



Coventry City Council

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# **Council Meeting**

31 October 2006

**Booklet 2**

Recommendations

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**SCRUTINY BOARD 4**  
**(COMMUNITY SERVICES AND HOUSING,**  
**NEIGHBOURHOODS, EQUALITIES AND HEALTH)**

**Held at the Clinical Sciences Building, University Hospital, Walsgrave**

**13 September 2006**

Scrutiny Board 4

Members Present: Councillor Asif (Deputy Chair)  
Councillor Bains  
Councillor Clifford (Chair)  
Councillor Gazey  
Councillor Skinner  
Councillor Mrs. Waters

Employees Present: L Bull (Community Services Directorate)  
J Jardine (Chief Executive's Directorate)  
C Sinclair (Legal & Democratic Services Directorate)

In Attendance: Mr C Cook (West Midlands Ambulance Service (WMAS))  
Ms A Gingell (Coventry Teaching PCT (CTPCT))  
Mr S Jones (Coventry Teaching PCT (CTPCT))  
Mr A Marsh (West Midlands Ambulance Service (WMAS))  
Mr M Patel (University Hospital Coventry and Warwickshire  
NHS Trust (UHCWT))  
Mr D Roberts (University Hospital Coventry and Warwickshire  
NHS Trust (UHCWT))  
Mr B Stoten (UHCWT)

Apologies: Councillor Mrs. Harper  
Councillor Patton

**19. Coventry and Warwickshire Acute Services Review**

The Board considered their draft response to the Coventry and Warwickshire Acute Services Review.

The review had been commissioned by the West Midlands South Strategic Health Authority and had been carried out jointly by Coventry Teaching Primary Care Trust, North Warwickshire Primary Care Trust, Rugby Primary Care Trust and South Warwickshire Primary Care Trust.

The consultation was about the National Health Service in Coventry and Warwickshire and outlined recommendations as to how some health services could be provided in the future. It contained plans, which built on some of the existing developments in the health economy, and proposals, which were new ideas that were designed to complement the plans and changes that were already happening.

When considering a substantial variation or development to services, the Health Scrutiny Board was required to be satisfied on two grounds:

- The consultation had been adequate
- The proposals were in the interest of health services in the area

**RESOLVED:**

- (a) That the Board was satisfied that the Coventry and Warwickshire Acute Services Review consultation was adequate and concluded that the proposals arising from the review would be, if implemented, in the interest of health services in the Coventry City Council area.**
- (b) That the report submitted be agreed as the Board's response to the Coventry and Warwickshire Acute Services Review.**
- (c) That the Board's response to the review be submitted to Council on 31 October 2006 for information.**



# **Scrutiny Board 4 (Community Services and Housing, Neighbourhoods, Equalities and Health)**

**1<sup>st</sup> Report 2006-07**

**Response to the Coventry and  
Warwickshire Acute Services Review**

**13 September 2006**

Scrutiny Co-ordination Group  
Coventry City Council  
Council House  
Coventry  
CV1 5RR  
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## **Other publications from the Health Scrutiny Board:**

### **2005 – 2006**

1<sup>st</sup> Report of Scrutiny Board 4 (Health), *Scrutiny Board 4 (Health) response to the consultation on the smokefree elements of the Health Improvement and Protection Bill*, August 2005

2<sup>nd</sup> Report of Scrutiny Board 4 (Health), *Scrutiny Board 4 (Health) response to the Coventry Teaching Primary Care Trust consultation, "Coventry City Centre Health Services"*, November 2005

3<sup>rd</sup> Report of Scrutiny Board 4 (Health), *Scrutiny Board 4 (Health) response to "Configuration of ambulance trusts in England"*, March 2006

4<sup>th</sup> Report of Scrutiny Board 4 (Health), *Review of services to support mothers in Coventry and Warwickshire who wish to breastfeed*, April 2006

### **2004 – 2005**

1<sup>st</sup> Report of Scrutiny Board 4 (Health), *Statutory Consultation on the Development of Dental Training and Specialist Dentistry for the West Midlands*, January 2005

2<sup>nd</sup> Report of Scrutiny Board 4 (Health), *Review of Health and Social Care Services, City Centre – Update*, March 2005

Health Scrutiny: Annual Report 2004/05

### **2003 – 2004**

1<sup>st</sup> Report of Scrutiny Board 5 (Health), *Review of Community Pharmacy in Coventry*, September 2003

2<sup>nd</sup> Report of Scrutiny Board 5 (Health), *Review of NHS Dentistry in Coventry*, November 2003

3<sup>rd</sup> Report of Scrutiny Board 5 (Health), *University Hospitals Coventry and Warwickshire NHS Trust Emergency Services Consultation*, May 2004

Health Scrutiny: Annual Report 2003/04

### **2002 – 2003**

1<sup>st</sup> Report of Scrutiny Board 2 (Health), *Review of Health and Social Care Services, City Centre*, February 2003

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## **Foreword**

**Councillor Joe Clifford**  
**Chair, Scrutiny Board 4**

The NHS is undergoing a period of structural change and reform. Massive investment in recent years has seen waiting times fall, and improvements to NHS infrastructure. However, change is rarely straightforward, and is often controversial.

Amidst this change, I think there is a need to keep focused on a number of key principles. First, services should be commissioned and provided in such a way to ensure maximum benefit to those who need them the most, so as to reduce health inequalities. Second, services must be safe and sustainable, which means that we have to recognise that we cannot have every possible service in every single medical facility. Third, services should be provided in such a way that most of the things people need from the NHS are available as close to home as possible. Fourth, it is vital that the NHS, as a publicly funded body, seeks to make efficient use of the resources allocated to it. Fifth, all publicly funded organisations must be accountable, open and responsive to the residents who use the services they commission and provide.

It is my belief that the Acute Services Review seeks to fulfil these principles. This response reflects this conclusion.

I wish to thank the scrutiny board and the other contributors to this report.

**Cllr Clifford**  
**September 2006**



### ***Scrutiny Board 4 – Background Information***

The Health and Social Care Act 2001 and associated regulations, which came into force in January 2003, give Coventry City Council the power, through its health overview and scrutiny committee (Scrutiny Board 4 – the "Health Scrutiny Board"), to review and make recommendations on matters relating to local health services. The Health Scrutiny Board is made up of Councillors from across political parties. It is not an executive body; it cannot make decisions and then require others to implement them. It can however make recommendations that local NHS organisations and the City Council must consider as part of their decision-making processes. Similarly, when local NHS organisations propose "substantial" changes to their services, they must first consult the Health Scrutiny Board to obtain its views. The Health Scrutiny Board's purpose is threefold. First, to open up health related decision-making to public oversight. Second, to make recommendations that will lead to improvements in the health of Coventry residents and health services they receive. Third, to work with others to help reduce Coventry's health inequalities.

### ***The Coventry and Warwickshire Acute Services Review***

Copies of the Acute Services Review consultation paper are available on the internet, from local NHS organisations and from the Acute Services Review Project Office:

<http://www.coventrywarksasr.nhs.uk>

Tel: 0800 088 7055

Email: [asr@swarkpct.nhs.uk](mailto:asr@swarkpct.nhs.uk)

Anyone can respond to this consultation. Responses should be made to:

Acute Service Review Project Office  
PO Box 4319  
Westgate House  
Market Street  
Warwick CV34 9BU

The deadline for responses is **21 September 2006**.

### ***Members of Scrutiny Board 4***

Chair: Cllr Joe Clifford	(Labour, Holbrooks)
Vice Chair: Cllr Mohammed Asif	(Conservative, Foleshill)
Cllr Sucha Bains	(Labour, Upper Stoke)
Cllr John Gazey	(Conservative, Bablake)
Cllr Catherine Harper	(Conservative, Earlsdon)
Cllr Brian Patton	(Labour, Henley)
Cllr David Skinner	(Conservative, Westwood)
Cllr Angela Waters	(Conservative, Wyken)

### ***Officer Support***

John Bolton	Director of Community Services
Michelle Hayes	Chief Executive's Directorate
Jonathan Jardine	Chief Executive's Directorate
Stella Manzie	Chief Executive
Carolyn Sinclair	Legal and Democratic Services

### ***In attendance at the invitation of the Board***

Cllr Andy Matchet	Cabinet Member (Neighbourhoods, Health and Equalities)
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## ***Overall conclusions***

When considering a substantial variation or development to services, the health scrutiny board is required to be satisfied on two grounds:

- The consultation has been adequate
- The proposals are in the interest of health services in its area<sup>1</sup>

In this case:

- Coventry City Council Health Scrutiny Board is satisfied that the Coventry and Warwickshire Acute Services Review consultation is adequate
- Coventry City Council Health Scrutiny Board concludes that the proposals arising from the Coventry and Warwickshire Acute Services Review would be, if implemented, in the interest of health services in the Coventry City Council area

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<sup>1</sup> Section 4(5)(a) and Section 4(7) of No 3048, The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

## **Questionnaire – Acute Services Review**

*Question 1 – Do you have comments to make about the reason for this review and the general direction it has taken as described on pages 6-12?*

The Health Scrutiny Board is satisfied with the context for this review.

The Health Scrutiny Board's view, set out in more detail in previous reports, is that University Hospital Coventry and Warwickshire is right to seek to configure the new University Hospital Walsgrave as a tertiary centre dealing with patients that cannot be seen elsewhere. The Health Scrutiny Board recognises that the necessary catchment areas for sustainable services varies between specialities, but is firmly of the view that the NHS locally and their partners should act to ensure that viability of as many services as possible in Coventry and Warwickshire. The new hospital, or indeed any of the local hospitals, should not be considered "successful" – regardless financial outcomes – if they get by providing services that could be better provided in the community or elsewhere. The Health Scrutiny Board recognises that failing to respond to this need could lead to hospitals being preserved for their own sake, rather than doing what is best for patients. Equally, while being a patient at Walsgrave might be inconvenient for some residents, it is a truism that the inconvenience will be much greater if these services are lost to Birmingham, Leicester or Oxford. The Health Scrutiny Board is minded to note, for example, that, due to lower levels of car ownership, access to hospital is actually generally more difficult for Coventry's less wealthy population than is the case in the more affluent areas of Warwickshire.

The Health Scrutiny Board wants to see outpatient and other services close and accessible to patients, not away in hospitals that can be hard to get to, or park at. All hospitals must respond to this imperative over time, and the Acute Services Review seeks to take forward this transition in a sustainable way. This belief inspires the Health Scrutiny Board's ongoing efforts to secure appropriate, accessible city centre health services, for example. From this, sustaining and developing appropriate outpatient services would seem to be a fundamental objective underpinning the Acute Services Review. Equally, the Health Scrutiny Board is fully supportive of efforts to make patient care more efficient and effective by reducing hospital admissions and the length of in-patient stays. The Health Scrutiny Board recognises that enabling patients to stay at home where possible, and supporting them to do so if appropriate, leads to better health outcomes and more efficient use of scarce resources – particularly if there is the sort of robust, effective collaboration between the health and social care sectors envisaged in the consultation paper.

The Health Scrutiny Board is also of the view that the new University Hospital, Walsgrave, while a significant challenge to the local health economy, is also a tremendous opportunity. There are potential benefits for patients and the wider economy. The Health Scrutiny Board is disappointed that some observers have greeted the opening of a brand new, state-of-the-art hospital in the city as a causal problem that has somehow damaged local health services. This approach seems unduly pessimistic, and contradicts the known facts. It is UHCW that has maintained financial balance in recent years, despite the incremental opening of the new hospital and other pressures, such as the early A&E move and recovering from earlier difficulties. Other local hospitals have not had these pressures yet now face financial difficulties much greater than those faced by UHCW – financial problems that have become apparent since the Acute Services Review began, but before the effects of the full PFI unitary charge payments have been felt. Thus the Acute Services

Review is not a response to financial pressure, and neither is it a direct consequence of the PFI. The Health Scrutiny Board acknowledges that the PFI has led to local financial pressures – not least the £30 million loan from the West Midlands SHA "bank" – but the Health Scrutiny Board recognises that this support was always part of the cost of building the new hospital and was agreed several years ago. The current situation has come about as NHS finances have become more open and transparent thanks to the new payment-by-results regime. However, in order to understand these wider issues, the Health Scrutiny Board has launched a review of the local health economy. The Health Scrutiny Board will maintain a close watch on how local NHS organisations cope with this transitional period.

It is the Health Scrutiny Board's view that it is not unreasonable for the Coventry and Warwickshire Primary Care Trusts to seek to examine acute services in the light of changing circumstances and the emerging patterns of hospital care. It is in the interest of residents in both the city and county to ensure that hospital services are sustainable, appropriate, cost effective and safe. Again, the Health Scrutiny Board is of the view that the Acute Services Review is a satisfactory response to these issues.

*Question 2 – Do you agree with the principle of networking on page 24 and the potential benefits this offers for patient care?*

It is the Health Scrutiny Board's view that the Coventry and Warwickshire health economy will function most effectively if competition between providers is managed in such a way as to be to the advantage of patients. The three main hospitals should continue in a form that does most to ensure a sustainable health economy, retaining accessibility and high quality, safe services.

The Health Scrutiny Board is keen to see all stakeholders committed to this goal, and has been impressed by the commitment demonstrated in recent months for George Eliot Hospital and UHCW to work together collaboratively to develop sustainable, effective services.

*Question 3 – Proposal 1 – Do you have any comments or alternative suggestions to make about the proposal for consolidating emergency surgery?*

It is the Health Scrutiny Board's view that this proposal should be implemented, subject to consultation and collaboration with local surgeons, the royal colleges and other appropriate stakeholders.

*Question 4 – Proposal 2 – Do you have any comments or alternative suggestions to make about the proposal to develop a new model of care for acute medicine?*

It is the Health Scrutiny Board's view that this proposal should be implemented, subject to detailed consultation and collaboration with local practitioners, the royal colleges and other appropriate stakeholders.

*Question 5 – Proposal 3 – Do you have any comments or alternative suggestions to make about the proposal to set up paediatric assessment units?*

It is the Health Scrutiny Board's view that this proposal should be implemented, subject to detailed consultation and collaboration with local practitioners, the royal colleges and other appropriate stakeholders.

*Question 6 – Proposal 4 – Do you have any comments or alternative suggestions to make about the proposal to create a single specialist in-patient children's unit?*

It is the Health Scrutiny Board's view that this proposal should be implemented, subject to detailed consultation and collaboration with local practitioners, the royal colleges and other appropriate stakeholders.

*Question 7 – Proposal 5 – Do you have any comments or alternative suggestions to make about the proposal to combine maternity units into a single service on two sites?*

It is the Health Scrutiny Board's view that this proposal should be implemented, subject to detailed consultation and collaboration with local practitioners, the royal colleges and other appropriate stakeholders.

*Question 8 – Proposals 6 & 7 – Do you have any comments or alternative suggestions to make about the proposals for ambulatory cancer units and complex cancer care?*

It is the Health Scrutiny Board's view that these proposals should be implemented, subject to detailed consultation and collaboration with local practitioners, the royal colleges and other appropriate stakeholders.

*Question 9 - Do you have any other comments which you would like us to take into consideration?*

The Health Scrutiny Board is pleased with the process used to take forward the Acute Services Review. The inclusion of the chairs of the health overview and scrutiny committees for Coventry and Warwickshire on the review board was a positive step, and the Health Scrutiny Board is pleased to note how appropriate City Council officers with experience of the relevant services were engaged in various aspects of the review. The City Council's engagement in the review should be regarded as a model for similar exercises in future. The Health Scrutiny Board is also satisfied that the Acute Services Review took adequate steps to engage with a wide range of stakeholders in the early stages of the review.

An area of concern for the Health Scrutiny Board relates to the unspoken financial assumptions that underpin the consultation. As with the recent consultation on city centre services, the proposals in the Acute Services Review are conditional on a financial assessment that is not complete at the time of publication. Thus the actual outcome of the Acute Services Review is dependent on a financial assessment, and will not necessarily be related to the consultation response. This unfortunate reality echoes the experience of the Health Scrutiny Board when responding to the city centre services consultation. In this case, while Coventry Teaching Primary Care Trust retains its declaratory commitment to "phase 2" of the city centre LIFT site – with outpatient facilities, as preferred by consultation respondents – in practice the financial analysis of LIFT and the prevailing financial circumstances meant that only the more modest "phase 1" will actually go ahead in the foreseeable future. In the

case of the Acute Services Review, until Durrow Consulting has completed its financial analysis, it will not be possible to say which of the proposals are truly viable. Thus, for example, proposals that are likely to win widespread support, such as that for ambulatory cancer care units at Warwick and UHW, will only come to fruition if, at a later date, it is determined that the money is available for investment. In the current financial climate, this is problematic. The Health Scrutiny Board accepts this outcome, but remains uneasy with consultations that are not costed and therefore come without credible assurances that what is proposed can be delivered. However, uncertainty about the future and, arguably, insufficient information in the consultation paper, are not credible grounds for the Health Scrutiny Board to invoke its statutory powers. Furthermore, the Health Scrutiny Board accepts the explanation that by not including financial information the consultation sought to be both accessible and also ensure that service development was guided by safety, sustainability and patient need rather than financial imperatives. The Health Scrutiny Board acknowledges that the Acute Services Review was faced with a "no-win" dilemma to some extent. However, the Health Scrutiny Board remains of the view that, in line with Cabinet Office guidance, the best form of consultation contains genuine costed options that give respondents a fuller picture of the wider consequences arising from their preferences.

As a brief additional point, it should be noted that the Health Scrutiny Board has some misgivings about a consultation that asks for responses to be made to the Acute Services Review board, which is a non-statutory, non-executive body. For clarity of accountability, the body proposing the changes in a consultation should be one that can be held accountable for its decisions.

The Health Scrutiny Board notes the development of joint working across local NHS organisations. Notable examples include the joint Coventry and Warwickshire commissioning board and the strategic board to co-ordinate the development of the three acute trusts in Coventry and Warwickshire. While the Health Scrutiny Board accepts the need for such committees, there is also a need to ensure accountability and transparency. Therefore the Health Scrutiny Board will be looking the NHS partner organisations to demonstrate in practice that these new committees will be open to public scrutiny and challenge.

## ***Health Scrutiny Board consideration of the Acute Services Review***

*12 October 2005*

Health Scrutiny Board approves Cllr Joe Clifford's participation in the Acute Services Review, and receives a briefing on the review objectives. Cllr Clifford attends Acute Services Review Board meetings, supported by Ms Sally Burton, then Head of Older People's Services, Coventry City Council.

Mr John Bolton, Director of Community Services, Coventry City Council, leads the services for older people working group for the review.

*10 November 2005*

Health Scrutiny Board receives a presentation from Dr Mark Newbold, Acute Services Review Project Director.

*6 September 2006*

Health Scrutiny Board hosts a question and answer session related to the Acute Services Review with Dr Mark Newbold, Acute Services Review Project Director, Mr Mike Attwood, Joint Chief Executive, Coventry Teaching Primary Care Trust, and Mr John Bolton, Director of Community Services, Coventry City Council.

Members and officers and attended various public and informal meetings related to the Acute Services Review, and documents related to the review have been circulated periodically.

**SCRUTINY BOARD (2)**  
**(CHILDREN, LEARNING AND YOUNG PEOPLE)**

**27<sup>th</sup> September, 2006**

Scrutiny Board (2) and  
Substitute Members

Present:-

Councillor Bains (Substitute for Councillor Mrs Lucas)  
Councillor Mrs Dixon  
Councillor Gazey (Substitute for Councillor Mrs. Griffin)  
Councillor Kelly (Substitute for Councillor Mrs Lancaster)  
Councillor Lee (Chair)  
Councillor Lucas  
Councillor Skipper (Substitute for Councillor Mrs Lancaster)

Co-opted Member

Present:-

R. Potter

Employees Present:-

P. Barnett (Chief Executive's Directorate)  
M. Brassington (Children, Learning and Young People's Directorate)  
R. Keble (Children, Learning and Young People's Directorate)  
B. Parker (Children, Learning and Young People's Directorate)  
J. Parry (Children, Learning and Young People's Directorate)  
U. Patel (Legal and Democratic Services Directorate)  
H. J Snell (Children, Learning and Young People's Directorate)  
R. Snow (Children, Learning and Young People's Directorate)  
H. Woolfenden (Children, Learning and Young People's Directorate)

Apologies:-

Councillor Chater  
Councillor Mrs Griffin  
Councillor Mrs Lancaster  
Councillor Mrs Lucas  
Mrs. Wainscott (Co-opted Member)

**RECOMMENDATION**

**20. Appointment of Co-opted Members to the Scrutiny Board**

The Scrutiny Board considered a briefing note which provided an update on the current position regarding the appointment of co-opted members to the Board.

Section 4.5.6 of the Council's constitution allows for the appointment of a total of five co-optees to the Scrutiny Board:

*"4.5.6 Education Representatives*



*4.5.6.1 The Scrutiny Board responsible for Education matters will include the following:-*

- (a) One person nominated by the Church of England.*
- (b) One person nominated by the Roman Catholic Church.*
- (c) One parent governor elected by the parent governors in the City in respect of the Primary phase of education.*
- (d) One parent governor elected by the parent governors in the City in respect of the Secondary phase of education.*
- (e) One representative from other faith groups in the City*

*4.5.6.2 Such appointees, with the exception for the time being of the representative appointed under 4.5.6.1(e) above, may vote on education issues only, but may speak on other issues.*

*4.5.6.3 They will also be invited to attend the meetings of Scrutiny Co-ordination Committee and of other Scrutiny Boards if education matters are to be considered at those meetings".*

Of the two parent governor representatives one post was currently vacant (identified for a secondary parent governor) and one (for a primary parent governor) had been filled, but the post-holder had found it difficult to attend Scrutiny Board meetings. Several attempts had been made to fill the secondary vacancy, and to encourage the primary school governor representative to attend meetings. It was believed that the timing of Scrutiny Board meetings had been the main barrier to this co-optee attending.

Of the two current Diocesan representatives the Roman Catholic representative regularly attends the Board, discussions were on-going with the Church of England Diocesan authorities to ascertain the best way forward in securing the attendance of a representative.

Advice from DfES is that Education Co-optees should attend meetings regularly, and unless special circumstances existed, co-optees become disqualified if they failed to attend meetings for a period of six months.

The fifth Education Co-optee position (the representative of non Christian Faiths) had been vacant for some considerable time (the post has never been filled since the creation of the Scrutiny system), and the Council had been awaiting a nominee from the Standing Advisory Committee on Religious Education (SACRE). Due to vacancies however, this body was not itself currently representative of all the major faiths observed in the city. The Cabinet Member (Children, Learning and Young People) had recently agreed changes to the constitution of SACRE which enabled a review of its membership with a view to improving representation.

