively monitored and managed by the Strategic Leadership Team and Members.

## **10. Policy and Performance Agenda Implications**

Risk Management is part of good corporate governance and is wholly related to the achievement of the objectives in the Council's Corporate Plan.

## **11. Background Papers and Consultation**

The content of this report has been informed by consultation with Directorates.

### **Contact Names:**

*Colin Earl, Director of Audit and Governance, x22033*

*Rob Houghton, Governance and Risk Manager, x54424*

## **Appendices**

### **A Corporate Risk Register Summary**



## APPENDIX A: CORPORATE RISK REGISTER SUMMARY

### Explanatory Note:

For the purposes of illustration, Risk Reference 37: 'YES Project' from the corporate risk register is extracted below:

Ref	Risk Area	Current Risk	Current Risk Assessment	Lead Officer	Mitigating Controls & Current Position	After Man't Control														
<b>Major Projects</b>																				
37	EDS – YES Project <table border="1" style="width: 100%; text-align: center;"> <tr> <td>L</td> <td>Ac</td> <td>AI</td> <td>S</td> <td>P</td> <td>SD</td> <td>F</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	L	Ac	AI	S	P	SD	F	√	√	√	√	√	√	√	Risk of project not being implemented in full by preferred developer due to lack of attractiveness of the scheme to investors, with consequential loss of income.	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 5px; width: 40px; margin: 0 auto;">48</div>  Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> </div>	Karl Battersby	Signed Development Agreement with Oak Holdings in Nov 08.  Planning application for renewal of the permission submitted Jan 2010. Action plan obstacles are up to date  May 2010 Planning application to Planning Board, which is disposed to grant approval. The application is now with Government for a decision. Renewal of the planning permission has been supported by planning board, and not called in by the Secretary of state. Award of planning permission is now imminent.  Transfer of Rother Valley management to Oak Holdings for 7 years from May 2009 to improve chances of a positive outcome.	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 5px; width: 40px; margin: 0 auto;">36</div>  Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> </div>
L	Ac	AI	S	P	SD	F														
√	√	√	√	√	√	√														

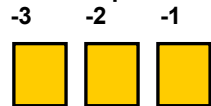
There are 3 overall categories of risk (RED, AMBER, GREEN), representing varying degrees of exposure. Each category contains a range of risk scores, so there are varying degrees of risk within each category. Scores have now been added to the register entries to show the specific risk assessments pre (48 in this example) and post (36) mitigating actions, in order to demonstrate the

effectiveness of mitigating actions, particularly where the overall risk category for any priority or project has not changed, as is the case in the example above. The following table gives more information:

Risk Category	Range of risk scores	Level of Risk
<b>Red</b>	More than 50	High level of risk, requiring close and regular review and further preventive or remedial action as necessary
<b>Amber</b>	26 to 50	Medium level of risk, requiring regular monitoring and, in the event of any identified increase in risk, escalation for consideration of further actions.
<b>Green</b>	Up to and including 25	Low level of risk, initially requiring regular monitoring and reporting.

The register shows the respective risk categories for the last 3 risk registers, as follows:

Previous periods:



In this case, the risk category has been amber both before and after mitigating actions in each of the last 3 periods. Where any period has no colour (i.e. is white), this indicates that the priority or project was not included in the risk register in that period. The register also shows the corporate priorities that each project or priority included in register contributes to. This is indicated in the 'Risk Area' column for each priority / project included in the register.

The corporate plan priorities are as follows:

- |   |   |                            |   |   |                                |
|---|---|----------------------------|---|---|--------------------------------|
|  | = | <b>Rotherham Learning</b>  |  | = | <b>Rotherham Proud</b>         |
|  | = | <b>Rotherham Achieving</b> |  | = | <b>Sustainable Development</b> |
|  | = | <b>Rotherham Alive</b>     |  | = | <b>Fairness</b>                |
|  | = | <b>Rotherham Safe</b>      |   |   |                                |

## CORPORATE RISK REGISTER

Ref	Risk Area	Current Risk	Current Risk Assessment	Lead Officer	Mitigating Controls & Current Position	After Man't Control													
<b>Major Projects</b>																			
3	Civic Building accommodation	<p>New accommodation not fit for purpose</p> <p>Failure to maximise use of resources</p> <p>Failure to modernise services and respond to changing needs</p> <p>Failure to apply appropriate governance arrangements: procurement; risk transfer; affordability; deliverability; structures and controls.</p>	<p style="text-align: center; font-size: 2em; letter-spacing: 0.5em;">A M B E R</p> <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center; padding: 2px;">34</div> <p>Previous periods: -3   -2   -1</p> <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: yellow;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: yellow;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: yellow;"></div> </div>	Karl Battersby	<p>The business case was agreed by Cabinet in September 2008.</p> <p>Planning permission granted in June 2009. Judicial Review ended 22 Dec 09. Land works commenced on site Jan 2010.</p> <p>The contract went unconditional in December. All pre-commencement conditions have been discharged.</p> <p>Building progressing on time, no issues to report, and the fit out contract is now let.</p> <p>Still expect to start to move into the new building in late 2011.</p>	<p style="text-align: center; font-size: 2em; letter-spacing: 0.5em;">G R E E N</p> <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center; padding: 2px;">24</div> <p>Previous periods: -3   -2   -1</p> <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: yellow;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: yellow;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: yellow;"></div> </div>													
	<table border="1" style="width: 100%; text-align: center; font-size: 0.8em;"> <tr> <td style="background-color: yellow;">L</td> <td style="background-color: #ADD8E6;">Ac</td> <td style="background-color: #ADD8E6;">Al</td> <td style="background-color: #90EE90;">S</td> <td style="background-color: #FF6347;">P</td> <td style="background-color: #FFD700;">SD</td> <td style="background-color: #A9A9A9;">F</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	L	Ac	Al	S	P	SD	F	√	√	√	√	√	√	√				
L	Ac	Al	S	P	SD	F													
√	√	√	√	√	√	√													

Ref	Risk Area	Current Risk	Current Risk Assessment	Lead Officer	Mitigating Controls & Current Position	After Man't Control														
<b>Major Projects</b>																				
6	<p>Delivery of the Waste Management strategy. Failure could involve significant penalties.</p> <p>Needs:            1 Disposal facilities to be agreed with other authorities            2 Medium term contract 2008-2014            3 Long term contract 2014 onwards</p> <p>“energy from waste” is a possible favoured scheme, but consultees prefer a higher cost option.</p>	<p>Potential significant financial penalties</p> <p>Adverse inspection assessment</p> <p>Failure to apply appropriate governance arrangements:            - procurement            - risk transfer            - affordability            - deliverability            - structures and controls</p>	<p><b>A M B E R</b></p> <p>48</p> <p>Previous periods: -3 -2 -1</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	Karl Battersby	<p>BDR Waste Partnership has secured £74.4m in PFI credits.</p> <p><b>PFI</b>            4 bids have been evaluated and a recommendation made to the Project Board to reduce to 2 final bids. An affordability report is being completed.</p> <p>DMBC had called a break point review to determine whether they should withdraw from the project, but have since decided to continue with the PFI.</p> <p>There is a detailed project plan in place with clear milestones; it allows for completion of the procurement by 31st March 2011, a date which is tight but achievable. Failure to hit that deadline puts the award of PFI credits at risk, as it is if the CSR removes support for any capital schemes that have not reached financial/contractual close.</p>	<p><b>A M B E R</b></p> <p>30</p> <p>Previous periods: -3 -2 -1</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>														
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="background-color: #ffffcc;">L</td> <td style="background-color: #ccccff;">Ac</td> <td style="background-color: #ccffcc;">Al</td> <td style="background-color: #ccffcc;">S</td> <td style="background-color: #ffcccc;">P</td> <td style="background-color: #ffcccc;">SD</td> <td style="background-color: #cccccc;">F</td> </tr> <tr> <td></td> <td></td> <td></td> <td>√</td> <td>√</td> <td>√</td> <td></td> </tr> </table>	L	Ac	Al	S	P	SD	F				√	√	√						
L	Ac	Al	S	P	SD	F														
			√	√	√															

Ref	Risk Area	Current Risk	Current Risk Assessment	Lead Officer	Mitigating Controls & Current Position	After Man't Control														
<b>Major Projects</b>																				
10	Building Schools for the Future (BSF) and 'Primary Capital Programme * <sup>1</sup> ' projects  <table border="1"> <tr> <td>L</td><td>Ac</td><td>Al</td><td>S</td><td>P</td><td>SD</td><td>F</td> </tr> <tr> <td>√</td><td>√</td><td>√</td><td>√</td><td>√</td><td>√</td><td></td> </tr> </table>	L	Ac	Al	S	P	SD	F	√	√	√	√	√	√		The Secretary of State has closed the BSF programme to those authorities "not at financial closure with their partners".  This does not necessarily mean the end of capital spend on schools but further details will be given following the review in the autumn.	<div style="background-color: red; color: white; text-align: center; padding: 10px;"> <b>R E D</b>   <div style="border: 1px solid black; width: 40px; margin: 0 auto; padding: 5px;">64</div>           Previous periods:            -3   -2   -1  <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="width: 20px; height: 20px; background-color: yellow;"></div> <div style="width: 20px; height: 20px; background-color: yellow;"></div> <div style="width: 20px; height: 20px; background-color: red;"></div> </div> </div>	Joyce Thacker	The Council will prepare for the outcome of the autumn review by prioritising schools for any future funding. This will be based on the current condition and suitability of each school.  The Council is awaiting clarity from the Department For Education regarding Maltby Academy.	<div style="background-color: red; color: white; text-align: center; padding: 10px;"> <b>R E D</b>   <div style="border: 1px solid black; width: 40px; margin: 0 auto; padding: 5px;">60</div>           Previous periods:            -3   -2   -1  <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="width: 20px; height: 20px; background-color: lightgreen;"></div> <div style="width: 20px; height: 20px; background-color: lightgreen;"></div> <div style="width: 20px; height: 20px; background-color: red;"></div> </div> </div>
L	Ac	Al	S	P	SD	F														
√	√	√	√	√	√															
<b>Major Projects</b>																				
11	Costs of the capital programme.  Significant revenue consequences (£11m per year).  <table border="1"> <tr> <td>L</td><td>Ac</td><td>Al</td><td>S</td><td>P</td><td>SD</td><td>F</td> </tr> <tr> <td>√</td><td>√</td><td>√</td><td>√</td><td>√</td><td>√</td><td>√</td> </tr> </table>	L	Ac	Al	S	P	SD	F	√	√	√	√	√	√	√	Significant financial impact and/or failure to deliver the capital programme.	<div style="background-color: red; color: white; text-align: center; padding: 10px;"> <b>R E D</b>   <div style="border: 1px solid black; width: 40px; margin: 0 auto; padding: 5px;">52</div>           Previous periods:            -3   -2   -1  <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="width: 20px; height: 20px; background-color: red;"></div> <div style="width: 20px; height: 20px; background-color: red;"></div> <div style="width: 20px; height: 20px; background-color: red;"></div> </div> </div>	Andrew Bedford	Detailed financial calculations are included in the MTFs. These are being reviewed as part of the Council's on-going budget monitoring and financial planning processes	<div style="background-color: yellow; color: black; text-align: center; padding: 10px;"> <b>A M B E R</b>   <div style="border: 1px solid black; width: 40px; margin: 0 auto; padding: 5px;">39</div>           Previous periods:            -3   -2   -1  <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="width: 20px; height: 20px; background-color: yellow;"></div> <div style="width: 20px; height: 20px; background-color: yellow;"></div> <div style="width: 20px; height: 20px; background-color: yellow;"></div> </div> </div>
L	Ac	Al	S	P	SD	F														
√	√	√	√	√	√	√														

