

Notice of Meeting



Scan here to access the public documents for this meeting

Executive

Thursday 26 July 2018 at 5.00pm

**in the Council Chamber, Council Offices,
Market Street, Newbury**

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Wednesday 18 July 2018

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Democratic Services Team on (01635) 519462

e-mail: executivecycle@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



WestBerkshire
C O U N C I L

Agenda - Executive to be held on Thursday, 26 July 2018 (continued)

To:	Councillors Dominic Boeck, Graham Bridgman, Anthony Chadley, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones and Rick Jones
-----	---

Agenda

Part I

Pages

1. **Apologies for Absence**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 7 - 22
To approve as a correct record the Minutes of the meetings of the Committee held on 14 June 2018 and 21 June 2018.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Public Questions**
Members of the Executive to answer questions submitted by members of the public in accordance with the Executive Procedure Rules contained in the Council's Constitution.

 - (a) **Question submitted by Mrs Deborah Bartley-Brown to the Portfolio Holder for Planning, Housing and Waste**
"Could the West Berkshire Council website have a tab to report Road Traffic Accidents?"
-
5. **Petitions**
Councillors or Members of the public may present any petition which they have received. These will normally be referred to the appropriate Committee without discussion.

Items as timetabled in the Forward Plan

Pages

-
6. **Local Lottery (EX3602)** 23 - 38
(CSP: SLE & HQL1)
Purpose:
 - To agree the actions set out in this report to progress a Council Lottery Scheme.
 - To secure approval for use of the Aylesbury Vale Lottery
-



West Berkshire
C O U N C I L

Agenda - Executive to be held on Thursday, 26 July 2018 (continued)

Implementation Service on the basis of their established track record of providing support to other Councils and a good success rate.

- To propose the Commissioning Service leads on contractual arrangements, implementation and ongoing operation of the Lottery. Timescales to be agreed once formal approval has been secured.
- To agree funding requirements as identified.

-
7. **Options Paper Agency and Temporary Spend (EX3573)** 39 - 62
Purpose: This report sets out the options available for the supply and provision of agency and temporary workers following consideration of all of the options, and their relative benefits and risks. The proposals are based upon an analysis of spend and category data that is available to review the options for purchasing.
-
8. **Extra Care Schemes (EX3603)** 63 - 74
(CSP: P&S, HQL, P&S1)
Purpose: This paper seeks to inform the outcome of the tender process and seek delegated authority to award the contract. The existing arrangements are commercially unsustainable for the provider. The tender is running on an 'accelerated open procedure' which will give WBC the ability to conclude a tender process, and allow sufficient time for the provider to resource the schemes, in line with a start date of 1 October 2018.
-
9. **Contract for Preventative Day Services known as Link Up, Growing for All and Friendship Skills (EX3575)** 75 - 88
Purpose: To seek approval to award a contract to West Berkshire Mencap for preventative day services known as Link Up, Growing for All and Friendship Skills.
-
10. **Members' Questions**
Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.
-
- (a) **Question to be answered by the Portfolio Holder for Highways and Transport, Environment and Countryside submitted by Councillor Alan Macro**
"What is the Council doing to reduce pollution and emissions from vehicles queueing for the Thatcham level crossing?"
-



-
- (b) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Councillor Lee Dillon**
“Why will the Council not enter into a short term lease with the Newbury Community Football Group for use of the Faraday Road site?”
-
- (c) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Councillor Alan Macro**
“What plans does the Council have to accept more types of materials in kerbside recycling boxes?”
-
- (d) **Question to be answered by the Portfolio Holder for Children, Education and Young People submitted by Councillor Mollie Lock**
“What plans does the Council have for school provision in the Theale area if the new primary school is not delivered for September 2019?”
-
- (e) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Councillor Alan Macro**
“Can the Portfolio Holder for Waste provide an update on when residents will have to start paying for their green waste collections?”
-

11. **Exclusion of Press and Public**

RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. [Rule 8.10.4 of the Constitution refers.](#)

Part II

12. **Extra Care Schemes (EX3603)** 89 - 104
(Paragraph 5 – information relating to legal privilege)
(CSP: P&S, HQL, P&S1)
Purpose: This paper seeks to inform the outcome of the tender process and seek delegated authority to award the contract. The existing arrangements are commercially unsustainable for the provider. The tender is running on an ‘accelerated open procedure’ which will give WBC the ability to conclude a tender process, and allow sufficient time for the provider to resource the schemes, in line with a start date of 1 October 2018.
13. **Contract for Preventative Day Services known as Link Up, Growing for All and Friendship Skills (EX3575)** 105 - 120
(Paragraph 3 – information relating to financial/business affairs of particular person)
(Paragraph 5 – information relating to legal privilege)
Purpose: To seek approval to award a contract to West Berkshire Mencap



Agenda - Executive to be held on Thursday, 26 July 2018 (continued)

for preventative day services known as Link Up, Growing for All and Friendship Skills.

Andy Day
Head of Strategic Support

West Berkshire Council Strategy Aims and Priorities

Council Strategy Aims:

- BEC** – Better educated communities
- SLE** – A stronger local economy
- P&S** – Protect and support those who need it
- HQL** – Maintain a high quality of life within our communities
- MEC** – Become an even more effective Council

Council Strategy Priorities:

- BEC1** – Improve educational attainment
- BEC2** – Close the educational attainment gap
- SLE1** – Enable the completion of more affordable housing
- SLE2** – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy
- P&S1** – Good at safeguarding children and vulnerable adults
- HQL1** – Support communities to do more to help themselves
- MEC1** – Become an even more effective Council

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



This page is intentionally left blank

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 14 JUNE 2018

Councillors Present: Dominic Boeck, Graham Bridgman, Hilary Cole, Lynne Doherty, James Fredrickson and Graham Jones

Also Present: John Ashworth (Corporate Director - Environment), Thomas Bailey (Senior Contracts and Commissioning Officer), Nick Carter (Chief Executive), Melanie Ellis (Chief Accountant), Gabrielle Esplin (Finance Manager (Capital and Treasury Management)), June Graves (Head of Care Commissioning, Housing & Safeguarding), Ian Pearson (Head of Education Service), Peta Stoddart-Crompton (Public Relations Officer), Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Adrian Edwards, Moira Fraser (Democratic and Electoral Services Manager), Councillor Carol Jackson-Doerge, Councillor Mollie Lock, Councillor Alan Macro and Gabrielle Mancini (Group Executive - Conservatives)

Apologies for inability to attend the meeting: Councillor Anthony Chadley, Councillor Jeanette Clifford, Councillor Marcus Franks and Councillor Rick Jones

PART I

3. Minutes

The Minutes of the meetings held on 3 May and 17 May 2018 were approved as true and correct records and signed by the Leader.