During the last civic year, in response to issues concerning the appointment of co-opted members to various Council bodies, the Council agreed to establish an allowance for co-opted members of Council bodies. This was currently set at £438 and was intended to provide some remuneration for the amount of time a co-optee might be expected to devote to attending a body such as this Scrutiny Board over a full civic year. Whilst recent attempts had been made to recruit to the Scrutiny Board 2 vacancies, there had been no reference to this £438 allowance.

The Board noted that the following actions had now been initiated in order to secure five active co-optees as per the requirements of the City Council's Constitution :-

- A request would be made to the next available full City Council meeting to confirm the disqualification of the current primary Parent Governor Representative who has not attended any meetings for more than 6 months.
- A letter would be sent at the earliest opportunity following that meeting of the City Council to all school governors in the city seeking nominations to fill the two Parent Governor Representative posts and drawing their attention specifically to the new Co-opted members allowance.
- The Cabinet Member (Children, Learning and Young People) would be asked to invite the Chair of the Scrutiny Board to his next meeting with Chairs of School Governing Bodies, in order to emphasise the importance of parent governor representation in the Scrutiny process.
- An item would be placed on the agenda of the next meeting of SACRE, re-iterating the Council's request for the nomination of a non-Christian faith co-optee. It was hoped that the recent membership review would have put SACRE in a better position to fulfil this request.
- A letter had been sent to the Coventry Governors' Organisation, seeking their support in filling the Parent Governor vacancies.

The Board noted that the Council had a statutory responsibility to appoint the four of the five co-optees and that representatives had full voting rights in relation to matters concerning the education of children in Coventry. The fifth non-Christian vacancy reflects a local decision to encourage a wide diversity of experience and knowledge in the scrutiny of education matters.

There was also a possibility for the Board to appoint additional co-opted members, and many authorities followed this practice. There may be some benefit in appointing an additional governor representative (but not specifically a parent governor) to ensure that the Board continued to broaden its contact with schools and addresses more issues which were of importance to schools. It may well be that other governors would have the time and commitment to put into being a co-opted member of the Scrutiny Board. This may be an issue which could be discussed with the Coventry Governors' Organisation.

The availability of the allowance for co-opted members would provide an opportunity to encourage interest and ensure that the Board had a wide range of co-optees adding to the experience and knowledge to the work of the Board.

**RESOLVED** that the City Council be recommended to note the various actions outlined in Section 4.2 of the report submitted (set out above for ease of reference) and to endorse the disqualification of the current primary Parent Governor Representative, who has not attended any meetings for more than six months.



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**Report to**

Scrutiny Board 2 (Children, Learning & Young People)  
Council

27<sup>th</sup> September, 2006

31<sup>st</sup> October, 2006

**Report of**

Scrutiny Co-ordinator

**Title**

Appointment of co-opted Members to the Scrutiny Board

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**1 Purpose of the Report**

The purpose of this report is to update the Scrutiny Board on the current position regarding the appointment of co-opted members.

**2 Recommendations**

Scrutiny Board are recommended to:

- (i) Note and endorse the various actions outlined in section 4.2 below.
- (ii) Consider the appointment of a sixth co-opted member as discussed in section 5 below.

Council are recommended to:

- (i) Note the various actions outlined in the report and endorse the disqualification of the current primary Parent Governor Representative who has not attended any meetings for more than 6 months.

**3 Information/Background**

- 3.1 Section 4.5.6 of the Council's constitution allows for the appointment of a total of five co-optees to the Scrutiny Board:

*4.5.6 Education Representatives*

*4.5.6.1 The Scrutiny Board responsible for Education matters will include the following:-*

- (a) One person nominated by the Church of England.*
- (b) One person nominated by the Roman Catholic Church.*
- (c) One parent governor elected by the parent governors in the City in respect of the Primary phase of education.*
- (d) One parent governor elected by the parent governors in the City in respect of the Secondary phase of education.*

*(e) One representative from other faith groups in the City*

*4.5.6.2 Such appointees, with the exception for the time being of the representative appointed under 4.5.6.1(e) above, may vote on education issues only, but may speak on other issues.*

*4.5.6.3 They will also be invited to attend the meetings of Scrutiny Co-ordination Committee and of other Scrutiny Boards if education matters are to be considered at those meetings.*

- 3.2 Of the two parent governor representatives one post is currently vacant (identified for a secondary parent governor) and one (for a primary parent governor) has been filled, but the post-holder has found it difficult to attend Scrutiny Board meetings. Your officers have made several attempts to fill the secondary vacancy, and to encourage the primary school governor representative to attend meetings. It is believed that the timing of Scrutiny Board meetings has been the main barrier to this co-optee attending.
- 3.3 Of the two current Diocesan representatives the Roman Catholic representative regularly attends the Board and discussions are on-going with the Church of England Diocesan authorities to ascertain the best way forward in securing the attendance of a representative.
- 3.4 Under the Parent Governor Representatives (England) Regulations 2001 co-opted parent representatives become disqualified if they fail to attend a meeting for a period of six months, unless special circumstances exist.
- 3.5 The fifth Education Co-optee position (the representative of non Christian Faiths) has been vacant for some considerable time (since the creation of the Scrutiny system in fact the post has never been filled), and the Council has been awaiting a nominee from the Standing Advisory Committee on Religious Education (SACRE). Due to vacancies however, this body is not itself currently representative of all the major faiths observed in the City. The Cabinet Member (Children, Learning and Young People) has recently agreed changes to the constitution of SACRE which have enabled a review of its membership with a view to improving representation.

#### **4 Proposal and Other Option(s) to be considered**

- 4.1 During the last civic year, in response to issues concerning appointment of co-opted members to various Council bodies, the Council agreed to establish an allowance for co-opted members of Council bodies. This is currently set at £438 and is intended to provide some remuneration for the amount of time a co-optee might be expected to devote to attending a body such as this Scrutiny Board over a full civic year. Whilst recent attempts have been made to recruit to the Scrutiny Board 2 vacancies, there has been no reference to this £438 allowance.
- 4.2 Your officers have now initiated a number of actions to seek to secure five active co-optees as required in the Council's Constitution and detailed above.
  - A request will be made to the next available full City Council meeting to confirm the disqualification of the current primary Parent Governor Representative who has not attended any meetings for more than 6 months.
  - A letter will be sent at the earliest opportunity following that meeting of the City Council to all school governors in the city seeking nominations to fill the two Parent Governor

Representative posts and drawing their attention specifically to the new Co-opted members allowance.

- The Cabinet Member (Children, Learning and Young People) will be asked to invite the Chair of the Scrutiny Board to his next meeting with Chairs of School Governing Bodies, in order to emphasise the importance of parent governor representation in the Scrutiny process.
- An item will be placed on the agenda of the next meeting of SACRE, re-iterating the Council's request for the nomination of a non-Christian faith co-optee. It is anticipated that the recent membership review will have put SACRE in a better position to fulfil this request.
- A letter has been sent to the Coventry Governors' Organisation, seeking their support in filling the Parent Governor vacancies.

## 5 An Additional Co-optees

- 5.1 The Council has a statutory responsibility to appoint four of the five co-optees noted in 3.1, and these representatives have full voting rights in relation to matters concerning the education of Coventry children. The fifth non-Christian vacancy reflects a local decision to encourage a wide diversity of experience and knowledge in the scrutiny of education matters.
- 5.2 The possibility exists for the Board to appoint additional co-opted members, and many authorities follow this practice. There may be some benefit in appointing an additional governor representative (but not specifically a parent governor) to ensure that the Board continues to broaden its contact with schools and addresses more issues which are of importance to schools. One of the problems in gaining regular attendance of parent representatives has been them having to take time off work during the day or meetings which encroach on the start or end of the school day. It may well be that other governors have the time and commitment to put into being a co-opted member of the Scrutiny Board. This may be an issue which could be discussed with the Coventry Governors' Organisation.
- 5.3 The availability of the allowance for co-opted members provides an opportunity to encourage interest and ensure that the Board has a wide range of co-optees adding their experience and knowledge to the work of the Board.

## 6 Other specific implications

6.1

	<b>Implications (See below)</b>	<b>No Implications</b>
Area Co-ordination		✓
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓

	<b>Implications (See below)</b>	<b>No Implications</b>
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

## 7 Conclusion

7.1 The current situation requires prompt attention if the City Council is to continue to fulfil its statutory obligations in terms of co-opted representation in the Scrutiny process and fulfilling the requirements of the City Council's Constitution. Comments on the outlined actions would be welcomed.

	<b>Yes</b>	<b>No</b>
<b>Key Decision</b>		
<b>Scrutiny Consideration (if yes, which Scrutiny meeting and date)</b>	✓ 27 <sup>th</sup> September, 2006	
<b>Council Consideration (if yes, date of Council meeting)</b>	✓ 31 <sup>st</sup> October, 2006	

List of background papers

Proper officer: Roger Hughes, Head of Corporate Policy

Author: Telephone 024 7683 1172  
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Papers open to Public Inspection

**Description of paper**

**Location**

## **STANDARDS COMMITTEE**

**18<sup>th</sup> October, 2006**

Members Present:- City Council Members

Councillor Lee  
Councillor Mulhall

Independent Members

A. Casey  
M. Farrell  
D. Jackson  
B. Ray

Parish Councillor

B. Shakespeare

Employees Present:- G. Carey (Legal and Democratic Services Directorate)  
J. McLellan (Legal and Democratic Services Directorate)

Apologies:- Councillor Cliffe (Substitute Member)  
Councillor Williams  
J. Willetts

### **RECOMMENDATION**

#### **8. Proposed Amendments to the Constitution**

The Committee considered a report of the Director of Legal and Democratic Services which proposed further changes to the City Council's Constitution that had arisen since the Committee considered amendments to the Constitution at their meeting on 29<sup>th</sup> March, 2006 (Minute 35/05 refers). The Constitution Working Group had met to examine the Constitution and as a result, had recommended that further amendments be made.

In relation to the Scrutiny Co-ordination Committee, where there is no other business to be considered by that Committee, the appropriateness of call-ins be determined in accordance with the criteria by the Chair or, in his/her absence, his/her nominee, in conjunction with the Director of Legal and Democratic Services.

Also in relation to the Planning Committee any requests to register to speak at that Committee be received by no later than midnight on the last day of the notification period.

**RECOMMENDED that the City Council approves the following amendments to the City Council's Constitution:-**

- (1) In relation to the Scrutiny Co-ordination Committee that where there is no other business to be considered by that Committee, the**



**appropriateness of call-ins be determined in accordance with the criteria by the Chair or, in his/her absence, his/her nominee, in conjunction with the Director of Legal and Democratic Services.**

- (2) In relation to the Planning Committee that any requests to register to speak at that Committee be received by no later than midnight on the last day of the notification period.**



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**Report to**

Standards Committee

18<sup>th</sup> October, 2006

**Report of**

Director of Legal and Democratic Services

**Title**

**Proposed Amendments to the Constitution**

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**1 Purpose of the Report**

- 1.1 This report outlines proposed changes to the Constitution following consideration of these matters by the Constitution Working Group.

**2 Recommendations**

- 2.1 To recommend that the City Council at its meeting on 31<sup>st</sup> October, 2006 makes the following amendments to the Council's Constitution:-

(i) That, where there is no other business to be considered by the Scrutiny Co-ordination Committee, the appropriateness of call-ins be determined in accordance with the criteria by the Chair or, in his/her absence, his/her nominee, in conjunction with the Director of Legal and Democratic Services.

(ii) That any requests to register to speak at Planning Committee be received by no later than midnight on the last day of the notification period.

**3 Information/Background**

- 3.1 The City Council's Constitution has been operating in its current form since May 2003, and the Standards Committee has approved various amendments during the course of the last three years.
- 3.2 The Director of Legal and Democratic Services has also made some minor rewording/redrafting amendments in accordance with the authority delegated to him by the Standards Committee.
- 3.3 The Constitution Working Group, which has cross party representation, meets during the municipal year to give consideration to any issues that arise from the Constitution.

## 4 Proposal to be Considered

### 4.1 "Call-In" Procedure

Non Cabinet Members are entitled to "call-in" decisions made by the Cabinet and Cabinet Member to challenge and scrutinise those decisions. Currently, the appropriateness of a call-in is determined by the Scrutiny Co-ordination Committee, in accordance with a set criteria, except where there is no other business to be considered by the Committee. In such instances, the appropriateness is determined in accordance with the criteria by the Chair of the Committee, or in his/her absence, the Deputy Chair, in conjunction with the Director of Legal and Democratic Services.

Approval is sought to change this delegation to the Chair or, in his/her absence, his/her nominee to avoid the potential problem of both the Chair and Deputy Chair being absent.

### 4.2 Registering to Speak at Planning Committee

If a member of the public has made written representations on a planning application, they can register to speak at Planning Committee. To do this, they must contact the Committee Officer in Democratic Services within the notification period (usually 21 days) referred to in the Council's notification letter or by the date given on the site notice or advert.

With more and more members of the public choosing to contact the Council by e mail, many of which are received out of office hours, a recent issue has arisen which has highlighted the need to clarify the cut off point.

Approval is sought to amend the Constitution to stipulate that any requests to register to speak at Planning Committee must be received by no later than midnight on the last day of the notification period.

## 5 Other specific implications

### 5.1

	<b>Implications (See below)</b>	<b>No Implications</b>
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓

	<b>Implications (See below)</b>	<b>No Implications</b>
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

## 5.2 Legal Implications

The City Council's Constitution is written in accordance with the provisions of the Local Government Act 2000. It is clearly in the Council's interest to ensure that the Constitution complies with the law and is not subject to challenge.

## 6 Monitoring

- 6.1 The Constitution is continuously monitored through its regular use and through the Constitution Working Group.

## 7 Timescale and Expected Outcomes

- 7.1 If the Standards Committee agree the changes to the Constitution, it is proposed that they are submitted to the City Council at its meeting on 31<sup>st</sup> October, 2006 for approval.

	<b>Yes</b>	<b>No</b>
<b>Key Decision</b>		✓
<b>Scrutiny Consideration (if yes, which Scrutiny meeting and date)</b>		✓
<b>Council Consideration (if yes, date of Council meeting)</b>	✓ 31 <sup>st</sup> October, 2006	

List of background papers

Proper officer: Chris Hinde, Director of Legal and Democratic Services

Author: Telephone 02476 833072  
Suzanne Bennett, Principal Committee Officer, Legal and Democratic Services  
(Any enquiries should be directed to the above)

Other contributors:  
Chris Hinde, Director of Legal and Democratic Services

Papers open to Public Inspection

**Description of paper**

**Location**

Constitution

CH 61

## **CABINET**

**3rd October, 2006**

Cabinet Members  
Present:-  
Councillor Arrowsmith  
Councillor Blundell  
Councillor Mrs Johnson  
Councillor Matchet  
Councillor O'Neill (Chair)

Non-Voting Opposition  
Representatives present:-  
Councillor Benefield  
Councillor Duggins  
Councillor Mutton  
Councillor Nellist

Chair of Scrutiny  
Co-ordination Committee  
present:-  
Councillor Sawdon (for the consideration of the matter dealt  
with in Minute 88 below)

Other Members  
Present:-  
Councillor Clifford  
Councillor Skipper

Employees Present:-  
J. Bolton (Director of Community Services)  
L. Bull (Head of Adult Services)  
R. Brankowski (Legal and Democratic Services Directorate)  
J. Crook (Interim Director of Children, Learning and Young  
People)  
A. Davey (Head of Culture, Leisure and Libraries)  
J. Hutchings (Finance and ICT Directorate)  
K. Rice (Head of Legal Services)  
A. Ridgwell (Director of Finance and ICT)  
S. Sampson (Children, Learning and Young People's  
Directorate))  
A. Simpson (Children, Learning and Young People's  
Directorate))  
A. Sohal (Finance and ICT Directorate)  
C. West (Head of Financial Management)

**Apologies:-**  
Councillor Foster  
Councillor H. Noonan  
Councillor Ridley  
Councillor Taylor  
  
S. Manzie (Chief Executive)  
C. Hinde (Director of Legal and Democratic Services)

## RECOMMENDATIONS

### 92. **Environmental Information Regulations 2004 - Policy**

The Cabinet considered a report of the Director of Finance and ICT seeking approval of the proposed Environmental Information Regulations (EIR) Policy Statement appended to the report submitted.

The Statement applies to all City Council employees, and councillors (and organisations or individuals who hold environmental information on behalf of the Council), who receive and respond to requests for environmental information as defined in the EIR.

It is intended to ensure that all requests for information received by the Council are processed in accordance with the provisions of the Environmental Information Regulations 2004, which were introduced on the 1st January, 2005, in order to implement the European Union Directive 2003/4/EC.

All public authorities, such as the City Council, that are subject to the Freedom of Information (FOI) Act 2000 are subject to EIR as well. However, EIR also apply to a wider range of organisations, including any body or person who has responsibility for the environment. EIR therefore include private companies and partnerships with public authorities (water, energy, waste and transport).

Examples of environmental records are: land use, waste, energy, contamination of the food chain, pest control, pollution, refuse, waste management and dog patrol.

The report summarised the Council's EIR Framework, how EIR combines with other information access legislation, rights of access, charges, exemptions to disclosure, complaints and appeals, dissemination of environmental information, and the involvement of DEFRA (Department for Environment, Food and Rural Affairs).

With regard to the Council's EIR Framework itself, the report also covered the current situation, dealing with verbal and written requests for information, roles and responsibilities, overview of EIR requests received in 2005, purpose of requests in 2005, type of information requested, outcome of requests, and training and awareness.

**RESOLVED that the City Council be recommended to approve the EIR Policy Statement.**

### 93. **Re-use of Public Sector Information Regulations 2005 - Policy**

The Cabinet considered a report of the Director of Finance and ICT seeking approval of the proposed Re-Use of Public Sector Information (RPSI) 2005 Policy Statement appended to the report submitted.

The Statement applies to all City Council staff, particularly employees and councillors who receive and respond to requests for information, organisations or individuals engaged in or about to engage in business dealings with the Council (such as

external agents, contractors and sub-contractors) and members of the public.

It is intended to outline the requirements for the Council to provide or permit re-use of information held (in any particular media format), and to ensure that all requests for information received by the Council are processed in accordance with the provisions of the RPSI Regulations 2005, which were laid before Parliament on the 10th June, 2005, and came into force on the 1st July, 2005.

The Regulations, which apply to all public authorities, including the City Council, build upon the Freedom of Information (FOI) Act to implement a European Directive on the RPSI that became European law at the end of 2003. The Regulations recognise public sector information as a valuable information source, and aim to remove current barriers to the re-use of such information to bring about economic and employment benefits and improve the flow of information from the public sector to the citizen.

Re-use occurs in using information, when it has been requested under, say, the FOI Act, for a purpose other than that for which it was originally produced. Use of information for private study or non-commercial research is not considered to be "re-use".

The report summarised the scope of the Regulations, relevant definitions, facets of the Regulations themselves, implications for the Council (including copyright, licence and charges, publication scheme, exclusive arrangements, and complaints and appeals processes).

The report also covered roles and responsibilities, business development opportunities for the Council, and recommendations for the way forward following input from the West Midlands Information Governance Forum.

**RESOLVED that the City Council be recommended:-**

- (1) To approve the RPSI Policy Statement.**
- (2) To review the RPSI Policy (including reviewing charging and licence mechanisms) after twelve months.**



**Report to**

Cabinet  
Council

3<sup>rd</sup> October 2006

31<sup>st</sup> October 2006

**Report of**

Director of Finance & ICT

**Title**

Environmental Information Regulations 2004: Policy

**1 Purpose of the Report**

1.1 The purpose of this report is to seek approval of the proposed Environmental Information Regulations (EIR) Policy Statement (See Appendix 1).

**2 Recommendations**

2.1 Cabinet is recommended to approve the EIR Policy Statement.

**3 Background****3.1 General Information on the Act**

3.1.1 The Environmental Information Regulations (EIR) 2004 were introduced on the 1 January 2005, in order to implement the European Union Directive 2003/4/EC. All public authorities, such as CCC, that are subject to the Freedom of Information (FOI) Act 2000 are subject to EIR as well. However EIR also apply to a wider range of organisations, including any body or person who has responsibility for the environment. EIR therefore include private companies and partnerships with public authorities (water, energy, waste and transport).

3.1.2 Examples of environmental records are: land use, waste, energy, contamination of the food chain, pest control, pollution, refuse, waste management and dog patrol.

**3.2 The Council's EIR Framework**

3.2.1 The Council has an EIR framework, which is currently not supported by an approved Corporate Policy, which is a requirement of the Regulations.

3.2.2 Further information, on how CCC deals with EIR requests is provided in "Section 4, The Council's Current EIR Framework".

3.2.3 EIR applies to all Directorates within CCC, particularly:

- City Services;
- City Development;
- Children, Learning & Young People's Services (for dealing with EIR enquiries in relation to School premises and adjoining Schools owned land);

3.2.4 The EIR framework will recognise that requests in relation to contaminated land registers can be made by contacting the [Environmental Protection Team](#) at the City Services Directorate. These will be actioned and charged under existing arrangements, and not under EIR. Contaminated land registers are located at Broadgate House.

### 3.3 **How EIR Combines with other Information Access Legislation**

3.3.1 Any request for information held by/on behalf of CCC is technically a FOI request in the first instance. Section 39 of the FOI Act then exempts environmental information from being dealt with under the FOI Act, and states that it should be dealt with under the EIR 2004.

3.3.2 If it is determined that part/all of the information requested is personal information, where the applicant is the subject of the information, access to that information will be dealt with under the Data Protection Act 1998.

3.3.3 In effect the three pieces of legislation work together, the Environmental Information Regulations enabling access to Environmental Information Regulations, the Data Protection Act 1998 enabling access to personal information of which the applicant is the subject, and the Freedom of Information Act enabling access to all other information.

### 3.4 **Rights of Access**

3.4.1 A request can be verbal or written, electronic or hardcopy. In order to process a verbal enquiry, it is the duty of the employee and councillors who receives a verbal request to:

- Take down the full name and address of the applicant;
- Acknowledge the request in writing.

3.4.2 A request must be answered within 20 working days of receipt of the request, however this time period can be extended to 40 working days if the request is complex and voluminous.

3.4.3 If CCC receives a request, which they believe is too general, it will contact the applicant as soon as possible to try to determine specifically what information the applicant would like.