<sup>1</sup> 5% new build, 45% refurbishment, 50% premium maintained

Ref	Risk Area	Current Risk	Current Risk Assessment	Lead Officer	Mitigating Controls & Current Position	After Man't Control													
<b>Cross Cutting</b>																			
15	Impact of single status job evaluation.	<p>Lengthy timescales, causing uncertainty and possible unrest unless resolved quickly.</p> <ul style="list-style-type: none"> <li>- potential dispute</li> <li>- costs</li> <li>- possible negative impact on staff retention, depending upon the evaluation outcomes</li> </ul>	<b>A M B E R</b>  <div style="border: 1px solid black; width: 30px; margin: 0 auto; text-align: center;">33</div>  Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="width: 20px; height: 20px; background-color: red; border: 1px solid black;"></div> <div style="width: 20px; height: 20px; background-color: yellow; border: 1px solid black;"></div> <div style="width: 20px; height: 20px; background-color: yellow; border: 1px solid black;"></div> </div>	Phil Howe	<p>Phase 2 implemented successfully on 1/04/08. Through the effective implementation process RMBC has successfully avoided the major industrial unrest experienced by some Local Councils.</p> <p>Barrister commissioned to help defend Equal Pay challenges. Reasonable settlement agreed with both the No Win No Fee and Trade Union solicitors. Further attempts reduce the tax demand on these payments were successful.</p> <p>There are a very small number of unresolved residual claims from the no win no fee solicitor.</p> <p>The memorandum of understanding with the trade unions has now been signed and individual offers of settlement are being passed to the trade unions' solicitors. This exercise is now reaching its conclusion though a small number of new claims from Trade Union and non Trade Union Members have been received.</p> <p>There will always remain some as yet 'unknown' element of risk of challenge under Equal Pay &amp; Single Status, which could in future require resources to defend.</p>	<b>A M B E R</b>  <div style="border: 1px solid black; width: 30px; margin: 0 auto; text-align: center;">27</div>  Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="width: 20px; height: 20px; background-color: yellow; border: 1px solid black;"></div> <div style="width: 20px; height: 20px; background-color: yellow; border: 1px solid black;"></div> <div style="width: 20px; height: 20px; background-color: yellow; border: 1px solid black;"></div> </div>													
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<b>CYPS</b>																			
22	Delivery of the Children's single plan priorities, such as: <ul style="list-style-type: none"> <li>- performance in schools (particularly Primary)</li> <li>- health inequalities</li> <li>- quality social care</li> <li>- post-16 education and employment</li> </ul>	Failure to make a difference; to deliver community and corporate priorities relating to Rotherham Learning  Adverse inspection comment / rating and impact on CPA assessment  An unannounced Inspection of Contact, Assessment and Referral in August led to finding that social worker's caseloads were too heavy. Caseloads still not addressed due to the continuous high level of vacancies at both Social Worker and Team Manager levels.  Pressures in relation to budget and service demands continue to increase the risk of failure to deliver services within budget allocation.	<b>R E D</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: auto;">72</div>	Joyce Thacker	Overall Annual Performance Assessment judgement is 2. Previous key areas for development (Improving attainment at Key Stage1 and Increasing the proportion of 16-19 year olds who are in education, employment or training) are being addressed.  Children First review completed and an Action Plan produced. An Improvement Board has been formed from across the Council to oversee progress. Dep't For Education (DFE) issued notice to improve and the improvement plan is monitored fortnightly internally and monthly by DFE.  Risk is increasing as grant funding starts to be withdrawn ahead of scheduled dates. 'Together for Children' grant withdrawn for pilot programme and £2.1m Area Based Grant has been withdrawn.  Further mitigating actions are being identified, however posts are at risk and the achievement of priorities will be continue to be challenging. (See also risk 59).  Awaiting outcome of CSR.	<b>R E D</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: auto;">64</div>													
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<b>Neighbourhoods and Adult Services</b>																				
26	ALMO delivery of decent homes programme.  <table border="1"> <tr> <td>L</td> <td>Ac</td> <td>Al</td> <td>S</td> <td>P</td> <td>SD</td> <td>F</td> </tr> <tr> <td></td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	L	Ac	Al	S	P	SD	F		√	√	√	√	√	√	Late or non achievement of targets  Potential loss / re-profiling of funding  Adverse public / tenants satisfaction  Adverse inspection outcomes.	<b>A M B E R</b>  <div style="border: 1px solid black; width: 40px; height: 30px; margin: 0 auto; text-align: center;">42</div> <b>Previous periods:</b> -3   -2   -1 <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>	David Richmond	There has been further significant reductions in non decent council homes and at the end of August 2010, 577 homes (2.76% of the stock) remain to be brought to decency standards. This figure includes refusals and no access properties which are deemed as decent until they become vacant.  Work has been carried out throughout this year to ensure that the programme is completed by the deadline date (December 2010) and that the delivery of the programme is affordable by utilising all of the available budget.	<b>A M B E R</b>  <div style="border: 1px solid black; width: 40px; height: 30px; margin: 0 auto; text-align: center;">33</div> <b>Previous periods:</b> -3   -2   -1 <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>
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<b>Neighbourhoods and Adult Services</b>																			
29	<p>Adult Social Services:</p> <ul style="list-style-type: none"> <li>- Demand continues to increase and only the most vulnerable are being helped</li> <li>- in-house costs are higher than independent sector costs</li> <li>- recruitment, retention, resources</li> </ul>	<p>Significant adverse impact on council financial position</p> <p>Adverse inspection outcomes.</p> <p>Adverse press reaction and user / public satisfaction</p>	<p><b>R E D</b></p> <div style="border: 1px solid black; width: 40px; margin: 10px auto; text-align: center;">52</div> <p>Previous periods: -3   -2   -1</p> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>	Chrissy Wright	<p>The 2010/11 &amp; 11/12 budget setting process includes proposals to minimise the impact of cost and demographic pressures: (1) re negotiating contracts to achieve efficiency savings, (2) transforming traditional services to provide better outcomes and better use of resources, (3) reviewing high cost areas and (4) increasing income – bringing charges in line with other LA's. (5) continuing shifting the balance of care to the independent sector</p> <p>An Ageing Well Group has been established with representation from all partners to develop a strategic approach and action plan to meet the challenges of an ageing population.</p> <p>We have carried out an initial self assessment against the 12 criteria using the DoH "Use of Resources in Adult Social Care" The self assessment identifies key actions to be taken. The Directorate Service Plan prioritises these in an action plan to ensure delivery against the 12 criteria.</p>	<p><b>A M B E R</b></p> <div style="border: 1px solid black; width: 40px; margin: 10px auto; text-align: center;">33</div> <p>Previous periods: -3   -2   -1</p> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>													
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<b>EDS</b>																													
37	EDS – YES Project	Risk of project not being implemented in full by preferred developer due to lack of attractiveness of the scheme to investors, with consequential loss of income.	<b>A M B E R</b>  <div style="border: 1px solid black; width: 30px; margin: 0 auto; text-align: center;">48</div>	Karl Battersby	<p>Signed Development Agreement with Oak Holdings in November 08.</p> <p>Planning application for renewal of the permission submitted Jan 2010.</p> <p>Action plan obstacles are up to date</p> <p>May 2010 Planning application to Planning Board, which is disposed to grant approval. The application is now with Government for a decision. The renewal of the planning permission has been supported by planning board, and not called in by the Secretary of state. The issue of the planning permission is now imminent.</p> <p>Transfer of Rother Valley management to Oak Holdings for 7 years from May 2009 to improve chances of a positive outcome.</p>	<b>A M B E R</b>  <div style="border: 1px solid black; width: 30px; margin: 0 auto; text-align: center;">36</div>																							
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43	Local Government Reform Implementation Plan	Failure to implement statutory reforms provided for in national policy and new legislation	<b>R E D</b>  <div style="border: 1px solid black; padding: 5px; width: 30px; margin: 0 auto;">60</div>	Matt Gladstone	<p>All current statutory requirements are met.</p> <p>The implementation plan has been completely refreshed to provide workstreams covering coalition government agreement commitments that are relevant to the Council. This is broader than the previous plan, which primarily covered governance issues.</p> <p>The previous version of the plan is being retained to cover commencement issues. These now primarily relate to e-petitions and byelaws.</p>	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 5px; width: 30px; margin: 0 auto;">26</div>												
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44	Commissioning	We continue to commission services in a traditional, unaffordable manner resulting in a failure to achieve better VFM and improved outcomes.	<p style="text-align: center;"><b>R E D</b></p> <p style="text-align: center;">64</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;"><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	Joyce Thacker  Tom Cray	<p>The risk relating to the commissioning of some Children's Services increased due to a halt on some contracts as a result of £2.1m reduction in Area Based Grant. All contracts will be reviewed to ensure exit strategies are up to date and applied where appropriate. Position adversely affects chances of achieving commissioning objectives. Assistance being given from commissioning staff from NAS.</p> <p>The Council is currently undertaking a review of policy and performance resources across the Council and this will now also include commissioning, the aim is to ensure that the Council is adequately resourced to take a strategic approach to commissioning. The review is ongoing and new structures should be agreed in October and implemented in 2011, by end March at the latest.</p> <p>A VFM review of commissioning is also underway which will set some clear priorities for commissioning activity to deliver improved outcomes and better VFM</p>	<p style="text-align: center;"><b>R E D</b></p> <p style="text-align: center;">60</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;"><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>													
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45	2010 Finance & Service Performance	Adverse impact on Housing Revenue Account balance sheet.	<b>R E D</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">56</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div></div>	David Richmond	<p>2010 Core costs have been reduced and are in line with projected budget.</p> <p>Costs associated with the capital programme are projected to be less than originally anticipated.</p>	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">42</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div></div>													
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46	In House Service Provider	Continual financial deficit and regulatory risks as it has been continually flagged up by the Audit Commission.	<b>R E D</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">52</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"><div style="background-color: yellow; border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div></div>	David Richmond	<p>Repairs &amp; Maintenance Procurement Process is nearing completion with mobilisation expected in November.</p> <p>Contracts have come in within available budget and significant costs reduction will result.</p>	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">40</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div></div>													
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51	Carbon Reduction Commitment (CRC)	Risk of non compliance with Carbon Reduction Order due to inaccurate projections of consumption and inadequate funding.	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">48</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>	Andrew Bedford	<p>Carbon Reduction Fund to be set up. Energy Efficiency Policy to be developed. CRC baseline to be determined. Training course being organised.</p> <p>Registration for the scheme is complete no penalty will be incurred. A new Energy Efficiency officer has been appointed (funded post) to assist with identifying energy reductions &amp; engaging with staff, clients, customers and schools to encourage energy efficiency. Systems already in place to produce the data required for the scheme. A strategy will be developed for trading using available data and forecasts and this will firm up the required budgets going forward.</p> <p>Risk is lowering in terms of our ability to participate in the scheme and produce accurate data. Available finance is a risk though given our future budget challenges.</p>	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">30</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>													
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Ref	Risk Area	Current Risk	Current Risk Assessment	Lead Officer	Mitigating Controls & Current Position	After Man't Control
<b>Cross Cutting</b>						
52	Local Area Agreement 08-11	Risk that the Local Area Agreement targets are not met.	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">44</div> Previous periods: -3   -2   -1 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Matt Gladstone	<p>Quarterly performance reporting to the Strategic Leadership Team, Cabinet and PSOC. Improvement plans in place and managed by the Local Strategic Partnership Theme Boards with support from the LSP's Chief Executives' Group. Performance Clinics are available as and when required.</p> <p>The future of the LAA is unclear and current guidance from the Department for Communities and Local Government states that no decision has yet been taken on the future of the LAA with discussion tied up with CSR 2010.</p> <p>Indications suggest that there will be freedom to set local targets and measures. The Community strategy is now being reviewed and local measures will be considered as part of this refresh.</p>	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">28</div> Previous periods: -3   -2   -1 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Ref	Risk Area	Current Risk	Current Risk Assessment	Lead Officer	Mitigating Controls & Current Position	After Man't Control													
<b>Cross Cutting</b>																			
53	EDRMS - Failure to implement EDRMS effectively across the Council.	Risk to Accommodation Strategy and WorkSmart Programme and unable to realise savings.	<b>A M B E R</b>  <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center;">33</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>	Andrew Bedford	<p>First phase of the project successfully completed including full information audit and production of a draft file plan.</p> <p>A Steering Group with representation from all Directorates and RBT has been established and is meeting monthly to drive the programme forwards. Draft project plan produced setting out the roll out plan for DRM across all Directorates in the run up to the opening of the new building.</p> <p>Project management arrangements are being established.</p>	<b>G R E E N</b>  <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center;">16</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>													
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<b>Cross Cutting</b>																			
55	Maximising the value from the renegotiated RBT contract	Failure to fully realise the benefits of the strategic partnership with BT.	<b>A M B E R</b>  <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center;">36</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>	Andrew Bedford	<p>Strong partnership governance arrangements and strengthened client arrangements in place.</p> <p>Further development of benchmarking to ensure value for money.</p> <p>Developing Joint Forward Plan.</p> <p>Exploring synergies with other BT sites.</p>	<b>G R E E N</b>  <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center;">24</div> Previous periods: -3   -2   -1 <div style="display: flex; justify-content: space-around; width: 100px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>													
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58	Response to DFE notice to improve	<p>Future intervention from OFSTED/DFE.</p> <p>Children exposed to inadequately managed risk.</p> <p>Council exposed to financial and reputational risks.</p> <p>Impact on future inspection outcomes.</p>	<b>R E D</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">72</div>	Joyce Thacker	<p>Compliance with requirements of Children's Act. Ensuring that targets for attainment are achieved.</p> <p>Increase in carers by March 2010 as a result of investment in 2009/10. Analysis of need being undertaken to inform more targeted recruitment in new campaign 2010.</p> <p>Multi-agency child protection procedures are fully implemented and embedded.</p> <p>Service improvement and school attainment improvement plan is monitored fortnightly internally and monthly by DFE. Milestones meeting confirmed that Ministers felt progress was satisfactory. Loss of funding could create a risk to continuing improvement.</p> <p>Fostering inspection June 2010 outcome satisfactory. Safeguarding and Looked After Children (LAC) inspection July 2010 outcome satisfactory. Action plans in place.</p> <p>If achievements and progress remain on trajectory against target, it may be possible that Ministers will remove Notice to Improve. Review meeting scheduled for December 2010.</p>	<b>A M B E R</b>  <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">42</div>																									
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<b>CYPS</b>																			
59	CYPS Resources	Insufficient and Ineffective use of resources to meet statutory and moral obligations due to focus on high priority services.	<b>R E D</b>  <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center;">80</div>  Previous periods: -3 <span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> -2 <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> -1 <span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span>	Joyce Thacker	<p>Additional funding made into the service in 2010/11 and plans are being implemented to improve the use of existing resources. Regular monitoring and reporting of risks and progress to Cabinet, Scrutiny and Directorate Leadership Team.</p> <p>A review of partnerships and contributions is being undertaken.</p> <p>Savings work programme being implemented in key areas where savings have either already been assumed in budget setting or need to be delivered. All high spend areas are under review but these are mainly volatile and related to children in care.</p> <p>Due to high proportion of at risk grant funding we are looking at all non statutory services to assess the need to continue. Risk is growing as grant funding starts to be withdrawn before scheduled date.</p> <p>Risks continue to rise as despite reducing some previous Looked After Children (LAC), September has seen an increase due to court ordered placements being required, with a net effect of LAC numbers reaching an all time high.</p>	<b>R E D</b>  <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center;">64</div>  Previous periods: -3 <span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> -2 <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> -1 <span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span>													
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<b>CYPS</b>																				
60	<p>'Machinery of Government' – the transfer of services to the local authority, including funding and regulation of 6<sup>th</sup> form colleges, 16-19 funding and delivery of some young people's learning services</p> <table border="1"> <tr> <td>L</td> <td>Ac</td> <td>Al</td> <td>S</td> <td>P</td> <td>SD</td> <td>F</td> </tr> <tr> <td>√</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	L	Ac	Al	S	P	SD	F	√							<p>Inadequate infrastructure and lack of clarity creates a lack of capacity to deliver key responsibilities.</p> <p>This could lead to failure to undertake critical tasks and impact on planning to put in place commissioning and allocation processes.</p>	<p><b>R E D</b></p> <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center;">64</div> <p>Previous periods: -3   -2   -1</p> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: white;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: white;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: red;"></div> </div>	Joyce Thacker	<p>Expert groups established sub regionally with clearly defined remits. Production of a sub regional action plan for 2010/11 by July 2010. Participation within sub regional planning group (monitor and develop action plan) monthly.</p> <p>Report to Directors of Children's Services every term on progress and action required by individual Authorities. Attendance at change group meetings with other directorates as required.</p> <p>Weekly meetings with the Young People's Learning Agency re critical developments. Transfer and integration of staff from the Learning and Skills Council to resolve.</p> <p>Quarterly contract performance management and skills funding agency reporting set up. Change management reporting to Directorate Leadership Team and Cabinet as required.</p> <p>Report submitted to Cabinet Member and Scrutiny advising of services only recently transferred to RMBC moving back out to Young Peoples Learning Agency and Skills funding Agency.</p>	<p><b>A M B E R</b></p> <div style="border: 1px solid black; width: 40px; margin: 0 auto; text-align: center;">33</div> <p>Previous periods: -3   -2   -1</p> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: white;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: white;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; background-color: yellow;"></div> </div>
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<b>EDS</b>						
61	Community Stadium	<p>Failure by Rotherham UFC to secure funding to build a stadium, resulting in a lack of a crucial community facility. The site will not be purchased if the lease is not acceptable to the club.</p> <p>No provision has been made in the Council's MTFs for the payback of the bond, should the football club fail to move back into Rotherham.</p> <p>Reputation damage.</p>	<p style="text-align: center;"><b>A M B E R</b></p> <p style="text-align: center;">39</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;">□ □ □</p>	Karl Battersby	<p>The Council and the land owner are close to finalising the conditions of land acquisition. If the build subsequently falls through, the land ownership would revert to RMBC.</p> <p>RMBC would then be liable for the listed building and would need to identify funding for maintenance, restoration and security etc.-</p> <p>The purchase of the site from Evans of Leeds has been successfully negotiated, and the planning application is due to be considered by Planning Board on the 4th November.</p>	<p style="text-align: center;"><b>A M B E R</b></p> <p style="text-align: center;">30</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;">□ □ □</p>
<b>EDS</b>						
62	Civic Centre - WorkSmart Project	<p>Parts of the new building are not taken up. The existing estate remains partly occupied.</p> <p>Incomplete adoption of WorkSmart practices.</p>	<p style="text-align: center;"><b>A M B E R</b></p> <p style="text-align: center;">38</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;">□ □ □</p>	Karl Battersby	<p>Effective leadership and adoption by departments of WorkSmart.</p> <p>Effective project management- contractual and logistical tasks re: detail programmes.</p> <p>Continuation of Chief Executive led steering group, with appropriate sponsorship also governance.</p>	<p style="text-align: center;"><b>G R E E N</b></p> <p style="text-align: center;">16</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;">□ □ □</p>

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<b>EDS</b>																			
63	Cultural Quarter	<p>Cultural Quarter affordability.</p> <p>Forge Island option is unaffordable before 2015, requiring a temporary solution at least until that time. Otherwise the deal cannot proceed.</p>	<p style="text-align: center;"><b>R E D</b></p> <p style="text-align: center;">64</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;">□ □ □</p>	Karl Battersby	<p>Cost and plan a medium term solution utilizing Bailey House to receive displaced services e.g. library, regimental museum, archives and storage</p> <p>A number of options have been explored, and Cabinet considered a report on these on 21 July.</p> <p>It was agreed on 10 August that the library would re locate to Riverside house and that we would keep the existing Civic Theatre in the medium term.</p>	<p style="text-align: center;"><b>R E D</b></p> <p style="text-align: center;">60</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;">□ □ □</p>													
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L	Ac	Al	S	P	SD	F													
√																			
64	Managing budget adjustments	<p>Failure to deliver relevant services and achieve substantial budget reductions.</p> <p>Change management relating to the service adjustments necessary.</p>	<p style="text-align: center;"><b>R E D</b></p> <p style="text-align: center;">64</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;">□ □ □</p>	Andrew Bedford	<p>Given highest priority through the Strategic Leadership Team and Cabinet having an ongoing focus on Government announcements made and by considering future options for services.</p> <p>Additional actions to mitigate the impact of budget reductions are being identified and implemented.</p>	<p style="text-align: center;"><b>A M B E R</b></p> <p style="text-align: center;">33</p> <p>Previous periods: -3 -2 -1</p> <p style="text-align: center;">□ □ □</p>													
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<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet</b>
<b>2.</b>	<b>Date:</b>	<b>3rd November 2010</b>
<b>3.</b>	<b>Title:</b>	<b>Mid Year Treasury Management and Prudential Indicators Monitoring Report 2010/11</b>
<b>4.</b>	<b>Directorate:</b>	<b>Financial Services</b>

### **5. Summary**

Revisions to the regulatory framework of treasury management during 2009 introduced a requirement that the Council receive a mid year treasury review, in addition to the forward looking annual treasury strategy and backward looking annual treasury report required previously.