4. Declarations of Interest

Councillor Lee Dillon declared an interest in Agenda Item 8, and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

5. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste

A question standing in the name of Mr Thomas Tunney on the subject of the Council's expenditure during the winter of 2016/17 in helping the homeless with emergency accommodation in Newbury would receive a written answer from the Portfolio Holder for Planning, Housing and Waste.

(b) Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste

A question standing in the name of Mr Thomas Tunney on the subject of the amount of money the Soup Kitchen and West Berkshire Homeless had saved West Berkshire Council during the winter of 2017/18 would receive a written answer from the Portfolio Holder for Planning, Housing and Waste.

EXECUTIVE - 14 JUNE 2018 - MINUTES

(c) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Mr Thomas Tunney on the subject of the projected costs for the extra fly tipping and landfill charges that would be produced as a by-product of the new garden waste charge would receive a written answer from the Portfolio Holder for Planning, Housing and Waste.

(d) **Question submitted by Ms Julie Wintrup to the Portfolio Holder for Health and Wellbeing, Culture and Leisure**

A question standing in the name of Ms Julie Wintrup on the subject of whether West Berkshire Council, as sponsor of Healthwatch West Berkshire's research into homelessness, ensured that NHS Research Ethics Committee approval was gained to conduct the research would receive a written answer from the Portfolio Holder for Health and Wellbeing, Culture and Leisure.

(e) **Question submitted by Ms Julie Wintrup to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**

A question standing in the name of Ms Julie Wintrup on the subject of whether West Berkshire Council, as sponsor of Healthwatch West Berkshire's research into homelessness, considered itself to have protected adequately the data of the vulnerable adults who participated in the research would receive a written answer from the Portfolio Holder for Health and Wellbeing, Culture and Leisure.

(f) **Question submitted by Mr David Marsh to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Mr David Marsh (asked on his behalf by Ms Carlyne Culver) on the subject of whether West Berkshire residents would be charged a reduced amount for their garden waste bin if they received council tax support, in line with the practice for residents in Reading, was answered by the Portfolio Holder for Planning, Housing and Waste.

(g) **Question submitted by Mr David Marsh to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Mr David Marsh (asked on his behalf by Ms Carlyne Culver) on the subject of whether West Berkshire residents would be offered a 25% reduction for their garden waste bin if they received single person discount on their council tax was answered by the Portfolio Holder for Planning, Housing and Waste.

(h) **Question submitted by Ms Carlyne Culver to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Ms Carlyne Culver on the subject of what financial and operational contingencies would be put in place in the likelihood that black bins would be stuffed with garden waste and fly tipping would increase, as a result of the £50 charge for garden waste bins, was answered by the Portfolio Holder for Planning, Housing and Waste.

(i) **Question submitted by Mr Gabriel Stirling to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Mr Gabriel Stirling on the subject of whether it would have been appropriate for representatives from Veolia and the Council's Waste Management Team to have attended the recent planning meeting that determined the applications regarding the Padworth recycling centre, so that they could have addressed

EXECUTIVE - 14 JUNE 2018 - MINUTES

concerns raised by local residents and Members of the Committee, was answered by the Portfolio Holder for Planning, Housing and Waste.

6. Petitions

Professor Keith Bright presented a petition containing 416 signatures which called upon the Council to implement traffic calming and other safety measures along Benham Hill from Henwick Lane to the Tull Way/Turnpike Road roundabout. The petition would be referred to the Portfolio Holder for Highways and Transport, Environment and Countryside, and to the Head of Transport and Countryside for a response.

7. Revenue Financial Performance 2017/18 - Provisional Outturn (EX3306)

The Executive considered a report (Agenda Item 6) which informed Members of the provisional revenue outturn for 2017/18, sought approval of the provisional outturn report and sought approval to refer the paper to the Budget Scrutiny Task Group for further review.

Councillor Graham Jones, in presenting the report, advised that the provisional outturn was an overspend of £276k against a net revenue budget of £117.4m (which was 0.23% of the net budget and therefore close to being on budget).

He reported underspends in both the Resources Directorate and the Economy and Environment Directorate. These helped to offset the overspend in the Communities Directorate.

The report also detailed the reasons for making use of the risk reserves for Adult Social Care (ASC) and Children and Families. A significant proportion of the ASC Risk Reserve was used to help meet inflationary pressures in that service.

Councillor Jones reiterated that the Council had been close to balancing its budget and was managing well when considering the pressures being faced by the authority. Difficult decisions had needed to be made by the Council to reach this year-end position, however very difficult alternative measures would have become necessary if this had not been the case. This was particularly true when considering the reductions to the Council's budgets over recent years. The Council's annual budget had reduced by £7.5m since 2015/16 and Central Government support (Revenue Support Grant (RSG)) had decreased from £25m to zero. As a result the Administration had been forced to increase Council Tax.

A high proportion of the Council's expenditure was on care, Adult Social Care and for Children and Family Services. Councillor Jones advised that around 60% of the Council's resources were spent on 3% of the population. He acknowledged that this was a startling statistic.

Volatility would continue moving forward. A particular concern was the potential for negative RSG and the Government was being lobbied on this point. While West Berkshire, together with all local authorities across Berkshire, was able to retain its business rates income as part of a pilot project, this held no certainty into the future.

Councillor Graham Bridgman continued to emphasise the financial challenges that the Council had faced over recent years. At his request and to aid comparisons, Accountancy had investigated the funding level that would have been required in 2017/18 to maintain service provision as per the 2013/14 funding level (if this had continued). This took into account issues such as inflationary rises and there was a stark difference. Councillor Bridgman informed the Executive that funding would need to have been £153m in 2017/18 when in reality the budget was £117m. Therefore a real term reduction

EXECUTIVE - 14 JUNE 2018 - MINUTES

in expenditure of £35m. This illustrated the difficulties faced by the Council in setting its budgets.