3.4.4 When making a request for information an applicant may state a preference as to the form/format in which they would like the information to be provided e.g. hardcopy/electronic etc. CCC will oblige and will seek to provide the information in the most cost-effective format that is agreeable with the applicant.

### 3.5 **Charges**

3.5.1 CCC may charge a reasonable fee for disclosing information, however it cannot charge an applicant to inspect the information in situ.

3.5.2 Re-use of EIR information is subject to the Re-Use of Public Sector Information Regulations, where CCC has the option to charge for any EIR information that a

applicant may use for commercial purposes, unless existing charging arrangements exist. Currently, existing charging arrangements include Land Charges and Land Quality information.

### **3.6 Exemptions to Disclosure**

3.6.1 Within EIR, exemptions are referred to as exceptions.

3.6.2 Inevitably there is information for which there would be adverse consequences should it be released, for example the nesting location of a species of rare bird. To prevent such an event happening, the EIR contain a number of exceptions, subject to a public interest test, which would allow CCC to withhold that information.

3.6.3 If CCC refuses to disclose all/part of the information requested, it must state, in writing, what exception the information falls under and to justify its decision that the exception should be applied.

### **3.7 Complaints and Appeals**

3.7.1 CCC will also inform the applicant that they have a right to make a complaint about the service offered, or appeal against CCC's decision, initially to CCC itself then, if they remain dissatisfied, to the Information Commissioner's Office.

### **3.8 Dissemination of Environmental Information**

3.8.1 CCC is also required to proactively and progressively disseminate to the public, any environmental information that it holds. This does not apply to information held in non-electronic form, collected before the 1 January 2005.

### **3.9 Department for Environment, Food and Rural Affairs (DEFRA)**

3.9.1 DEFRA is a government organisation whose core purpose is to improve the current and future quality of life.

3.9.2 DEFRA has been created to bring together the interests of farmers and the countryside; the environment and the rural economy; the food we eat, the air we breathe and the water we drink. DEFRA does this by integrating environmental, social and economic objectives, and by championing sustainable development as the way forward for Government.

3.9.3 DEFRA is creating a central register showing where statutory and other environmental registers can be found, as required in EU Directive 2003/4/EC Article 3 (5)(c) - see also Regulation 4 of the EIR. The register will initially hold details of DEFRA and DEFRA agencies registers, which include CCC.

3.9.4 The Environment Protection Section at CCC licenses industry, business and individuals to carry out certain activities that have the potential to pollute the environment. When CCC receives an application for such a licence, it can make that application and other relevant information available to the public. CCC can do this as it can make the decision of whether to issue the licence, or what conditions it will attach to it.

3.9.5 After any licence is issued, further information is also made available on the Registers. This can typically include monitoring information, details of any breaches of the terms of

the licence, any enforcement actions that have been carried out and any applications to vary the terms of the licence.

#### **4 The Council's Current EIR Framework**

##### **4.1 Current Situation**

4.1.1 As mentioned in Section 3.2.1, CCC has an, which is currently not supported by an approved Corporate Policy, which is a requirement of the Act.

4.1.2 An Information Audit, titled: "Coventry City Council Internal Audit Service, Final Report, Freedom of Information Act 2000, December 2005" made some recommendations for FOI, which can also apply to EIR, namely:

4.1.2.1 There is a need to ensure comprehensive policy and procedures exist to support EIR.

4.1.2.2 The roles of the Directorate EIR Leads should be clarified to ensure the process for dealing with EIR requests is efficient and the Council is consistent in its approach to answering requests.

4.1.2.3 A corporate register, which records details of all EIR requests, needs to be maintained and used for producing management information.

4.1.2.4 A monitoring process needs to be established to ensure there is compliance with the requirement to answer requests within 20 working days of receipt.

4.1.3 A framework to support EIR has been established in CCC since 1 January 2005 and incorporates internal procedures for processing information requests, that includes a mechanism for recording the receipt and progress of all requests, and a tracking process to assist Directorate EIR lead officers in meeting the 20 working days timescale.

4.1.4 Management information is provided to Directorates to show how well they are performing against the Regulations, and to be aware of any issues.

4.1.5 Complaints are handled in accordance with CCC's Comments, Compliments and Complaints Procedures, and an Appeals procedure will be utilised, for appeals against decisions not to release all or part of the information.

4.1.6 A risk register has been established and maintained to identify and manage risks associated with EIR.

4.1.7 The EIR framework is constantly reviewed and monitored, to incorporate lessons learnt from experience, and using them to inform best practice. This also involves networking with neighbouring authorities to ensure a consistent and uniformed approach to the implementation and application of the Regulations.

##### **4.2 Dealing with Verbal and Written Requests for Information**

4.2.1 A public authority is under a duty to provide such advice and assistance, so far as reasonable, to persons who have or propose to make requests for information. To support this, and to provide best customer service, CCC will also accept verbal requests for information.

4.2.2 Council employees and councillors will action a request as per Section 3.4.

## **4.3 Roles and Responsibilities**

4.3.1 The following key stakeholders, who will have an involvement within EIR, will include:

4.3.1.1 The Director of Finance & ICT has overall responsibility for EIR requests within the Council, and this is further supported by the Head of Customer & Business Services. This is because it is the Information Governance Team within Finance & ICT that will co-ordinate EIR requests across the Council.

4.3.1.2 The Information Governance & IT Security Team has responsibility for maintaining policy, procedures and training and awareness.

4.3.1.3 With support from Directorate Information Governance Lead Officers, the Information Governance & IT Security teams have day-to-day responsibility for the management and co-ordination of EIR requests.

4.3.1.4 Specialist legal advice will be supported by a resource within Legal & Democratic Services Directorate; whose expertise in servicing the City Services Directorate includes legislation in relation to the environment.

4.3.1.5 An Environmental Consultant within the City Services Directorate will support specialist advice on the subject matter of environment health in the local area served by CCC.

4.3.1.6 The Corporate Communications team will be informed of all press related or other contentious EIR requests, and will scrutinise all responses before disclosure.

4.3.1.7 All managers (including any one in a supervisory/team leading capacity) are responsible for:

- Ensuring compliance with the Policy within their operational areas;
- Ensuring team members are appropriately trained with regard to their responsibilities for compliance with the EIR.

4.3.1.8 All employees and councillors are to:

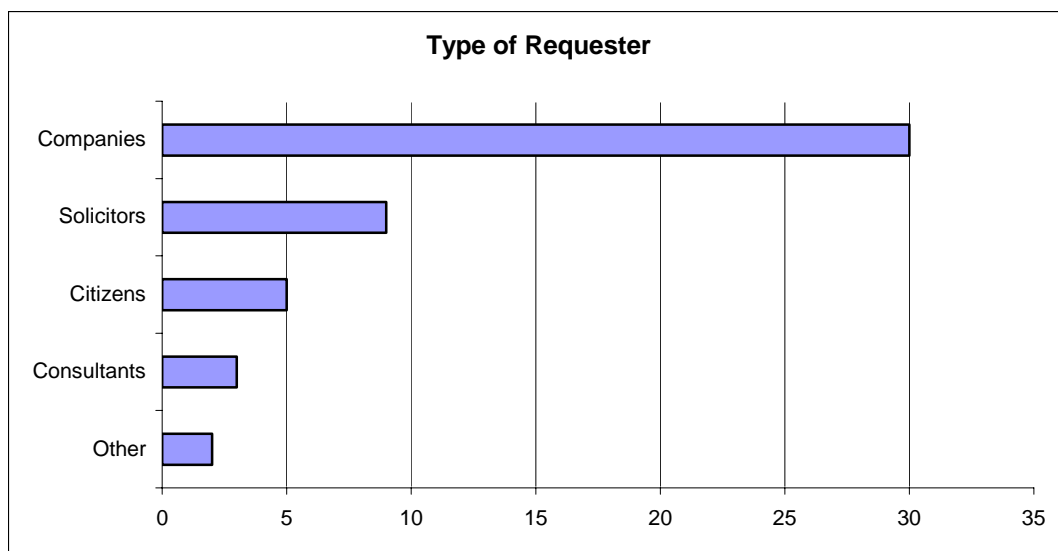
- Understand and adhere to their responsibilities for handling requests for information in line with policy and procedures;
- Respond to both written and verbal requests in line with Council procedures and guidelines;
- Notify their Directorate EIR lead of requests received, and to copy in the Corporate EIR Officer.

## **5 Overview of EIR Requests Received in 2005**

5.1 The Council's corporate team have registered 49 requests in 2005 for information, and 32 so far in 2006. The 32 requests in 2006 pertain to Land Quality Information reports, and these are charged for under existing arrangements.

### **5.2 Purpose of Requests 2005**

5.2.1 61% of information requests in 2005 have been received from private companies, with a further 18% coming from solicitors. It is likely that Solicitor requests are not necessarily logged in their name, but have the contact details of an individual. Consequently, it is likely that the number of Company applicants has been artificially inflated at the expense of the number of Solicitors requests. 10 % originated from Citizens, 6% from Consultants and 4% from within the Council.

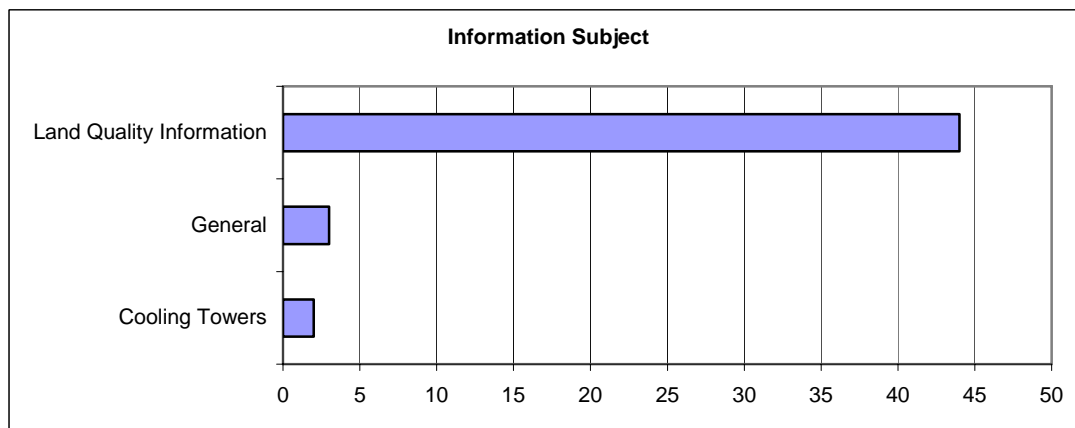


### 5.3 Type of Information Requested

5.3.1 All requests were actioned by the City Services Directorate. Almost 90% of requests are regarding Land Quality Information reports, in relation to the purchase of plots of land, residential and commercial properties.

5.3.2 Whilst the subject matter of all requests have not been analysed in any depth, it appears that it is likely to be Solicitors, acting on behalf of land/property buyers and Companies seeking to acquire land/property that are interested in Land Quality Information reports.

5.3.3 The remaining requests deal with the Water Cooling Towers, environmental information on Stoke Hill Lake and a general request on developments in the environment.



### 5.4 Outcome of Requests

- 5.4.1 A central manual register for tracking EIR requests has been in place since 1 January 2005.
- 5.4.2 In order to provide a central view on the volumes of requests and whether they are being actioned correctly, EIR Directorate leads were requested to inform the Information Governance Team when requests were completed. The Information Governance Team would then ensure the spreadsheet was updated.
- 5.4.3 The FOI and EIR tracking spreadsheet has recently been made available on-line to all FOI and EIR Directorate leads, thus giving them the ability to ensure their request data is logged accurately and in a timely manner. The Information Governance Team monitors this process. It is hoped that tracking of FOI and EIR requests will ultimately be handled via the Council's CRM system, named "Frontline".
- 5.4.4 Almost 92% (45) of EIR requests were completed within the 20-day time frame.
- 5.4.5 8% (4) of requests were completed after the 20-working day.
- 5.4.6 The following reasons have been identified as the potential root causes for missing EIR deadlines:
- Request received, but not recognised as an EIR request.
  - Those who receive a request unable to identify relevant EIR leads to action and track requests.
  - Subject matter relating to request not found within the timescale.
  - Conflicting work priorities have made it difficult to complete EIR request on time.
  - Employees and councillors on holiday when request received, therefore unable to action request within the timescale.
  - Request cascaded to different employees and councillors, but timescales for actioning not communicated clearly.
  - Directorate EIR leads failing to advise when requests have been completed, or entering incorrect data.
- 5.4.6.1 It is expected that an EIR Policy statement, on-going training sessions, refresher awareness in In-site, weekly tracking of EIR requests and training documentation for EIR Leads will help alleviate this.
- 5.4.6.2 In addition to the weekly tracker, a monthly management information report will be produced for Directors to enable them to see how well their Directorates are performing with regard to EIR and to be aware of any issues.
- 5.4.6.3 The Council has withheld information once using an exception, which is summarised in the table below. The EIR request was broad in nature, and asked for information in relation to the "effect of developments on the environment".

Exception/reason	Number times used
Section 12, part 5e - Commercial interests	1

## 6 Training

**6.1 Training and Awareness for Employees and Councillors**

- 6.1.1 Training guidance for employees and councillors (including, presentations and procedures for actioning requests, and dealing with complaints and appeals) will be provided.
- 6.1.2 Tools (template letters) for actioning EIR will also be created.
- 6.1.3 It is likely that EIR training courses will be provided in Autumn 2006 or Spring 2007.

**7 Implications**

	<b>Implications (See below)</b>	<b>No Implications</b>
Best Value		✓
Children and Young People	✓	
Comparable Benchmark Data	✓	
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities	✓	
Finance	✓	
Health and Safety		✓
Human Resources	✓	
Human Rights Act		✓
Impact on Partner Organisations	✓	
Information and Communications Technology	✓	
Legal Implications	✓	
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

**7.1 Comparable Benchmark Data**

The Information Governance team, who provide corporate guidance on the application and implementation of the Freedom of Information Act, are members of the West



Midlands Information Governance Forum group consisting of: 7 West Midlands Councils, plus Bromsgrove District Council; Centro; Dudley Health & Social Care Community; Leicestershire County Council; Powys County Council; Shropshire County Council; Staffordshire County Council; Stoke City Council; The University of Wolverhampton; Warwickshire County Council; Worcestershire Country Council.

The purpose of the forum is to share best practice across West Midlands, thus hoping to ensure a consistent approach to EIR across the region.

## **7.2 Equal Opportunities**

7.2.1 There are no direct equality or diversity implications other than ensuring that the Council handles all information requests in a fair and consistent manner regardless of the source of the request.

## **7.3 Finance**

7.3.1 Under EIR the Council can make no charges for access to the following:

- Environmental information available on our website. (unless there are other charging arrangements subject to Copyright, Land Charges or the Re-Use of Public Sector Information Regulations).
- Inspecting public registers or examining information at our offices.
- Copies of many (though not all) of our publications (e.g. leaflets, reports), which contain environmental information.

7.3.2 Subject to the criteria in Section 7.3.1 and EIR Regulations:

7.3.2.1 The Council is required to provide information (subject to exemption) where the cost for retrieving the data is less than £450. This cost is based on 2.5 person days' effort at £25.00 per hour. The Council may, however, charge for disbursements to cover items such as photocopying (e.g. 5p per sheet) and postage.

7.3.2.2 The Council is not obliged to fulfil requests that exceed 2.5 person days' effort unless the requester agrees to pay expected costs (this includes employee costs at £25 per hour to retrieve the information and disbursement costs). In such cases the Council is obliged to inform a requester of the expected costs of fulfilling the request and allow the person sufficient time to respond and provide the fee prior to disclosure.

7.3.3 In order to determine the amount of time spent (in working hours) on obtaining information for a request, the relevant EIR Lead will record and log time spent by all individuals on spreadsheet. This will help to ascertain the costs of dealing with EIR requests.

## **7.4 Impact on Human Resources**

7.4.1 As mentioned in Section 6, training and awareness will be developed and provided for employees and councillors, to enable them to easily identify and manage EIR requests.

## **7.5 Impact on Partner Organisations**

7.5.1 The Council may be obliged to disclose information that has been provided by partner organisations, including contractual information (subject to exception). In such cases,

partner organisations are consulted and any objections are taken into account via a public interest test prior to disclosure.

7.5.2 When establishing contractual arrangements proposed contracts should clearly state the Council's obligations under EIR, and also the obligations of the contractor organisation.

## 7.6 Information and Communications Technology

7.6.1 It is the intention to ultimately use the Council's CRM system, Frontline, for recording and monitoring FOI requests, and given that EIR and FOI work to the same 20 working days cycle it will also be used EIR requests. There are no other direct I&CT implications other than ensuring that systems and applications provide appropriate records management functionality to allow required information to be retrieved in a timely manner.

## 7.7 Legal Implications

7.7.1 As this is new regulation and very little case law currently exists, the Information Governance team has access to a solicitor within Legal and Democratic Services, who provides legal advice on the environment to the City Services Directorate, and an Environmental Consultant (with private and public sector expertise) – based in the City Services Directorate. The Information Governance team also has recourse to external legal specialists for complex or contentious issues with regard to EIR requests.

## 8 Conclusion

8.1 Awareness of EIR across the Council must be raised, however there is a continued need to provide training and awareness to ensure:

8.1.1 All requests are correctly logged and handled in accordance with stated procedures

8.1.2 That the Council is applying exceptions correctly and consistently

8.1.3 That complex and contentious requests are handled appropriately

8.1.4 Continuous improvement

8.1.5 The framework is supported by a corporate wide policy.

## 9 Timescale and Expected Outcomes

9.1

	Yes	No
<b>Key Decision</b>		✓
<b>Scrutiny Consideration (if yes, which Scrutiny meeting and date)</b>		✓
<b>Council Consideration (if yes, date of Council meeting)</b>	✓ <b>31<sup>st</sup> October 2006</b>	

## List of background papers

Proper officer: Angie Ridgwell – Director of Finance & ICT

Author: Telephone 76 83 3323  
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Lynda Harrison, Senior HR Officer.

Maggie Wilcox, Information Governance Officer.

Mark Friday, Senior Internal Auditor.

Martin Glossop, Interim Environmental Health Manager.

Rachel Field, Principal Environmental Health Officer.

Lara Knight, Senior Committee Officer, Legal and Democratic Services Directorate

Papers open to Public Inspection

<b>Description of paper</b>	<b>Location</b>
Recommendation of the Environmental Information Regulations Policy for Coventry City Council	Democratic Services CH61

## Environmental Information Regulations Policy Statement

Effective:  
Review Date:**Definitions:****1. Coventry City Council:**

This includes the Directorates in the Council and Elected Members. Also included from the Children, Learning & Young People's Services Directorate are Schools located within the wards of Coventry.

**2. Environmental Information Regulations:**

This creates a general legal right of access by the worldwide public to request environmental information held by public authorities, such as CCC. The definition for Environmental Regulations is given in Annex 1.

**Policy Audience:** All Coventry City Council<sup>1</sup> (CCC) employees, and councillors (and organisations or individuals who hold environmental information on behalf of CCC), who receive and respond to requests for environmental information, as outlined in Annex 1 "*What is Environmental Information*".

**OBJECTIVE**

To ensure that all requests for information received by CCC are processed in accordance with the provisions of the Environmental Information Regulations (EIR) 2004<sup>2</sup>.

**IMPLEMENTATION**

To enable our employees and councillors to comply with this policy and with the EIR, CCC will:

- Establish and maintain an EIR framework.
- Provide adequate and appropriate training and guidance.
- Maintain a register of requests.
- Ensure that employees and councillors retain an audit trail of all written correspondence in relation to a request for information.
- Monitor application of guidance.
- Revise guidance and training as appropriate.

**POLICY**

Coventry City Council will comply with the requirements of the EIR, and in particular will:

- Promote a culture of openness and accountability in providing people with rights of access to environmental information.
- Make, as much information as practicable available via the Publication Scheme<sup>3</sup>, or electronically – this does not apply to information held in non-electronic form, collected before the 1 January 2005.
- Respond to written and verbal requests<sup>4</sup> for information as quickly as possible, and in any event within the statutory timescales<sup>5</sup> of 20 working days.
- Recognise that requests in relation to contaminated land registers can be made by contacting the [Environmental Protection Team](#) at the City Services Directorate. These will be actioned and charged under existing arrangements, and not under EIR.



## Environmental Information Regulations Policy Statement

Effective:  
Review Date:**Definitions:****3. Publication Scheme:**

This is a complete guide to the information routinely published by CCC. It also informs how and when we will produce the information, from where it can be obtained, and whether it is available free of charge or on payment of a small fee.

**4. Written & Verbal Requests:**

All requests can be made verbally or in writing, giving a contact name, address and sufficient detail to identify the information required.

- Recognise that in line with the Re-Use of Public Sector Information<sup>6</sup> (RPSI) regulations that it can choose to impose conditions for re-use of its environmental information. It can also choose to charge for re-use, unless existing charging arrangements exist.
- In exceptional circumstances, where we believe it is not going to be possible to respond fully within the statutory timescale (for example where we have to consider the public interest test<sup>7</sup> for complex and voluminous requests, the time period may be extended from the statutory 20 working days to 40 working days).
- Apply exceptions<sup>8</sup> and the public interest test appropriately and consistently.
- Ensure that any fees charged are calculated appropriately and consistently.
- Ensure employees are appropriately trained.

**RIGHTS OF ACCESS**

Rights of access will apply to all types of environmental information (as specified in Annex 1), held by Coventry City Council regardless of the date of the information.

- Any person or organisation may apply. Access is not confined to UK citizens and permanent residents; foreign nationals may also apply. The requester is not required to prove an interest, or to say why he/she wants the information.
- A request can be verbal or written, electronic or hardcopy.
- CCC must acknowledge receipt of the request within 3 working days;
- A request must usually be answered within 20 working days of receipt of the request, however this time period can be extended to 40 working days if the request is complex and voluminous.
- If CCC receives a request, which CCC employees or councillors believe is too general, they will contact the requester as soon as possible to try to determine specifically what information it is that they would like.
- When making a request for information a requester may state a preference as to the form/format in which they would like the information to be provided e.g. hardcopy/electronic etc. CCC will oblige and will seek to provide the information in the most cost-effective format that is agreeable with the requester.
- Provide as much of the information as possible within the earlier timescale.

## Environmental Information Regulations Policy Statement

Effective:  
Review Date:**Definitions:****5. Statutory Timescales:**

A request must usually be answered within 20 working days of receipt of the request, however this time period can be extended to 40 working days if the request is complex and big in volume.