This report meets that revised requirement. It also incorporates the needs of the Prudential Code to ensure adequate monitoring of the capital expenditure plans and the Council's prudential indicators (PIs).

The report is structured to highlight the key changes to the Council's capital activity (the PIs), the economic outlook and the actual and proposed treasury management activity (borrowing and investment).

### **6. Recommendation**

**Cabinet is asked to:**

- **Note the report and recommend that Council approve the revised prudential indicators.**

## **7. Proposals and Details**

The Strategic Director of Finance has delegated authority to carry out treasury management activities on behalf of the Council and this report is produced in order to comply with the CIPFA Code of Practice in respect of Treasury Management in Local Authorities and the “Prudential Code”.

## **8. Finance**

Treasury Management forms an integral part of the Council’s overall financial arrangements.

The assumptions supporting the capital financing budget for 2010/11 and for future years covered by the Council’s MTFS were reviewed in light of economic and financial conditions and the future years’ capital programme.

The Treasury Management and Investment Strategy is not forecasted to have any further revenue consequences than those identified and planned for in both the Council’s 2010/11 Revenue Budget and approved MTFS.

## **9. Risks and Uncertainties**

Regular monitoring will ensure that risks and uncertainties are addressed at an early stage and hence kept to a minimum.

## **10. Policy and Performance Agenda Implications**

Effective treasury management will assist in delivering the Council’s policy and performance agenda.

## **11. Background Papers and Consultation**

Audit Committee 20 October 2010  
CIPFA Code of Practice for Treasury Management in Local Authorities  
Local Government Act 2003  
CIPFA “Prudential Code”

**Contact Name: Derek Gaffney, Chief Accountant, ext 7422005 or 22005  
derek.gaffney@rotherham.gov.uk**

## **Mid Year Prudential Indicators and Treasury Management Monitoring Report**

### **1. Introduction and Background to the Report**

- 1.1 Revisions to the regulatory framework of treasury management during 2009 introduced a requirement that the Council receive a mid year treasury review, in addition to the forward looking annual treasury strategy and backward looking annual treasury report required previously.
- 1.2 This report meets that revised requirement. It also incorporates the needs of the Prudential Code to ensure adequate monitoring of the capital expenditure plans and the Council's prudential indicators (PIs). The treasury strategy and PIs were previously reported to Audit Committee, Cabinet and Council in February/March 2010.
- 1.3 The capital expenditure plans and prudential indicators for capital expenditure are set out initially, as these provide the framework for the subsequent treasury management activity. The actual treasury management activity follows the capital framework (and the position against treasury management indicators shown at the end).
- 1.4 The underlying purpose of the report supports the objective in the revised CIPFA Code of Practice on Treasury Management and the CLG Investment Guidance. These state that Members receive and adequately scrutinise the treasury management service.
- 1.5 The underlying economic environment remains difficult for the Council, foremost being the improving, but still challenging, concerns over investment counterparty risk. This background encourages the Council to continue maintaining investments short term and with high quality counterparties. The downside of such a policy is that investment returns remain low.
- 1.6 The Strategic Director of Finance can report that the basis of the treasury management strategy, the investment strategy and the PIs are not materially changed from that set out in the approved Treasury Management Strategy (February '10).

### **2. Key Prudential Indicators**

- 2.1. This part of the report is structured to update:
  - The Council's capital expenditure plans;
  - How these plans are being financed;
  - The impact of the changes in the capital expenditure plans on the PIs and the underlying need to borrow; and
  - Compliance with the limits in place for borrowing activity.



## 2.2 Capital Expenditure (PI)

2.2.1 This table shows the revised estimates for capital expenditure and the changes since the capital programme was agreed at the Budget.

Capital Expenditure by Service	2010/11 Original Estimate £m	2010/11 Revised Estimate £m
Children & Young People's Services	24.695	20.769
Environmental & Development Services	37.822	37.776
Neighbourhoods & Adult Services	42.536	47.812
Financial Services	5.598	6.210
<b>Total</b>	<b>110.651</b>	<b>112.567</b>

## 2.3 Impact of Capital Expenditure Plans

### Changes to the Financing of the Capital Programme

2.3.1 The table below draws together the main strategy elements of the capital expenditure plans (above), highlighting the expected financing arrangements of this capital expenditure. The borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

Capital Expenditure	2010/11 Original Estimate £m	2010/11 Revised Estimate £m
Total spend	110.651	112.567
<b>Financed by:</b>		
Capital receipts	0.673	3.635
Capital grants, capital contributions & other sources of capital funding	66.422	60.928
Total Financing	67.095	64.563
<b>Borrowing Need</b>	<b>43.556</b>	<b>48.004</b>
Supported Borrowing	14.459	13.957
Unsupported Borrowing	29.097	34.047
<b>Borrowing Need</b>	<b>43.556</b>	<b>48.004</b>

2.3.2 Actual expenditure in 2009/10 was less than anticipated and thus the increase in borrowing need for 2010/11 reflects the re-profiling of projects within the approved capital programme.

### Changes to the Capital Financing Requirement (PI), External Debt and the Operational Boundary (PI)

2.3.3 The table below shows the CFR, which is the underlying external need to borrow for a capital purpose. It also shows the expected debt position over the period. This is termed the Operational Boundary.

#### Prudential Indicator – Capital Financing Requirement

2.3.4 A key accounting change for 2009/10 was the inclusion of the Council's PFI schemes and similar arrangements on the Council's balance sheet. This has the effect of increasing the Council's borrowing need, the CFR. No borrowing is actually required against these schemes as a borrowing facility is already included in the contract. The adjustments required were finalised during the 2009/10 accounts closedown and therefore were not reflected in the original indicator for 2010/11. The estimate for 2010/11 has been revised to incorporate this change and the effect of the increased borrowing need.

#### Prudential Indicator – External Debt / the Operational Boundary

RMBC	2010/11 Original Estimate £m	Current Position £m	2010/11 Revised Estimate £m
<b>Prudential Indicator – Capital Financing Requirement</b>			
CFR – Non Housing	294.709		300.002
CFR – Housing	286.790		286.346
Total CFR excluding PFI and similar arrangements	581.499		586.347
Net movement in CFR	32.305		36.875
Total CFR excluding PFI and similar arrangements	581.499		586.347
Cumulative adjustment for PFI and similar arrangements	-		114.146
Total CFR including PFI and similar arrangements	-		700.493
<b>Prudential Indicator – External Debt / the Operational Boundary</b>			
Borrowing	681.499	427.636	496.069
Other long term liabilities*	-	114.146	114.146
Total Debt 31 March	681.499	541.782	610.215

\* - Includes on balance sheet PFI schemes and similar arrangements, etc. N.b. the original indicator excluded PFI and similar arrangements as the information was unavailable (see para. 2.3.4).

Former SYCC	2010/11 Original Estimate £m	Current Position £m	2010/11 Revised Estimate £m
<b>Prudential Indicator – External Debt / the Operational Boundary</b>			
Borrowing	96.412	96.412	96.412
Other long term liabilities	0	0	0
Total Debt 31 March	96.412	96.412	96.412

### 3. Limits to Borrowing Activity

- 3.1 The first key control over the treasury activity is a PI to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Net external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2010/11 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent to do so.

RMBC	2010/11 Original Estimate £m	Current Position £m	2010/11 Revised Estimate £m
Gross Borrowing	491.499	427.636	496.069
Plus Other Long Term liabilities*	-	114.146	114.146
Less Investments	40.000	14.850	40.000
Net Borrowing	451.499	526.932	570.215
CFR* (year end position)	581.499	700.493	700.493

\* - Includes on balance sheet PFI schemes and similar arrangements, etc. N.b. the original indicator excluded PFI and similar arrangements as the information was unavailable (see para. 2.3.4).

- 3.2 The Strategic Director of Finance reports that no difficulties are envisaged for the current or future years in complying with this PI.
- 3.3 A further PI controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Authorised limit for external debt (RMBC + Former SYCC)	2010/11 Original Indicator £m	Current Position £m	2010/11 Revised Indicator £m
Borrowing	726.315	524.048	592.481
Other long term liabilities*	0	114.146	114.146
Total	726.315	638.194	706.627

\* - Includes on balance sheet PFI schemes and similar arrangements, etc. N.b. the original indicator excluded PFI and similar arrangements as the information was unavailable (see para. 2.3.4).

#### 4. Interest Rate Movements and Expectations

- 4.1 UK short-term interest rates fluctuated in a very narrow range in the first half of the financial year. Bank Rate was held at its record low of 0.5% in spite of above target inflation and evidence of a recovery in activity in most industrialised economies and is expected to remain on hold for a considerable time.
- 4.2 Long-term interest rates peaked in the early stages of the financial year but have fallen back since. Although rates might be pressured lower by the effect of a fresh programme of Quantitative Easing they are still considered to be at their low point.

#### Medium-Term Rate Estimates

Annual Average %	Bank Rate	Money Rates		PWLB Borrowing Rates		
		3 month	1 year	5 year	20 year	50 year
2009/10	0.5	0.7	1.3	3.0	4.4	4.5
2010/11	0.5	0.7	1.5	2.4	4.2	4.3
2011/12	1.1	1.3	2.2	3.1	4.8	4.9
2012/13	2.3	2.5	3.3	4.0	5.0	5.1
2013/14	3.3	3.5	4.0	4.5	5.0	5.0
2014/15	4.0	4.2	4.5	4.8	5.0	5.0
2015/16	4.0	4.2	4.5	4.5	4.8	4.7

## 5. Treasury Strategy 2010/11 – 2012/13

### 5.1 Debt Activity during 2010/11

5.1.1 The expected borrowing need is set out below:

RMBC	2010/11 Original Estimate £m	Current Position £m	2010/11 Revised Estimate £m
CFR (year end position)	581.499	700.493	700.493
Less Other Long Term Liabilities*	-	114.146	114.146
Net Adjusted CFR (y/e position)	581.499	586.347	586.347
Borrowed at 30/09/10	439.194	427.636	427.636
Under borrowing at 30/09/10	142.305	158.711	158.711
Borrowed at 30/09/10	439.194		427.636
Estimated to 31/03/11	52.305		68.433
Total Borrowing	491.499		496.069
Under borrowing at 31/03/11	90.000		90.278

\* - Includes on balance sheet PFI schemes and similar arrangements, etc. N.b. the original indicator excluded PFI and similar arrangements as the information was unavailable (see para. 2.3.4).

5.1.2 The Council is currently under-borrowed although it is still anticipated this may be reduced by the end of the financial year. The delay reduces the cost of carrying the borrowed monies when yields on investments are low but borrowing rates are higher. There is also an interest rate risk, as longer term borrowing rates may rise, but this position is being monitored and the overall position carefully managed.

5.1.3 During the first half of 2010/11 the Council has taken advantage of longer term borrowing rates with the following borrowings:

Lender	Principal	Type	Interest Rate	Maturity
PWLB	£10m	Fixed interest rate	3.17%	7 years & 6 months
PWLB	£5m	Fixed interest rate	2.18%	5 years & 9 months
PWLB	£5m	Fixed interest rate	2.82%	8 years & 5 months

5.1.4 The Council has also repaid a PWLB loan of £5m with an interest rate of 4.22% when it matured. To date this has not been replaced.

5.1.5 There has been no restructuring or early repayment existing debt.

## 6. Investment Strategy 2010/11 – 2012/13

6.1 **Key Objectives** – The objectives of the Council’s investment strategy are the safeguarding the re-payment of the principal and interest of its investments on time – the investment return being a secondary objective. Following on from the economic background above, the current investment climate has one over-riding risk consideration, that of counterparty risk. As a result of these underlying concerns officers continue to implement an operational investment strategy which tightens the controls already in place in the approved investment strategy.

6.2 **Current Investment Position** - The Council’s held £14.85m of investments at 30 September 2010 (excluding Icelandic Banks), and the constituent parts of the investment position are:

Sector	Country	Up to 1 year £m	1 - 2 years £m	2 – 3 years £m
<b>Banks</b>	UK	2.00	0	0
<b>DMO</b>	UK	5.35	0	0
<b>Local Authorities</b>	UK	7.50	0	0
<b>Total</b>		14.85	0	0

6.3 **Risk Benchmarking** – A regulatory development is the consideration and approval of security and liquidity benchmarks. Yield benchmarks are currently widely used to assess investment performance. Discrete security and liquidity benchmarks are new requirements to the Member reporting.

The following reports the current position against the benchmarks.

6.3.1 **Security** – The Council monitors its investments against historic levels of default by continually assessing these against the minimum criteria used in the investment strategy. The Council’s approach to risk, the choice of counterparty criteria and length of investment ensures any risk of default is minimal when viewed against these historic default levels.

6.3.2 **Liquidity** – In respect of this area the Council set liquidity facilities/benchmarks to maintain:

- Bank overdraft - £10m
- Liquid short term deposits of at least £3m available with a week’s notice.

The Strategic Director of Finance can report that liquidity arrangements were adequate during the year to date.

### 6.3.3 Yield – Local measures of yield benchmarks are:

- Investments – Internal returns above the 7 day LIBID rate

The Strategic Director of Finance can report that the return to date averages 0.40%, against a 7 day LIBID to end September 2010 of 0.425%. This is reflective of the Council's current approach to risk whereby security has been maximised by using the Debt Management Office and other Local Authorities as the principal investment counterparties.

## 7. Revisions to the Investment Strategy

- 7.1 The counterparty criteria are continually under regular review but in the light of the current market conditions no recommendations are being put to Members to revise the Investment Strategy.

## 8. Treasury Management Prudential Indicators

- 8.1 **Actual and estimates of the ratio of financing costs to net revenue stream** – This indicator identifies the trend in the cost of capital (financing costs net of interest and investment income) against the net revenue stream.

	2010/11 Original Indicator %	2010/11 Revised Indicator %
Non-HRA	10.40	10.04
HRA	15.28	15.09

- 8.2 Both revised indicators reflect the impact of borrowing at rates less than originally anticipated for 2010/11.

### 8.3 Prudential indicator limits based on debt net of investments

- **Upper Limits On Fixed Rate Exposure** – This indicator covers a maximum limit on fixed interest rates.
- **Upper Limits On Variable Rate Exposure** – Similar to the previous indicator this identifies a maximum limit for variable interest rates based upon the debt position net of investments.

RMBC	2010/11 Original Indicator	Current Position	2010/11 Revised Indicator
<b>Prudential indicator limits based on debt net of investments</b>			
Limits on fixed interest rates based on net debt	100%	83.28%	100%
Limits on variable interest rates based on net debt	30%	26.18%	30%

- 8.4 **Maturity Structures Of Borrowing** – These gross limits are set to reduce the Council's exposure to large fixed rate loans (those instruments which carry a fixed interest rate for the duration of the instrument) falling due for refinancing.

RMBC	2010/11 Original Indicator		Current Position	2010/11 Revised Indicator	
	Lower	Upper		Lower	Upper
<b>Maturity Structure of fixed borrowing</b>					
Under 12 months	0%	20%	4.46%	0%	20%
12 months to 2 years	0%	25%	4.46%	0%	25%
2 years to 5 years	0%	30%	7.43%	0%	30%
5 years to 10 years	0%	35%	14.86%	0%	35%
10 years to 20 years	0%	40%	4.46%	0%	40%
20 years to 30 years	0%	45%	6.92%	0%	45%
30 years to 40 years	0%	50%	1.49%	0%	50%
40 years to 50 years	10%	60%	25.65%	10%	60%
50 years and above	30%	100%	30.30%	15%	100%

- 8.4.1 Due to the availability of fixed rate borrowing for periods beyond 50 years it is recommended the lower limit on fixed borrowing is reduced to 15%.