Councillor Jones also drew Members' attention to the 2017/18 Savings and Income Generation Programme and highlighted the high success rate of achieving savings and income targets.

Councillor Lee Dillon gave his support to lobbying government to prevent negative RSG. He hoped it would prove successful.

Councillor Dillon referred to Councillor Bridgman's point on the £35m reduction in funding. He noted that this reduction came from a Conservative Government and Councillor Dillon felt that West Berkshire's Conservative Administration should have done more to hold MPs and the Government to greater account on this.

Councillor Dillon then noted that the outturn position for the Dedicated Schools Grant (DSG) was an overspend of £14k. This was an improvement from the planned overspend of £844k when the budget was set. However, Councillor Dillon questioned the cost to children's education from this improved position. Councillor Lynne Doherty responded on this point by firstly stating that 95% of West Berkshire's schools were rated Good or Outstanding by Ofsted. Much of this success was testament to sound financial management with schools able to balance their budgets. In cases where schools encountered difficulties with managing their finances, the Council was able to offer support.

However, Councillor Doherty acknowledged that there was a serious issue to manage in terms of the High Needs Block which had overspent. Funding concerns in this area were consistently highlighted, and MPs and in turn Government Ministers were lobbied. It was important to ensure that the funding for pupils in this Block was sufficient.

Councillor Dillon then made the point that the decision had consistently been made to draw down funding from the ASC Risk Fund. He felt that this sum should either have been highlighted as part of the budget or an overspend figure reported before the Risk Fund was taken into account.

Councillor Alan Macro made the point that the provisional £276k overspend had been achieved post deployment of risk funds. Without this, the overspend would have been closer to £1.75m. Councillor Jones responded to this point by stating that he had made clear in presenting the report that risk funds had been utilised.

Councillor Jeff Brooks felt that the continuing financial pressures facing ASC had not been properly recognised by successive national governments. This needed recognising by central government and was a point on which to lobby. Adequate provision was needed for the ageing population.

Councillor Jones confirmed that lobbying was taking place on the funding difficulties faced, primarily funding care. He also added the point that a coalition government was in place until recently and there needed to be responsibility for the decisions made at that time by the coalition government and their impact.

Councillor Jones then explained that trigger points had been set for when funds could be released from the ASC Risk Fund. This flexibility in the budget had been created to allow funds to be deployed when necessary. He agreed that mature conversation was needed as a nation for funding care in the long term.

Councillor Bridgman gave his agreement to the points made in relation to the ageing population and the need for a national conversation moving forward. He then made the point that the risk reserves had been established for a purpose and were created using funding set aside from the budget. A primary reason for establishing the ASC risk reserve

EXECUTIVE - 14 JUNE 2018 - MINUTES

was the fact that there was not clarity at the start of financial years on issues including contractual inflation and the living wage. This could be predicted to a point, but there could not be certainty. This was a reserve which could be bid for and its use was closely critiqued to ensure it was spent appropriately.

Councillor James Fredrickson agreed with the need for the national conversation on the costs of care, as did Richard Benyon MP. He highlighted concerns relating to demographic changes, currently four people in work would pay for one person in care, this was expected to move over time to two people in work paying for one person in care.

Councillor Brooks then made the point that for many years the Resources Directorate had been able to come to the rescue in the final quarter of the financial year in order to achieve an improved financial position. Paragraph 5.4 of the summary report stated that the Resources Directorate outturn was a £575k underspend which was an increase of £357k from that reported at Quarter Three. He felt this constituted over budgeting and was a continuing issue.

In response to this point, Councillor Jones explained that many elements of the Communities Directorate were demand led, whereas the Resources Directorate and the Economy and Environment Directorate were less so and therefore more straight forward to manage.

RESOLVED that:

- The financial performance of the Council be noted.
- The provisional outturn report be approved.
- The paper would be referred to the Budget Scrutiny Task Group for further review.

Other options considered: n/a – factual report for information.

8. Capital Financial Performance 2017/18 - Provisional Outturn (EX3306a)

The Executive considered a report (Agenda Item 7) which informed Members of the provisional capital outturn for 2017/18 and the likely impact of this on the 2018/19 Capital Programme. This was subject to the final result of the closedown and External Audit.

Councillor Graham Jones explained that total capital expenditure in 2017/18 was £38m from a revised budget of £49.8m. The budget was revised during the year to take account of funds brought forward from 2016/17, additional grant and Section 106 funding allocated during the year and spend re-profiled into 2018/19.

The budget remaining unspent at the end of the financial year mainly consisted of:

- £4.4m of the budget for commercial property acquisition for the purchase of further property now expected to be completed in July 2018;
- £4.5m of the Highways and Countryside Programme, including three resurfacing schemes which were delayed due to bad weather and the Kings Road Link on which the developer was behind schedule, together with delays to the A4 cycle route, Sandleford access improvements and a number of smaller schemes;
- An underspend of £751k on disabled facilities and home repair grants;
- Underspends on a number of education schemes (£413k) and Adult Social Care schemes (£309k).

Councillor Jones explained that £11.1m had been carried forward into the 2018/19 financial year within the services to which it had been allocated.

Councillor Lee Dillon referred to the underspend of £751k on disabled facilities and home repair grants. He queried whether government grant funding would need to be returned.

EXECUTIVE - 14 JUNE 2018 - MINUTES

Councillor Dillon also questioned the reasons for the underspend and asked if it was due to a lack of need or an inability to conduct assessments.

Councillor Graham Bridgman explained that expenditure of the Disabled Facilities Grant was demand led and grants had to be awarded to any disabled person who was eligible for the Council to fund adaptations in their home. However, there had been a backlog in processing grant applications over the last couple of years which had resulted in the budget being underspent. This was mainly because of a lack of occupational therapy resource to carry out assessments. In 2017/18, the surplus government grant had been used to fund occupational therapy equipment, which was administered by Adult Social Care (in line with the Better Care Fund agreement). The Housing Team had now recruited three new occupational therapists and a technical officer, who would be funded from the grant and would help to speed up the processing of grant applications. It was therefore the expectation that spend on Disabled Facilities Grants and administration would be in line with the budget of £1.5m in 2018/19.