**6. Re-Use of Public Sector Information:**

CCC to support its 'public task' produces information. Re-use occurs in using that information, when it has been requested under, say, the Freedom of Information Act, for a purpose other than that for which it was originally produced. Use of information for private study or non-commercial research is not considered re-use by CCC.

**EXCEPTIONS**

EIR lists the exceptions under which CCC can refuse to disclose information. All the exceptions are subject to a public interest test.

Those weighing the public interest of whether to release or withhold information should interpret the exceptions very carefully, seeking advice of the Information Governance Team, and the relevant expert from the Legal and Democratic Services Directorate - after agreement with the Information Governance Team.

A request for information can be refused (or part of the information withheld) if:

- It is considered manifestly unreasonable.
- It is incomplete/part complete or not available.
- The information being requested may be in the course of being produced or finished.
- The information being requested may adversely affect intellectual property rights or the interests of the supplier or CCC.
- Other exceptions relating to Defence, International Relations, National Security and the Administration of Justice all lead to a refusal.
- Refusal protects personal / voluntary data.
- Refusal assists in environmental protection.

If information relates to emissions, CCC cannot refuse to disclose it on the grounds of confidentiality of proceedings, commercial confidentiality, personal/ voluntary data or environmental protection.

**APPEALS PROCESS**

Where requests are refused, the requester will be advised of the decision and has a right to ask for that decision to be reviewed under CCC's EIR and FOI appeals procedures. If the information is still not released, the requester will be advised of their right to ask the Information Commissioner to review the decision. For more detailed information, please see the [guidance published by the Department for Environment, Food and Rural Affairs](#) (Defra).



## Environmental Information Regulations Policy Statement

Effective:  
Review Date:

### Definitions:

#### 7. Public Interest Test:

The EIR requires that CCC must consider whether or not it is in the public interest to release that information. If it is in the public interest to release the information then we will release the information. If a decision is taken to withhold information, we must inform the requester which exception we are using and all arguments behind the decision.

### CHARGING A FEE FOR SUPPLYING INFORMATION

Charges will be levied in accordance:

- With existing CCC charging arrangements for Copyright, Land Charges, Land Quality Information and RPSI regulations (where CCC does have the option to charge for re-use, even though under its RPSI Policy it will not), otherwise
- With guidance provided by the Information Commissioner (IC), who is the regulator for the Environmental Information Regulations 2004.

No fee will be levied for requests where the information retrieval costs are estimated to cost less than £450. However, a charge can be made for disbursements, e.g. postage, printing, computer disks, audio or videotapes and photocopying (approximately 5p per sheet of A4).

If the estimated fee exceeds £450, the charge will be reported to the requester and the information will be provided once the fee has been received.

### ROLES & RESPONSIBILITIES

- The Director of Finance & ICT has overall responsibility for EIR requests within the Council, and this is further supported by the Head of Customer & Business Services. This is because it is the Information Governance Team within Finance & ICT that will co-ordinate EIR requests across the Council.
- The Information Governance & IT Security Team has responsibility for maintaining policy, procedures and training and awareness.
- With support from Directorate Information Governance Lead Officers, the Information Governance & IT Security teams have day-to-day responsibility for the management and co-ordination of EIR requests.
- Specialist legal advice will be supported by a resource within Legal & Democratic Services Directorate; whose expertise in servicing the City Services Directorate includes legislation in relation to the environment.
- An Environmental Consultant within the City Services Directorate will support specialist advice on the subject matter of environment health in the local area served by CCC.

## Environmental Information Regulations Policy Statement

Effective:  
Review Date:

### Definitions:

### 8. Exceptions:

There are a few exceptions under EIR that may mean we are not able to disclose the information. The exceptions are not there as an excuse to refuse access. They are merely intended to protect information that should not be released – such as the location of rare birds' nesting sites.

There are no absolute exceptions – **all** the exceptions under EIR are subject to the public interest test.

- All managers (including any one in a supervisory/team leading capacity) are responsible for:
  - Ensuring compliance with the Policy within their operational areas;
  - Ensuring team members are appropriately trained with regard to their responsibilities for compliance with the EIR.
- All employees and councillors are to:
  - Understand and adhere to their responsibilities for handling requests for information in line with policy and procedures;
  - Respond to both written and verbal requests in line with Council procedures and guidelines;
  - Notify their Directorate EIR lead of requests received, and to copy in the Corporate EIR Officer.

### RETENTION AND REVIEW

This policy will be reviewed every three years, or sooner, if there is a significant change.

Any questions or concerns regarding this policy should be directed to:

*Information Governance Team  
Customer & Business Services  
Council House,  
Earl Street, Coventry.  
CV1 5RR  
Tel: 02476 83 3323  
Tel: 02476 83 3395*

*Email: [infogov@coventry.gov.uk](mailto:infogov@coventry.gov.uk)*



## Annex 1

### WHAT IS ENVIRONMENTAL INFORMATION

'Environmental information' is defined in the Regulations as covering:

1. The state of elements of the environment, such as air, water, soil, land, biological diversity, genetically modified organisms, and the interaction among these elements.
2. Factors, such as substances, energy, noise, radiation or waste, emissions, discharges and other releases into the environment referred to in (1).
3. Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the environment referred to in (1) or measures or activities designed to protect it.
4. Reports on the implementation of environmental legislation.
5. Cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (3).
6. The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (1) or the factors or measures in (2) and (3).

Version	Status	Date	Author	Summary of Changes
V 0.91	Draft	18/08/06	A Sohal	<p>Feedback from Council Solicitor (Anjeli Bajaj) to remove sentence stating, "Contaminated land registers are located at Broadgate House."</p> <p>Also approval from:</p> <ul style="list-style-type: none"> <li>• Colin Watkeys, Lead Accountant - Central Services</li> <li>• Sue Iannantuoni, Senior HR Manager</li> <li>• Mark Friday, Senior Internal Auditor</li> <li>• Anjeli Bajaj, Solicitor</li> </ul>
V 0.9	Draft	30/06/06	A Sohal	<p>Feedback from Management Board to insert a reference to contacts for contaminated land registers.</p> <p>Provide by Environmental Protection Team:</p> <ul style="list-style-type: none"> <li>• Martin Glossop, Interim Environmental Health Manager.</li> <li>• Rachel Field, Principal Environmental Health Officer.</li> </ul>
V 0.8	Draft	01/06/06	A Sohal	Feedback from Allan French
V 0.7	Draft	23/05/06	A Sohal	Feedback from FOI Leads
V 0.6	Draft	10/05/06	A Sohal	Format change, and feedback from Jayne Hutchings
V 0.5	Draft	09/05/06	A Sohal	Feedback from Anjeli Bajaj – EIR content amendments
V 0.4	Draft	08/05/06	A Sohal	Feedback from Maggie Wilcox – EIR content amendments
V 0.3	Draft	08/05/06	A Sohal	Feedback from Karen Merriman – grammar amendments
V 0.2	Draft	05/05/06	A Sohal	Guidance from Information Tribunal, and Rachel Filed feedback – amendments to charges
V 0.1	Draft	10/04/06	A Sohal	First Draft

**Review**

<b>Name</b>	<b>Title</b>	<b>Business Area</b>
Allan French	Head of Customer & Business Services	Customer & Business Services
Anjeli Bajaj	Solicitor	Legal and Democratic Services
Chris Faulkner	Policy and Resources Manager	Legal and Democratic Services
Colin Watkeys	Lead Accountant	Central Services
Jayne Hutchings	Information Governance & IT Security Manager	Customer & Business Services
Jody Hall	Business Support Assistant	Customer & Business Services
John Baird	Customer & Admin Services Manager	Customer & Support Services
Karen Merriman	Administrative Assistant - (Information Support)	Regeneration Services
Kath Sciarrotta	Business Manager	Neighbourhood Management
Lynda Harrison	Senior HR Officer	Human Resources
Maggie Wilcox	Information Governance Officer	Customer & Business Services
Mark Friday	Senior Internal Auditor	Internal Audit
Martin Glossop	Interim Environmental Health Manager	Environmental Protection Team
Rachel Field	Principal Environmental Health Officer	Environmental Protection Team

**Approval**

<b>Name</b>	<b>Date</b>
Cabinet	

**Distribution**

<b>Distributed To</b>	<b>Date</b>	<b>Format</b>
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**Document History**

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**Report to**

Cabinet  
Council

3<sup>rd</sup> October 2006  
31<sup>st</sup> October 2006

**Report of**

Director of Finance & ICT

**Title**

Re-Use of Public Sector Information 2005: Policy

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**1 Purpose of the Report**

1.1 The purpose of this report is to seek approval of the proposed Re-Use of Public Sector Information (RPSI) 2005 Policy Statement (See Appendix 1).

**2 Recommendations**

2.1 Cabinet is recommended to approve the RPSI Policy.

2.2 Review the RPSI Policy (including reviewing charging and licence mechanisms), after 12 months of Cabinet ratification.

**3 Background**

3.1 New regulations on the re-use of public sector information were laid before Parliament on the 10 June 2005 and came into force on the 1 July 2005.

3.2 The regulations, which apply to all public authorities<sup>1</sup> including Coventry City Council (CCC), build upon the Freedom of Information Act to implement a European Directive on the RPSI that became European law at the end of 2003. The Regulations recognise public sector information as a valuable information source, and aim to remove current barriers to the re-use of such information to bring about economic and employment benefits and improve the flow of information from the public sector to the citizen.

**4 In-Scope**

4.1 Coventry City Council, including Elected Members.

4.2 RPSI applies to public authorities, including Coventry City Council. Where the term "public authorities" is listed, it can be assumed that we are also referring to the Council.

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<sup>1</sup> Excluding public undertakings, public service broadcasters and educational, research and cultural establishments

## **5 Out of Scope**

- 5.1 Where information requested by virtue of the Freedom of Information (FOI) and Environmental Information Regulations (EIR) have exemptions to disclosure.
- 5.2 Information held by Schools in the Children, Learning and Young People's Directorate, formerly referred to as the Education and Libraries Directorate are out of scope.
- 5.3 Cultural Establishments, such as museums, libraries and archives, now based in the Community Services Directorate.
- 5.4 Where a third party holds copyright and/or intellectual property rights of a document that is subject to a request for re-use.
- 5.5 Where information requested falls outside the public task of the public authority, that will be supplying the information for re-use.

## **6 Definitions**

- 6.1 Re-use means re-use of information for a new purpose other than that which it was originally created for, by public authorities, for commercial or non-commercial purposes.
- 6.2 A document means any medium (written on paper, stored electronically as a record/document, sound, visual or audiovisual recording) that is held by a public authority.
- 6.3 A document 'held' by a public authority is a document where the public authority has the right to authorise re-use, and when it owns the Intellectual Property Right.

## **7 The Regulations**

- 7.1 The Government's Office of Public Sector Information (OPSI) has been formed to advise on and regulate the operation of the re-use of public sector information.
- 7.2 OPSI has a number of key roles in making the Regulations work. These include:
  - Initiating and sharing best practice across the public sector;
  - Advising and assisting our licensing and publishing issues;
  - Providing a mediation and dispute resolution process;
  - Provision of model material.
- 7.3 The new Regulations do not give any additional rights of access to information, however they do set out a series of rules that public authorities must follow if they are going to allow the information to be re-used for other purposes.
- 7.4 The Regulations allow councils to charge for re-use of information and attach conditions to its use. Unless CCC chooses to do this, the information could be used for commercial or other reasons without the Council's knowledge or permission and lead to loss of potential revenue.
- 7.5 The regulations provide a framework for ensuring that re-use of public sector information becomes easier, fair and more transparent. The Regulations can be broken into five elements discussed in turn below:

- 7.5.1 **Information asset lists:** Public authorities are obliged to produce a list of main documents, published and unpublished, available for re-use. These documents, subject to a few exclusions<sup>2</sup>, and License terms must be made available for re-use upon request;
- 7.5.2 **License terms:** Public authorities will have an obligation to publish any applicable conditions for re-use. This can be achieved through the development of License terms in the form of a standard license or a copyright notice on the material;
- 7.5.3 **Details of charges:** Public authorities can decide to charge for the re-use of information. Where practicable, standard charges for re-use should be established and published;
- 7.5.4 **Request process:** From the 1 July 2005 Public authorities have 20 working days to respond to RPSI requests, in line with FOI/EIR requests. Applicants will have to apply in writing and provide details of the intended use of the information. It is expected that RPSI should dovetail into existing FOI/EIR processes (where requests for information must be sent to applicants within 20 workings, subject to any legal exemptions);
- 7.5.5 **Robust complaints and appeals procedures:** Public authorities will be required to establish internal complaints and appeals procedures for handling complaints and appeals relating to these regulations. Details of these procedures process must be published. It is likely that these complaints and appeals procedures will be an extension to the FOI/EIR complaints and appeals procedures.
- 7.6 The regulations also prohibits “exclusive arrangements”, defined as a contract or arrangement granting an exclusive right to re-use a document, with any person or applicant, unless necessary for the provision of a service in the public interest<sup>3</sup>. Public authorities will have to publish any permitted exclusive arrangements entered into after 31 December 2003.
- 7.6.1 Exclusive arrangements which exist from the 1 July 2005 that do not satisfy this criterion must be terminated before 31 December 2008 or earlier if the contract expires before this date.

## 8 Implications for the Council

- 8.1 Ultimately the impact of these regulations on the Council will depend considerably on:
- The amount and type of information the Council holds which the public may wish to re-use;
  - The amount of information that the Council is willing to be re-used;
  - The approach the Council takes towards setting standard charges and conditions for re-use.
- 8.2 Whilst the regulations do not require the Council to permit re-use of any information, they do apply to all information:

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<sup>2</sup> Information exempt from the FOIA will also be considered exempt from RPSI regulations

<sup>3</sup> The validity of such reasons must be subject to 3 yearly review

- Identified by the Council as being available for re-use (i.e. through an information asset list);
  - Provided to the applicant;
  - Otherwise accessible by means other than FOI/EIR requests (i.e. Council internet website).
- 8.3 The Regulations came into force on 1 July 2005; hereafter any information request under RPSI will have to be processed in 20 working days. Information made available through asset list, publication scheme or other means (not including the FOI/EIR request processes) will be considered available for re-use.
- 8.4 **Copyright**
- 8.4.1 The public authority that produces the information generally owns the copyright. UK copyright legislation allows CCC to authorise the re-use of the information it produces. The Regulations only apply to copyright and related rights (database rights, publication rights and rights in performances). They do not apply to other intellectual property rights, such as patents, trademarks and design rights which are governed by other legislation.
- 8.4.2 Public authorities often disseminate the information they produce, either by publishing the material themselves or by publishing through a third party publisher. Subject to ensuring the material is not published on an exclusive basis, nothing in the Regulations affects how public bodies choose to publish the information they produce.
- 8.5 **Licence and Charges**
- 8.5.1 Whilst CCC may need some time to fully comprehend the impact of these regulations, in particular to consider what charges and conditions for re-use it may wish to impose it needs to be noted that during the interim period any information made available under RPSI for a particular purpose, will therefore automatically be available for the same purpose under the same conditions and charges. The Council will not be able to reconsider conditions or charges at a later date.
- 8.5.2 RPSI provides CCC with the option to charge for re-use. CCC will not charge for re-use, for the first year. It is further recommended that as the RPSI Regulations are so new, this approach be reviewed in 12 months time.
- 8.5.3 While the regulations provide an opportunity for an income stream to the Council, it is difficult to identify a single request that would have had the potential to generate any substantial income stream. If charges are made, over time it may become apparent that the cost of administering the 'charging process' is greater than the income it generates, or vice versa.
- 8.5.4 Where charges are made, the total income should not exceed the cost of collection, production, reproduction and dissemination of documents and a reasonable return on investment.
- 8.5.5 CCC timesheets to denote time spent creating information, and notional charging between departments can help to inform the cost of collection, production, reproduction and dissemination of documents.

8.5.6 The major risk to charging is to ensure that CCC has 100% copyright of all information it intends to re-charge for. This is a contentious issue, as collaborations between CCC and various public authorities; contractors, companies and any other external organisation may dilute the copyright that CCC holds. From the outset of any new collaborations, CCC must ensure that any sole copyright to CCC is agreed in writing and endorsed by the Legal and Democratic Services Directorate – otherwise CCC may be vulnerable to litigation if it intends to charge for re-use.

8.5.7 For information retrospectively produced, and where exclusive copyright for CCC cannot be proven, it will be difficult to charge for re-use of any information for fear of litigation from any external organisations (defined in section 8.4 and 8.5.6) also involved in the creation of this information.

## 8.6 **Publication Scheme**

8.6.1 The Council will need to review what information is available through the Publication Scheme. Currently the Council has a hybrid process for making information available through the publication scheme and/or Council Internet site. Whereby much information is listed but not supplied, being available upon request through the FOI process. Limitations with this approach, in particular the absence of a central approach to the approval, review and publication of key strategies, policies and procedures have become apparent through the FOI process and may be exacerbated by the increased demand for information consequential to the introduction of RPSI.

8.6.2 To use the Publication Scheme as a basis for an information asset list, the Council will need to develop a mechanism to ensure that the information available (both listed and electronically linked) is current, suitable, easily available, with considered conditions/charges for re-use that can be applied through an electronic means<sup>4</sup>

## 8.7 **Exclusive arrangements**

8.8 The Council needs to understand what, if any, exclusive arrangements currently exist and how they can be justified or terminated to comply with these regulations. The Council will also need to publish arrangements that comply with these regulations entered into after 31 December 2003.

## 8.9 **Complaints and Appeals Processes**

8.9.1 CCC needs to formalise and publish the complaints process for dealing with both FOI and RPSI requests. At present CCC has only received four FOI complaints, which were dealt with through CCC's central complaints process. The merits of formally adopting this approach should be considered and details made available to the Public.

8.9.2 CCC has a procedure for dealing with complaints and appeals including:

- Complaints about the handling of a request for re-use of CCC information; and for

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<sup>4</sup> The Office of Public Sector Information (OPSI, formerly HMSO) advocate the use online licensing systems



- Appeals where the applicant is appealing against a refusal notice to provide them with information for re-use.
- 8.9.3 The complaints procedure set up by RPSI will work in the same way as the proposed complaints procedure under FOI and EIR (to be published soon); these will dovetail into CCC's Comments, Compliments and Complaints Procedures.
- 8.9.4 The appeals procedure set up by RPSI will work in the same way as the proposed appeals procedure for CCC's FOI and EIR appeals.
- 8.9.5 The proposed appeals procedure set up by RPSI works in the same way as the proposed appeals procedure under the FOI and EIR, except that the OPSI is the ultimate authority to which to complain for RPSI appeals. The Information Commissioner is the ultimate authority to which to complain for FOI and EIR appeals. The member of the public/the applicant can complain to OPSI only after their complaint has first been sent to CCC (as the authority to which their request for re-use of information was made) and if they are not satisfied with the response to their complaint.

#### **8.9.6 Other categories**

- 8.9.6.1 Roles and responsibilities, and potential business development opportunities with RPSI are also key implications for the Council to consider. However, to give them more prominence they have each been allocated their own sections.

### **9 Roles and Responsibilities**

- 9.1 The following key stakeholders, who will have an involvement within RPSI, will include:
- 9.1.1 The Director of Finance & ICT has overall responsibility for RPSI within the Council. This is further supported by the Head of Customer & Business Services.
- 9.1.2 The Information Governance & IT Security Team has responsibility for maintaining policy, procedures, and training and awareness.
- 9.1.3 With support from Directorate Information Governance Lead Officers, the Information Governance & IT Security Team will have day-to-day responsibility for the management and co-ordination of RPSI.
- 9.1.4 Specialist legal advice will be supported by a dedicated resource within Legal & Democratic Services Directorate.
- 9.1.5 The Corporate Communications team will be informed of all press related or other contentious EIR requests, and will scrutinise all responses before disclosure.
- 9.1.6 All managers (including any one in a supervisory, team leading capacity) are responsible for:
- Ensuring compliance with Policy within their operational areas;
  - Ensuring team members are appropriately trained with regard to their responsibilities for compliance with RPSI.
- 9.1.7 All employees and councillors to:

- Understand and adhere to their responsibilities for handling requests for information in line with policy and procedures;
- Notify their Directorate EIR/FOI Lead of requests received.
- Respond to both written and verbal requests in line with Council procedures and guidelines.

## **10 Business Development Opportunities for CCC**

10.1 The table in Appendix 2 identifies some categories of information that can provide potential revenue for CCC, the Directorates from this information might originate, and possible industry sectors that may wish to purchase these types of information.

10.2 Knowledge is power, and the information produced by CCC may have value for external organisations, in a way that may not seem obvious to CCC. For example:

- A major insurance company often purchases crime data by postcode, which helps it to determine home insurance premiums by postcode;
- IT software companies may request information on CCC complaints statistics as they may seek to create a complaints software application to sell to local councils.

10.3 The table in Appendix 2 also identifies existing CCC charging arrangements, and this has been included for ancillary reference purposes only. CCC presently provides:

- Information to applicants, subject to statutory costs; or
- Information to applicants, subject to its own costs structure; and
- Its published associated costs.

10.4 In order to consider the revenue potential of re-use of CCC information, a proposed information audit (as part of work on Records Management) will be able to identify information already held and any commercial value for its re-use. Equally, contacting a sample of organisations from the various industry sectors might also solicit the types of information that they would like to formally request from CCC.

10.5 The charges made should be subject to the criteria outlined in Section 8.5. Importantly, the issue of copyright needs to be addressed, before CCC can expect to charge for a particular piece of information.

## **11 Way Forward**

11.1 Appendix 3 provides an overview of the work involved with each of the following options, and excludes any reference to section 10 " Business Development Opportunities for CCC":

- **Minimal Preparation** – allow total re-use of all information for free.
- **Medium Preparation** – develop the framework for being able to respond to requests and deal with re-use requests on a reactive rather than proactive basis.
- **Total Preparedness** – identify reusable material, determine its value and prepare re-use licenses.

- 11.2 The Council will be pursuing the 'Medium Preparation' option.
- 11.3 In the spirit of mutual advantage for the better good of the public sector, CCC will strive to work together and share information with other public sector bodies. CCC would reserve the right to impose conditions on the re-use of information and levy a charge where this has involved a considerable amount of officer time in either the preparation or release of the information. This must be in line with the criteria set out in section 8.5.4.
- 11.4 Where a number of other public sector organisations are interested in the work of CCC, officers would be encouraged to present seminars, chargeable at prices that are benchmarked in line with other local authorities. This must be in line with the criteria set out in section 8.5.4.
- 11.5 As stated in section 8.5.6, CCC must ensure that any future contracts with external organisations clearly states which party owns copyright to information.