- 8.4.2 In 2010/11 as in previous years the original limits were set as jointly applicable to the combined Council and the former SYCC debt. The former SYCC account is due to be wound up by the end of 2020/21 thus the purpose behind setting limits to reduce short-term refinancing risk is less applicable under these circumstances.

- 8.4.3 The maturity structure is now largely fixed as the need and indeed opportunities to re-finance within the remaining 11 years will be limited. As a result future limits will be set in line with the on-going maturity profile.

Former SYCC	2010/11 Original Indicator		Current Position	2010/11 Revised Indicator	
	Lower	Upper		Lower	Upper
<b>Maturity Structure of fixed borrowing</b>					
Under 12 months	0%	20%	0%	0%	0%
12 months to 2 years	0%	25%	0%	0%	0%
2 years to 5 years	0%	30%	0%	0%	0%
5 years to 10 years	0%	35%	79.58%	0%	85%
10 years to 20 years	0%	40%	-	-	-
10 years to 11 years	-	-	20.42%	0%	25%
20 years to 30 years	0%	45%	-	-	-
30 years to 40 years	0%	50%	-	-	-
40 years to 50 years	10%	60%	-	-	-
50 years and above	30%	100%	-	-	-



8.5 **Total Principal Funds Invested** – These limits are set to reduce the need for early sale of an investment, and show limits to be placed on investments with final maturities beyond each year-end.

RMBC	2010/11 Original Indicator £m	Current Position £m	2010/11 Revised Indicator £m
<b>Maximum principal sums invested &gt; 364 days<sup>1</sup></b>	12	12	12
Comprising			
Cash deposits	12	0	12
Forward purchase agreements	0	0	0

<sup>1</sup> Maximum limit of 100% applies to each period. The principal amount given is the limit for investments that have maturities of longer than one year at year end.

8.5.1 The Council currently has no sums invested for periods exceeding 364 days due to market conditions. To allow for any changes in those conditions the indicator has been left unchanged.

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet</b>
<b>2.</b>	<b>Date:</b>	<b>3<sup>rd</sup> November 2010</b>
<b>3.</b>	<b>Title:</b>	<b>Requirement to Publish Spend &gt; £500</b>
<b>4.</b>	<b>Directorate:</b>	<b>Financial Services</b>

## **5. Summary**

As part of its *open data agenda*, the Secretary of State for Communities and Local Government wrote to all local authorities in June 2010 committing them to publish items of spending over £500 including tenders, contracts and actual payments by January 2011. The government has also recently announced its intention to publish certain information on salaries by this date. This report does not consider this aspect of the open data agenda which is being considered by Strategic HR and RBT HR/Payroll.

A previous report to SLT indicated the intention of publishing the Council's actual payments greater than £500 using internal resources. Subsequent to that report, further regulatory guidance has been released and there has been an opportunity to meet with a specialist, external data analyst, Spikes Cavell whom currently provide the Council with data analyst services for the Procurement activity. This report looks at the potential business benefits and mitigation of adverse risks that could be achieved by using, Spikes Cavell, to process and publish our spend data via their 'Spot Light on Spend' website.

## **6. Recommendations**

**It is recommended that:-**

- a) Cabinet note the contents of this report.**
- b) Approve the publication of the Council's Contracts and actual payments over £500 using Spikes Cavell to process and publish our data via their 'spotlight on spend' website**
- c) Agree that the Council should begin publishing data commencing in November 2010**
- d) To agree that the Performance & Project officer (Transformation & Strategic Partnerships) works with RIEP to secure funding and works with directorates to populate the Contracts database.**
- e) Agree the presentation of the report to PSOC.**

## 7. Proposals and Details

The Government requires all Councils to publish contracts and actual payments above £500 by January, 2011. Previously, Cabinet agreed that the Council should begin publishing data commencing from November 2010 in the format outlined in **Appendix 1**. Since this point further guidance has been issued and publicised by the Local Government Group.

To now achieve the internal publication of actual payments data (on a monthly basis) would require directorates, working with Financial Services, to define and assign a supplier classification to approximately 16,500 existing supplier records as well as any new suppliers. In addition, for each report to be published there is a requirement to examine every payment record and redact any personal information to comply with Data Protection legislation. To meet these requirements will potentially absorb considerable internal resources while not sufficiently reducing the risk of non compliance with legislation

As a current user of the Spikes Cavell's "The Observatory", it was identified that they are able to act as a service provider to publish the contracts and actual spend over £500 on our behalf.

### **Spikes Cavell Ltd**

Using semi-automated and industry classification standards, Spikes Cavell will manage the publication of our data through an intuitive and easy to use web application that is hosted by them which can be accessed by the general public through the Council's web site. The company is currently working with about 15 other local authorities to provide these services and the 'spotlightonspend' website has received positive feedback from the professional media.

**Appendix 2** provides some example screen shots and a private and confidential link to the 'Spotlightonspend' website which provides an analysis of the Council's 2009/10 data. It should be noted that at this stage there has been no validation of the supplier classifications used to ensure they are relevant.

The potential business benefits of using Spikes Cavell to process and publish the Council's data are:-

<b>Compliance</b>	<ul style="list-style-type: none"> <li>▪ Spikes Cavell is the leading supplier of spend management solutions to the public sector and have many years experience of analysing procurement and spend data nationally and in Rotherham.</li> <li>▪ The information is published to the Government Connect website.</li> <li>▪ 100% compliance with all mandatory publishing requirements.</li> <li>▪ Responsiveness to on-going central government compliance requirements with new enhancements being released every six weeks.</li> <li>▪ Reduces the risk of the Council accidentally publishing sensitive or mis-classified spend due to the level of expert scrutiny the data will be subjected to</li> <li>▪ The data is published on Spotlight on Spend, data.gov.uk and the raw data is available as a compliant machine readable download so as to meet the government's requirement for open standards.</li> <li>▪ Minimises the risk to the Council of not being able to publish or publishing data that does not meet revised government guidance. It is likely that the open data agenda will continue to increase the volume/ requirements of data that will need to be published by local authorities</li> </ul>
<b>Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Better identification of opportunities for collaborative procurement</li> <li>▪ Better identify further opportunities for corporate procurement</li> <li>▪ Enhance insight into helping manage Council spend into the future</li> <li>▪ Semi-automated processes and specialist data analysts are used to cleanse and classify our data using nationally recognised classification databases.</li> <li>▪ Public access to a website which is quick and easy to navigate and it is expected to reduce the number of FOI requests due to the 'self service' approach.</li> </ul>
<b>Comparison</b>	<ul style="list-style-type: none"> <li>▪ Regional partners considering using the system and so would provide a degree of regional consistency. So far 15 local authorities are using the facility</li> <li>▪ The information is published on their Spot Light on Spend website used by other local authorities.</li> <li>▪ The data is used to provide comparative metrics e.g. spend with SMEs, % Local spend, spend against other Council's.</li> </ul>

## **Publishing of Supplementary information**

Authorities are also expected to publish new contract & procurement information from January 2011. In discussions with Spikes Cavell, the company has recently developed a Contracts module to meet the recent guidance. The module would:

- provide a method of capturing all the Council's contracts (the Council does not have a central contracts register)
- improve metrics reporting e.g. comparison of contract and maverick spend.
- Provide a means to identify and performance manage spend that should have but does not have a contract in place.
- Support and encourage further collaborative procurement on a regional basis.

As a Procurement performance tool, it is anticipated that the Transformation & Strategic Partnerships Team will implement and own the module and work with directorates to capture and then maintain all relevant contract information.

## **8. Finance**

The annual cost of working with Spikes Cavell would be £8,310 for the provision of the Contracts Module and the provision of monthly spend data (>£500) that will be published on the website. It is understood that the Y&H RIEP is now expected to provide funding to Local Authorities to undertake such spend analysis using Spikes Cavell. The company has confirmed that a refund or credit for any sum paid prior to funding being received would be returned to the council.

## **9. Risks and Uncertainties**

The use of Spikes Cavell in processing and publishing contract and spend data will help to mitigate the risk that the Council does not fully meet the evolving open data agenda and publicises data that breaches data protection legislation.

## **10. Policy and Performance Agenda Implications**

The publication of Council data via the Spotlight on spend website could provide the Council with an opportunity to contribute to the governments open data agenda and ensure compliance.

## **11. Background Papers and Consultation**

Letter from the Rt Hon Eric Pickles MP, Local Transparency, 4<sup>th</sup> June 2010  
Report to SLT – 28<sup>th</sup> June 2010

Local Spending Data guidance, posted 10th September 2010  
<http://data.gov.uk/blog/local-spending-data-guidance>

Local Transparency – A Practitioners Guide to publishing Local Spending Data,  
posted 1st October 2010 <http://lgtransparency.readandcomment.com/>

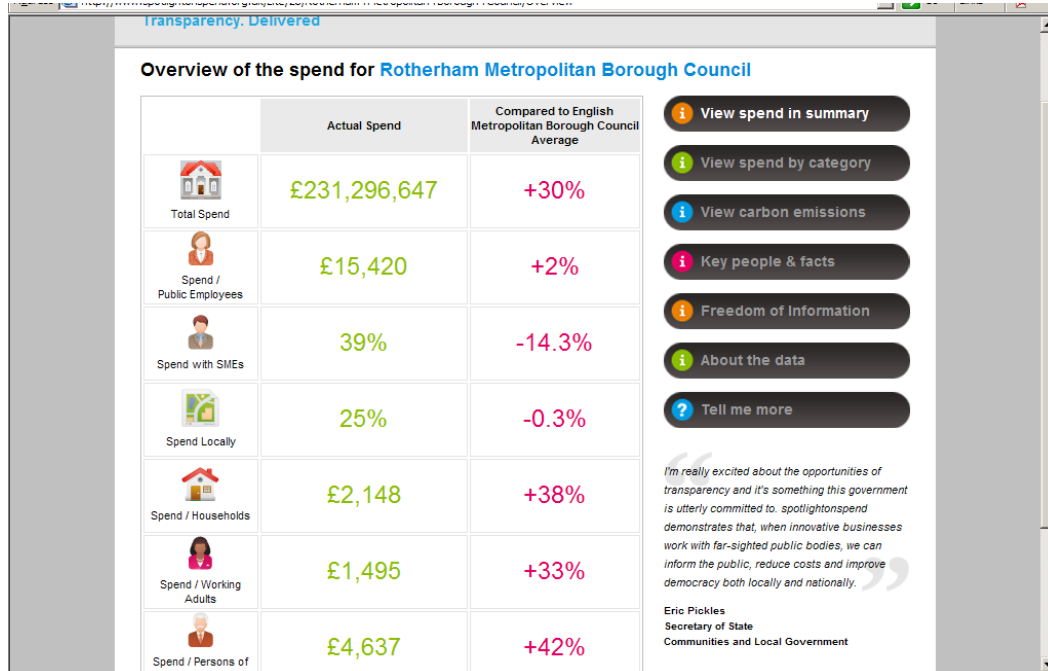
**Officer: Stuart Booth – Director of Central Finance, Ext 22034,  
stuart.booth@rotherham.gov.uk**

## Proposed Format of Data Published by RMBC

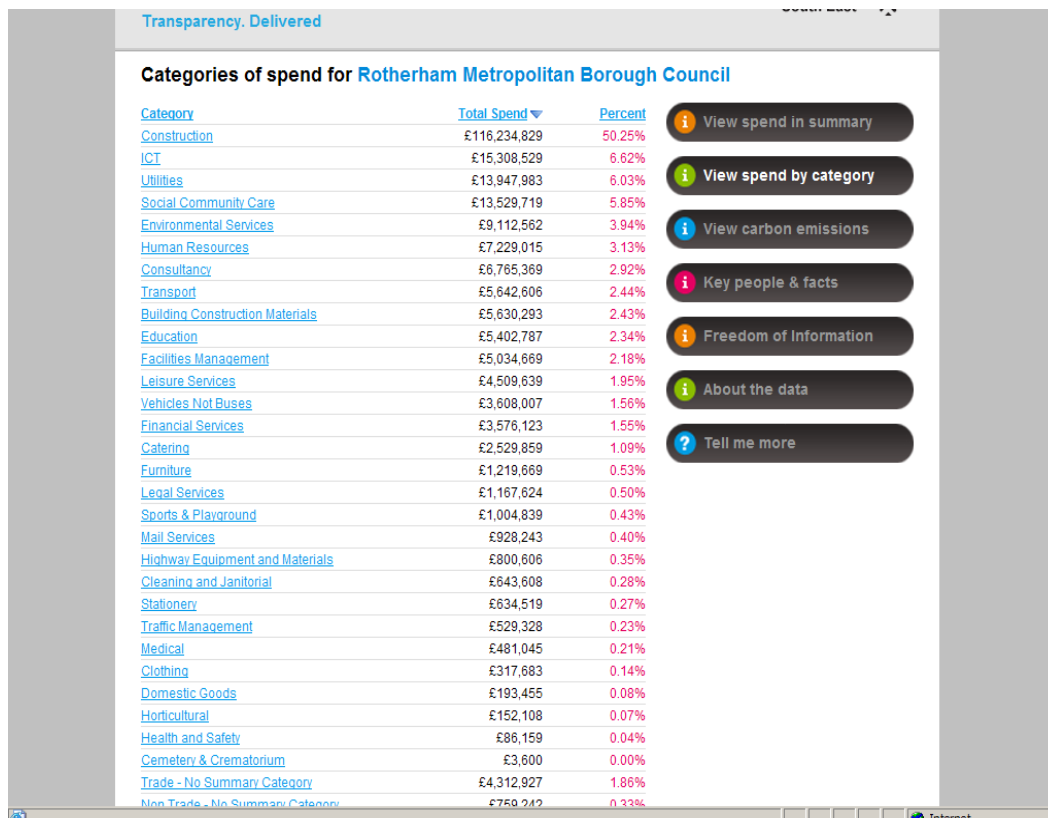
Directorate	Supplier Name	Invoice Description	Trans Gross Amount£	Tran Date	Document Reference
CYPS	FOSTER CARE ASSOCIATES LTD	Foster Care	7371.80	01/06/2010	0000259362
CYPS	QUANTUM CARE (UK) LTD	Foster Care	17733.00	01/06/2010	WD115
CYPS	WOODSETTS PRIMARY SCHOOL (RMBC)	TITANS COMMUNITY FOUNDATION	1000.00	01/06/2010	00280151
CEX/FIN	HARROGATE BOROUGH COUNCIL	Q4 0910 RIEP CLAIM 3003	7924.23	01/06/2010	00280807
CYPS	WINTERHILL SCHOOL (RMBC)	ESF 14-16 BROKERAGE	1514.53	01/06/2010	00280861
CYPS	WHISTON WORRYGOOSE J&I SCHOOL (RMBC)	FEDERATION FUNDING	75550.62	01/06/2010	00280184
CYPS	WALES PRIMARY SCHOOL (RMBC)	EXTENDED SERVICES	623.59	01/06/2010	00280315/1
CYPS	DINNINGTON COMPREHENSIVE (RMBC)	ESF 14-16 BROKERAGE FUND	2278.76	01/06/2010	00280911
CYPS	WALKER & CO	BILLY WILD	500.00	01/06/2010	00280912
CYPS	OAKWOOD TECHNOLOGY COLLEGE (RMBC)	ESF BROKERAGE FUND FOR MARCH 10	7517.15	01/06/2010	00280942
CEX/FIN	ROTHERSAVE CREDIT UNION LTD	PAYROLL	7819.48	01/06/2010	PD12687
CEX/FIN	YORKSHIRE WATER	YW NET AMOUNT COLLECTED 010610	17946.79	01/06/2010	YWPAYMENTS010610
ADULTS	SANCTUARY HOUSING ASSOCIATION	Soc. Services Invoice	2271.36	02/06/2010	spliv-1314 1

## Spotlight on Spend - RMBC 2009/10 data

Overall view showing total spend & possible metrics:



Highest category level





Spend with individual suppliers:

spotlightonspend  
Transparency. Delivered

Supported by  
Improvement and Efficiency  
South East

**Suppliers in the category of Telecommunication Services who supply Rotherham Metropolitan Borough Council**

Supplier	Total Spend	Percent
RBT (Connect) Ltd	£9,806,697	87.71%
British Telecommunications PLC	£723,068	6.47%
Virgin Media Ltd	£533,469	4.77%
Yhcc Telecom	£38,587	0.35%
Lloyds Business Communications	£20,696	0.19%
NT Independent Networks Ltd	£11,218	0.10%
Cable & Wireless Uk Ltd	£11,000	0.10%
Transglobal Uk Ltd	£9,129	0.08%
1ST Call Communications Ltd	£6,467	0.06%
Astracasting Ltd (F)	£6,280	0.06%
Redstone Communications Limited	£3,540	0.03%
Saturn Telecom	£3,520	0.03%
Truancy Call Limited	£2,462	0.02%
Excel Telecom Ltd (F)	£2,462	0.02%
Azzurri Communications Ltd	£1,342	0.01%
VTL (UK) Ltd	£1,171	0.01%
<b>£11,181,108</b>		

View spend in summary  
View spend by category  
View carbon emissions  
Key people & facts  
Freedom of Information  
About the data  
Tell me more

Powered by Spikes Cavell  
[Download](#) [Site terms & conditions](#) [Download terms & conditions](#) [Privacy](#) [Contact us](#)

Link to trial of RMBC published data:

<http://www.spotlightonspend.org.uk/Lite/28/Rotherham+Metropolitan+Borough+Council>

It should be noted that the data held on this site is for demonstration purposes only to give a flavour of what is possible. Please be aware that the data records are not in the public domain as it hosted on a test site and has only been subject to a 'light touch' of data scrutiny.

