

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

9 September 2021

Report of the Managing Executive Director

**Urgent Decision Taken by the Managing Executive Director and
Approval For Participation in the Afghan Local Employed Staff (LES)
Relocation Scheme**

Health and Communities

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is not a Key Decision

3. Purpose

3.1 To note the Urgent Officer Decision taken on 9 July 2021 for Derbyshire County Council to participate in the Afghan Locally Employed Staff (LES) Relocation Scheme and to lead and co-ordinate the approach, working with the District and Borough Councils across the county.

4. Information and Analysis

4.1 On 1 June 2021, the Secretary of State for Defence announced the decision that the Ministry of Defence, Home Office and Ministry of Housing, Communities and Local Government would be rapidly accelerating the implementation of relocating Afghan LES to the UK, following the decision to begin the withdrawal of military forces from Afghanistan. On 3 June 2021, this announcement was followed by a

letter to Local Authority Chief Executives and Leaders seeking their support in delivering the scheme. The Government's strategy is to relocate approximately 600 families comprising 5,000 individuals over the summer months into Autumn 2021, with the first relocations arriving in late June 2021.

Local Authorities participating in the Scheme will be responsible for providing an integration package which includes:

- Reception arrangements upon arrival
- Accommodation
- A package of advice and assistance covering employment, welfare benefits, housing, health, education, and utility supply.
- Registration with GPs and local Job Centre Plus including receipt of a National Insurance Number.
- Assistance in securing school places for school aged children.
- Cash support.

New arrivals will not be eligible for benefits until they can satisfy the Habitual Residency Test set by the Department of Work and Pensions (DWP) which can take up to three months. In the interim, the appropriate local authority will be required to provide financial support to those who arrive under the relocation scheme.

To support local authorities in delivering the Scheme, a funding package comprising £10,500 per person will be made available for 12 months for the provision of resettlement support. If required, additional funding can also be claimed to cover any costs incurred during the short-term period before access to benefits and services becomes available to the new arrivals.

Derbyshire has been delivering resettlement support via the UK Resettlement Scheme (previously the Syrian Vulnerable Persons Resettlement Scheme) since 2016. A partnership approach is in place to deliver the Resettlement Scheme, with the County Council fulfilling a co-ordination role. The same model will be adopted to provide co-ordination of resettlement support to Afghan LES. Involvement in the scheme is dependent on the ability of District and Borough Councils to agree participation and identify suitable properties to house families within their area.

Once access to public services has been established (following the Habitual Residency Test) then there will be an impact of other council services, for example in securing school placements and any social care needs. It is anticipated that this will be minimal, due to the small

number of families that Councils are likely to be able to support under this Scheme in Derbyshire.

Due to the immediacy of resettling qualified Afghan LES cohorts, the request was for local authorities willing to participate, to urgently confirm and pledge their support to ensure properties are sourced, renovated where required and fully furnished ready to be occupied as soon as possible.

An Urgent Officer Decision was taken by the Managing Executive Director on 9 July 2021 for Derbyshire County Council to participate in the Afghan Locally Employed Staff (LES) Relocation Scheme and to lead and co-ordinate the approach working with the District and Borough Councils across the county. The Urgent Officer Decision is attached as Appendix Two.

- 4.2 Nationally there is likely to be a shortage of accommodation to relocate families under the Afghan LES within the required timescales. If this is the case, alternative arrangements will be sought to provide temporary accommodation, whilst more permanent accommodation is sought. It is not currently known if this will impact on Derbyshire. The implications of this could be significant and will need to be considered with local partners if it is proposed to relocate families on a temporary basis into the County.

5. Consultation

N/A

6. Alternative Options Considered

- 6.1 There were two alternative options which were considered when the decision was taken, which are outlined below:
- 6.2 Alternative Option 1 - Take no action in response to the request from central Government to assist in relocating Afghan LES. This could leave individuals and their families who have given support to the British Army in Afghanistan being left vulnerable and in danger when military support is withdrawn later this year.
- 6.3 Alternative Option 2 - Seek approval via the usual Cabinet process. Due to the time sensitive nature of the Scheme, which is in place to facilitate a departure for the individuals at risk, this would not be possible. Preparations needed to be made immediately in order to meet the

Summer / Autumn timescales set out in line with the withdrawal of the British military from Afghanistan.

7. Implications

7.1 Appendix 1 sets out the relevant implications which were considered in the preparation of the report.

8. Background Papers

8.1 Urgent Officer Decision Report – taken 9 July 2021

8.2 Information on Government website
[https://www.gov.uk/government/news/plans-to-bring-vulnerable-afghan-
interpreters-to-the-uk-accelerated](https://www.gov.uk/government/news/plans-to-bring-vulnerable-afghan-interpreters-to-the-uk-accelerated)

9. Appendices

9.1 Appendix 1 - Implications

9.2 Appendix 2 - Urgent Officer Decision – 9 July 2021

10. Recommendation(s)

That Cabinet:

- a) Notes the Urgent Officer Decision taken by Emma Alexander, Managing Executive Director on 9 July 2021 to participate in the Afghan Locally Employed Staff (LES) Relocation Scheme.
- b) Notes the role that the Council will take in leading and co-ordinating the Scheme, working with the District and Borough Councils across the county.