Councillor Bridgman concluded by stating that it was the intention to utilise this funding wherever appropriate. Councillor Dillon was pleased to note this intention. Equipment such as a grab rail could do much to improve a person's quality of life.

Councillor Dominic Boeck explained that the Property Investment Board had done its best to reduce the underspend for the acquisition of commercial property. He confirmed that the first tranche of funding was close to being fully invested ahead of timelines, putting the Council on target to generate £1m per annum in income from 2019/20.

RESOLVED that the financial performance of the Council be noted.

Other options considered: n/a – factual report for information.

9. **Joint Venture with Sovereign Housing Association (EX3392)**

(Councillor Lee Dillon declared a disclosable pecuniary interest in Agenda Item 8 by virtue of the fact that he was an employee of Sovereign Housing Association. As his interest was a disclosable pecuniary interest he left the meeting at 5.36pm and took no part in the debate on the matter).

The Executive considered a report (Agenda Item 8) which sought approval to establish a Joint Venture (JV) with Sovereign Housing Association as a Limited Liability Partnership (LLP) to deliver the Council's housing objectives through the provision of additional homes, in a range of tenures, to meet housing need in the District.

Councillor Hilary Cole presented the item which was a good news story. The Council would be working with Sovereign, an established and trusted partner, to help deliver affordable housing in West Berkshire. This proposed approach would give the Council a much greater level of control over the delivery of its housing objectives. Councillor Cole highlighted the significant level of preparatory work that had been undertaken for the JV.

Councillor Cole explained that the proposal was for the Council and Sovereign to incorporate a new LLP on a 50:50 basis. The LLP would acquire, fund, develop, sell and own (as applicable) a mixture of tenures with the primary aim of achieving the Council's housing objectives. Developments would be brought forward on the basis of individual site appraisals to deliver a range of tenures would include affordable rent, shared ownership, market rent, starter homes and rent to buy.

Subject to Executive approval of the proposal, the first two potential sites for redevelopment had been identified: a decanted supported scheme in Hungerford for circa eight homes and a site in Newbury for circa 48 homes. A separate report covering the

EXECUTIVE - 14 JUNE 2018 - MINUTES

disposal of these two sites to the JV would be placed before the Executive once the financial appraisal and business plan had been developed.

Councillor Cole placed on record her thanks to officers of the Council and Sovereign for all their work in developing the JV. Councillor Graham Jones, in seconding the proposal, added his thanks for the efforts of all involved.

Councillor Graham Bridgman endorsed the points that had been made and added his particular thanks to officers for the enormous amount of work they had put into developing the JV.

Councillor Alan Macro felt this to be a good initiative. He did however have some points of concern. He questioned the start date for the JV when considering the Council's target of building 1,000 affordable homes by 2020. Work was needed to try and achieve this. Councillor Macro then noted that the JV could generate a financial surplus. He sought assurance that this would be ring-fenced and reinvested into affordable housing.

Councillor Jeff Brooks commented that this was a legal framework as opposed to a business plan. He queried when the business plan with details of costs etc would be provided, how this would be monitored and the frequency for doing so. An investment profile was needed.

Councillor Cole explained that the target for 1,000 affordable homes was always recognised as a stretch target. She pointed out that permission was in place for 200 affordable homes but these had not been built out by developers and this was outside of the Council's control.

Councillor Cole then advised that this was indeed the first part of the process which rightly concentrated on legal issues. Business Plans would be provided for each project in the JV and the process would be open and transparent throughout.

In response to the question regarding a target date, June Graves (Head of Commissioning) explained that legal work would continue into the autumn of this year, with the full launch of the JV planned for early in 2019.

She then explained that the default position would be reinvestment into the JV of any surplus funds, but there would be a level of flexibility in using funds for alternative, but appropriate, initiatives.

Councillor Macro voiced his hope that any surplus funds would be spent on affordable housing and not used to support the Council's budgets.

Councillor Cole closed the item by stating that this was a long term project which aimed to achieve sufficient numbers of affordable homes in West Berkshire. However, future circumstances could change and this was why a degree of flexibility remained for the use of any surplus funding.

RESOLVED that:

- The establishment of the Joint Venture (JV) with Sovereign be approved in accordance with this report.
- Authority be delegated to the Chief Executive, in consultation with the Deputy Leader and Portfolio Holder for Planning, Housing and Waste, the Head of Finance and the Head of Legal Services, to:
 - establish a JV with Sovereign Housing structured through a Limited Liability Partnership (LLP) to support the provision of additional homes in the District;
 - agree and authorise the execution of documentation required to implement the LLP model;
 - name the LLP; and

EXECUTIVE - 14 JUNE 2018 - MINUTES

- make appointments to the Management Board of the JV LLP of the Corporate Director of Economy and Environment, Head of Commissioning and Legal Services Manager (Governance & Environment).
- Agreement be given to allocate land adjacent to the Phoenix Centre, Newbury and land at Chestnut Walk, Hungerford (“the Projects”) to be developed for housing by the JV, subject to a separate decision by this Executive on the disposal to JV together with valuation of the land and approval of the financial options appraisals for the Projects. Future projects in the JV Business Plan will also require approval by the Executive including any financial appraisals, business plans and the disposal of sites.

Other options considered:

- To continue working with affordable housing providers on a piecemeal basis.
- Establish a wholly owned vehicle, e.g. a Housing Company.
- A procured JV.
- To do nothing.

10. Key Accountable Performance 2017/18: Quarter Four (EX3249)

(Councillor Lee Dillon returned to the meeting at 5.45pm).

The Executive considered a report (Agenda Item 9) which outlined quarter four outturns for the Key Accountable Measures which monitored performance against the 2017/18 Council Performance Framework; which sought to provide assurance that the objectives set out in the Council Strategy and other areas of significant activity were being managed effectively; which presented, by exception, those measures that were RAG rated ‘red’ (targets not achieved) and which provided information on any remedial action being taken and its impact; and which recommended changes to measures/targets as requested by services.

Councillor Graham Jones in introducing the report stated that the Council set itself stretching and ambitious targets. The targets would have been set at too low a level if they had all been achieved. He highlighted the point made in the report that following an analysis of the absolute results achieved in 2017/18 compared to 2016/17, 65% of the key accountable measures had improved.