<b>ROTHERHAM BOROUGH COUNCIL – REPORT</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet</b>
<b>2.</b>	<b>Date:</b>	<b>3 November 2010</b>
<b>3.</b>	<b>Title:</b>	<b>Scrutiny Review - School Closure Due to Extreme Weather</b>
<b>4.</b>	<b>Directorate:</b>	<b>Chief Executive's All wards</b>

**5. Summary**

The report sets out the findings and recommendations of the scrutiny review into 'School closure due to extreme weather', undertaken by the Children and Young People's Scrutiny Panel. The report and findings was endorsed by Children and Young People's Scrutiny Panel and Performance and Scrutiny Overview Committee at their meetings of 15 October 2010 and 22 October 2010 respectively. The report is attached as Appendix 1.

**6. Recommendations**

- a. That Cabinet receives the report and recommendations**
- b. That the response of Cabinet to the recommendations be fed back to Children and Young People's Scrutiny Panel within two months of the report's submission to Cabinet.**

## **7. Proposals and Details**

**7.1** Last winter was confirmed as the coldest since 1978-79. The heavy snowfall on Tuesday 5<sup>th</sup> January 2010 and prolonged period of freezing temperature caused considerable disruption to a number of services, including schools, public transport and businesses. The following day almost 90% of Rotherham schools were closed.

**7.2** Questions were raised about the procedures for closure of schools during periods of adverse weather or in other emergencies. The Children and Young People's Scrutiny Panel was asked to undertake a short review to see if lessons can be learnt to ensure that future disruption is minimised.

The review, chaired by Cllr Ann Russell, looked at:

- current policy and legal responsibilities
- operational arrangements – what is in place locally and how does this compare with practice elsewhere?
- can other support be provided?
- how we communicate closure to parents

**7.3** The review began its evidence gathering in February 2010. Interviews were organised with the Cabinet Members and relevant officers. In addition, the review group received written submissions and spoke to a number of Headteachers and Senior Staff from Primary and Secondary Schools.

**7.4** The recommendations from the review are detailed in Section 6 of the review and include:

- The Local Authority should reissue the guidance to schools with an emphasis on the presumption that schools should remain open unless faced by extraordinary circumstances;
- The Local Authority should collate strategies or actions that have or would assist in maintaining a “school open” status. This good practice should be shared with colleagues across cluster groups and wider school communities and used to inform their business continuity planning to cover extreme weather.
- Children and Young People's Services with Human Resources, should explore with schools the feasibility of teachers and support staff being re-directed to their nearest school to help deal with staffing shortages, to keep schools closures to a minimum;
- Priority salting routes are reviewed to accommodate schools wherever possible;
- The RMBC ‘school closure’ web page is redesigned with the capacity to instantly ‘capture’ information for each school and linked to other relevant pages on the RMBC website.

**7.5** The report was submitted to Children and Young People's Scrutiny Panel on 15 October 2010 and PSOC on 22 October 2010.

**8. Finance**

A number of the review recommendations may have financial implications if adopted. This would require further exploration by the Strategic Leadership Team and Schools on the cost, risks and benefits of their implementation.

**9. Risks and Uncertainties**

In circumstances of extreme weather conditions, the decision to close a school is delegated to its Headteacher in consultation with their chair of governors. Given the likelihood of extreme weather events occurring more frequently in future years, the Local Authority and schools should work together develop comprehensive plans to mitigate against potential disruption.

**10. Policy and Performance Agenda Implications**

See main body of report

Although this review focuses on the closure of schools during periods of adverse weather, other pressures on schools (as demonstrated by the 2007 flooding and the recent threats of flu-pandemic) may require emergency decisions about how to keep the school open.

**11. Background Papers and Consultation**

The report has been circulated to all agencies/individuals that participated in the review for their comments and to check for factual accuracy.

Children and Young People's Scrutiny Panel – 15 October 2010  
Performance and Scrutiny Overview Committee – 22 October 2010

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# **School closures in extreme weather**

## **Review of Children and Young People's Scrutiny Panel**

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## EXECUTIVE SUMMARY

Last winter (2009-10) was confirmed as the coldest since 1978-79. The heavy snowfall on Tuesday 5<sup>th</sup> January 2010 and prolonged period of freezing temperature caused considerable disruption to a number of services, including schools, public transport and businesses. The following day almost 90% of Rotherham schools were closed.

Questions were raised about the procedures for closure of schools during periods of adverse weather or in other emergencies. The Children and Young People's Scrutiny Panel was asked to undertake a short review to see if lessons can be learnt to ensure that future disruption is minimised.

The review began its evidence gathering in February 2010. Interviews were organised with the Cabinet Member for Children and Young People's Services and Cabinet Member for Streetpride Services<sup>1</sup> and relevant officers. In addition, the review group received written submissions and spoke to a number of Headteachers and Senior Staff from Primary and Secondary Schools.

The review makes thirteen recommendations (detailed in Section 6 of the report) which focus on the following areas:

- The Local Authority should reissue the guidance to schools with an emphasis on the presumption that schools should remain open unless faced by extraordinary circumstances;
- The Local Authority should confirm with governing bodies their approach to delivering the statutory 190 days of learning and in the case of closure, how they are able to make up some or all of the time lost;
- The Local Authority should collate strategies or actions that have or would assist in maintaining a "school open" status. This good practice should be shared with colleagues across cluster groups and wider school communities and used to inform their business continuity planning to cover extreme weather.
- Children and Young People's Services with Human Resources, should explore with schools the feasibility of teachers and support staff being re-directed to their nearest school to help deal with staffing shortages, to keep schools closures to a minimum;
- Priority salting routes are reviewed to accommodate schools wherever possible;
- The RMBC 'school closure' web page is redesigned with the capacity to instantly 'capture' information for each school and linked to other relevant pages on the RMBC website.

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<sup>1</sup> Since the review was commissioned, the positions of Cabinet Member for Children and Young People's Services and Cabinet Member for Streetpride have been reconfigured. Overall responsibility for the services and functions outlined in this report would lie with the portfolios of 'Safeguarding and Developing Learning' for school based issues and support and 'Safe and Attractive Neighbourhoods' for Streetpride services.

## 1 ORIGINAL CONCERNS – WHY MEMBERS WANTED TO LOOK AT THIS ISSUE

The winter of 2009-10 has been confirmed as the coldest since 1978-79<sup>2</sup>. The low temperatures combined with heavy snowfall in the week preceding Christmas. More snowfall occurred in the first week of January 2010, coinciding with the re-opening of schools on Tuesday January 5<sup>th</sup>, 2010.

The heavy snowfall on the Tuesday caused considerable disruption to a number of services, including public transport and businesses. In Rotherham, the majority of schools announced they were closing before the start of the school day or closed earlier than usual. The next day just over 11% of schools remained open. By Friday due to huge efforts to clear school sites and salt the highway network, the situation was reversed with only 14 out of the 126 schools in Rotherham remaining closed.

Although the primary concern was the potential disruption to education, particularly as a number of 'A' level and GCSE examinations were scheduled to begin shortly after the start of the term, the closure of schools meant that a number of parents were unable to go to work, placing a further burden on an already fragile economy. Although we did not gauge public opinion directly as part of the evidence gathering process, we were aware that there was a perception that some schools remained closed whilst businesses and other parts of the public sector were expected to return to 'normal service'. We do not make a judgement on whether schools remained closed beyond what could be reasonably expected, as that is a discussion that should take place with governing bodies, headteachers and parents and carers.

Questions were raised about the procedures for closure of schools during periods of adverse weather or in other emergencies. Cllr Shaun Wright, Cabinet Member for Children and Young People's Services asked the Children and Young People's Scrutiny Panel to undertake a short review into these factors and to see if lessons can be learnt to ensure that future disruption is minimised.

## 2 TERMS OF REFERENCE

The following members were part of the review:

- Cllr Ann Russell (chair)
- Cllr Barry Kaye
- Mick Hall, Co-optee, Parent Governor Representative
- Tony Marvin, Co-optee, Parent Governor Representative
- Michael Burn, Co-optee, Sheffield Diocese

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<sup>2</sup> Met Office: Coldest UK winter for over 30 years  
<http://www.metoffice.gov.uk/corporate/pressoffice/2010/pr20100301.html>



The purpose of the review was to examine the circumstances around the recent closure of Rotherham schools due to extreme weather with a view to making recommendations on how disruption and closures can be kept to a minimum in the future.

The review examined:

- current policy and legal responsibilities
- operational arrangements – what is in place locally and how does this compare with practice elsewhere?
- can other support be provided?
- how we communicate closure to parents

Although this review focuses on the closure of schools during periods of adverse weather (snow in this instance), we are acutely aware of other pressures on schools as demonstrated by the 2007 flooding and the recent threats of flu-pandemic that may require emergency decisions about how to keep the school open.

The review began its evidence gathering in February 2010. Interviews were organised with the Cabinet Member for Children and Young People's Services and Cabinet Member for Streetpride Services and relevant officers. In addition, the review group spoke to a number of Headteachers and Senior Staff from Primary and Secondary Schools.

An email was sent to all Headteachers, Chair of Governors and teaching and non-teaching unions seeking their views. Web-based searches and telephone interviews with other authorities were also undertaken.

The review group would like to thank all those who contributed to the review for their openness and co-operation.

### **3 BACKGROUND**

On Tuesday 5<sup>th</sup> January, heavy snow began to fall coinciding with the morning rush hour. The Met Office website forecast that heavy snow would fall over the next day, with further snow expected later in the week. This followed lower than average temperatures over the Christmas and New Year period.

Buses and trains were disrupted, with First Buses withdrawing services in the morning. A limited service was introduced later in the day. Despite the sheer volume of the snow fall, extensive salting was undertaken throughout the day on all major roads and bus routes. The initial advice from police was for only essential journeys to be made.

- 3.1.1 A number of headteachers agreed to close their school as the likely extent of the disruption became clearer early in the day. The ability of teachers and support staff to get to school was a significant factor in many closures. This meant that

there was a risk that safe supervision of pupils would not have been maintained if the school had opened<sup>3</sup>. For those in more rural parts of the borough, the availability of public transport and school buses was also a concern, particularly as a number of pupils relied on these for safe transit from home to school. There were fears that this would be compounded if the snow continued, with an added risk of pupils and staff becoming stranded. This was a particular concern for secondary and special schools with wider catchment areas.

The following is a table showing the number of schools that were closed on each day:

	<b>School closures</b>	<b>Schools open</b>
<b>Tuesday 5<sup>th</sup> January</b>	94 (75.8%) <i>(9 of these schools closed at lunchtime)</i>	30 (24.2%)
<b>Wednesday 6<sup>th</sup> January</b>	110 (88.7%)	14 (11.3%)
<b>Thursday 7<sup>th</sup> January</b>	26 (20.9%) <i>(5 schools reduced the school day for health and safety reasons. 2 schools opened to limited year groups)</i>	98 (79.1%)
<b>Friday 8<sup>th</sup> January</b>	14 (11.3%) <i>5 schools reduced the school day for health and safety reasons. 5 schools opened to limited year groups)</i>	110 (88.7%)

3.1.2 The Department for Education (DfE), quoted in the interim Quarmby report *The Resilience of England's Transport Systems in Winter*, stated that national figures for school closures were not held centrally but on the worst days of winter disruption during the week commencing 4th January 2010, it estimated around 10,000 schools had closed (out of a total of 22,000). In line with the comments from schools in Rotherham, most schools appeared to have closed due a combination of reasons, including 'unsafe premises', 'access problems' and 'transport problems'. (Department for Transport, 2010 p 42).

3.1.3 It was reported to the review that salting of the priority network was undertaken on a regular basis throughout the winter of 2009/10. This includes all principal and B class roads, as well as bus routes, access roads to hospitals, fire stations and known 'trouble spots'. Indeed at its peak, salting crews made five runs throughout the day and night to ensure routes were open and safe.

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<sup>3</sup> There are a number of statutory obligations in relation to staffing levels in schools: Primary schools are expected to have no more than 30 pupils in a class. This is a statutory requirement up to and including Year 2. For the Foundation Phase, the ratio is 1 adult (teacher or teaching assistants) to 8 pupils for Nursery and Reception classes, and 1 adult to 13 pupils for classes in Years 1 and 2. In addition, schools would need to ensure that they had sufficient employees to manage the necessary number of children safely, under health and safety legislation, including sufficient first aiders on site.

The Cabinet Member for Streetpride reiterated that adequate measures were put in place to maintain salt supplies over the winter, although clearly the prolonged cold snap had put stocks under pressure. However, the Government imposed the 'Salt Cell' in early January, meant that supplies were managed centrally, and salt was diverted to replenish the stocks of councils where it had fallen dangerously low. Councils were also instructed to reduce the amount of salt used on each run. Under these circumstances, Streetpride did its utmost to ensure that the primary routes were open, and although it aimed to take secondary action on more minor routes, inevitably the pressure on the service meant that some side roads were not salted, including some access routes to schools.

#### **4 HOW IS THE DECISION TO CLOSE TAKEN?**

4.1.1 The DfE provide guidance on keeping schools open during extreme weather, which reiterates the need for contingency planning and in the case of winter weather, maintaining salt stocks. Whilst the Local Authority can make the decision to close community and voluntary controlled schools in exceptional circumstances (for example if there are widespread road closure or power failures), the DfE advises that the decision to close a school in an emergency such as severe weather is delegated to the headteacher.

*"...headteachers, who will know local weather and ground conditions, and the likely impact of the weather on the numbers of staff and pupils who will be able to get into school."<sup>4</sup>*

4.1.2 The DfE advice is followed in Rotherham, with the final decision to close a school resting with the Headteacher, in consultation with their Chair of Governors. The School is legally responsible for the management of the premises, including the grounds. The budget for this is delegated to them under the funding arrangements for schools. Schools are responsible for clearing the site and making the decision about closing the school if there are safety issues.

This power is delegated under Local Management of Schools. Headteachers are advised to follow the Council's "Guidance on exceptional school closure" and make their judgement based on an assessment of risk.