11. Reasons for Recommendation(s)

11.1 Preparations needed to be made immediately in order to meet the Summer / Autumn timescales set out in line with the withdrawal of the British military from Afghanistan.

11.2 To utilise existing resources, expertise and services in order to mobilise at pace, and ensure there is countywide oversight of the delivery of support.

12. Is it necessary to waive the call in period?

12.1 No

Report Author: Christine Flinton

Contact details: Christine.flinton@derbyshire.gov.uk

Implications

Financial

- 1.1 The Council will receive funding to support families relocated in Derbyshire through a Grant funding agreement. An initial payment can be claimed upon arrival and a further payment after 4 months. It is expected that the grant will cover the full costs of the scheme incurred by the Council, if there is a shortfall that cannot be met from within the Community Safety budget then an allocation from the General Reserve will be made in 2021-22 and a growth bid for any ongoing costs in later years.

Legal

- 2.1 The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."

The Council has the discretion to consider whether to participate in the Scheme and there is no statutory requirement to do so.

Section 1 of the Localism Act 2011 provides a general power of competence for local authorities in England. It gives Derbyshire County Council the same power to act that an individual generally has and provides that the power may be used in innovative ways, that is, in doing things that are unlike anything that a local authority - or any other public body - has done before, or may currently do. The power does not need to be exercised for the benefit of any particular place or group.

The Council will commission an external organisation to provide direct integration support to families relocated in Derbyshire. Any contracting activity must be undertaken in compliance with Public Contract Regulations 2015 (the Regulations) and the Council's Standing Orders relating to Contracts.

Human Resources

3.1 None arising directly from this report.

Information Technology

4.1 None arising directly from this report

Equalities Impact

5.1 This scheme will involve the resettlement of vulnerable people. Support will be tailored to the needs of individual families, in order to ensure effective resettlement within Derbyshire.

Corporate objectives and priorities for change

- 6.1 The work outlined in the report will contribute to the following key priorities for the Council
- resilient, healthy and safe communities
 - high performing, value for money and resident focused services
 - effective early help for individuals and communities

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 The work outlined in this will support the safeguarding of the Afghan LES cohort and their families.

DERBYSHIRE COUNTY COUNCIL
OFFICER DECISION AND DECISION REVIEW RECORD

Officer: Emma Alexander <i>*For emergency powers, this would be the Executive Director</i>		Service: Community Safety
Delegated Power Being Exercised: Participation in Afghan Local Employed Staff (LES) re-location scheme <i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>		
Subject of Decision: (i.e. services affected)	Provision of re-location, support and integration package for local staff who worked for the UK Government in Afghanistan.	
Is this a review of a decision? If so, what was the date of the original decision?	No	
Key decision? If so have Democratic Services been notified?	No	
Decision Taken (specify precise details, including the period over which the decision will be in place and when it will be (further) reviewed):	<p>To agree that Derbyshire County Council:</p> <ul style="list-style-type: none"> a) participates in the Afghan Locally Employed Staff (LES) Relocation Scheme; b) co-ordinates and leads on behalf of the District and Borough Councils across the County in offering support to welcome LES arrivals and delivering integration support for families which includes a package of advice and assistance covering employment, welfare benefits, access to health and education; and c) authorise a material change to the original contract between Upbeat and Derbyshire County Council under Protocol 9. 	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration.	<p>To support the effective integration of all those LES who choose to come to the UK and provide a safe haven to these individuals and their families who settle in Derbyshire.</p> <p>To ensure that there is a lead authority that co-ordinates provision across Derbyshire. As lead authority the Council will work with partners to identify suitable properties and to ensure access to local services as appropriate. The Council will be accountable for the management of grant funding and delivery of support as outlined in the national guidance.</p> <p>Due to the immediacy of the arrivals it is essential</p>	

	that approval is sought as a matter of urgency as any delays will impact on the ability to deliver to the timescales specified.
Alternative Options Considered (if appropriate) and reasons for rejection of other options	<p>Involvement in the Scheme is on a voluntary basis and the Council could choose not to participate.</p> <p>Those requiring relocation support have assisted our armed forces during the conflict in Afghanistan and as a result are now at risk. Their need to relocate has now become more critical due to the withdrawal of our armed forces from Afghanistan. Assistance is being sought from local authorities by to support the Scheme as a matter of urgency.</p>
Has a risk assessment been conducted ?- if so what are the potential adverse impacts identified and how will these be mitigated?	No
Would the decision normally have been the subject of consultation with service users and the public? If so, explain why this is not practicable and the steps that have or will be taken to communicate the decision	No
Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?	There are no adverse impacts on groups with protected characteristics.
Background/Reports/Information considered and attached (including Legal, HR, Financial, Equality and other considerations as required))	<p>On 1st June 2021, the Secretary of State for Defence, Ben Wallace MP, announced that following the decision to begin the withdrawal of military forces from Afghanistan, the Prime Minister has agreed for the Ministry of Defence, Home Office and MHCLG to rapidly accelerate the implementation of relocating Afghan LES to the UK.</p> <p>On 3rd June 2021, a letter signed by Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, Priti Patel MP, Home Secretary and Ben Wallace MP addressed to all Local Authority Chief Executives and Leaders seeking support in the accelerated</p>

relocation of locally employed staff (LES) and their families, who have been supporting the UK forces, including as interpreters, in Afghanistan.