Councillor Jones went on to report that in terms of priorities for improvement, good performance had been maintained for areas such as protecting children and vulnerable adults, and in most of the key infrastructure projects.

Good performance also continued in quarter four in relation to children’s social care, waste recycling and timeliness in determining planning applications.

Councillor Jones commended the report to the Executive and asked his colleagues to comment on the exception reports.

Councillor Lynne Doherty echoed the points made about positive performance levels in children’s social care. She also reiterated the point made earlier in the meeting that 95% of West Berkshire’s schools were rated either Good or Outstanding by Ofsted. This was a massive achievement and one that schools should be commended for.

Educational attainment in West Berkshire was improving in most areas, but the ambitious target of being in the top quartile nationally had not been achieved for Key Stages 2 and 4 as similar improvements to those achieved in West Berkshire had been achieved in other local authorities. Efforts would continue.

The Council remained ‘red’ in terms of closing the attainment gap. Councillor Doherty reassured Members that the educational attainment of disadvantaged pupils remained a priority and she acknowledged that performance was not where it needed to be. She did

EXECUTIVE - 14 JUNE 2018 - MINUTES

however make the point that this Council Strategy priority concerned a very low cohort of pupils and therefore percentages could be significantly altered by any changes to the attainment of this small number of pupils. There was unfortunately no magic answer to this national issue, but work would continue in taking this forward.

Councillor Doherty highlighted ambition as being key, in particular for disadvantaged pupils. She gave an assurance that the Council would aim to achieve in line with or above peer local authorities for this cohort of pupils. This included the need to work closely with children and their families to encourage them to share this level of ambition and aim to achieve in line with their peers.

Councillor Graham Bridgman referred to the red indicators in Adult Social Care (ASC). The efforts being made to improve performance were outlined in the exception reports and he encouraged Members to consider this detail to better understand the difficulties being faced. He explained that the implementation of the Care Director recording system brought with it the expectation that the target would be achieved for responding to ASC safeguarding concerns within 24 hours other than in exceptional circumstances.

Turning to the exception report for '% of clients with Long Term Service receiving a review in the past 12 months', Councillor Bridgman explained that turbulence within the team had led to a delay with undertaking some reviews within this timescale. However, this situation was settling. A difficulty remained with the timeliness of undertaking reviews for clients with complex needs and this would continue to be a point of focus for himself and the Head of Service.

Councillor Bridgman was encouraged by the improvements made to decrease the number of bed days due to Delayed Transfers of Care (DToC) from hospital. While this was 'red' at year end, this had improved from the numbers reported for 2016/17. An improvement from 808 to 573 had been achieved since that time. While this was moving in the right direction, efforts would continue to be made. It was felt that performance levels would be assisted by the increased level of resource available at Prospect Park Hospital.

Councillor Bridgman explained that the statistics relating to the red indicator to increase the number of older people who were still at home 91 days after discharge from hospital into reablement/rehabilitation services would be investigated. In particular, to assess how data could be affected by those residents who had sadly passed away. However, the aim would remain of helping people to continue to live in their own home.

Councillor Hilary Cole reiterated the point already highlighted in relation to the target to enable the completion of 1,000 affordable homes by 2020, i.e. that had permitted developments been built out by developers then the annual target for this measure would have been achieved. She explained that remedial actions were being taken forward. This included liaising with Homes England to ascertain if they would intervene in helping to progress the build out of approved sites to help move the housing market. Funding had also been received from the Ministry of Housing to help progress the Sterling Cables site and resolve contamination issues.

Councillor Lee Dillon commented that the point was often made about having ambitious targets. However, only two thirds of the targets had been achieved. This did not align with the 80/20 (green/red) split that had been referred to in previous years. He accepted that targets were ambitious but in a third of cases they had not been achieved and the targets were there to improve services for residents.

EXECUTIVE - 14 JUNE 2018 - MINUTES

Councillor Dillon then raised a number of queries arising from the exception reports:

- 'At KS4, the average attainment 8 score is in the top 25% of English Local Authorities'.

Councillor Dillon felt that the exception report provided a commentary on the statistics, but needed to provide the reasons for the 'red' performance. He therefore queried that.

Councillor Doherty explained that the ability to compare and contrast performance with that of recent years was made difficult by a change that had been made to the GCSE grading for Maths and English. However, she gave an assurance that while West Berkshire was not in the top 25% nationally, the picture was an improving one.

- '% of pupils eligible for Free School Meals (FSM) achieving Good Level of Development at Foundation Stage'.

Councillor Dillon noted the data on school engagement in network meetings which helped to improve outcomes. He queried what more could be done to compel schools to attend these meetings where they were not already doing so.

Councillor Doherty explained that she had explored this very point in discussion with a school and an important factor in encouraging attendance at network meetings was the need to consider the most appropriate timings for the meetings. These ideally needed to take place outside of school hours to enable a greater level of attendance from teachers and she would take this forward with the Head of Education. The location for the meetings was already being varied. Councillor Doherty felt that as much as possible should be done to encourage schools to attend network meetings rather than being compelled to do so.

Councillor Dillon referred to the point highlighted in this exception report as a real concern, i.e. the increase in the gap between the development of FSM pupils and non-FSM pupils. The number of good schools in West Berkshire was noted, but the report was clear that more needed to be done to help less advantaged pupils to make progress.

Councillor Doherty acknowledged that performance levels were not good enough and the gap was not acceptable. As already explained, work would continue with teachers, pupils and their families. Different initiatives would be progressed, as successful initiatives in one year did not necessarily find success in another year.

The report highlighted that there was no indication that the data received on this indicator for the Winchcombe School would be so low. Councillor Dillon queried how this was the case when considering that monitoring took place with the school throughout the year. Councillor Doherty advised that School Improvement Advisors would be progressing this matter with the school, this would include how this performance had been assessed through the year.

- 'To improve on 2015/16 academic year rankings for reading, writing and maths combined expected standard for disadvantaged pupils in KS2 in 2016/17 academic year'.