*The guiding principles in such circumstances should be the safety and welfare of pupils and the minimum disruption to the normal education service. Inconvenience, discomfort or travel delay, do not necessarily constitute good reason for an early closure.*

If the decision to close is reached, schools are asked to:

- contact local radio stations to disseminate information to parents
- inform Facilities Management and Children and Young People's Services, who will in turn contact catering, cleaning etc
- contact parents with reasons for closure and anticipated date of re-opening

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<sup>4</sup> Teachernet: Planning for, and responding to, severe weather

- maintain a core of staff during normal working hours to deal with enquiries (if practicable and safe)

4.1.3 Schools are asked to be mindful of health and safety factors when considering options for closure, balancing the risks arising from less supervision, late return journeys, minor slips and bumps, etc. against disruption to pupils' learning.

Other relevant considerations from the Health and Safety at Work Act (1974) include:

- 2(1): Duty on Employer to ensure so far as is reasonably practicable, the health, safety & welfare at work of all employees.
- 2(2)d: Ensure so far as is reasonably practicable any place of work under the Employers control, maintains safe access to & egress from without risks to employees.
- 2(2)e: Provide & maintain a working environment for employees that is so far as is reasonably practicable, safe & without risks to health & adequate with regards to welfare facilities.
- 3: Duty on employers to ensure so far as is reasonably practicable their activities do not endanger anyone & to provide information in certain circumstances to the public about potential hazards.
- 4: Duty on those in control of premises used as a place of work, to ensure so far as is reasonably practicable that they do not endanger those within them.

4.1.4 In the email responses and interviews, headteachers and senior staff thought the guidance issued to schools was sufficient. They also noted that officers based in the School Organisation and Development were helpful and available during the disruption.

## 5 ISSUES EMERGING FROM INTERVIEWS

As part of its evidence gathering process, questions were asked to establish whether the current arrangements for school closures due to extreme weather are 'fit for purpose':

- what steps were taken to keep schools open (or keep closure to minimum)?
- what were the barriers that prevented schools from remaining open?
- how we communicate closure to parents?
- if there are other measures that could be put in place to minimise disruption

### 5.1 What steps were taken to keep schools open (or keep closure to minimum)?

There is an expectation that schools will do their utmost to open and that closure is only taken as a last resort.

*"Any decision to close the school is not taken lightly. It's not about Health and Safety gone mad. A decision is made on the basis of the evidence about whether it is safe or not to open the site."* Interview with Headteacher and Senior Staff

5.1.1 One of the major concerns of the review was that 'every day counts' and potential

disruption to children's education should be minimised. All schools were asked for their views on what steps were taken to keep their schools open. We received 13 responses out of a potential 126. We are unable to draw any conclusions whether there are any common factors that prevented schools from opening. However, it may be useful to collate such information in order to support future business continuity planning.

- 5.1.2 With this in mind, the review group agreed it would also be helpful to report strategies or actions taken that have or would assist in maintaining a "school open" status, for example, hiring external contractors to clear playgrounds or access routes within school sites. This good practice should be shared with colleagues across their cluster groups and wider school communities.
- 5.1.3 Schools must open for 380 half-day sessions (190 days) in each school year, beginning with the first term to start after July. This is consistent with the up to 195 days a year required by a teacher's statutory conditions of service: the additional up to five days are non-teaching work days<sup>5</sup>. On the presumption that 'every day counts', it may be valuable to explore with Governing Bodies if 'lost days' can be recovered by extending school terms.
- 5.1.4 We received assurances that schools opened to specific year groups to accommodate students who had scheduled tests or examinations. No examinations were disrupted.
- 5.1.5 Many schools cited staff shortages as a determining factor in their decision to close, as the minimum supervision levels could not be assured. However, some schools mitigated against this problem by opening later to avoid the rush hour and ensure that staff and pupils could arrive safely. Another school ensured that each member of staff had been asked to plan for their inward and outward journeys in inclement weather in advance. The school in question remained open to all year groups throughout this period and the expectation on pupils was for full attendance. The review did not examine the issues related to whether individual staff should get paid for days missed. That is a decision for individual governing bodies to take. However they should be satisfied that every effort has been made for staff to attend school.
- 5.1.6 Schools are responsible for ordering and maintaining salt supplies. It is clear that whilst many schools had not anticipated the prolonged cold snap and their salt supplies were depleted, some schools were able to maintain their stocks or secure new supplies. Again, it would be helpful to share these strategies across clusters.

## **5.2 What were the barriers that prevented schools from remaining open?**

- 5.2.1 The review held an informal 'round table' discussion with a small number of senior staff and headteachers, from both primary and secondary schools.

Some common issues emerged from the discussion:

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<sup>5</sup> Teachernet: Length of school day/year  
<http://www.teachernet.gov.uk/management/atoz//lengthofschoolday>

- health and safety issues if the school site, surrounding roads and pavements are icy
- the availability of salt for playgrounds and paths
- availability of caretakers or staff to clear ice and snow from the school site
- conflicting messages from the media on essential travel and weather forecast variations
- the ability of teachers and site staff to get to the school
- the availability of public transport and school buses (particularly on January 5, 6 and 13)
- access to catering and other support services

These particular problems were echoed in response to a wider request for information from schools. Other issues highlighted included

- problems or failure with school heating systems
- sudden unexpected weather and the difficulties of clearing the site.
- the cost of hiring equipment (snowploughs etc) was high and had not been budgeted for
- ensuring that pupils can get home safely

5.2.2 There were 5 special schools affected by the snow and ice. These sites have borough-wide catchments. Some had specific site issues such as long drives which were difficult to clear. One school was accessed by an unadopted road which was not salted by the authority. A major issue was the safe transportation of children. A high proportion of children access school transport and there were issues and difficulties 'both ends' of the journey. Anecdotally we were told that schools buses often found it difficult to navigate unsalted side roads. There were also additional issues about how children and young people (some with complex mobility issues) were safely escorted from their homes to the buses, particularly across icy pavements.

5.2.3 Several head teachers suggested that there were specific issues with the location and geography of their schools that impacted on their ability to remain open. It was reported anecdotally that for those schools located on hills or on junctions with busy roads, headteachers had grave concerns for the safety of pupils arriving at schools, as children and carers were walking on the roads as pavements were not salted. In addition, a number of Rotherham schools are located on housing estates, with access to them by side roads rather than a main route. Given that these roads were not deemed to be a priority for salting, vehicular access may have been problematic although the schools were in walking distance of main routes and may have been accessible on foot with care.

5.2.4 As reported, a number of schools raised concerns that access to schools situated on non-priority routes proved hazardous and contributed to their decision to close or open partially. Whilst it is acknowledged that the Local Authority is working with finite resources to support salting activity on priority routes, school closures disrupt more than children's education. Parents and carers were required to take time off work to look after children or seek alternative child care. Because of staff shortages, businesses were disrupted, placing an additional burden on an already fragile local economy. The Local Government Association (LGA) suggests

*“Councils will need to work closely with local partners (schools, health and social care services, transport operators and local businesses) to agree priorities for winter maintenance.”<sup>6</sup> (LGA, 2010 p11)*

The review asks whether there are council services, such as salting and ploughing routes, that could be adapted to accommodate schools wherever possible.

- 5.2.5 There was some public perception that schools were taking the decision to close because of fear of low attendance negatively impacting on Ofsted targets. Whether there is any foundation to this is unclear, but we would support the LGA calls that in the case of extreme events, Ofsted and other regulatory targets should be suspended to enable the most appropriate response to be taken locally.

### **5.3 How we communicate closure to parents?**

- 5.3.1 The guidance to schools states that parents should be periodically reminded that there may be occasions when emergencies make it necessary for pupils to be sent home prematurely or the school to close and that in these circumstances parents should have advised their children of the care arrangements. Monkwood Primary School has issued a helpful leaflet outlining the procedure for emergency closure which was issued at the start of the cold snap.

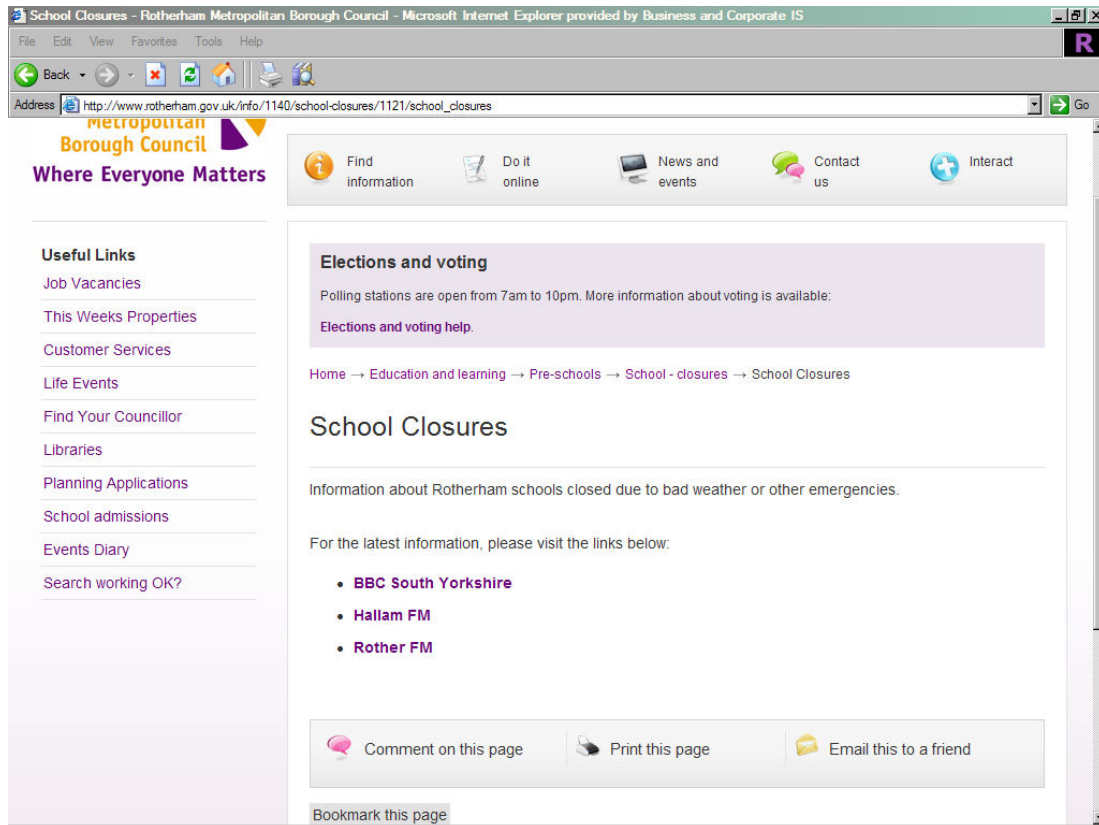
- 5.3.2 If a school decides to close, parents should be notified as soon as possible. It is suggested that a decision to close should be made no later than 07:00am so that there is an opportunity for parents to check whether a school is open before they leave the house. An earlier decision the evening before would in many cases be more appropriate as this would help the collection of information about closures, and speed up the process of alerting the BBC and others. Local radio stations are told by individual schools if they are to close and the list of closures announced at regular intervals through the days (particularly mornings). Although this has been in many respects a tried and tested method, coverage for the stations is not uniform across the borough and in a small number of instances, incorrect information was given out. Some schools have a text system notifying parents of closure. This system was seen as being the most direct and simple way of informing parents, although of course, it is reliant on parents ensuring that their contact details are up-to-date. We were informed that not all schools had this service, citing that they did not have money available in their budgets to fund this. However, it would be worth exploring through the partnership with RBT, if such a service could be introduced to schools.

- 5.3.3 In addition to the text and radio notification, schools also contact the local authority to let them know of closure. This is to notify facilities management (cleaners) and catering to cancel services. Although the closures are posted on the Council’s website, difficulties with staff getting into work on both the Tuesday and Wednesday, meant that the website was not updated regularly. Assurances were given that access to remote technology meant that this could be updated more frequently in the future.

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<sup>6</sup> Weathering the Storm II: improving UK resilience to severe winter weather” Local Government Association

- 5.3.4 The review group were also concerned about the quality of information posted on the RMBC website<sup>7</sup> (figure 1). Whilst directing parents to the radio stations is one route to update parents, it is important to ensure that information is posted on RMBC's website at an early stage, and information is disseminated through new technologies as appropriate (Twitter, Facebook etc).



- 5.3.5 Northamptonshire County Council (NCC)<sup>8</sup> (figure 2) has developed a system with schools to ensure that they are able respond promptly to issues as they arise, such as having access to schools IT passwords so that information could be posted if school had difficulties accessing their websites. Radio stations used NCC's texting service to inform schools by 6.30am of weather conditions, current and forecasted, as well as the conditions of the roads and transport information.

A similar system is operated by Hertfordshire County Council to provide schools with the facility to text information which will be published instantly on a public-facing web page<sup>9</sup>, with a facility to post messages and notification of when the website was last updated. They anticipate that the system will be quicker and more efficient than current arrangements and should reduce the stress on school websites, HCC's website and their Customer Service Centre.

<sup>7</sup> It should be noted that this is the default page and in the event of an emergency, would be populated a list of schools closed

<sup>8</sup> Northamptonshire County Council: True Grit Conference: Dealing with the Winter Impact 2009/10

<sup>9</sup> <http://www.hertsdirect.org/infobase/docs/worddocs/winterfinalreport.doc>



The list below identifies state schools in Hertfordshire and their current open or closed status. To help you find information about a specific school you can:

- Use the search box to search for your school by entering all or part of its name then click 'Go' or
- Select the first letter of your school on the alphabet bar below to take you to schools starting with that letter or
- Scroll down the list to find your school's information

If your school has no status or message information or has not updated its information, we suggest that you look at the school's website for other information that may be available.

A B C D E F G H I J K L M N O P Q R S T V W Y Search -  Go

**A**

Name		Status	Message	Last Updated
Abbey C of E VA Primary 427	St Albans	-	-	-
Return to top				
Abbots Langley Primary 776	Abbots Langley	-	-	-
Return to top				
Abel Smith Primary 249	Hertford	-	-	-
Return to top				

## 5.4 Other measures that could be put in place to minimise disruption

There does not appear to have been any in-depth analysis of the factors involved in closures to identify potential trends or repeat difficulties. The review group was of the view by examining potential risks and problems across clusters, schools could take mitigating action to address these in the future.

- 5.4.1 Schools are expected to complete emergency plans, which are subject to routine auditing by the Health and Safety Team. It is not entirely clear to what extent these address business continuity in extreme weather situations. Given the likelihood of extreme weather events occurring more frequently in future years, schools should be supported to develop more comprehensive plans to mitigate against potential disruption.

This could include:

- How minimum staffing (including teaching and non-teaching staff) can be maintained
- How salt supplies are to be maintained,
- List of external contractors and/or volunteers to undertake site clearance
- How students will be supported to take scheduled examinations in the event of extreme weather

The review asks whether further work is required to provide assurance that schools have clear and accessible plans for severe weather conditions, and that these are stored off site as well as within the school premises.

- 5.4.2 In respect of taking steps to ensure minimum staffing is available, the review asked whether anything can be done to enable 'staff sharing' or pooling of premises in extraordinary circumstances. Sheffield City Council is consulting with the public on whether teachers, and other Council staff can be relocated, to help where they are needed in their local areas<sup>10</sup>. Newport Council has issued guidance if a teacher or member of support staff cannot reach their own school, they should report to another school in the area (if he/she can get there safely).

The Local Government Association (LGA) noted in its report 'that schools closures meant parents were unable to go to work which impacted heavily on businesses. In response to this it suggests:

*that contingency arrangements could be made between schools in a local area so that when travel is disrupted, teachers could be re-directed to their nearest school to help deal with staffing shortages, helping to keep schools open."*

- 5.4.3 The Cabinet Member for Streetpride stated that they were looking at ways to utilise small-plant machinery more efficiently, for example, the possibility of 'quad bikes' used for ground maintenance being adapted for snow clearance. A number of respondents suggested that they would be supportive of such measures particularly if schools could share snow-clearing machines etc. either in clusters or geographical areas to make it more cost-efficient.

Several councils asks for volunteers to help clear school sites. Guidance on how this could be done safely was posted on websites<sup>11</sup>. We are aware of some schools in Rotherham taking similar action although we are not certain if this was widespread practice across the borough.