The strategy is for approximately 600 families/5000 individuals to relocate over the summer months with the first relocations arriving late June and the remaining families early Autumn.

- Local Authorities participating in the scheme would be responsible for providing an integration package which includes:
- Reception arrangements upon arrival
- Accommodation.
- A package of advice and assistance covering employment, welfare benefits, housing, health, education, and utility supply.
- Registration with GPs and local Job Centre Plus including receipt of a National Insurance Number.
- Assistance in securing school places for school aged children.
- Cash support.

It should be noted that new arrivals will not be eligible for benefits until they can satisfy the Habitual Residency Test set by the Department of Work and Pensions (DWP) which can take up to 3 months, so the local authority will be required to financial support to those who arrive under the relocation scheme.

A funding package will be made available to support the delivery of this scheme for 12 months. Details of the funding specification are currently being finalised, but indications from the Regional Migration Team within East Midlands Councils suggest that the funding available will provide full cost recovery for the provision of resettlement support.

Due to the imminent arrival of resettling qualified Afghan LES cohorts, there is a request that local authorities willing to participate confirm pledges with urgency to ensure properties are sourced, renovated where required and fully furnished ready to be occupied as soon as possible.

Derbyshire has been delivering resettlement

support via the UK Resettlement scheme (previously the Syrian Vulnerable Persons Resettlement Scheme) since 2016. A partnership approach is in place to deliver this scheme, with the County Council fulfilling a co-ordination role. It is proposed that the same model be adopted, and that a decision be taken for the County Council to provide co-ordination of resettlement support to Afghan LES.

Involvement in the scheme is dependent on the ability of Districts/Borough to agree participation and identify properties. In addition, the funding package will need to be reviewed to ensure it provides full cost recovery.

Once access to public services has been established (following the Habitual Residency Test) then there will be an impact of other council services, it is anticipated that this will be minimal, due to the small number of families we are likely to be able to support under this scheme.

Further information can be found at the following location:

<https://www.gov.uk/government/news/plans-to-bring-vulnerable-afghan-interpreters-to-the-uk-accelerated>

Legal considerations

The Council's Constitution provides that "notwithstanding any other provision of the Constitution Executive Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."

The Council has the discretion to consider whether to participate in the Scheme and there is no statutory requirement to do so.

Section 1 of the Localism Act 2011 provides a general power of competence for local authorities in England. It gives Derbyshire County Council the same power to act that an individual generally has and provides that the power may be used in innovative ways, that is, in doing things that are unlike anything that a local authority - or any other public body - has done before, or may currently do. The power does not need to be exercised for the benefit of any particular place or group.

The Council will commission an external organisation to provide direct integration support to families relocated in Derbyshire. Any contracting activity must be undertaken in compliance with Public Contract Regulations 2015 (the Regulations) and the Council's Standing Orders relating to Contracts.

Accordingly, to comply with the Regulations, the commissioning of the services in this ODR are considered de minimis in accordance with the Regulations and fall within 10% of the contract value of the existing resettlement service and are thus a permitted change to the original contract under the Regulations. It is anticipated that the cost of direct support will be £3,500 per person.

In consideration of the Council's Financial Regulations, Protocol 9 (Material Changes to Contracts) will be the most appropriate Protocol to authorise the above change from a governance standpoint.

This ODR therefore seeks permission to authorise a material change to the original contract between Upbeat and Derbyshire County Council. Under Protocol 9, changes up to the threshold require approval by the Managing Executive Director and accordingly, this ODR seeks such approval by the Managing Executive Director to amend the original contract with Upbeat to commission the above services, as the value of the commissioning envisaged by this ODR are under the threshold.

Legal Services will work with the relevant client department to make the necessary changes to the original contract with Upbeat.

	<p>Financial considerations</p> <p>The Council will receive funding to support families relocated in Derbyshire through a Grant funding agreement. An initial payment can be claimed upon arrival and a further payment after 4 months. It is expected that the grant will cover the full costs of the scheme incurred by the Council, if there is a shortfall that cannot be met from within the Community Safety budget then an allocation from the General Reserve will be made in 2021-22 and a growth bid for any ongoing costs in later years.</p>
<p>Consultation with relevant Cabinet Member (s) – please note this is obligatory.</p>	<p>Consultation has been undertaken with Cllr Hart, Cabinet Member Health and Communities.</p>
<p>Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived – please note this is obligatory in those circumstances</p>	<p>N/A</p>
<p>Decision:</p>	<p>Approved by Emma Alexander, Managing Executive Director</p>
<p>Signature and Date:</p> <div style="text-align: center; margin-top: 20px;">  </div> <p>09 July 2021</p>	