A concern was noted in the exception report that the expenditure of Pupil Premium funding was not being sufficiently evaluated by school leaders. Councillor Dillon explained that the introduction of Pupil Premium was a Liberal Democrat policy and needed to be used effectively and innovatively to help achieve the best outcomes for pupils. Councillor Doherty advised that use of the Pupil Premium Grant was being evaluated by the Pupil Premium Network. There were variances in the way that the grant was used in different schools and a standard form had been provided to improve this

EXECUTIVE - 14 JUNE 2018 - MINUTES

practice and make it more consistent. Schools needed to be thorough in determining the best use of the grant.

- ‘% of Adult Social Care safeguarding concerns responded to within 24 hours’.

Councillor Dillon highlighted a factual inaccuracy in this exception report where the number of concerns for the year was given as both 489 and 483. The former figure would put the year end percentage at 87.7% rather than 88%. Councillor Bridgman agreed to investigate this point before providing feedback.

- ‘Number of weeks taken to conclude care proceedings (Children Social Care)’.

The exception report made reference to discussions in relation to reducing delays caused by court capacity, but this text was unaltered from the quarter three report. These discussions needed to take place and Councillor Dillon queried why this had been delayed.

- ‘% of clients with Long Term Service receiving a review in the past 12 months’.

Councillor Dillon highlighted the point made in the exception report that performance had improved when additional resource had been put in place. However, this resource had been removed in year to help offset pressures in the service which resulted in less timely reviews for residents since then. Councillor Bridgman noted this comment, this was directly related to the point he made earlier on issues with resource. However, he repeated that this issue was settling down with the expectation that performance would again improve.

- ‘% of older people (65+) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services’.

Councillor Dillon shared the view expressed by Councillor Bridgman that the data for this indicator should be investigated to ensure the most accurate representation. He noted that performance for this target could be impacted by DToC performance.

Councillor Mollie Lock also referred to DToC. She raised the importance of ensuring that the necessary services were in place upon discharge from hospital. Councillor Lock stated that she would be disappointed if it was the case that a vulnerable person was discharged too soon without services first being confirmed. This was an area on which to concentrate efforts.

Councillor Bridgman acknowledged the need to ensure that improvements to DToC performance did not negatively impact on the target to keep people at home 91 days after discharge from hospital. It was important to manage both indicators carefully to ensure the right outcomes for residents.

Councillor Jeff Brooks noted that the number of empty business properties was 66% higher than in Q4 of 2016/17. He queried the actions being put in place to manage this and ensure there was an appropriate mix of premises for business purposes. Would this feature in the new Economic Development Plan?

In response, Councillor James Fredrickson referred Members to the Measures of Volume (Appendix D) which reported both the number of empty business premises which had increased and the number of properties which were subject to business rates which had also increased. It was useful to consider these two trend graphs collectively as the data in one graph went some way to balancing the data in the other. It was also important to reflect in the data those cases where businesses had vacated their premises temporarily in order to invest in the property/site.

Councillor Fredrickson added that the Economic Development Strategy would be refreshed and presented in due course.

EXECUTIVE - 14 JUNE 2018 - MINUTES

Councillor Alan Macro asked if there was an understanding as to why the number of planning applications received during Q3 (confirmed) and Q4 (provisional) was the lowest they had been for the last three financial years.

Councillor Hilary Cole explained that this indicator covered both minor and major planning applications. The lower number of planning applications received could be for major developments. Councillor Dillon suggested that the graph could be split into minor and major applications to help to understand performance more clearly. Councillor Cole agreed to explore this point.

Councillor Macro noted that the submission of the new Local Plan for examination was behind schedule against the target of December 2019. He was concerned at the impact this could have on home building targets. Councillor Macro considered the involvement of Planning Policy Officers in appeal hearings to be a contributing issue and felt this was therefore an area in need of additional resource. Councillor Cole clarified that attendance at appeal hearings was mostly in the remit of Development Control rather than Planning Policy Officers.

Councillor Macro referred to the exception report for the indicator 'to enable the completion of 1,000 affordable homes in the 2015-2020 period'. This had missed the 2017/18 target but it was rated 'amber'. He questioned how the target would be achieved by 2020 when performance was less than half way from the target after a three year period. Councillor Macro felt this should be rated 'red'. Councillor Cole did not accept that the indicator should be rated 'red' rather than 'amber'.

Councillor Lock highlighted the need to consider a range of factors to help understand why some children were not achieving within schools. This needed to include children with mental health problems and the importance of accessing suitable and stable housing. Housing and the home environment often linked with mental illness. The suitability and stability of housing was very important in helping a child's wellbeing and in helping them to achieve. It was also an important factor for the wellbeing of adults.

Councillor Doherty noted these points in relation to mental health which had many factors and complexities to consider. However, the Council had successfully implemented the Emotional Health Academy. This enabled earlier intervention and prevented issues escalating in many cases.

Councillor Jones closed the debate by commenting on the proportion of indicators reported 'green' as opposed to 'red'. He highlighted that the majority of targets continued to move in an upward trajectory. The targets were deliberately ambitious and designed as stretch targets. Councillor Jones referred to the affordable housing target as an example of where the Council was being ambitious in seeking to make improvements for residents.

RESOLVED that

- Progress against the Key Accountable Measures (KAMs) and the key achievements in all services be noted. In comparison to last year, it was noted that the same proportion of measures are RAG rated Green (against similar or more challenging targets than in 2016/17). In absolute terms, it was noted that the results for the majority of the KAMs have further improved this year.
- Those areas reported as 'red' had been reviewed to ensure that appropriate action was in place. Consideration was particularly given to the results and improvement actions for:
 - Educational attainment of the Free School Meals and for disadvantaged pupils' cohorts.
 - Older people and vulnerable adults' wellbeing.

EXECUTIVE - 14 JUNE 2018 - MINUTES

- Progress towards adopting the Local Plan and Minerals & Waste Local Plan.
- A change in target from 'December 2019' to 'April 2020' be agreed for both 'the submission of a New Local Plan for examination' and 'the submission of a Minerals and Waste Local Plan for examination'.

Other options considered: None.

11. **Wash Common Library - Devolution and Community Asset Transfer (EX3558)**

The Executive considered a report (Agenda Item 10) which sought approval for the transfer of the Wash Common Library building to Newbury Town Council (NTC) on a five year short term lease for use by the Friends of Wash Common Library for use as a small part time library and community hub.