**12 Consultation Undertaken**

**12.1 OPSI**

12.1.1 OPSI provided guidance as defined in section 7.2.

**12.2 West Midlands Information Governance Forum**

12.2.1 The forum consists of: 7 West Midland Councils plus: Bromsgrove District Council; Centro; Dudley Health & Social Care Community; Leicestershire County Council; Powys County Council; Shropshire County Council; Staffordshire County Council; Stoke City Council; The University of Wolverhampton; Warwickshire County Council; Worcestershire Country Council.

The purpose of the forum is to share best practice across West Midlands, thus hoping to ensure a consistent approach to information governance across the region.

12.2.2 A workshop was hosted by Solihull MBC, with OPSI and members of the forum, to help authorities not only understand the regulations but also how to apply them in the workplace, with a view to identifying an approach that may be acceptable to all.

Following on from the workshop, the Forum met and discussed the results and the most sensible and desirable actions needed to respond to the Regulations. It was agreed by members that Option 2 was the recommended each would make to their respective Corporate management teams.

**13 Implications**

	<b>Implications (See below)</b>	<b>No Implications</b>
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data	✓	
Corporate Parenting		✓

	<b>Implications (See below)</b>	<b>No Implications</b>
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities	✓	
Finance	✓	
Health and Safety		✓
Human Resources	✓	
Human Rights Act		✓
Impact on Partner Organisations	✓	
Information and Communications Technology	✓	
Legal Implications	✓	
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

### 13.1 **Comparable Benchmark Data**

The Information Governance team, who provide corporate guidance on the application and implementation of RPSI, are members of the West Midlands Information Governance Forum group consisting of: 7 West Midlands Councils, plus Bromsgrove District Council; Centro; Dudley Health & Social Care Community; Leicestershire County Council; Powys County Council; Shropshire County Council; Staffordshire County Council; Stoke City Council; The University of Wolverhampton; Warwickshire County Council; Worcestershire Country Council.

The purpose of the forum is to share best practice across West Midlands, thus hoping to ensure a consistent approach to Access to Information across the region.

### 13.2 **Equal Opportunities**

13.2.1 There are no direct equality or diversity implications other than ensuring that the Council handles all information requests in a fair and consistent manner regardless of the source of the request.

### 13.3 **Finance**

13.3.1 The Council will not be charging for the re-use of information for commercial purposes. It will however, seek to identify those documents that have potential for earning revenue

for the Council, where applicants may gain a commercial gain from their re-use. As mentioned in Sections 13.3.2 and 13.3.3, the Council will only charge for the cost of obtaining information, and for any disbursements such as printing, photocopying and postage.

- 13.3.2 Unless there are existing charging arrangements, the Council is required to provide information (subject to exemption) where the cost for retrieving the data is less than £450. This cost is based on 2.5 person days' effort at £25.00 per hour. The Council may, however, charge for disbursements to cover items such as photocopying (e.g. 5p per sheet) and postage.
- 13.3.3 The Council is not obliged to fulfil requests that exceed 2.5 person days' effort unless the applicant agrees to pay expected costs (this includes employee costs at £25 per hour to retrieve the information and disbursement costs). In such cases the Council is obliged to inform a applicant of the expected costs of fulfilling the request and allow the person sufficient time to respond and provide the fee prior to disclosure.
- 13.3.4 It is intended for CCC not to charge for re-use of information for the first year. However, after this time has elapsed considerations made in section 12, along with national trends in requests for re-use of information, may make it incumbent upon CCC to consider charging for the re-use of its copyrighted information.

#### **13.4 Impact on Human Resources**

- 13.4.1 Training and awareness will be developed and provided for employees and councillors, to enable them to easily identify and manage RPSI requests

#### **13.5 Impact on Partner Organisations**

- 13.5.1 The Council may be obliged to disclose information that has been provided by partner organisations, including contractual information (subject to exemption). In such cases, partner organisations are consulted and any objections are taken into account via a public interest test prior to disclosure.
- 13.5.2 When establishing contractual arrangements proposed contracts should clearly state the Council's obligations under the Freedom of Information Act.

#### **13.6 Information and Communications Technology**

- 13.6.1 It is the intention to ultimately use the Council's CRM system for recording and monitoring RPSI requests and for it to link in with a proposed Electronic Document Management System (the software has not yet been purchased by CCC), which will house all documents held by CCC. There are no other direct I&CT implications other than ensuring that systems and applications provide appropriate records management functionality to allow required information to be retrieved in a timely manner.

#### **13.7 Legal Implications**

- 13.7.1 As these are new regulations, the Information Governance team has access to a solicitor within Legal and Democratic Services who has recourse to external legal specialists for complex or contentious issues with regard to FOI/EIR and RPSI requests.

**14 Conclusion**

- 14.1 Awareness of the RPSI regulations across the Council must be raised, to key personnel in the Council, targeting individuals involved in procurement and contractual licensing, however there is a continued need to provide training and awareness to ensure:
  - 14.1.1 All requests are correctly logged and handled in accordance with stated FOI/EIR procedures.
  - 14.1.2 That CCC recognises that it must not disclose any information, which is exempt by virtue of FOI/EIR legislation.
  - 14.1.3 Those complex and contentious requests are handled appropriately.
  - 14.1.4 Continuous improvement is identified, embraced and implemented.
  - 14.1.5 The framework is supported by a corporate wide policy.

**15 Timescale and expected outcomes**

	Yes	No
<b>Key Decision</b>		✓
<b>Scrutiny Consideration (if yes, which Scrutiny meeting and date)</b>		✓
<b>Council Consideration (if yes, date of Council meeting)</b>	✓ 31 <sup>st</sup> October 2006	

List of background papers

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- Jody Hall, Business Support Assistant.
- John Baird, Customer & Admin Services Manager.
- Jon Venn, HR Manager, by care of Sue Iannantuoni, Senior HR Manager.
- Karen Merriman, Administrative Assistant - (Information Support).
- Lynda Harrison, Senior HR Officer.
- Maggie Wilcox, Information Governance Officer.
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- Rachel Field, Principal Environmental Health Officer.

Lara Knight, Senior Committee Officer, Legal and Democratic Services Directorate

Papers open to Public Inspection

**Description of paper**

Recommendation of the Re-Use of Public Sector  
Information (RPSI) 2005 Policy Statement  
for Coventry City Council

**Location**

Democratic Services CH61

## Re-use of Public Sector Information Policy Statement

Effective:  
Review Date:**Definitions:****1. Coventry City Council:**

This includes the Directorates in the Council and Elected Members.

It excludes schools, museums and libraries located within the wards of Coventry are also excluded.

**2. RPSI:**

CCC to support its 'public task' produces information. Re-use occurs in using that information, when it has been requested under, say, the Freedom of Information Act, for a purpose other than that for which it was originally produced. Use of information for private study or non-commercial research is not considered re-use by CCC.

**Policy Audience:** All Coventry City Council<sup>1</sup> (CCC) staff, including: employees and councillors who receive and respond to requests for information. Organisations or individuals engaged in or about to engage in business dealings with CCC, such as. External Agents, Contractors and Sub-contractors. Members of the Public.

**OBJECTIVE**

The purpose of this policy is to outline the requirements for CCC to provide or permit re-use of information held (in any particular media format), and to ensure that all requests for information received by CCC are processed in accordance with the provisions of the Re-use of Public Sector Information Regulations 2005<sup>2</sup>.

**IMPLEMENTATION**

To enable our employees and councillors to comply with this policy and with the Re-use of Public Sector Information Regulations (RPSI) 2005, CCC will:

- Establish and maintain a RPSI framework.
- Ensure that internal complaints and appeals procedures for requests made under Freedom of Information (FOI) or Environmental Information Regulations (EIR) should be followed for RPSI, so that CCC can examine their decisions on disclosure should the requester make an appeal.
- Provide adequate and appropriate training and guidance.
- Maintain a register of requests.
- Ensure that employees and councillors retain an audit trail of all written correspondence in relation to a request for information.
- Monitor application of guidance.
- Revise guidance and training as appropriate.

**POLICY**

Coventry City Council will comply with the requirements of the RPSI, and in particular will:

- Identify public sector information documents<sup>3</sup> that are available for re-use.
- Will choose not to charge for re-use of its documents.
- Provide a licence, listing the conditions for re-use.





## Re-use of Public Sector Information Policy Statement

Effective:  
Review Date:**Definitions:****3. Documents:**

A document means any medium (written on paper, stored electronically as a record/document, sound, visual or audiovisual recording) that is held by a public authority, such as CCC.

**4. Information Asset Lists:**

CCC is required to produce an asset list detailing what information is available and under what conditions and cost it may be available for re-use. An asset is any information that CCC produces that is of interest or value to CCC itself, or potentially others. An asset list is a register of these information assets, usually categorised using a standard classification method.

- Provide information assets lists<sup>4</sup> to identify published and unpublished material available for re-use, for example, databases, statistics and research. CCC's [Publication Scheme](#) lists published materials.
- Respond to written requests<sup>5</sup> for information as quickly as possible, and in any event within the statutory timescales<sup>6</sup>.
- Develop complaints procedures that dovetail with CCC's Comments, Compliments and Complaints Procedures.
- Develop appeals procedures that feed into CCC's FOI/EIR appeals procedures.
- In exceptional circumstances, where we believe it is not going to be possible to respond fully within the statutory timescale (for example where we have to consider the public interest test<sup>7</sup>), CCC will:
  - Advise the requester, and give an estimated date by which the information will be provided; and
  - Provide as much of the information as possible within the earlier timescale.
- Apply exemptions<sup>8</sup> appropriately and consistently.
- Ensure employees are adequately trained.

**RIGHTS OF ACCESS**

Rights of access will apply to all types of FOI/EIR information, held by CCC regardless of the date of the information:

- Any person or organisation may apply. Access is not confined to UK citizens and permanent residents; foreign nationals may also apply.
- The request must be in writing.
- The requester must state their full name in writing.
- The requester must give an address for correspondence.
- The requester must specify the document requested.
- The requester must state the purpose for which the document is to be re-used.
- CCC must acknowledge receipt of the request within 3 working days;
- A request for information must usually be answered within 20 working days of receipt of the request. This period may be extended where the request is extensive or complex; and the requester must be informed of this in writing.
- Information will be reusable free of charge, except where it is produced for statutory reasons. (See "*Charging a Fee for Supplying Information*" - below). Each response will detail any conditions for re-use.

## Re-use of Public Sector Information Policy Statement

Effective:  
Review Date:**Definitions:****5. Written Requests:**

All requests must be made in writing, giving a contact name, address and sufficient detail to identify the information required.

**6. Statutory Timescales:**

Anyone making a request for information must be informed whether CCC holds the information and, if so, is supplied with it within 20 working days, unless an exemption to FOI/EIR applies.

- If CCC receives a request, which they believe is too general, it will contact the requester as soon as possible to try to determine specifically what information it is that they would like.
- When making a request for information a requester may state a preference as to the form/format in which they would like the information to be provided e.g. hardcopy/electronic etc. CCC will oblige and will seek to provide the information in the most cost-effective format that is agreeable to the requester.
- Provide as much of the information as possible within the earlier timescale.

**EXEMPTIONS**

Re-use can be refused if:

- The activity of supplying the document is one, which falls outside its public task, such as documents with a value-added or commercial nature.
- The document contains content in which relevant intellectual property<sup>9</sup> rights are owned by a third party, other than CCC.
- The content of the document is exempt from access by virtue of the FOI Act and/or EIR regulations.

Some documents are excluded from re-use and including those pertaining to: schools, libraries and museums. Any other documents retained by CCC are subject to re-use if appropriate.

Where requests are refused, the applicant will be advised of the decision and has a right to ask for that decision to be reviewed under the CCC's FOI appeals procedures. If the information is still not released, the applicant will be advised of their right to ask the Office for Public Sector Information (OPSI) to review the decision.

**LICENCES<sup>10</sup>**

CCC will have an obligation to publish any applicable conditions for re-use. This can be achieved through the development of License terms in the form of a standard license or a copyright notice on the material.

Information re-use will be allowed:

- Free of charge, unless existing statutory charging arrangements apply; or
- Under general conditions and subject to a click user licence (CCC can choose to allow re-use under licence and to impose conditions on the re-use of the information).

## Re-use of Public Sector Information Policy Statement

Effective:  
Review Date:**Definitions:****7. Public Interest Test:**

In the absence of an absolute exemption, a public interest test requires that CCC consider whether or not it is in the public interest to disclose information.

**8. Exemptions:**

There are a number of exemptions from disclosing information. The RSPI Regulations do not apply to documents that are exempt under Freedom of Information, Data Protection or the Environmental Information Regulations.

**CHARGING A FEE FOR SUPPLYING INFORMATION**

In accordance with the RPSI regulations, there is no obligation on CCC to make a charge, and it has therefore decided not to charge for the re-use of information, except where existing CCC statutory charging arrangements apply.

Where the request is made through information access channels, such as EIR or FOI, charging mechanisms will apply, for obtaining this information as well as for disbursements (e.g. postage, printing, and photocopying).

In the spirit of mutual advantage for the better good of the public sector, CCC will strive to work together and share information with other public sector bodies. CCC would reserve the right to impose conditions on the re-use of information and levy a charge where this has involved a considerable amount of officer time in either the preparation or release of the information.

Where a number of other public sector organisations are interested in the work of CCC, officers would be encouraged to present seminars, chargeable at prices that are benchmarked in line with other local authorities.

Where charges are made, the total income should not exceed the cost of collection, production, reproduction and dissemination of documents and a reasonable return on investment.

CCC officers must ensure that any future contracts with external organisations clearly states which party owns copyright to information.

**RESPONSES TO BE IN SET TIME LIMITS**

CCC must respond to a request for re-use with 20 working days, which is in line with FOI and EIR statutory requirements. Such a response must be to:

- Refuse the request for re-use; or be
- Subject to the terms listed in the section of this Policy Statement, titled, "Licences".

**Definitions:**

**9. Intellectual Property:**

Intellectual property is the output of creative and innovative human activity, which could be used for commercial purposes. It may include written works, images, designs, software, data, innovations, industrial processes and inventions.

**10. Licences:**

These cover those circumstances where Public Sector Information can be reproduced free of charge, or under charge - under a standard set of terms and conditions. A click licence is an on-line licence sited on the Council's Internet site.

**COMPLAINTS AND APPEALS PROCEDURE**

CCC has a procedure for dealing with complaints and appeals including:

- Complaints about the handling of a request for re-use of CCC information; and for
- Appeals where the requester is appealing against a refusal notice to provide them with information for re-use.

The complaints procedure set up by RPSI works in the same way as the complaints procedure under the FOI and EIR; these dovetail into CCC's Comments, Compliments and Complaints Procedures.

The appeals procedure set up by RPSI works in the same way as the appeals procedure for the CCC FOI and EIR appeals.

**ROLES & RESPONSIBILITIES**

- The Director of Finance & ICT has overall responsibility for RPSI within the Council. This is further supported by the Head of Customer & Business Services.
- The Information Governance & IT Security Team has responsibility for maintaining policy, procedures, and training and awareness.
- With support from Directorate Information Governance Lead Officers, the Information Governance & IT Security Team will have day-to-day responsibility for the management and co-ordination of RPSI.
- Specialist legal advice will be supported by a dedicated resource within Legal & Democratic Services Directorate.
- All managers (including any one in a supervisory, team leading capacity) are responsible for:
  - Ensuring compliance with Policy within their operational areas;
  - Ensuring team members are appropriately trained with regard to their responsibilities for compliance with RPSI.
- All employees and councillors to:
  - Understand and adhere to their responsibilities for handling requests for information in line with policy and procedures;
  - Notify their Directorate EIR/FOI Lead of requests received.
  - Respond to both written and verbal requests in line with Council procedures and guidelines.

**Definitions:**

**11. Copyright:**

The Patent Office has a definition. There is no official register for copyright. It is an **unregistered right** (unlike patents, registered designs or trade marks). So, **there is no official action to take**, (no application to make, forms to fill in or fees to pay). Copyright comes into effect immediately, as soon as something that can be protected is created and "fixed" in some way, eg on paper, on film, via sound recording, as an electronic record on the internet, etc.

You should also note that **copyright does not protect ideas**. It protects the way the idea is expressed in a piece of work, but it does not protect the idea itself.

**RETENTION AND REVIEW**

This policy will be reviewed after one year, or sooner, if there is a significant change.

Any questions or concerns regarding this policy should be directed to:

*Information Governance Team  
Customer & Business Services  
Council House,  
Earl Street, Coventry.  
CV1 5RR  
Tel: 02476 83 3323  
Fax: 02476 83 3395*

*Email: [infogov@coventry.gov.uk](mailto:infogov@coventry.gov.uk)*

Version	Status	Date	Author	Summary of Changes
V0.7	Draft	22/08/06	AS	<ul style="list-style-type: none"> <li>• Amendments made by Allan French in relation to sharing of information for re-use, with other Councils.</li> <li>• New definitions for copyright and intellectual property also included.</li> <li>• Also approval from: <ul style="list-style-type: none"> <li>○ Colin Watkeys, Lead Accountant - Central Services</li> <li>○ Sue Iannantuoni, Senior HR Manager</li> <li>○ Mark Friday, Senior Internal Auditor</li> <li>○ Anjeli Bajaj, Solicitor</li> </ul> </li> </ul>
V0.6	Draft	22/06/06	AS	Amendments made from Mgt Board feedback.
V0.5	Draft	23/05/06	AS	Amendments made from FOI Leads feedback
V0.4	Draft	11/05/06	AS	Changing layout to be consistent with EIR Policy layout
V0.3	Draft	10/05/06	AS	Amendments from feedback from Jayne Hutchings.
V0.2	Draft	07/04/06	AS	Make the document more user friendly.
V0.1	Draft	01/02/06	AS	

### Review

Name	Title	Business Area
Allan French	Head of Customer & Business Services	Customer & Business Services
Anjeli Bajaj	Solicitor	Legal and Democratic Services
Chris Faulkner	Policy and Resources Manager	Legal and Democratic Services
Colin Watkeys	Lead Accountant	Central Services
Jayne Hutchings	Information Governance & IT Security Manager	Customer & Business Services
Jody Hall	Business Support Assistant	Customer & Business Services
John Baird	Customer & Admin Services Manager	Customer & Support Services
Karen Merriman	Administrative Assistant - (Information Support)	Regeneration Services
Kath Sciarrotta	Business Manager	Neighbourhood Management



Lynda Harrison	Senior HR Officer	Human Resources
Maggie Wilcox	Information Governance Officer	Customer & Business Services
Mark Friday	Senior Internal Auditor	Internal Audit
Martin Glossop	Interim Environmental Health Manager	Environmental Protection Team
Rachel Field	Principal Environmental Health Officer	Environmental Protection Team
Sue Iannantuoni	Senior HR Manager	Human Resources

**Approval**

Name	Date
Cabinet	

**Distribution**

Distributed To	Date	Format
Council Wide		Word Doc / Intranet

**Document History**

\\covserv1\Groups\_FIT\ITClient\BCIA Team Filestore\F - Governance Risk & Quality\F1 - Corp Governance\F11 - Info Governance\Re-Use of PSI\Policy Statement\RPSI Policy\_V0.7.doc

## Appendix 2 Identification of Information that has Commercial Re-Use Value

Type of Information	Directorate	Currently Charged	Is it Charged by Statute	Value as of Oct 2005
All Planning Decision Notices, advertisement consents and other consents issued through planning regulatory process. All enforcement notices, stop notices, breach of condition notices etc issued in relation to breaches in the planning control.	CDD	Yes	Yes	£10 a copy for decision notices, and 30 pence a sheet for photocopying
Maps of all adopted highways and footpaths	CDD	Yes	Yes	£25 for an extract copy of map
Tree Preservation Orders (sections 197-214) 'Town and Country Planning Act 1990' & 'The Town and Country planning (Trees) Regulations 1999'– (Current serving Act and Regulation)	CDD	Yes	Yes	£5.10 a copy
Coventry list of Statutorily Listed Buildings, giving names, locations, grading and grid reference of the buildings	CDD	Yes	No	60 pence a copy
Typescript list of Buildings of local Special Architectural or Historic Interest, , giving names, locations, grading and grid reference of the buildings	CDD	Yes	No	60 pence a copy
Local demographic information	CDD	No	N/A	
Property portfolio	CDD	No	N/A	
Plots of land available	CDD	No	N/A	
Risk assessments	CDD	No	N/A	
School data – transport, information on catchment area like housing types	Child Learn	No	N/A	
Areas available / suitable for development	Comm Serv	No	N/A	
Housing use	Comm Serv	No	N/A	
Information on products used in Social Services	Comm Serv	No	N/A	
Statistics on refugees	Comm Serv	No	N/A	



## Appendix 2 Identification of Information that has Commercial Re-Use Value

Type of Information	Directorate	Currently Charged	Is it Charged by Statute	Value as of Oct 2005
Air quality data	CSD	Yes	No	£57 for first hour of officer time in compiling response.  £35 for every additional hour after this.
CCTV footage, via CVOne	CSD	No	N/A	
Contaminated land data	CSD	Yes	No	£57 for first hour of officer time in compiling response.  £35 for every additional hour after this.
Information / lists of people / business / organisations who you licence	CSD	No	N/A	
Information about licensed properties	CSD	No	N/A	
Information about speeding convictions	CSD	No	N/A	
Land quality data	CSD	Yes	No	£57 for first hour of officer time in compiling response.  £35 for every additional hour after this.
Anything information other than crime data processed by postcode	CX-CPU	Unsure	N/A	
Crime data (especially if processed by postcode)	CX-CPU	Unsure	N/A	
Images of people or landscapes	CX-CPU	No	N/A	
Accident statistics	CX-HR	No	N/A	
General HR statistics	CX-HR	No	N/A	
Organisation charts	CX-HR	No	N/A	

## Appendix 2 Identification of Information that has Commercial Re-Use Value

Type of Information	Directorate	Currently Charged	Is it Charged by Statute	Value as of Oct 2005
Any program or software on which you hold the copyright	FICT	Unsure	N/A	
Any tenders, specifications for contracts or other target or aim	FICT	No	N/A	
Complaints	FICT	No	N/A	
Information Access Legislation	FICT	<b>Yes</b>	Yes	Subject to the requester agreeing to pay over £450 costs for obtaining information
Insurance claims – social housing, slips and trips, car accidents	FICT	Unsure	N/A	
Insurance details	FICT	Unsure	N/A	
Money spent on contractors including the type of contractor	FICT	No	N/A	
Statistics / surveys on shopping / transport	FICT	No	N/A	
Tourism studies:  Where they go; How much they spend; Where they spend it; Where they come from.	FICT	No	N/A	

## Appendix 2 Identification of Information that has Commercial Re-Use Value

Type of Information	Directorate	Currently Charged	Is it Charged by Statute	Value as of Oct 2005
Agendas / minutes – so-called “inside information” that is disclosable but might help bidders etc.	LDS	No	N/A	
Certificates for Births, Deaths and Marriage	LDS	Yes	Yes	Nominal amounts for citizens only
Electoral Register (edited version for public consumption)	LDS	Yes	Yes	£800 for a copy  £257 to receive an email copy  £262 to receive it on CD-Rom
Personal searches of Local land Charges Register	LDS	Yes	Unsure	£11 per address
Monthly statistics on births, deaths and marriages	LDS	No	N/A	
Business cases	Multiple Directorates-IGT	No	N/A	
Information or documents that required the use of your specialists	Multiple Directorates-IGT	No	N/A	
Policies, strategies (what you do, how you get there)	Multiple Directorates-IGT	No	N/A	
Project documentation	Multiple Directorates-IGT	No	N/A	
Project initiation documents	Multiple Directorates-IGT	No	N/A	
Research / raw data	Multiple Directorates-IGT	No	N/A	
Research used to create policies and strategies	Multiple Directorates-IGT	No	N/A	

<b>Potential Customers by Industry Sector</b>
More than one sector
More than one sector
Property
Media, Publishing & Internet
Media, Publishing & Internet
Financial Services
Property
Property
Financial Services
Media, Publishing & Internet
Property
Property
Media, Publishing & Internet
Media, Publishing & Internet

Potential Customers by Industry Sector
Property
More than one sector
Property
More than one sector
Media, Publishing & Internet
Media, Publishing & Internet
Media, Publishing & Internet
Financial Services
Financial Services
Media, Publishing & Internet
Financial Services
Financial Services
Financial Services

<b>Potential Customers by Industry Sector</b>
IT
More than one sector
Financial Services
More than one sector
Financial Services
Financial Services
More than one sector
Retailing & Leisure
Retailing & Leisure



### Appendix 3: Suggested Action Plan for implementing RPSI in the Council

The Government's Office of Public Sector Information (OPSI) has been formed to advise on and regulate the operation of the re-use of public sector information.