## 6 RECOMMENDATIONS

1. The Local Authority should reissue the guidance to schools with an emphasis on the presumption that schools should remain open unless faced by extraordinary circumstances;
2. The Local Authority should confirm with governing bodies their approach to delivering the statutory 190 days of learning and in the case of closure, how they are able to make up some or all of the time lost;
3. The Local Authority should collate strategies or actions that have or would assist in maintaining a "school open" status. This good practice should be shared with colleagues across cluster groups and wider school communities;
4. The Local Authority should confirm the process for monitoring and reporting on school closures, including any specific circumstances to identify if there are common trends or factors<sup>12</sup>. This data should be used to inform salting

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<sup>10</sup> Sheffield City Council: Have your say in the great snow debate

<sup>11</sup> Cornwall County Council: Using Volunteers to Clear Snow from School Grounds  
<http://www.cornwall.gov.uk/default.aspx?page=23506>

<sup>12</sup> For example length of closure, staffing issues, low stocks of salt, health and safety concerns (on

routes, continuity planning across clusters and communication issues.

5. Each school should be encourage to develop their business continuity plans to cover extreme weather. This should include :
    - how minimum staffing levels will be maintained,
    - how sufficient stocks of salt are maintained; linking with clusters as appropriate,
    - contact details of local building contractors and grounds maintenance companies who are able to clear snow,
    - consideration of later openings as opposed to closure (as practiced by some schools) to allow caretakers more time to make the site safe and allow staff travelling to work more travelling time,
    - measures to ensure that scheduled examinations or tests are able to take place,
    - how closure will be communicated to parents,
    - how communication systems are to be maintained, particularly linking to RMBC website;
  6. Children and Young People's Services with Human Resources, should explore with schools the feasibility of teachers and support staff being re-directed to their nearest school to help deal with staffing shortages, to keep schools closures to a minimum;
  7. The Local Authority explores with RBT whether cost effective text notification systems (or other social networking alternatives) are available for those schools without current access to these facilities;
  8. The RMBC 'school closure' web page is redesigned with the capacity to instantly 'capture' information for each school (including date of closure, reasons for closure, expected date of re-opening and contact details). This page should have 'quick-links' to other relevant pages (policy, gritting routes etc and the decisions made during severe weather);
  9. Guidance to parents is reissued by schools on a timely basis, incorporating details of the updated RMBC website;
  10. Priority salting routes are reviewed by RMBC and other relevant agencies to accommodate schools wherever possible;
  11. The feasibility (with due regard to health and safety, relevant checks etc) of recruiting a pool of volunteers to assist with site clearance, either on a school, cluster or Area Assembly level be explored;
  12. Streetpride explores the feasibility of schools hiring small-plant machinery to clear sites in extreme weather.
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and off site) or other geographical issues (site location, road layout, access issues)

13. The Cabinet Member and Director of Children and Young People's Services writes to the Minister of Education supporting the LGA call that in the case of extreme events, Ofsted and other regulatory targets should be suspended to enable the most appropriate response to be taken locally.

## 7 THANKS

- Cllr Shaun Wright - Cabinet Member Children and Young People's Services
- Cllr Richard Russell – Cabinet Member Streetpride
- Graham Sinclair - Programme Director BSF, CYPS
- David Burton - Director of Streetpride, EDS
- Dean Fenton - Risk Management, CYPS
- David Hill - Manager, School Organisation Planning and Development, CYPS
- Steve Pearson - Communications Manager, CYPS
- Rob Haines, Deputy Head Teacher, Rawmarsh Community Sports College
- Liz Gee, Headteacher Monkwood Primary School
- Paula Harmer, Headteacher, Thorpe Hesley Junior School
- Margaret Catling, Support Services Manager Aston Comprehensive School
- Peter Barnett - Scrutiny Co-ordinator, Performance & Scrutiny Team, Chief Executive's Directorate, Coventry City Council,

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For further information about this report please contact:

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<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet</b>
<b>2.</b>	<b>Date:</b>	<b>3<sup>rd</sup> November 2010</b>
<b>3.</b>	<b>Title:</b>	<b>Yorkshire Purchasing Organisation</b>
<b>4.</b>	<b>Directorate:</b>	<b>Chief Executive's</b>

**5. Summary**

This report explains to Members the proposed new provisions of the Management Agreement for the founder members of Yorkshire Purchasing Organisation (YPO) and seeks approval from Cabinet and Council to the new Agreement and to delegations which will enable YPO to progress. Thirteen founder member authorities are receiving a similar report with similar recommendations.

**6. Recommendations**

- (1) That Cabinet recommends to full Council entering into the proposed Management Agreement and to the delegation of executive and non-executive functions in relation to the YPO to the Joint Committee, in accordance with the terms of the Agreement.
- (2) That Cabinet delegates to the Corporate Director at YPO power to enter into contractual agreements on behalf of the Council.

## **7. Proposals and Details**

YPO was founded in 1974 as a joint committee of its constituent local authorities to aggregate demand and generate buying efficiencies within the area of its members. The Council has been a member from the outset. The lead authority is Wakefield Council who provide professional and administrative support and employ all staff. In 2009 there was a strategic review to determine the future strategic direction of YPO, improve its governance arrangements and update its Code of Corporate Governance and its dividend distribution arrangements.

Since then, there has been considerable work undertaken to update the existing Management Agreement and consensus was reached in August 2010 on the provisions of a new Management Agreement. The Management Committee of YPO, upon which the Council is represented by Councillors Sharman and Atkin, approved the Agreement (subject to legal fine tuning) on 28<sup>th</sup> June. The lawyers met on 3<sup>rd</sup> August, and the draft Agreement was completed on that date.

The YPO is a procurement organisation which maintains effective, efficient and economical arrangements for the supply of goods, materials, works and services. It provides excellent quality, service and competitive prices, whilst optimising the profits available for distribution to its members and customers, including the Council. Under the terms of the draft Agreement, the YPO will continue as a public sector organisation, unless agreed otherwise by at least two thirds of the founder member authorities.

In addition to the founder members, there are associate members and ordinary members of YPO. Associate members (presently Leeds and Bury Councils) and ordinary members (all individual customer account holders) are entitled to participate in dividend payments, but not to vote at Management Committee meetings or attend the private parts of such meetings.

The YPO carries out a number of executive functions regarding its procurement and supplies role and also some ancillary non-executive functions, such as staffing matters concerning its employees. These powers need to be delegated so far as the Council is concerned. The Local Government Act 1972 allows for the creation of a joint committee and also for the delegation of executive and non-executive powers to the joint committee.

Attached as an Appendix is a summary of the final draft Agreement, together with commentary on its provisions. Generally, the proposals contained in the draft Agreement bring the YPO governance arrangements up to date, whilst continuing the partnership model that has applied and brought benefits for the Council since 1974.

## **8. Finance**

The draft Agreement provides for the payment of dividends. The Management Committee shall determine the overall level of dividend to be paid in each year, if

any, after deducting sums to ensure that YPO remains a going concern during the forthcoming year and after deducting the cost of any development proposals.

The distribution formula contains three elements:-

- (a) A cash sum to be divided equally between founder members to reflect their risk of ownership.
- (b) A cash sum to reward usage of YPO products and services by founder members and associate members.
- (c) A sum to reward usage of ordinary members in the form of a credit voucher against future purchases.

The weightings attached to each element shall be agreed annually by the Management Committee.

All existing and future assets are held by Wakefield on trust for the founder members. A founder member may withdraw by giving twelve months notice to expire on 31<sup>st</sup> December. However, they will forfeit the right to any dividend payment for that year, and to a share of any of the assets held on trust, whilst remaining responsible for an equal share of any deficit in that year. If more than two thirds of the founders members agree to a termination of the agreement, then all the founder members would be equally entitled to any accumulated surplus and assets held on trust and similarly equally responsible for any accumulated deficit.

## **9. Risks and Uncertainties**

The new Agreement has been negotiated over many months and approved by the Management Committee, the Strategic Officers Advisory Group, and lawyers for all thirteen founder members. If the Council declines to enter into the agreement, then it will not come into effect, as under the current agreement all founder members need to approve changes.

## **10. Policy and Performance Agenda Implications**

The YPO is a public sector organisation committed to professional, open, sustainable, caring relationships with its members, customers, staff and suppliers. It helps the UK public sector by delivering a high quality service which saves time and money.



## 11. Background Papers and Consultation

The draft Agreement has been consulted on within the founder member authorities over a number of months and staff at YPO have also been consulted. Elected Members of the Management Committee have been consulted and approved the draft Agreement, as have the Strategic Director of Finance and the Assistant Chief Executive (Legal and Democratic Services).

**Contact Name:**

Tim Mumford, Assistant Chief Executive (Legal and Democratic Services), RMBC, ext 23500, [tim.mumford@rotherham.gov.uk](mailto:tim.mumford@rotherham.gov.uk)

**APPENDIX YPO AGREEMENT – FINAL DRAFT - COMMENTARY**

CLAUSE	COMMENTARY
<p><b>1. OBJECTIVES AND PURPOSE OF YPO</b></p> <p>(1) YPO shall be a procurement organisation, maintaining effective, efficient and economical arrangements for the supply of goods, materials and services, by providing excellent quality, service and competitive prices, whilst optimising the profits available for distribution to its members and customers</p> <p>(2) YPO shall (unless agreed otherwise by The Founder Member Authorities) be a public sector organisation committed to professional, open, sustainable, caring relationships with its members, customers, staff and suppliers, and in doing so shall help the UK public sector by delivering a high quality service which saves them time and money</p> <p>(3) In conducting its business, YPO shall:</p> <p>(i) Provide all the general supplies and services required by local government and other public/third sector bodies, as permitted under legislation</p> <p>(ii) Optimise profitability by delivering cost effective services that contribute to customers' efficiency</p> <p>(iii) Ensure through periodic reviews that the effectiveness, efficiency and profitability of YPO is at least comparable with that of other similar organisations</p> <p>(iv) Utilise profits to support business investment, to reward membership and to incentivise usage</p> <p>(v) Be informed by, and be consistent with, the innovation and efficiency plans of The Founder Member Authorities and those of regional bodies</p> <p>(vi) Play a constructive role in helping to shape, and benefit from, developments in the national procurement agenda</p>	<p>From the original Agreement and the Strategic Review presented to Members in September 2009, with the inclusion of the words 'competitive prices' to reflect the outcome of member/officer debate</p> <p>From the Strategic Review, but reflecting the requirement of Members in September 2009 to keep under review all options, including YPO status as an entirely public service body</p> <p>From the Strategic Review, but generalised to allow for future changes in the type of supply, as required at Management Committee 25 September 2009</p> <p>From the Strategic Review</p> <p>From the Strategic Review</p> <p>Resolution of the Management Committee – 25 September 2009</p> <p>Resolution of the Management Committee – 25 September 2009</p>
<p><b>2. POWER TO TRADE AND LIMITATIONS</b></p>	<p>Technical language</p>

<p><b>3. MEMBERSHIP OF YPO</b></p> <p>(1) There shall be three types of YPO membership – a Founder Member Authority; an Associate Member Authority and an Ordinary Member</p> <p>(2) The Founder Member Authorities shall participate in YPO under a Joint Committee arrangement established in exercise of The Founder Member Authorities powers under Sections 101 and 102 of the Local Government Act 1972</p> <p>(3) No further ‘Founder Member Authorities’ shall be permitted under this Agreement</p> <p>(4) Each Founder Member Authority shall appoint annually two of its Members as Members of YPO and each Founder Member Authority shall also be entitled to appoint two substitute Members who may attend meetings (including sub-committee meetings) of YPO in place of an appointed Member who is unable to attend. It shall be the responsibility of Founder Member Authorities to arrange such a substitution.</p> <p>(5) Each Founder Member Authority shall have one vote at Committee meetings of YPO, and these votes shall be of equal standing</p> <p>(6) The Founder Member Authorities shall select by majority vote in the Management Committee one of their number to act as <u>Lead Authority</u>, with the role and functions specified in SECTION 4 of this agreement</p> <p>(7) A vote to replace the Lead Authority shall take place at the written request of the Lead Authority or at the written request of at least one third of Founder Member Authorities, setting out their reasons for requesting a vote to take place</p> <p>(8) With the agreement of two thirds of The Founder Member Authorities, and after a resolution of the Management Committee, YPO may grant Associate Membership, in accordance with SECTION 8 of this agreement</p> <p>(9) All individual customer account holders shall be Ordinary Members of YPO, in accordance with SECTION 9 of this Agreement</p>	<p>New provision with three new designations of membership created</p> <p>New provision - with a designation of ‘Founder Members’ to distinguish ‘owning’ Members from other types of Membership. Authorities are called Founder Members irrespective of whether they were Members in 1974 when YPO was ‘founded’</p> <p>New provision</p> <p>From the original Agreement, but placing the responsibility on the Member Authority to arrange any substitution and reflecting the introduction of Sub-Committees</p> <p>Adapted from the original Agreement</p> <p>New provision, allowing the Lead Authority to be chosen by a majority vote in Management Committee</p> <p>New provision setting out the conditions under which the Lead Authority can be changed.</p> <p>New provision allowing for Associate membership, which is desirable if the Organisation is to develop as envisaged in the Strategic Review</p> <p>New provision to incentivise all customers to feel some ‘ownership’ of YPO</p>
<p><b>4. ROLE OF THE LEAD AUTHORITY</b></p> <p>The Lead Authority for the time being is Wakefield Council, and shall have the following functions:</p> <p>(1) Provide the Joint Committee with appropriately qualified staff to carry out the roles of Section 151 Officer and Monitoring Officer</p> <p>(2) Act as employer for all staff of the Joint Committee, and to provide such Human Resources input as is considered necessary for the effective</p>	<p>New provision</p> <p>New provision giving the Lead Authority the right to determine the level of professional support necessary to protect its position as an employer</p>

<p>discharge of this responsibility</p> <p>(3) Provide an effective internal audit service at a level agreed between the Section 151 Officer and the Audit Sub-Committee, including such attendance by Auditors at the Audit Sub-Committee as is necessary to properly discharge this responsibility</p> <p>(4) Provide effective 'Committee Administration' services to the Management Committee and appropriate Sub-Committees, at a level considered necessary by the Monitoring Officer</p> <p>(5) Provide effective banking and resource management services on behalf of YPO</p> <p>(6) Consult Founder Member Authorities on changes to Financial Procedure Rules, Standing Orders, Delegation Schemes and this Agreement, and make recommendations to the Management Committee</p> <p>(7) Chair the Strategic Officers Liaison Meeting</p> <p>(8) Assist the Management Committee to monitor the performance of the Managing Director</p> <p>(9) Have the authority to defer any proposal to incur expenditure or let any contract by the Board of Directors, pending the outcome of a report to the Executive Sub-Committee of YPO</p> <p>AND Recharge the cost of such services to the Joint Committee</p> <p>AND Strategic Officers Liaison Meeting to annually review the Lead Authority and formally review it every 5 year</p>	<p>New provision</p> <p>New provision</p> <p>New provision</p> <p>New provision</p> <p>Agreed by Management Committee 25 September 2009</p> <p>New provision</p> <p>New provision – this allows the Lead Authority to defer any proposal by the Board of Directors until a report to Executive Committee has been considered – this will allow a special meeting of the 'Strategic Officers Liaison Meeting' to be held if necessary</p> <p>New provision</p> <p>New provision</p>
<p><b>5. PROCEDURE RULES AND SCHEMES OF DELEGATION</b></p> <p>(1) The Joint Committee and Board of Directors shall operate at all times in accordance with approved:</p> <p>(i) Financial Procedure Rules</p> <p>(ii) Standing Orders</p> <p>(iii) Contract Standing Orders</p> <p>(iv) Officer Delegation scheme</p> <p>(2) Any proposed amendments to the documents in 5(1) shall be subject to:</p> <p>(i) A period of at least 8 weeks prior consultation with Founder Member Authorities by the Monitoring Officer</p> <p>(ii) A report to the Management Committee by the Monitoring Officer setting out the results of the consultation, and making recommendations</p>	<p>Adapted from original Agreement</p> <p>New provision – specifying the period of consultation</p> <p>Current practice – but not in original Agreement</p>