Councillor Dominic Boeck presented the report and reminded Members of the Council's decision to withdraw support to the Wash Common Library in 2016. It was however well used and popular amongst residents and Councillor Boeck was pleased to report that the Friends of Wash Common Library and Ward Members had worked together to develop a Business Plan to retain the library, this included consideration of funding. In addition, Newbury Town Council had added its support to the Business Plan.

Councillor Boeck proposed acceptance of the recommendation to transfer leaseholder responsibility to Newbury Town Council on a five year short term lease, with West Berkshire Council retaining the freehold.

Approval of this recommendation would enable the Friends of Wash Common Library to restart the library and this was an excellent opportunity for residents. This would also align with the devolution programme for a greater level of service devolution to parishes.

Councillor Alan Macro was concerned that the proposal for a five year lease could hamper the Town Council's ability to obtain grants in order to make improvements to the building. He queried whether this had been taken into account. Councillor Boeck confirmed that many potential funding mechanisms were referenced within the Business Plan.

Councillor Boeck added that the library would be operated by the Friends of Wash Common Library as a Community Interest Company, they would therefore be able to access funds by virtue of this charitable status.

Councillor Boeck concluded by wishing the Town Council and the Friends of Wash Common Library every success with operating the library.

RESOLVED to proceed with the transferral of leaseholder responsibility to Newbury Town Council and to permit this empty building to be reused as a library and community hub.

12. **Members' Questions**

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of whether the Council would support the target to end homelessness in West Berkshire by 2020 was answered by the Portfolio Holder for Planning, Housing and Waste.

EXECUTIVE - 14 JUNE 2018 - MINUTES

(b) Question to be answered by the Portfolio Holder for Economic Development and Communications submitted by Councillor Jeff Brooks

A question standing in the name of Councillor Jeff Brooks on the subject of the Council's plans to reach out to businesses nationwide to capitalise on the top tech award was answered by the Portfolio Holder for Economic Development and Communications.

(c) Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Councillor Alan Macro

A question standing in the name of Councillor Alan Macro seeking clarification of the arrangements for the roll out of the new green bin charge was answered by the Portfolio Holder for Planning, Housing and Waste.

13. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned items of business on the grounds that they involve the likely disclosure of exempt information as contained in Paragraphs 1, 2 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

14. West Berkshire CYPIT (Children and Young Peoples Integrated Therapy Services) (EX3555)

(Paragraph 5 – information relating to legal privilege)

The Executive considered an exempt report (Agenda Item 13) which sought approval for an exception to the current procurement rules in order to secure a three year contract, delivering a cumulative saving for West Berkshire Council. Savings would be realised by the Dedicated Schools Grant (DSG) budget.

RESOLVED that the recommendation in the exempt report be agreed.

Reason for the decision: as outlined in the exempt report.

Other options considered: as outlined in the exempt report.

15. Organisational Change Proposal (EX3595)

(Paragraph 1 – information relating to an individual)

(Paragraph 2 – information identifying an individual)

The Executive considered an exempt report (Agenda Item 14) concerning the organisational change proposal for the Culture Team in Public Protection and Culture.

RESOLVED that the recommendations in the exempt report be agreed.

Reason for the decision: as outlined in the exempt report.

Other options considered: as outlined in the exempt report.

(The meeting commenced at 5.00pm and closed at 6.35pm)

CHAIRMAN

Date of Signature

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EXECUTIVE

MINUTES OF THE MEETING HELD ON

THURSDAY, 21 JUNE 2018

Councillors Present: Dominic Boeck, Graham Bridgman, Anthony Chadley, Lynne Doherty, James Fredrickson and Graham Jones

Also Present: John Ashworth (Corporate Director - Environment), Sarah Clarke (Acting Head of Legal Services), Melanie Ellis (Chief Accountant), Dean Fischer (Strategic Asset Manager), Richard Turner (Property Service Manager) and Linda Pye (Policy Officer)

Apologies for inability to attend the meeting: Nick Carter, Councillor Jeanette Clifford, Councillor Hilary Cole, Councillor Marcus Franks, Councillor Rick Jones and Andy Walker

PART I

16. Declarations of Interest

There were no declarations of interest received.

17. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

18. Chippenham 79, Bath Road, Wiltshire SN14 0AT (Urgent Item)

The Executive considered a report (Agenda Item 4) concerning approval to increase the maximum bid price for the acquisition of Chippenham 79, Bath Road, Wiltshire SN14 0AT.

Richard Turner explained that following discussions with the vendor's agent it had been indicated that the Council would need to increase the maximum bid price for this property in order to remain competitive in securing this property. However, the key issue for consideration was around the ungeared Internal Rate of Return (IRR) figure and whether that would be outside the principles of the Property Investment Strategy. The Strategy included the following core principle 'Asset level internal rate of return (IRR) averaging not less than 5.0%pa over an assumed 5 year hold period'. It had therefore been necessary to refer the decision to the Executive as a matter of urgency as final bids needed to be submitted by 4pm on 21st June 2018.

RESOLVED that the recommendations in the exempt report be agreed.

Reason for the decision: as outlined in the exempt report.

Other options considered: as outlined in the exempt report.

(The meeting commenced at 2.45 pm and closed at 3.02 pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

Local Lottery

Committee considering report:	Executive on 26 July 2018
Portfolio Member:	Councillor Anthony Chadley
Date Portfolio Member agreed report:	7 June 2018
Report Author:	June Graves
Forward Plan Ref:	EX3602

1. Purpose of the Report

- 1.1 To agree the actions set out in this report to progress a Council Lottery Scheme.
- 1.2 To secure approval for use of the Aylesbury Vale Lottery Implementation Service on the basis of their established track record of providing support to other Councils and a good success rate.
- 1.3 To propose the Commissioning Service leads on contractual arrangements, implementation and ongoing operation of the Lottery. Timescales to be agreed once formal approval has been secured.
- 1.4 To agree funding requirements as identified.

2. Recommendation

- 2.1 That the proposed actions are agreed.

3. Implications

- 3.1 **Financial:** Aylesbury Vale District Council charge £10k for the provision of a Lottery Implementation Service. There is a one off cost of £3k for the operating platform.

Ongoing costs are for the Lottery Licence £600-£900 p.a., WBC officer time calculated at one day per month £4k p.a. and marketing (Aylesbury Vale suggest around £4k - £5k p.a.)