OPSI has a number of key roles in making the Regulations work. These include

	Option 1	Option 2	Option 3
Update FOIA procedures to reference re-use regulations	√	√	√
Update websites to make reference to re-use regulations	√	√	√
Specify applicable conditions for re-use	√	√	√
Specify standard charges for re-use	√	√	√
Develop website notice (model provided)	√	√	√
Develop licence arrangements (model provided)	√	√	√
Develop complaints procedure (utilise existing corporate procedure)	√	√	√
Recommend that future printed publications make reference to re-use regs		√	√
Specify applicable conditions for re-use		√	√
Specify standard charges for re-use		√	√
Notices in publications (model provided)		√	√
Develop licence arrangements (model provided)		√	√
Publish guidance on how Council complies with the regulations		√	√
Overview on website for the public (model provided)		√	√
Internal guidance and procedure for employees and councillors		√	√
Provide standard application form (model provided)		√	√
Publish list of information assets available for re-use (model to be provided, meanwhile utilise existing publication scheme)		√	
Update existing printed publications to make reference to re-use regs			√
Specify applicable conditions for re-use			√
Specify standard charges for re-use			√
Notices in publications (model provided)			√
Develop licence arrangements (model provided)			√
Identify exclusive arrangements and publish details			√
Develop comprehensive charging mechanism e.g. by categories			√
Information on the website			√
Other published material not on web			√
Unpublished data assets			√
Databases			√
Training materials			√
Software based information products and services			√
Develop system for logging requests for re-use to ensure fairness			√
Develop a list of information assets available for re-use (model to be provided by OPSI)			√



## **CABINET**

17<sup>th</sup> October 2006

Cabinet Members  
Present:-  
Councillor Arrowsmith  
Councillor Blundell  
Councillor Foster  
Councillor Mrs Johnson  
Councillor Matchet  
Councillor H Noonan  
Councillor O'Neill  
Councillor Ridley  
Councillor Taylor (Chair)

Non-Voting Opposition  
Representatives present:-  
Councillor Benefield  
Councillor Duggins  
Councillor Mutton

Other Members  
Present:-  
Councillor Gazey

Employees Present:-  
T. Auty (City Development Directorate)  
N. Clews (City Development Directorate)  
F. Collingham (Chief Executive's Directorate)  
J. Crook (Interim Director of Children, Learning and Young People)  
J. Dooley (City Development Directorate)  
C. Eastman (City Development Directorate)  
S. Giles (Children, Learning and Young People's Directorate)  
M. Green (City Services Directorate)  
R. Keble (Children, Learning and Young People's Directorate)  
L. Knight (Legal and Democratic Services Directorate)  
S. Manzie (Chief Executive)  
G. Marshall (City Services Directorate)  
J. Parry (Children, Learning and Young People's Directorate)  
K. Rice (Head of Legal Services)  
A. Ridgwell (Director of Finance and ICT)

Others Present:-  
S. Bent (Coventry Law Centre)

**Apologies:-**  
Councillor Nellist

## **RECOMMENDATIONS**

### **101. Children and Young People's Commissioning Board**

The Cabinet considered a joint report of the Chief Executive of the City Council and the Chief Executive of the Primary Care Trust, which sought approval for the constitution of the "Children and Young People's Commissioning Board". The Cabinet

noted that the PCT had considered the report at a meeting held on 10<sup>th</sup> October 2006 and had approved the recommendations.

Coventry established a Children and Young People's Strategic Partnership in June 2003, as a strategic forum to deliver more integrated strategic planning, commissioning and service delivery between the key stakeholders. The success of this Partnership is demonstrated by the Joint Area Review of Children's Services.

Section 10 of the Children Act 2004 places a duty on all relevant parties, which include the Council and the PCT, to co-operate to ensure improved outcomes for children and young people. This legislation is designed to move local areas from a voluntary partnership to a more formal and accountable arrangement. Section 10 does not specify what co-operation arrangements should be put in place. However, the Government has long expected local areas to establish 'Children's Trusts' as a formal expression of these co-operation arrangements, and for these to be in place by April 2008.

'Children's Trusts' were originally conceived in 2002/03 as separate organisations bringing together health and local authority functions. However, thinking has moved significantly from this, and now the Government talks about "Children's Trust Arrangements", being formalised Partnership arrangements. The focus is particularly on the joint commissioning of services.

Section 10 also gives all relevant partners the power to pool budgets and resources. These formal "section 10 agreements" are seen as the means to shared and effective accountability within an agreed framework, and are the Government's measure as to how far services have become integrated. Section 10 agreements are broadly similar to section 31 agreements under the Health Act 1999.

Coventry City Council and the PCT Board agreed in principle in January 2006 to the establishment of Children's Trust arrangements during 2006/07, and these were set out in the Children and Young People's Plan 2006-2010, which was approved by Council in April 2006 (their Minute 140/05 refers).

It is however, considered that the term Children's Trust is misleading and confusing and continues to be associated with a separate organisation with governance arrangements divorced from the Council and PCT. Therefore, it is not proposed to use this term, but to refer to the 'Trust' as a Commissioning Board.

The draft constitution for the Children and Young People's Commissioning Board was appended to the report submitted. The overall purpose of the Board is: to ensure that services are jointly commissioned to improve the outcomes for children, young people and their families and carers. The report also outlined the proposed objectives of the Board.

A further appendix to the report set out the governance structure. Central to this is the fact that all decisions are ultimately accountable to the Cabinet and PCT Board, and that powers will only be delegated to the Board through formal Section 10 agreements, which in turn will have prior approval from Cabinet and PCT Board.

Establishing the Children and Young People's Commissioning Board has created the opportunity to review the role and function of the Children and Young People's

Strategic Partnership as a whole. This will result in clearer terms of reference for the existing Joint Management Group, which is to be renamed Professional Advisory Group, and the full Partnership, and a rationalisation of meetings. In particular, the proposal is to transform the current full Partnership meeting into a consultative forum, which has a broad stakeholder representation including the voice of children, young people and their families and carers. These changes will be implemented by 1<sup>st</sup> November 2006.

A Joint Commissioning Framework and Action Plan for 2006/07 has been developed alongside the constitution, and was also appended to the report. This set out the work plan for the Commissioning Board, in line with the priorities of the Children and Young People's Plan.

**RESOLVED that the City Council be recommended to:-**

- (1) Approve the Constitution of the Children and Young People's Commissioning Board.**
- (2) Appoint the Cabinet Member (Children, Learning and Young People) to the Board.**
- (3) Give approval for the Board to become effective from 1<sup>st</sup> November 2006.**

**Report to Cabinet and PCT PEC and Board**

**Report of Chief Executives of the Council and the PCT**

**Title**

Children and Young People's Commissioning Board

**1 Purpose of the Report**

- 1.1 To seek approval for the constitution of the "Children and Young People's Commissioning Board"

**2 Recommendations**

Cabinet are asked to recommend that full Council agree:

- 2.1 To approve the constitution
- 2.2 To appoint the Cabinet Member for Children, Learning and Young People to the Board
- 2.3 That the Board becomes effective from the 1 November 2006

**3 Information/Background**

- 3.1 Coventry established a Children and Young People's Strategic Partnership in June 2003 as a strategic forum to deliver more integrated strategic planning, commissioning and service delivery between the key stakeholders. The success of this Partnership is demonstrated by the Joint Area Review of children's services.
- 3.2 Section 10 of the Children Act 2004 places a duty on all 'relevant' parties to co-operate to ensure improved outcomes for children and young people. ['Relevant' parties includes the Council and the PCT.] This legislation is designed to move local areas from a voluntary partnership to a more formal and accountable arrangements.
- 3.3 Section 10 does not specify what co-operation arrangements should be put in place. However, the Government has long expected local areas to establish 'Children's Trusts' as a formal expression of these co-operation arrangements, and for these to be in place by April 2008.
- 3.4 'Children's Trusts' were originally conceived in 2002/03 as separate organisations bringing together health and local authority functions. However, thinking has moved significantly from this, and now the Government talks about "Children's Trust Arrangements", being formalised Partnership arrangements. The focus is particularly on the joint commissioning of services.
- 3.5 Section 10 also gives all relevant partners the power to pool budgets and resources. These formal "section 10 agreements" are seen as the means to shared and effective accountability within an agreed framework, and are the Government's measure as to how

far services have become integrated. Section 10 agreements are broadly similar to section 31 agreements under the Health Act 1999.

- 3.6 Coventry City Council and the PCT Board agreed in principle in January 2006 to the establishment of Children's Trust arrangements during 2006/07, and these are set out in the Children and Young People's Plan 2006-2010, approved by Council in April 2006.

#### **4 Proposal and Other Option(s) to be Considered**

- 4.1 The term Children's Trust is misleading and confusing. It continues to be associated with a separate organisation with governance arrangements divorced from the Council and PCT. Therefore, it is proposed to not use this term, and refer to the 'Trust' as a Commissioning Board. However, at the member's seminar held in July, some elected members expressed a preference for the term 'Children's Trust', on the basis that this clearly marked where one set of arrangements had ended, and a new one begun.
- 4.2 Appendix A is the draft constitution for the Children and Young People's Commissioning Board. The overall purpose of the Board is: to ensure that services are jointly commissioned to improve the outcomes for children, young people and their families and carers.
- 4.3 The Board has the following proposed Objectives:
- Lead on the strategic planning of services for children, young people and their families and carers, including the production, review and revision of the Children and Young People's Plan
  - Ensure that all services and plans are focused on improving the outcomes for children and young people.
  - Promote the joint commissioning of integrated services for children, young people and their families and carers
  - Jointly commission services, programmes of work, research and development and training
  - Establish and maintain appropriate joint commissioning arrangements
  - Ensure that statutory duties and responsibilities of relevant partners are discharged by jointly commissioned services
  - Ensure that children, young people and their families and carers actively participate in all planning and commissioning arrangements.
  - Draw up as appropriate section 10 agreements for consideration and agreement by Cabinet of the Council and Board of the PCT, and to subsequently review and report on the progress of these agreements.
  - Sponsor projects and programmes relevant to the development of integrated services for children, young people and their families and carers
- 4.4 Appendix B sets out the governance structure. Central to this is the fact that all decisions are ultimately accountable to the Cabinet and PCT Board, and that powers will only be delegated to the Board through formal section 10 agreements, which in turn will have prior approval from Cabinet and PCT Board.
- 4.5 Establishing the Children and Young People's Commissioning Board has created the opportunity to review the role and function of the Children and Young People's Strategic Partnership as a whole. This will result in clearer terms of reference for the existing Joint

Management Group [to be renamed Professional Advisory Group] and the full Partnership, and a rationalisation of meetings. In particular, the proposal is to transform the current full Partnership meeting into a consultative forum, which has a broad stakeholder representation including the voice of children, young people and their families and carers. These changes will be implemented between now and 1 November.

- 4.6 A Joint Commissioning Framework and Action Plan for 2006/07 has been developed alongside the constitution, and is attached in Appendix C. This sets out the work plan for the Commissioning Board, in line with the priorities of the Children and Young People's Plan.

## 5 Other specific implications

### 5.1

	<b>Implications (See below)</b>	<b>No Implications</b>
Neighbourhood Management		<input checked="" type="checkbox"/>
Best Value	<input checked="" type="checkbox"/>	
Children and Young People	<input checked="" type="checkbox"/>	
Comparable Benchmark Data		<input checked="" type="checkbox"/>
Corporate Parenting		<input checked="" type="checkbox"/>
Coventry Community Plan		<input checked="" type="checkbox"/>
Crime and Disorder	<input checked="" type="checkbox"/>	
Equal Opportunities	<input checked="" type="checkbox"/>	
Finance	<input checked="" type="checkbox"/>	
Health and Safety		<input checked="" type="checkbox"/>
Human Resources		<input checked="" type="checkbox"/>
Human Rights Act		<input checked="" type="checkbox"/>
Impact on Partner Organisations	<input checked="" type="checkbox"/>	
Information and Communications Technology		<input checked="" type="checkbox"/>
Legal Implications	<input checked="" type="checkbox"/>	
Property Implications		<input checked="" type="checkbox"/>
Race Equality Scheme		<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>	
Sustainable Development		<input checked="" type="checkbox"/>
Trade Union Consultation	<input checked="" type="checkbox"/>	
Voluntary Sector – The Coventry Compact	<input checked="" type="checkbox"/>	

### Best Value

All commissioning arrangements will be conducted within Value for Money framework, and this will be reflected in the Joint Commissioning Strategy.

## **Children and Young People**

The Children and Young People's Strategic Partnership has a long-standing commitment to the participation of children and young people, which was recognised in the "Outstanding" rating in the Joint Area Review. The importance of this is reflected in the new arrangements by: Children's Champion as a standing advisor to the Board; creation of a consultative Forum with strong participative voice of children and young people.

## **Crime and Disorder**

The Children and Young People's Strategic Partnership will continue to have strong links with the Community Safety Partnership. In particular, the Community Safety Partnership Manager will be a member of the Professional Advisory Group.

## **Equal Opportunities**

Equalities Impact Assessment on the new arrangements is being carried out, in particular to ensure that appropriate representation and participation is achieved. The Programme Board, established to monitor performance of the Sub-Groups against Action Plans, specifically monitors impact on vulnerable groups.

## **Finance**

Establishing agreed financial arrangements and protocols across partners will be key to the success of the Commissioning Board. All financial decisions will be accountable to existing governance arrangements, and there are no plans to devolve budgets to the Board.

## **Impact on Partner Organisations**

The proposals will have a major impact on partnership working, and are designed to improve joint working to deliver greater integration. The proposals have been discussed and agreed by the Children and Young People's Strategic Partnership.

## **Legal Implications**

The constitution has been considered by legal services and relevant changes incorporated.

## **Risk Management**

The financial risk management issues will be a significant aspect of Commissioning Board discussions. These will be specifically addressed in any section 10 agreement, all of which will require prior approval by Cabinet and PCT Board before implementation.

## **Trade Union Consultation**

Trade Unions across children's services [Council and NHS] have been kept informed of developments via the Integrated Trade Unions Forum.

## **Voluntary Sector**

The Voluntary Sector operate a children and young people's network, managed through CVS. This ensures there will be representation at Professional Advisory Group, Consultative Forum and all delivery Sub-Groups of the Partnership.

**6 Monitoring**

- 6.1 The performance of the Commissioning Board will be monitored through annual reporting to Cabinet and PCT Board.
- 6.2 The Lead Member for Children's Services, who has the legal responsibility to ensure that co-operation arrangements under section 10 of Children Act 1989 are in place, will be a Board Member and be able to provide active monitoring.

**7 Timescale and expected outcomes**

- 7.1 1 November 2006 is the proposed implementation date.

	<b>Yes</b>	<b>No</b>
<b>Key Decision</b>	√	
<b>Scrutiny Consideration (if yes, which Scrutiny meeting and date)</b>	√ [27 September 2006]	
<b>Council Consideration (if yes, date of Council meeting)</b>	√ [31 October 2006]	

List of background papers

Proper officer: Chief Executives of Council and the PCT

Author: Telephone 76 833421  
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Other contributors:  
 Chris Hinde, Director of Legal and Democratic Services  
 Cath Aubrey, Finance

Papers open to Public Inspection

**Description of paper**

**Location**



**APPENDIX A**  
**COVENTRY CHILDREN AND YOUNG PEOPLE'S**  
**COMMISSIONING BOARD.**

**PROPOSED CONSTITUTION / TERMS OF REFERENCE**

**1.0 Title and Status**

- 1.1 The Coventry Children's Commissioning Trust will be known as Coventry's Children and Young People's Commissioning Board (hereinafter referred to as "the Board").
- 1.2 The purpose of the Board is to ensure, that within the context of the Children's Act 2004 ("the ACT") requirements, services are jointly and efficiently commissioned to improve the outcomes for children, young people and their families and carers.
- 1.3 The status of the Board is that of a commissioning body which will be expected to work in partnership with other organisations vested with responsibility for the care and safeguarding of children, and in particular, with the Coventry Safeguarding Children Board ("CSCB").

**2.0 Objectives of the Board**

- 2.1 In compliance with Section 10 of the Act which places a duty on 'relevant' partners to co-operate in delivering the key outcomes for children and young people, the objectives of the Board include the following.
  - 2.1.1 Leading on the strategic planning of services for children, young people and their families and carers, including the production, review and revision of the Children and Young People's Plan.
  - 2.1.2 Ensuring that all services and plans are focused on improving the outcomes for children and young people.
  - 2.1.3 Promoting the joint commissioning of integrated services for children, young people and their families and carers
  - 2.1.4 Jointly commissioning services, programmes of work, research and development and training
  - 2.1.5 Establishing and maintaining appropriate joint commissioning arrangements
  - 2.1.6 Ensuring that statutory duties and responsibilities of relevant partners are discharged by jointly commissioned services

**APPENDIX A**  
**COVENTRY CHILDREN AND YOUNG PEOPLE'S**  
**COMMISSIONING BOARD.**

2.1.7 Ensuring that children, young people and their families and carers actively participate in all planning and commissioning arrangements.

2.1.8 Preparing the appropriate Section 10 agreements for consideration and agreement by the Cabinet of the Council and the Board of the PCT, and subsequently reviewing and reporting on the progress of these agreements. All Section 10 agreements should be reviewed by the CSCB to ensure that they comply with the statutory principles of safeguarding children and young people.

2.1.9 Sponsoring projects and programmes relevant to the development of integrated services for children, young people and their families and carers.

**3.0 Statutory Context**

3.1 Relevant partners, as referred to in the Act and at Clause 2.1 above include Coventry NHS Teaching Primary Care Trust [PCT] and Coventry City Council [the Council].

3.2 There is no statutory duty to establish a Trust. However, the Government guidance issued to support Section 10 recommends the establishment of "Children's Trust arrangements" as a means of formalizing the co-operation arrangements between those organisations and agencies with statutory responsibility for the safeguarding of children.

3.3 Section 17 of the Act requires the local authority to produce a Children and Young People's Plan in conjunction with relevant partners.

**4.0 Board relationship within wider context**

4.1 The Board is part of the wider Children and Young People's Strategic Partnership ("the CYPSP") grouping for children and young people. The Board is the executive of the Partnership.

4.2 The CYPSP is a community of interest grouping aligned to the work of the Coventry Partnership. It is accountable to the Coventry Partnership in specific areas, namely: for performance on the children and young people's indicators in the Community Plan, and in the aligned Local Area Agreement Children and Young People's Block; and, as the commissioning body for children and young people's Neighbourhood Renewal Fund [NRF] projects.

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4.3 The Board will work closely with the CSCB, who will report its Annual Business Plan to the Board to enable the key strategic safeguarding issues to be taken into account as part of the review of the Children and Young People's Plan. In turn, the annual review of the Children and Young People's Plan will include the views of the CSCB. The Board and CSCB have separate constitutions and neither is legally accountable to the other save that, wherever possible, the Board should endeavour to work closely with and take into account the views of the CSCB in relation to the safeguarding of children and related statutory matters.

4.4 The Board is accountable to the Cabinet of the Council and the Board of PCT.

**5.0 Membership**

5.1 Members of the Board will be senior executives and officers of the PCT and the Council with specific responsibilities for children and young people, and leading figures in the respective governance arrangements. There will be a balance of PCT and Council interest on the Board.

5.2 Members are allowed to have named substitutes. Someone acting as a substitute for one member cannot be the substitute for another member

5.3 Substitutes will have the same powers and responsibilities as the member they are substituting for.

5.4 Board members and substitutes are:

<b>Member</b>	<b>Substitute</b>
Cabinet Member for Children Learning and Young People	Another Cabinet Member
Non-Executive Director of PCT	Another Non-Executive Director of PCT
Chief Executive of the Council	Director of Children Learning and Young People, the Council
Chief Executive of PCT	Lead Director for Children, PCT
Director of Children Learning and Young People, the Council	Head of Strategy, Children Learning and Young People, the Council
Lead Director for Children, PCT	Director of Commissioning of the PCT

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5.5 In addition the following will attend the Board in an advisory capacity. The Board will take careful note of the advice, but are not bound to follow it.