<p>(ii) The agreement of at least two thirds of the total membership of the Joint Committee</p>	<p>New provision requiring at least 9 Founder Member Authorities to agree to any change in these documents, rather than a simple majority of Authorities present at a Management Committee meeting</p>
<p><b>6. COMMITTEE ARRANGEMENTS</b></p> <p>(1) The democratic management of YPO shall be vested in the Joint Committee, which shall be known as the Management Committee of YPO.</p> <p>(2) The Management Committee shall meet at least 3 times per year in March, June (AGM) and November, and such other times as agreed from time to time by the Chair of the Committee. Each meeting shall have a duration of a maximum of 2 hours unless otherwise agreed by a majority of the Management Committee</p> <p>(3) Quorum and substitution arrangements for the Management Committee shall be as set out in approved Standing Orders of YPO</p> <p>(4) The remit of the Management Committee shall be that agreed by YPO Management Committee held on 25 September 2009 – minute 23(4), and be subject to a review at each Annual General Meeting of the Management Committee</p> <p>(5) The Management Committee shall appoint annually from its membership those sub-committees that it considers necessary to discharge its duties and responsibilities under this agreement, and shall include at least an Executive Sub-Committee and an Audit Sub-Committee</p> <p>(6) The Management Committee shall make arrangements to appoint non-voting co-opted members to the Executive Sub-Committee and the Audit Sub-Committee, based on advice from the Managing Director</p> <p>(7) Prior to each Management Committee, the Lead Authority shall convene a meeting of officers drawn from Founder Member Authorities, to be known as a ' Strategic Officers Advisory Meeting', with a remit to examine draft reports to the Management Committee, raise issues of concern relating to YPO business and to facilitate the pre-briefing of Members. It shall be the responsibility of each Founder Member Authority to make available, wherever possible, an officer of Director status to attend such meetings</p>	<p>From Original Agreement</p> <p>Agreed by Management Committee 25 September 2009, but allows the Chair to call other meetings if required</p> <p>New provision</p> <p>The original Agreement includes the entire remit of the Management Committee. This allows each AGM to amend the remit by majority vote of those present</p> <p>New provision</p> <p>New provision - agreed by Management Committee 25 September</p> <p>New provision – agreed by Management Committee 25 September and includes a suggested remit for the Advisory Meeting, and a responsibility on Member Authorities to supply an officer of required seniority</p>

<p><b>7. CODE OF CORPORATE GOVERNANCE</b></p> <p>(1) The Management Committee shall keep under review its code of corporate governance and associated documents, including the register of corporate risk, following recommendations by the Audit Sub-Committee.</p> <p>(2) YPO managers shall agree to attend on request the scrutiny committees of Founder Member Authorities to assist in their assessment of the effectiveness of YPO operations and assurance procedures</p>	<p>New provision</p> <p>New provision</p>
<p><b>8. ASSOCIATE MEMBERSHIP</b></p> <p>(1) At the time of this Agreement, Associate Membership is granted to Leeds City Council and Bury City Council, and their rights shall be protected under this agreement</p> <p>(2) Associate Members will be entitled to a share of dividend payments under SECTION 10(3)(ii) of this Agreement for annual levels of usage in excess of the usage level in the full calendar year immediately prior to Associate Membership being granted, in accordance with a scheme to be drawn up by the Management Committee</p> <p>(3) Associate Members shall not receive a vote, or be entitled to attend 'in confidence' parts of Management Committee meetings</p> <p>(4) Associate Members will be invited to attend an annual meeting with the Executive Sub-Committee, or participate in such other means of discussion as are agreed by the Management Committee, and a report on the outcome of such discussions shall be presented to each Annual General Meeting of the Management Committee</p>	<p>Leeds and Bury are 'Associate Members'.</p> <p>New provision – this allows the payment of a dividend only on <u>extra</u> YPO usage after membership has been attained. i.e. a 'base' level will need to be established for each new member</p> <p>New provision</p> <p>New provision</p>
<p><b>9. ORDINARY MEMBERSHIP</b></p> <p>(1) All individual customer account holders shall be Ordinary Members of YPO</p> <p>(2) Ordinary Members shall be entitled to a share of dividend payments under Section 10(3)(iii) of this Agreement in accordance with a scheme to be drawn up by the Management Committee</p> <p>(3) Ordinary Members shall not receive a vote, or be entitled to attend 'in</p>	<p>New provision</p> <p>New provision</p> <p>New provision</p>

confidence' parts of Management Committee meetings	
<p><b>10. PAYMENT OF DIVIDENDS</b></p> <p>(1) In March of each year, upon receipt of the pre-audit accounts for the previous year, the Management Committee shall determine the level of dividend to be paid (if any)</p> <p>(2) The overall dividend sum to be distributed (if any) shall be drawn from accumulated reserves, after deducting a sum to ensure as far as possible that YPO remains cash positive during the forthcoming year, and after deducting the cost of any development proposals agreed by the Management Committee</p> <p>(3) The distribution formula shall contain the following elements:</p> <p>(i) A cash sum to be divided equally between Founder Member Authorities to reflect their risk of ownership</p> <p>(ii) A cash sum to reward usage of YPO products and services in all modes of supply (including framework contracts) by Founder Member Authorities and Associate Members with the weightings between types of membership and modes of supply being determined by the Management Committee</p> <p>(iii) A sum to reward usage of Ordinary Members in the form of a credit voucher against future purchases</p> <p>(4) The weightings attached to 3(i) to 3(iii) above shall be agreed annually by Management Committee</p>	<p>New provision agreed by Management Committee 25 September 2009 Wording has been added to say s151 officer has to sign off the accounts first before any dividend is paid</p> <p>New provision agreed by Management Committee 25 September 2009</p> <p>New provision agreed by Management Committee 25 September 2009</p> <p>New provision agreed by Management Committee 25 September 2009, but allows a dividend to be paid to Associate Members</p> <p>New provision agreed by Management Committee 25 September 2009; refers to a 'credit voucher' rather than a 'credit note' and applies the concept of Ordinary Members</p> <p>New provision agreed by Management Committee 25 September 2009</p>

<p><b>11. APPOINTMENT OF STAFF</b></p> <p>(1) The Management Committee shall determine the size, scope and conditions of service of the Board of Directors of YPO, after receiving appropriate professional advice from the Lead Authority</p> <p>(2) The Management Committee shall appoint annually an 'Appointments Committee' with responsibility for the appointment and disciplinary procedures of the Board of Directors and appraising the performance of the Managing Director</p> <p>(3) The Board of Directors shall make arrangements to establish and appoint all other staff in accordance with the approved budget and officer</p>	<p>New provision</p> <p>New provision, based on Management Committee resolution 25 September 2009</p> <p>New provision</p>
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<p>delegation scheme, and to ensure that its HR policies and procedures are in accordance with best practice</p> <p>(4) All staff shall be employed by the Lead Authority on behalf of YPO</p> <p>(5) The Board of Directors shall make such arrangements with Trades Unions to facilitate effective employee relations, through a periodic Joint Consultative Committee, and the Lead Authority shall be entitled to attend such a Committee as it sees fit</p>	<p>From original Agreement</p> <p>New provision</p>
<p><b>12. ASSETS</b></p> <p>(1) All existing and future assets shall vest in the Lead Authority in trust for The Founder Member Authorities on terms to be agreed by the Management Committee</p>	<p>From original Agreement</p>
<p><b>13. WITHDRAWAL OF MEMBERS</b></p> <p>(1) Founder Member Authorities wishing to withdraw from membership of YPO shall give to the Lead Authority at least 12 months written notice expiring on the 31 December. Founder Member Authorities withdrawing shall be responsible for an equal share of any deficit that has accrued in the year of withdrawal, but shall not be entitled to any dividend payment under SECTION 10(3)(i) of this Agreement, or a share of any assets held in trust by the Lead Authority under SECTION 13(1) of this Agreement</p> <p>(2) Associate Members under SECTION 8 of this Agreement can do so in writing without a notice period, but will not be entitled to any dividend payment under SECTION 10(3)(ii) of this Agreement for the year in which the withdrawal takes place</p>	<p>Based on original Agreement but refers to 31 December instead of 31 March. Now allows withdrawing members to continue to receive a dividend on <u>usage</u> in the year of withdrawal, but continues to preclude receipt of the equal share of dividend and a share of the assets of YPO</p> <p>New provision</p>
<p><b>146. TERMINATION</b></p> <p>(1) Notwithstanding the provisions of SECTION 14(1) of this Agreement, if two thirds of The Founder Member Authorities agree, following a resolution by the Management Committee, this Agreement may be terminated on the 31 December in any year.</p> <p>(2) The terms of termination shall require:</p> <p>(i) The payment of any outstanding dividend to Associate Members under SECTION 10(3)(ii) of this Agreement which would have been paid out had the termination not taken place</p> <p>(ii) Any accumulated deficit to be borne by Founder Member Authorities equally</p>	<p>Based on original Agreement, but reducing the agreement level from ALL members to two thirds, and changing the date from 31 March to 31 December</p> <p>New provision</p> <p>From original Agreement</p>



<p>(iii) Any accumulated surplus, and any value of assets held in trust by the Lead Authority under SECTION 13(1) of this Agreement, to be shared equally between The Founder Member Authorities</p>	<p>New provision</p>
<p><b>15. AMENDMENT</b></p> <p>(1) If two thirds of The Founder Member Authorities agree, following a resolution by the Management Committee, this Agreement may be amended at any time upon terms agreed by The Founder Member Authorities.</p>	<p>New provision</p>
<p><b>16. LITIGATION</b></p> <p>(1) The institution and defence of necessary litigation by YPO arising out of the exercise of its responsibilities shall be undertaken in a representative capacity by the Lead Authority, or such other Founder Member Authority as provided under SECTION 12(4) of this Agreement</p> <p>(2) The Lead Authority, or such other Founder Member Authority undertaking the litigation, shall be indemnified by The Founder Member Authorities</p>	<p>From original Agreement</p> <p>New provision</p>
<p><b>17. INTERPRETATION AND ARBITRATION</b></p> <p>(1) In applying the terms of this Agreement, all parties shall act reasonably in the best interests of the Joint Committee</p> <p>(2) Where a fraction of Membership is referred to in this Agreement, this should be rounded up to the nearest whole number</p> <p>(3) If at any time any dispute or difference shall arise between the Founder Member Authorities or any of them respecting any matters arising out of this Agreement for the meaning or effect of this Agreement or anything herein contained or the rights or liabilities of any of the Founder Member Authorities the same shall be referred to and settled by a single arbiter to be appointed by the Founder Member Authorities but if they cannot agree to be nominated by the Local Government Association.</p>	<p>New provision</p> <p>New provision</p> <p>From original Agreement</p>

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>CABINET</b>
<b>2.</b>	<b>Date:</b>	<b>3<sup>RD</sup> NOVEMBER, 2010</b>
<b>3.</b>	<b>Title:</b>	<b>MEMBERS' TRAINING AND DEVELOPMENT PANEL MINUTES</b>
<b>4.</b>	<b>Directorate:</b>	<b>CHIEF EXECUTIVE'S</b>

**5. Summary**

To consider Members' training matters.

**6. Recommendations**

To receive the minutes of the meetings of the Members' Training and Development Panel held on 30<sup>th</sup> September, 2010.

**7. Proposals and Details**

To ensure implementation of the Council's Training and Development Policy in accordance with the meeting's Terms of Reference.

**8. Finance**

The Panel has its own training budget.

**9. Risks and Uncertainties**

Without proper training and support being in place there is a risk that Members' capacity to make decisions is not soundly based.

**10. Policy and Performance Agenda Implications**

To consider best practice in relation to Member training and development.

The aim is for every Elected Member to be given suitable opportunities for development and training to help support all aspects of their role.

**11. Background Papers and Consultation**

A copy of the minutes of the meeting of the Members' Training and Development Panel held on 30<sup>th</sup> September, 2010, are attached.

**Contact Name** : Cath Saltis, Head of Scrutiny and Member Services, Chief Executive's Directorate – Tel. 01709 822779 [cath.saltis@rotherham.gov.uk](mailto:cath.saltis@rotherham.gov.uk)

**MEMBERS' TRAINING AND DEVELOPMENT PANEL  
30TH SEPTEMBER, 2010**

Present:- Councillor Gosling (in the Chair); Councillors Austen, Dodson, Lakin, Littleboy, Pickering, Steele, Turner, Whelbourn and Wootton.

Apologies for absence were received from Councillors St. John, Sharman and Smith.

**7. MINUTES OF THE PREVIOUS MEETING HELD ON 24TH JUNE, 2010**

The minutes of the previous meeting held on 24th June, 2010 were agreed as a correct record.

With regard to the role of champions, a report would be submitted to a future meeting.

With regard to Minute No. 2 (Personalisation Agenda), it was agreed to receive a presentation from Tom Sweetman at a future meeting.

With regard to Minute No. 3 (Member Development Budget), a report would be submitted to the November meeting.

With regard to Minute No. 4 (Member Development Programme), it was noted that 'Total Place had been replaced by 'Place Based Budgeting' and how to support members would be considered after the comprehensive spending review in October, 2010.

**8. MEMBER DEVELOPMENT CHARTER**

Consideration was given to a report presented by the Head of Scrutiny updating on progress towards satisfying the requirements for reassessment necessary to achieve the Charter. The self, pre and final assessment process was outlined.

The process of assessment was about determining whether or not the Council was continuing to adopt good practice in terms of building elected member capacity.

The Council would be expected to provide a portfolio of evidence, having carried out a self assessment against the Good Practice Guidelines. Pre-assessment was scheduled for 2nd November, 2010 should approval be given to proceed.

Agreed:- (1) That the information be noted.

(2) That achievement of the Charter be sought and a further report be submitted accordingly.

**9. SUB-REGIONAL MEMBER NETWORK**

Consideration was given to a report presented by the Head of Scrutiny on proposals to re-establish the sub-regional member network with a view to shared learning and development and joint bids for funding to support member development. Local Government Yorkshire and Humberside (LGYH) had allocated funding for South Yorkshire to support member development.

The South Yorkshire Joint Secretariat wished to be part of any South Yorkshire member development activity where appropriate.

Agreed:- That contact be made with the local authorities in South Yorkshire with a view to re-establishing the sub-regional member development network.

**10. CORPORATE PARENTING TRAINING**

Consideration was given to a report presented by the Head of Scrutiny summarising proposals to provide training to all elected members on how to be an effective corporate parent, the rationale for doing so, an outline course plan and proposed dates.

Agreed:- That training, as now submitted, be provided on the following dates:-

19th October, 2010      5 – 7 pm

2nd November, 2010    10 – 12 am

16th November, 2010   2 – 4 pm

**11. ECO-VISION**

Consideration was given to a report presented by Joanne Wherle indicating that the Dearne Valley Eco-Vision project team, in conjunction with Transform South Yorkshire's Delivering Design Quality (DDQ) team, was organising a best practice study visit to Freiburg in Germany in November, 2010.

It was hoped to take a varied group of people including business representatives, local community representatives and public sector representatives to look at a range of elements involved in sustainable urban development including planning, building design, transport, water management, citizen involvement, green infrastructure etc.

Agreed:- That one elected member, from the Dearne Valley Area, be identified to participate in the study visit.

## **12. MEMBERS AND CRB**

Further to Minute No. 47 of the meeting of Cabinet held on 6th July, 2005, consideration was given to the latest known position regarding the existence/ validity or otherwise of CRB checks for current Council Members. Possible transferability of certificates obtained by other organisations was discussed.

Agreed:- That a report be submitted to the next meeting.

## **13. E-PAYSLIPS**

Consideration was given to a report presented by the Head of Scrutiny indicating that, as part of the Council's cost cutting exercise, a decision had been made to provide, from October, only e-payslips to employees who could access the intranet.

It had also been agreed that members be included in the exercise.

To familiarise members with the 'Yourself' system, and assist members with access problems, an offer had been made to provide officer assistance.

Agreed:- That an e-mail be sent to all Members of the Council with clear and simple instructions regarding how to access e-payslips. Training then to be available for any members still having problems.

## **14. DATE AND TIME OF NEXT MEETING**

Agreed:- That the next meeting be held on Thursday, 21st October, 2010 at 2.00 p.m.

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