- Head of Strategy, Children Learning and Young People, Coventry City Council
- Children and Young People's Strategic Partnership Manager
- Children's Champion
- Parent / Carer representation [how this will be facilitated is to be decided]
- Any other person identified and agreed by the Board as being suitable to advise the Board

**6.0 Financing and Staffing**

6.1 The operation of the Board will be funded and supported through a pooled budget covering: Children and Young People's Partnership Manager; Strategic Commissioning Manager; Partnership Administrator; support costs.

6.2 The details of pooled budget will be set out in a formal agreement established under section 10 of the Act. The terms of the formal agreement will be agreed by the Cabinet of the Council and the Board of the PCT, and thereafter will be reviewed annually by the Board. All changes to the funding arrangements will require agreement from Cabinet of the Council and the Board of the PCT.

6.3 Any additional resources required to enable the Board to fulfill its functions will be provided by partner organisations, subject to their agreement.

**7.0 Chair and Vice Chair**

7.1 The Chair of the Board will be the Chief Executive of the Council.

7.2 The Vice Chair will be the Chief Executive of the PCT.

7.3 Both the Chair and Vice Chair, or their substitutes, will be present at every meeting.

**8.0 Tenure of Membership**

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**COVENTRY CHILDREN AND YOUNG PEOPLE'S  
COMMISSIONING BOARD.**

8.1 All Board and advisory members are appointed by virtue of the post or role that they hold. They will therefore remain a member of the Board for as long as they fulfil that post or role.

**9.0 Attendance**

9.1 A record of attendance at Board meetings over the previous year will be included in the Annual Report.

**10.0 Frequency of Meetings**

10.1 The Board will meet not less than monthly on dates to be agreed in advance, or at such other intervals as may be agreed by the Members, subject to Clause 11 below.

**11.0 Extraordinary Meetings:**

- The Chair may call an extraordinary meeting at any time;
- Extraordinary meetings may be called where immediate action is required in relation to a significant initiative, a significant variation or issues arising from a section 10 agreement or a significant change in legalisation.
- Any member may call an extraordinary meeting by submitting to the Chair a written request, which is supported by the written agreement of any other member;
- Such extraordinary meetings will normally be held within 14 days of the request being received by the Chair.

**12.0 Chair's Action and Decision Making**

12.1 The Board will conduct business on a consensual basis i.e. the Members will attempt to achieve full agreement wherever possible. Where agreement cannot be reached between the six Members, then other channels for resolution will be explored.

**13.0 Quorum**

13.1 No business shall be transacted at a meeting unless the Chair and Vice Chair [or their substitutes] are present and at least one other member [or their substitute].

**14.0 Records**

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- 14.1 The minutes of the meeting will be entered as a permanent record and submitted for approval at the next meeting.
- 14.2 The meetings of Board will not be held in public unless agreed by a full consensus of the Members from time to time. In certain circumstances, a record of the proceedings of meetings and the papers under consideration may become documents under the requirements of the Local Government Act 1972 ( S.100 as amended). In all cases confidentiality and publicity must be the subject of early detailed advice from the relevant legal advisor.
- 14.3 With considerations of above in mind, the Board will lodge a record of its meetings on the Coventry Children and Young People's Strategic Partnership Website.

**15 Supporting Sub-Groups**

- 15.1 The Board will be supported in its work by a Professional Advisory Group ("PAG"), a Programme Board, a range of Sub-Groups and a Partnership Forum.
- 15.2 The Professional Advisory Group will advise the Board on key issues and provide leadership to the Sub-Groups. The PAG ensures that all 'relevant' partners under the Act and those stakeholders identified in the guidance as of particular importance, contribute to and influence the decisions of the Board. Appendix 1 sets out the terms of reference of the PAG.
- 15.3 The Programme Board will performance manage the Sub-Groups and will report quarterly to the PAG and the Board. Appendix 2 sets out the terms of reference of the Programme Board.
- 15.4 The Sub-Groups lead on the delivery of Action Plans contained in the Children and Young People's Plan. Appendix 3 sets out the terms of reference of Sub-Groups.
- 15.5 The Partnership Forum will provide a wider stakeholder base for advising the PAG, Sub-Groups and Board, and ensuring that children, young people and their families and carers are able to participate in the decision-making process. Appendix 4 sets out the terms of reference of Partnership Forum.

**16.0 Annual Report**

- 16.1 The Board will produce an annual report for the Cabinet of the Council and Board of the PCT for July or at such other time as may be agreed with those authorities.

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16.2 The Children and Young People's Partnership Manager will be responsible for producing the annual report on behalf of the Board.

**17.0 Review and Amendments to the Board Constitution**

17.1 This constitution will be reviewed at least annually, and at any other time the Board considers appropriate

17.2 Amendments to the constitution can only be agreed by the Cabinet of the Council and the Board of the PCT

**APPENDIX A**  
**COVENTRY CHILDREN AND YOUNG PEOPLE'S**  
**COMMISSIONING BOARD.**

**Appendix 1 – Terms of Reference of Professional Advisory Group**

**Purpose**

To advise the Board on key issues and to provide a collective leadership to the Sub-Groups

**Objectives:**

To receive reports from the Sub-Groups for senior manager / partnership support;

To advise the Board on the operation of section 10 agreements;

To advise the Board on strategic issues;

To act as a consultative group in respect of the development and review of the Children and Young People's Plan;

To initiate policy and development work through the Sub-Groups which further the development of strategies, policies and joint commissioning initiatives;

To be informed about national, regional and local initiatives, developments and programmes which will have a significant impact on children, young people and their families and carers

**Membership**

Director of Children Learning and Young People, Coventry City Council  
Director of Learning and Skills Council  
Executive Director of Connexions  
Senior Probation Representative  
Operational Unit Commander from West Midlands Police  
Youth Offending Service Manager  
PCT Director with Lead responsibility for children  
X2 representatives from the Voluntary and Community Sector Network  
Chairs of the Secondary, Primary and Special Headteachers Steering Groups  
Senior Social Care Lead  
Member of the Professional Executive Committee of the PCT  
GP representative nominated by the PCT  
Senior representative from the Coventry and Warwickshire Partnership NHS Trust  
Head of Strategy, Children Learning and Young People, Coventry City Council  
CYPSP Manager  
Police Local Authority Liaison Officer  
Community Safety Partnership Manager



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Children's Champion  
Children's Policy Lead, PCT  
Chairs of the Sub-Groups / Workstreams not represented above

Substitutes may be sent in respect of all members except the Chair and Vice-Chair

**Chairing Meetings**

Director of Children Learning and Young People, Coventry City Council will chair meetings. The Vice Chair will be elected from the membership but cannot be an officer of the Council, the Children's Champion, the CYPSP Manager, the Community Safety Partnership Manager or the Police LALO.

**Quorum**

For the meeting to be quorate, the Chair or Vice Chair must be present and at least 5 other members representing at least two partner agencies / stakeholder groups.

**Frequency**

The meeting will be held every 2 months

**Support for Meetings**

The meetings will be serviced by the Partnership Support function.

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**Appendix 2 – Programme Board – Terms of Reference**

**Purpose**

The purpose Programme Board of the Children & Young People's Strategic Partnership is to review and monitor the output of the workstreams (sub groups), to ensure joined up thinking and monitoring of gaps takes place.

**Objectives**

To oversee the CYPSP workstreams and the overall "Change for Children" Programme Initiation Document.

To develop a strong performance management remit with regard to the sub groups of the partnership.

To analyse and assess progress of each of the sub groups on a quarterly basis

On behalf of the Partnership, to monitor and review the action plans of the Sub-Groups, providing an overview report to the full Partnership Executive following each meeting.

To troubleshoot issues as they arise

**Membership**

Executive Director, Connexions  
Head of Strategy, Children, Learning & Young People's Directorate.  
Senior representative of the Learning & Skills Council  
All chairs of CYPSP sub groups

Support officer: Programmes & Project Manager, Children, Learning & Young People's Directorate

**Chairing the Meetings**

Executive Director, Connexions

**Frequency**

The Board will meet twice a year in full.

In the two intermittent months, the Chief Executive, Connexions, Head of Strategy, CLYP Directorate and Senior representative of the Learning & Skills Council will meet with the Support Officer as a 'scrutiny' group along with the

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relevant chair submitting his or her progress report on the Sub-Group's Action Plan

NB: The 3 named members of the Programme Board may change according to their roles in relation to sub groups, in order to ensure that there are always 3 members who are not Chairs of sub groups to act as the 'scrutiny' group.

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**Appendix 3 – Sub-Groups: Terms of Reference**

**Purpose**

To progress the Action Plans as agreed in the Children and Young People's Plan

**Objectives**

To develop an Action Plan for the Sub-Group for agreement by Programme Board and CLYP Board, and for inclusion in the CYP Plan

To review periodically progress on the Action Plan and report to Programme Board in the prescribed format

To identify key issues which require collective leadership from the PAG

To seek advice on key issues and developments from the PAG and the Partnership Forum

To consult with the PAG and Partnership Forum on all key developments and proposals arising from the Sub-Group

To ensure that the views of children, young people and their families and carers are reflected in all key developments and proposals arising from the Sub-Group

To identify areas for joint commissioning and bring to the attention of the Board.

NB Terms of Reference for each Sub-Group must be agreed by the Board.

**Membership**

To be decided for each Sub-Group but must include range of appropriate partners and offer the opportunity for the voluntary and community network to provide x2 representatives

**Chairing the Meetings**

To be decided for each Sub-Group but must be a senior officer of one of the partner agencies.

**Frequency**

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Subject to the requirements of the Group. Some groups will be on-going; some will be short-life, focusing on key tasks.

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**Appendix 4 – CYP Strategic Partnership Forum**

**Purpose:**

To act as a consultative forum to the Board and PAG, ensuring that the wider view of stakeholders are represented

**Objectives:**

To receive information on key developments in the Partnership

To ensure that children, young people and their families and carers have a key role to play in the consultation process

To advise the Board, PAG and Sub-Groups on key issues

**Membership**

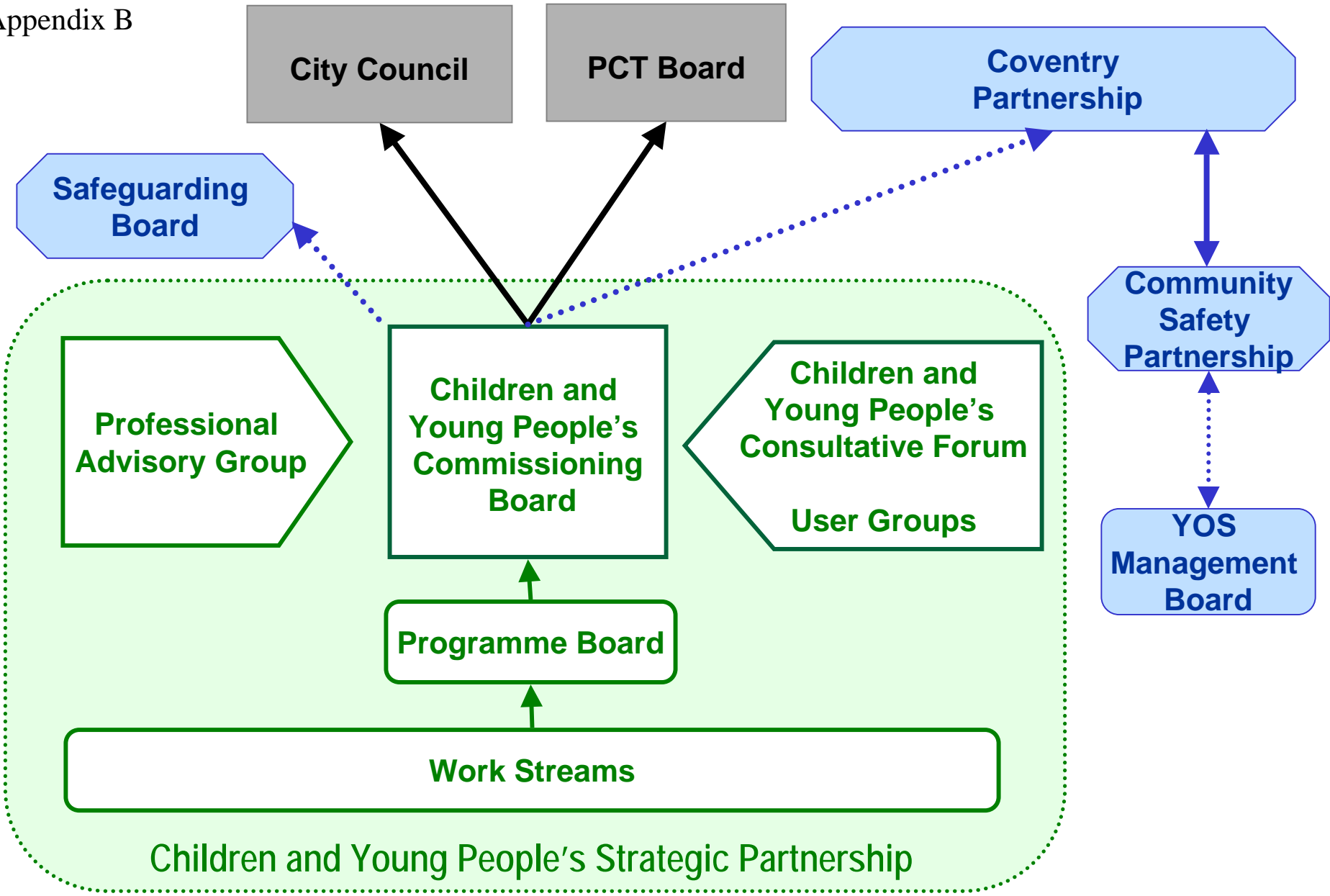
To be agreed, but to include a broad stakeholder base which has effective representation from children, young people and their families and carers, front-line practitioners and voluntary and community sector.

**Chairing of Meetings**

Director of Children Learning and Young People, Coventry City Council will chair meetings. The Vice Chair will be elected from the membership but cannot be an officer of the Council or any other person in a liaison or advocacy role.

**Frequency**

Meetings will be held quarterly. The Forum will also operate in a virtual capacity in order to respond to specific consultation issues.



# Appendix 3

## Joint Commissioning Framework and Action Plan 2006-2007

### Introduction

Coventry's overarching Joint Commissioning Strategy is contained in the Children and Young Peoples Plan 2006 - 2010, which was developed through the Children and Young People's Strategic Partnership and agreed by Council and PCT Board in April 2006.

Joint planning and commissioning is one of the core elements in the Change for Children Programme. It is particularly relevant where there is a demonstrable benefit to deliver an integrated service, with contributions from two or more agencies. Every Child Matters: Next Steps outlines how the local authority and key partners should discharge their duty to co-operate to improve the well being of children and young people. As the Health and Social Care White Paper states:

"For children's services, joint planning and commissioning by local authorities and Primary Care Trusts and other partners will be done through the Children's Trust. Joint commissioning strategies will be based on the Children and Young People's Plan, which is informed by children and young people, their families and the community."

### What is meant by commissioning

In simple terms, commissioning means "how we choose to spend our money to meet needs".

To do this effectively requires the interaction of a complex set of processes. Commissioning, as a technical exercise is defined by the Audit Commission as:

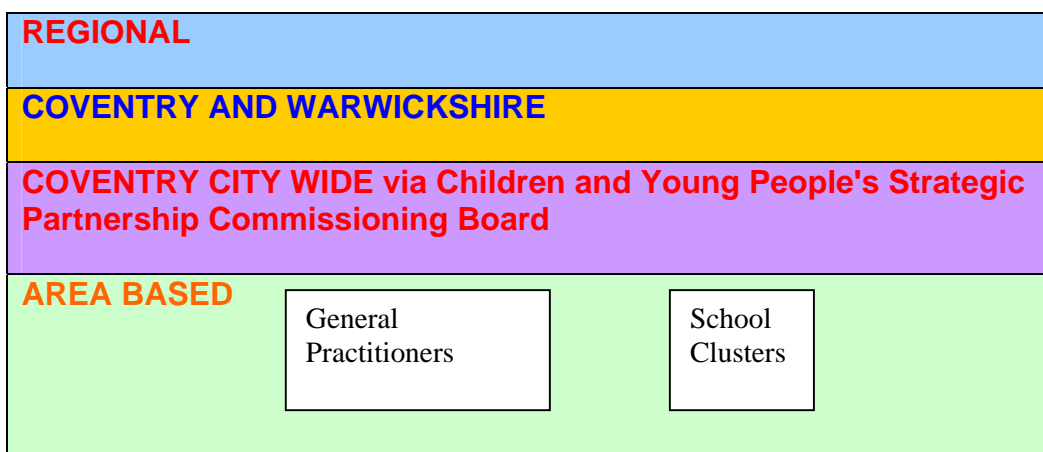
"The process of specifying, securing and monitoring services to meet individual(s) needs at a strategic level". This has been further amplified in Coventry as follows:

**The working definition of Commissioning for children's services in Coventry is:**

*"The process of specifying and securing services, which involves service users and stakeholders in assessing and forecasting needs, defining priorities and choices to improve outcomes for children and their families; within available resources. It is necessary to monitor implementation evaluate impact and learn from the process."*

Commissioning takes place on a number of organisational levels, as set out in the following table:





The strategy in the CYPP seeks to provide a clear, shared sense of direction and commitment to achieving joint planning and commissioning of services for children. This framework specifically excludes services which are singly commissioned, although activities outlined may be equally applicable to single agency commissioning, e.g user participation.

The improvement of outcomes will involve increasing the planning and development of effective integrated services where there are demonstrable benefits. Our objective is to ensure through the commissioning process that services currently provided to children are appropriate, and that we can jointly anticipate and respond to future changes in need and the demand for services in a pro-active way.

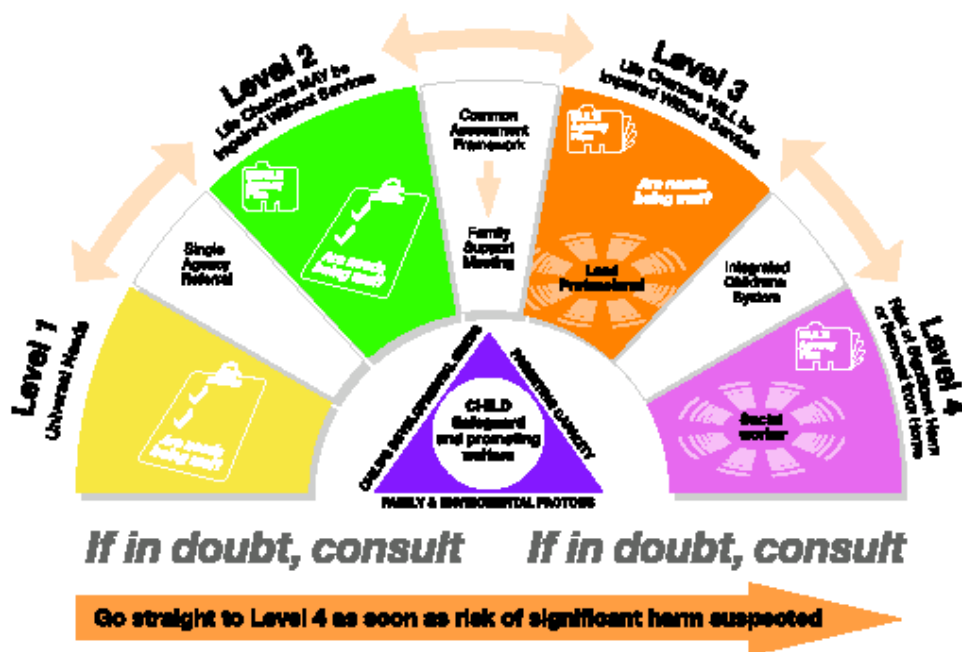
The Coventry Children's Trust will be known as Coventry Children and young People's Commissioning Board and will come into effect on 1<sup>st</sup> November 2006. Arrangements to develop joint commissioning will be managed through this Board, which is the executive of Children and Young People's Strategic Partnership. Joint commissioning will evolve over time and require a phased approach and a commitment to join up resources on the different levels of commissioning.

Joint commissioning will be based on the priorities identified in the Children and Young People's Plan, (CYPP). All decisions are driven by the strategic aim to improve the well being of children and young people as defined by the following outcomes:

- Being healthy
- Staying safe
- Enjoying and achieving
- Making a positive contribution
- Economic wellbeing
- Having supportive families, friends and communities.

Commissioning will be undertaken across a range of needs, illustrated in table 1, using the Common assessment framework.

Table 1 Levels of need



## Principles:

For developing services

- Focus on early intervention and prevention
- Clear rationale for improving outcomes
- Needs led
- Outcome based
- Promoting choice
- Innovative
- Responsive to changes and need
- Responsive to community needs
- Support, develop and capacity build the local market.
- Viability of interagency commissioning should be considered in the first instance

For working together

- Shared vision, aims and understanding
- User involvement
- Genuine partnership approach
- Inclusive of all sectors

For planning and commissioning

- All elements of the commissioning process are of equal importance
- Develop an accurate information base of existing services to avoid inefficiencies, unnecessary and inappropriate duplicates.
- Using best value 4Cs – challenge, compare, consult and compete
- Signing up to agreed monitoring and evaluation process

- Commitment to evaluation and review and learning from this
- Focusing on continuous improvement to improve outcomes
- Having a good evidence base

Values which inform everything

- Honesty, integrity, impartiality, fairness
- Open, transparent and fair processes
- Equality
- Probity and within the law

Effectiveness of joint commissioning will be measured by:

1. Joint Area Review and Annual Performance Assessment performance indicators and inspection standards [which are structured around the key outcomes]
2. National Service Framework
3. Locally agreed objectives in the CYPSP, Children's Plan, Community Plan
4. Information about specific interventions or projects which have assisted in the delivery of partner/Government objectives.
5. Up to date and ongoing mapping of resources.
6. Information about the performance and quality of services, (both in house and external providers).
7. Information from those professionals who identify gaps in provision, where individual assessed needs cannot be met from existing services.
8. Information to demonstrate how parents, C&YP have influenced shape and service delivery.

Assessment of data will be used to understand universal and specialist needs.

Data will be analysed to draw conclusions to inform decisions about local priorities, local area agreement negotiations and the Children and Young Peoples Plan. It will inform both macro and micro commissioning decisions, service design and individual packages of care.

Findings must be presented so that it is easy to understand by members of the C&YP Strategic Partnership, C&YP Commissioning Board, professionals, the community, parents and children and young people.

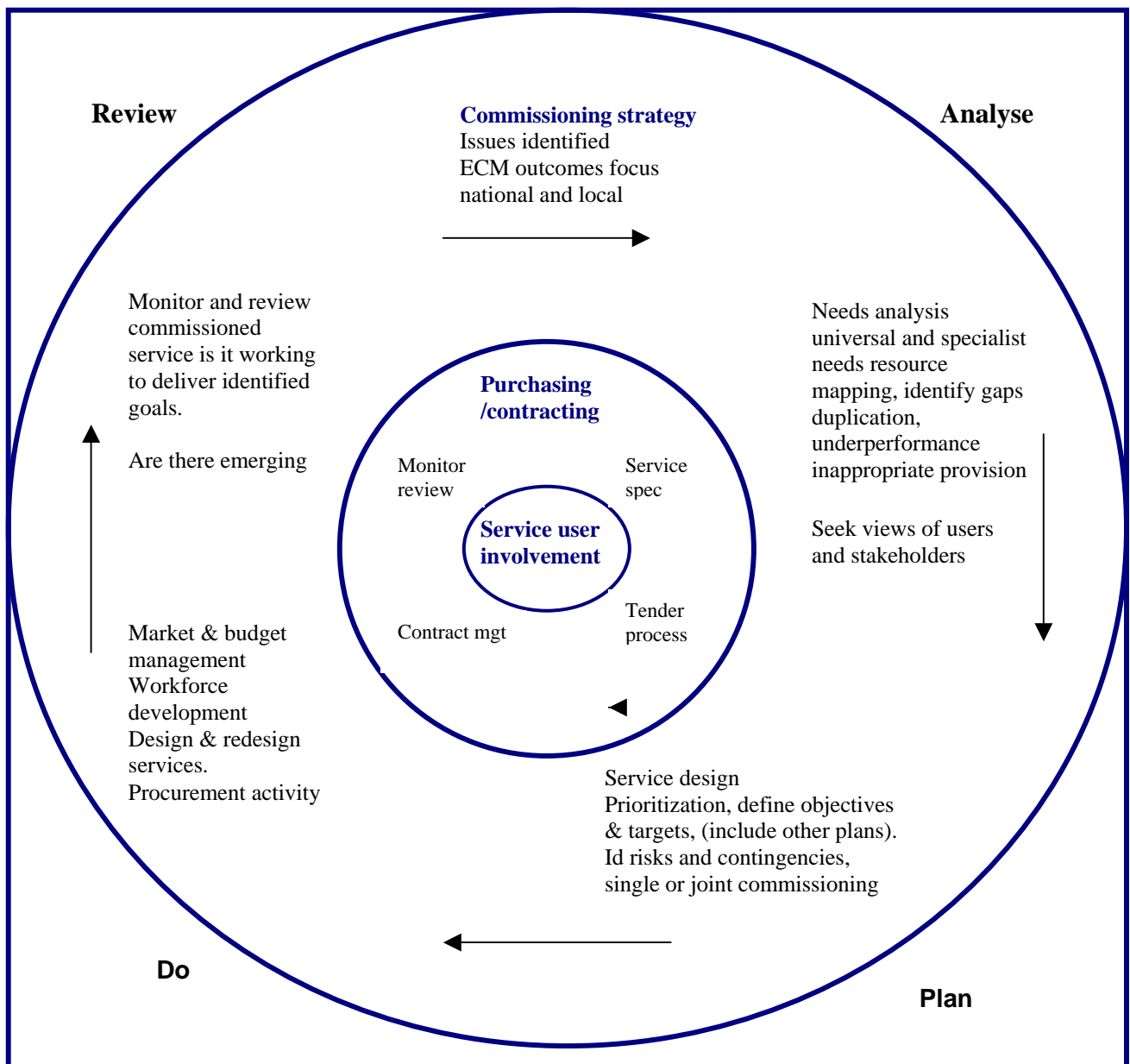
The diagram below shows the four stages to the commissioning process. Within the four stages there are a number of processes that will need to be undertaken for that stage to be completed.

1. Assess, where are we now? – This includes what we know about needs and services and are there any mismatches.
2. Plan, where do we want to be? This includes knowledge of the drivers for development of services, what do we want to achieve, what difference will it make and to whom.  
User views, provider views
3. Do: How do we get there, who will do it best, do we require a commissioning partner?  
Options for delivery and procurement.

- Review, how do we monitor, review and evaluate? Involves performance and process reviews. Is it making a difference, is it delivering value for money, user views and future commissioning options.

Appendix A checklist and guidance encourages good practice and support to commissioners through the commissioning process.

## COMMISSIONING CYCLE and PURCHASING and CONTRACTING PROCESS



## Priorities

Strategic priorities are set out in the CYPP, **Prevention, Partnership and Participation**. These and the aims of the CYPP below, are reflected in Coventry's strategic approach to the commissioning and procurement of services.

1. Children in their early years have the foundation for happy, healthy and successful lives.
2. Children and young people with disabilities are able to maximise their potential for healthy, happy and successful lives.
3. Looked after children and young people are able to maximise their potential for healthy, happy and successful lives.
4. Children and young people feel part of their local neighbourhood and community and behave in a way which enables them to fulfil their potential and that of their neighbourhood and city.
5. Children and young people's achievements and aspirations have been fulfilled to the benefit of themselves, their communities and neighbourhoods.
6. Children and young people feel safe and are protected from harm.
7. A Children's Services Director has been appointed within the City Council, a Children's Directorate founded on multi-agency working has been established and Children's Trust arrangements are in place.
8. Children and young people have healthy lifestyles, which maximise their potential for physical, mental, emotional and sexual wellbeing.

### Fulfilling our Duty to Co-operate (Children Act Section 10 Requirements)

In line with C&YPP a C&YP Commissioning Board will be established. The following budgets may fall within the Board's responsibility, subject to prior agreement from the PCT Board and Cabinet of the City Council.

- Budgets for which the City Council is directly accountable and controls
- Budgets for which GPs are responsible, and where the Board acts as a commissioner on their behalf with the agreement of GPs [under current Practice-based commissioning arrangements, commissioning of specialist provision is delegated to the PCT]
- Budgets for which schools are responsible, and where the Board acts as a commissioner on their behalf with the agreement of schools

Where GPs and Schools commission outside of the Board's arrangements, then the Board will provide appropriate strategic and practical advice. Acute Paediatrics (will remain outside of Board's arrangements).

Coventry currently operates in a mixed economy, commissioning services from a variety of statutory, voluntary, or private sector providers, and recognises that we will continue to operate in this diverse environment. These providers include the City Council; NHS Provider Trusts;

NHS Hospital Trusts; Local Learning and Skills Council, Schools; GP practices; voluntary and community sector; private and independent sector; Connexions.

A key element of the CYPP is the establishment of a Joint Commissioning Unit. The Joint Commissioning Unit is currently at an early stage of development, and its staffing establishment comprises: Strategic Commissioning Manager (Joint PCT / City Council appointment); 4 Commissioning Officers (two are specialist posts, one jointly funded with the Community Safety Partnership focusing on substance misuse, the other with a focus on services for looked after children); 1 Policy and Commissioning Officer; 1 Senior Contracts Officer.

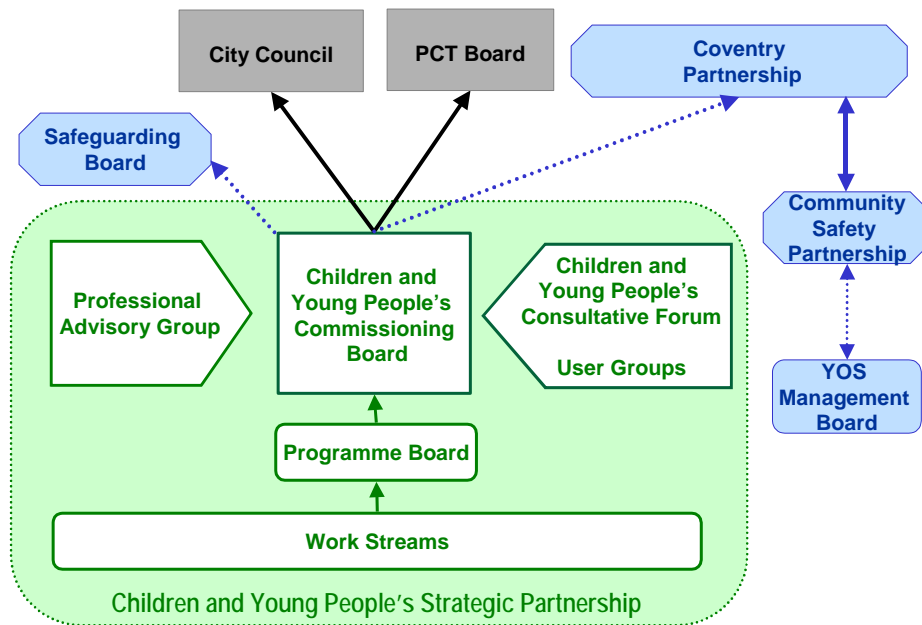
The Joint Commissioning Unit will work to the priorities and objectives of the CYPP and the Commissioning Board, and will be responsible for delivering the Joint Commissioning Plan. Whilst the Joint Commissioning Unit will carry out the commissioning function on behalf of the Council and PCT, it will act in an advisory and co-ordination role in respect of schools, GP practices and other commissioning partnerships or organisations.

Where the budgets or resources are to be pooled and it is considered advantageous to enter into a formal agreement, then services will be commissioned under section 10 of the Children Act 2004. This means that, in effect, over time, the Board will be responsible for a number of section 10 agreements. The following service areas will be the priority for considering the establishment of Section 10 agreements:

- Integrated service for children and young people with disabilities
- Respite care for children and young people with disabilities
- Speech and language services
- Looked after children's service
- CAMHS
- Service directory
- Inter-agency training and development programme
- Joint Strategy and Commissioning function
- Safeguarding Service

## **Governance Arrangements**

The governance arrangements are diagrammatically set out below. The fundamental aspect of this is that no decision can be made about the pooling of budgets without prior approval of the respective governance bodies.



Children and Young People's Commissioning Board Governance Arrangements

June 2006

## Joint Commissioning Action Plan for 2006-07

What we are doing now is explained in the action plan detailed in tables 2 and 3 below. This will be reviewed and updated on an annual basis through the Commissioning Board. Progress will be monitored 6 monthly.

The broad strategic objectives fall into 2 areas: those associated with improving services; and those associated with the establishment of joint commissioning processes. These will need further discussion at the Commissioning Board with a view to establishing a specific strategy for each area.

### Joint Commissioning Objectives: Service Improvements

- Jointly commission substance misuse services in line with national and local priorities as set out in the CYP Substance Misuse Plan
- Jointly commission services for looked after children to improve outcomes and reduce costs
- Jointly commission information sharing tools to improve communication between practitioners and identify need earlier
- Jointly commission services for disabled children and young people in response to the review of respite provision
- Jointly commission CAMHS
- Jointly commission teenage Pregnancy services

### Joint Commissioning Objectives: Process

- Ensure compliance with all contracts, grant aid agreements and service level agreements.

- Put in place formal arrangements under section 10 of the Children Act 2004 where this is considered necessary to secure the joint funding of services.
- Develop the skills, knowledge and capacity of the joint commissioning unit.
- Draw up a communication strategy to ensure key messages are delivered effectively and stakeholders are informed about this strategy and how they can get involved.
- Establish systematic mechanisms for engagement with children, young people and their parents in the commissioning and development of services.
- Develop and manage the market in the commissioning of children's services, and involvement in one off commissioning activity of specific services.
- Ensure that needs and services of Coventry children and young people are identified.



Table 2

**20006/07 Joint Commissioning Action Plan**

Action	Lead	Measure	Timescale	Notes / Comments
<b>Service Improvements</b>				
<b>Understanding Health Needs and Services</b>				
Complete Annual DH Health Needs Mapping	Maureen Donnelly	Return completed on time	As required by DH, annually [January]	
<b>Child Protection</b>				
Establish Child Protection Review Service as a section 10 agreement	Richard Keble	Section 10 agreement in place	March 2007	Subject to agreement from LSCB
<b>Substance Misuse</b>				
Deliver against CYP Substance Misuse Plan	Justine Reader	Satisfactory sign-off of annual plan	March 07 with 6 month review October 06	Plan will also be reported to the Community Safety Board
<b>Looked After Children</b>				
Appoint LAC Commissioning Officer	Maureen Donnelly	Officer in post	December 2006	Post will be responsible for monitoring new residential contract
Monitor residential contract via 'Project' Board	LAC Commissioning Officer	Monthly reporting to Board	Monthly from October 2006	
Establish Joint LAC Service	Howard Woolfenden	Co-located service; improvement in health PI's	By March 2007	
Consider whether to establish LAC service under section 10	Richard Keble	Commissioning Board decision	December 2006	

Action	Lead	Measure	Timescale	Notes / Comments
<b>Information Sharing Tools</b>				
Commission evaluation of and report on Coventry ShareCare [formerly RYOGENS]	Richard Keble	Evaluation report to Commissioning Board / PAG	December 2006	
Mainstream Coventry ShareCare	Richard Keble	Commissioning Board recommendation	December 2006	
Implement Information Sharing Index in line with DfES timetable and requirements	Richard Keble	As per DfES Readiness Assessments	As per DfES timetable	Timescale subject to Early Adopter timetable
<b>Disabled Children</b>				
Co-locate services in former Cov and Warks hospital site	Richard Keble / Colin Merker	Services co-located	February 2007	
Report respite review including proposals	Richard Keble	Report to Cabinet	October 2006	
Commission provision of equipment for disabled children in schools [including extension to existing s 31 agreement for ICES]	Richard Keble	Protocol for access and contract in place	September 2006	
Clarify and develop continuing care arrangements and criteria	David Widdas / Sue Marsh / Richard Keble	Agreed criteria	March 2007	
Draw up contract with successful provider of Family-Based respite	Maureen Donnelly	Contract agreed	October 2006	
<b>Contract / Grant Aid agreement / SLA Compliance</b>				

Action	Lead	Measure	Timescale	Notes / Comments
Domestic Violence Service review to ensure the provision of services to children witnessing domestic violence meet assessed need.	Maureen Donnelly	Review undertaken, recommendation for service development	December 2006	To be undertaken within a project framework to include user and provider engagement
All contracts up to date and monitored. Annual review of service.	Maureen Donnelly	All contracts satisfactorily monitored and reviewed	Ongoing	Draw up spreadsheet as ongoing record of contract compliance and service review

**Table 3 Joint commissioning infrastructure**

Action	Lead	Measure	Timescale	Notes / Comments
<b>Develop skills, knowledge and capacity of the joint commissioning unit</b>				
Identify required roles related to specific functions & develop a team of staff with the relevant skills mix.	Maureen Donnelly	Annual objectives met	February 2006	Report commissioning activity to the Board annually
Undertake team building to create a firm platform from which staff are able to work together, to ensure all commissioning functions are performed efficiently and effectively.	Maureen Donnelly	Team away day attended by all commissioning unit staff	November 2006	
<b>Inform and engage key stakeholders</b>				
Draw up a communication strategy to ensure key messages are delivered effectively and stakeholders are informed about this strategy and how they can get involved in service development	Maureen Donnelly	Strategy in place	End September 2006	
Establish systematic mechanisms for engagement with children, young people and their parents in the commissioning and development of services	Maureen Donnelly	CYP& parents are involved in the commissioning and procurement of specific service development.	March 2007	
Consider minority ethnic needs and how to involve those groups in shaping	Maureen Donnelly	Equality Impact Assessments	Ongoing	

services.		undertaken on all procured services		
Action	Lead	Measure	Timescale	Notes / Comments
<b>Inform the ongoing development of the Children's Plan</b>				
Produce an overview report of commissioning activity and identify gaps and duplication.	Maureen Donnelly	Report presented to Commissioning Board	February 2007	
Analyse commissioning implications of lead professional family support budget pilot.	Maureen Donnelly	Report containing analysis produced	March 2007	
<b>Market Management</b>				
Establish a quarterly forum to engage with providers to exchange information and further develop positive relationships.	Maureen Donnelly	Forum in place	March 2007	
Potential providers will be kept informed of service reviews in and given the opportunity during the process of commissioning to discuss service development.	Maureen Donnelly	Providers are actively engaged in one off commissioning activity	Ongoing	
<b>Performance Management</b>				
Develop improved performance management monitoring and contract compliance systems	Maureen Donnelly	System in place	March 2007	

## Appendix A Commissioning Cycle Checklist and Guidance

The following checklist aims to encourage good practice, to support commissioners through the process of commissioning children's services. The questions are designed to follow the commissioning cycle and to act as a prompt, in addition, commissioners are advised to consider the capacity (1) building issues that may be relevant at each stage.

Cycle stages	Process to consider	Related questions	Comments/evidence
<b>ASSESS – where are we now?</b>	Needs and choices	Have you conducted an assessment of current and future needs or drawn on existing data from relevant sources?  How have you drawn on C&YP, parent and carer views.  Have you taken account of the requirements for safeguarding and promoting the welfare of C&YP?  Are your preliminary outcomes clear?  Have you mapped /researched what is available locally?	
	Market supply	What partnership arrangements/providers exist? Do these need to be extended?  What is the cost of current services (finance/resources)?  Do available services represent good value for money? Does available provision effectively meet current and future needs? Does the available provision reflect current evidence based practice?	

Cycle stages	Process to consider	Related questions	Comments/evidence
<b>PLAN – Where do we want to be?</b>	Local and national drivers	Have you identified national and local drivers for this service?	
	Provider views	<p>Can you demonstrate how you have involved service providers in your thinking?</p> <p>What must we do to meet needs?</p>	
	Service objectives	<p>Do you have clear objectives and outcomes for the service required?</p> <p>Are these SMART (Specific, measurable, achievable, realistic and time limited)</p> <p>Should we stop doing anything?</p> <p>What difference will it make and to whom?</p> <p>What are the risks and race impact?</p>	

Cycle stages	Process to consider	Related questions	Comments/evidence
<b>DO – How do we get there?</b>	Market development	<p>Does the market need developing to provide good value for money and choice.</p> <p>If so consider how we can stimulate the local market</p> <p>What are the barriers to entry</p>	
	Commissioning partners (2)	<p>Have you checked if any other partners are commissioning a similar service?</p> <p>Is there potential for interagency commissioning (3)</p> <p>Is there potential for commissioning the service nationally?</p>	
	Workforce development	<p>What is the impact on the workforce?</p> <p>Are there issues for workforce development?</p>	
	Options for delivery	<p>Is a new service required?</p> <p>Can existing service be developed or adapted?</p> <p>Do we need to capacity build existing service?</p> <p>Are you clear about the resources you have to procure/develop service?</p> <p>Have you explored a range of evidence based good practice?</p> <p>Have you considered the impact on existing services and partnerships?</p> <p>Will the service be accessible?</p> <p>How will we manage change, communication?</p>	



	Procurement (4)	<p>Have you agreed a service specification?</p> <p>Have you tendered (4) for the service?</p> <p>How have you/intend to involve service users in the process?</p> <p>Have you produced a contract or SLA as appropriate?</p> <p>Have you included performance targets, outcomes and performance monitoring requirements including financial penalty clauses?</p>	
<b>Cycle stages</b>	<b>Process to consider</b>	<b>Related questions</b>	<b>Comments/evidence</b>
<b>Review – How do we review monitor and evaluate?</b>	Performance review	<p>Are you regularly measuring performance against SLA /contract targets and outcomes?</p> <p>Are all necessary stakeholders involved in the process?</p> <p>Are you satisfied with the outcomes?</p> <p>Can you provide additional capacity building to achieve better outcomes?</p>	
	Process review	<p>Has this process ensured the required service is delivered?</p> <p>What have you learned from an evaluation of the commissioning/procurement process?</p> <p>What improvements can be made/ learning to share?</p> <p>Have you thought how you will support capacity building issues throughout the process?</p>	
	Future commissioning	<p>Does your data support the continuation of the service?</p> <p>Are there opportunities to improve existing services?</p>	

## **Additional Guidelines on Interagency Commissioning**

Where Interagency Commissioning is identified as being appropriate under the 'Commissioning Partners' section of the Commissioning Cycle, ensure the following is undertaken before progressing to procurement, (see checklist 2).

1. Identify partners and agree to adopt an interagency approach to commissioning.
2. Review service objectives and outcomes required modifying to satisfy all partners.
3. Agree delivery option.
4. Identify and agree role of Lead Commissioning Organisation.
5. Identify and agree roles of other partners and lead contacts for service provider.
6. Agree content of Contract/Service Level Agreement and Service Specification – modifying to satisfy all partner requirements.
7. Agree performance management arrangements – modifying to satisfy all partner requirements and rationalise requirements from service provider.
8. Agree financial arrangements modifying to satisfy all partner requirements and rationalise requirements from service provider.
9. Agree procurement arrangements – modifying to satisfy all partner requirements and rationalise requirements from service provider.
10. Agree service review arrangements with partners

Once the above had been addressed, progress to 'Procurement'.

## Roles in Interagency Commissioning – Checklist 2

This proforma aims to assist partner commissioning agencies in agreeing which agency takes the lead in the various operational elements of the commissioning process.

Service \_\_\_\_\_

Provider \_\_\_\_\_

Lead Commissioner \_\_\_\_\_

Funding Partners \_\_\_\_\_

<b>Operational elements of Commissioning process</b>	<b>Lead Commissioner</b>	<b>Partner 1</b>	<b>Partner 2 (etc)</b>
Define outline of service			
Identify Provider			
Negotiate Budget			
Negotiation Service Specification			
Negotiate Outcomes			
Agreement to Service Specification and Outcomes			
Issue SLA			
Sign Off SLA			
Lead Contact for Service relating to service development and provisions			
Lead Contact for Service for Financial Management			
Overseeing collection of performance management and evaluate data			
Performance Management reports collated by			
Financial Audit			
Performance Review with provider			
Dissemination of performance management and finance information to funders.			
Initial problem solving with service provider			
Liaison with funders.			

## Definitions

- (1) **Capacity building**, Supporting/ ensuring that organisations have skills, knowledge, structures and resources to realise their full potential e.g. issues that might restrict an organisation's ability to comply with a funders' audit and performance management requirements are then dealt with as a capacity issue requiring support, rather than a reason not to procure services from the organisation.  
(<http://www.homeoffice.gov.uk/comrace/active/developing/>).
- (2) **Commissioning partners**: at this point refer to additional guidelines on inter-agency commissioning at page.....
- (3) **Inter-agency commissioning**: a partnership of two or more organisations who have collectively identified overlapping needs, work together to commission services, where doing this provides
- (4) **Procurement** – securing or buying services. Undertaken in accordance with standing orders, best value and EU regulations...PCT EQUIVALENT