A draft five year business plan shows an anticipated total income of in excess of £100k to community 'good causes' by the final year of the plan.
- 3.2 **Policy:** n/a
- 3.3 **Personnel:** Officer time requirements are not expected to be excessive as once established as the Lottery is essentially run by an External Licensed Manager. The Commissioning Service will take the lead with responsible officers incorporating this into existing roles offsetting costs of their time to the

Local Lottery

income received.

- 3.4 **Legal:** Requirement to have the appropriate licence in place.
- 3.5 **Risk Management:** There is a reputational risk of not properly implementing and running a local lottery which will be mitigated by working with, and benefitting from, the experience and track record of Aylesbury Vale.
- 3.6 **Property:** None
- 3.7 **Other:** None

Executive Summary

4. Introduction / Background

- 4.1 Operations Board supported the progression of a Council lottery scheme following a presentation to the Board by Aylesbury Vale District Council on 15th March 2018. This report is intended to provide information on how the scheme will work in West Berkshire and to secure approval for the actions and budget required.
- 4.2 To move this forward it is proposed Aylesbury Vale's Lottery Implementation Service is used to set up the scheme, this is on the basis of an established track record of providing support to other Councils and a good success rate.
- 4.3 A draft five year business plan in section two of the Supporting Information shows a total projected income of in excess of £100k to community 'good causes' by the final year of the plan.
- 4.4 Transformational funding will be used to cover one-off set up costs of £13k, with ongoing running costs of up to £10k covered by the income that will be generated as shown in the draft business plan.
- 4.5 Subsequent to the presentation to Operations Board it has been proposed the Commissioning Service takes forward the implementation and manages the ongoing operation of the scheme.
- 4.6 The Corporate Programme will have over sight of progress via the Commercialisation Group. Governance in terms of budgetary matters will come via Budget Board.

5. Conclusion

- 6.1 The Executive is asked to approve the actions and budget requirements as set out in this report.

6. Appendices

- 6.1 Appendix A – Equalities Impact Assessment
- 6.2 Appendix B – Supporting Information
- 6.3 Appendix C – Aylesbury Vale Lottery Implementation Service Proposal
- 6.4 Appendix D - Data Protection Impact Assessment

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To approve the proposed steps set out in this report in order to progress a Council Lottery Scheme in West Berkshire.
Summary of relevant legislation:	n/a
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Leigh Hogan
Date of assessment:	6 th April 2018

Is this a:		Is this:	
Policy	Yes/No	New or proposed	Yes
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To generate more income for the Council
Objectives:	To adopt next steps proposed in order to progress the scheme
Outcomes:	For a decision to be made as regards implementation
Benefits:	To provide additional finances for the Council both directly and indirectly by supplementing statutory and non-statutory services already provided by WBC.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	There is potential for	

	positive effect if and when the scheme is implemented	
Disability	There is potential for positive effect if and when the scheme is implemented	
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	/No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	/No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
--	--

Name: Leigh Hogan

Date: 6th April 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

This page is intentionally left blank

Local Lottery – Supporting Information

1. Introduction/Background

- 1.1 Operations Board supported the progression of a Council lottery scheme following a presentation to the Board by Aylesbury Vale District Council on 15th March 2018. This report is intended to provide information on how the scheme will work in West Berkshire and to secure approval for the actions and budget required.
- 1.2 To move this forward it is proposed Aylesbury Vale's Lottery Implementation Service is used to set up the scheme, this is on the basis of an established track record of providing support to other Councils and a good success rate.
- 1.3 A draft five year business plan in section two of the Supporting Information shows a total projected income of in excess of £100k to community 'good causes' by the final year of the plan.
- 1.4 Transformational funding will be used to cover one-off set up costs of £13k, with ongoing running costs of up to £10k covered by the income that will be generated as shown in the draft business plan.
- 1.5 Subsequent to the presentation to Operations Board it has been proposed the Commissioning Service takes forward the implementation and manages the ongoing operation of the scheme.
- 1.6 The Corporate Programme will have over sight of progress via the Commercialisation Group. Governance in terms of budgetary matters will come via Budget Board.

2. Supporting Information

- 2.1 Caroline Wheller, Corporate Commercial Strategy Manager at Aylesbury Vale Council and Councillor Janet Blake gave a presentation as to the benefits of a Council Lottery Scheme to Operations Board on 15th March 2018. The presentation was well received and as a result the Board agreed subject to Executive approval, given the broader benefits that could be derived, to go forward with the implementation of a Council Lottery Scheme in West Berkshire.
- 2.2 Aylesbury Vale Lottery was created in 2015 by Aylesbury Vale District Council. The lottery still exists and Aylesbury have rolled their lottery scheme out to Corby Council, Wycombe District Council, Torbay Council and Broxbourne Borough Council all of which have launched lottery schemes. They are also currently working with South Hams West Devon Councils, Nuneaton and Bedworth Borough Council and South Oxfordshire District Council.
- 2.3 Based on their success in working with Councils Aylesbury Vale offer a Lottery Implementation service at a fixed fee cost of £10k – details are set out in Appendix C.

- 2.4 The Aylesbury Lottery is administered by the Vale Council within their Corporate Commercial Strategy Team and is an on-line lottery only. The cost of a ticket is £1 which is used as follows:
- 50p to a good cause fund that is selected by the player (the Council's Community Fund is one of those causes)
 - 10p directly to the Council's Community Fund
 - 20p to the prize fund
 - 20p to the External Licensed Manager (ELM)
- 2.5. Lottery income to the Council goes to Aylesbury's Community Fund which is effectively topping up their discretionary grants budget - income is comprised of two parts:
- the standard 10p per ticket contribution
 - players who do not select a specific 'good cause' leaving it with the Council to determine how their 50p contribution is allocated.
- 2.6 Aylesbury use an External Licensed Manager (ELM) Gatherwell Ltd. Gatherwell Ltd also manage the lottery as ELM for the other councils who operate a lottery. There is no other payment to the ELM save for the 20% referred to previously.
- 2.7 Aylesbury's five year business plan is calculated on their player population figures (144,200 aged 16years+) and in year three has achieved their year three target of 2% penetration level of players.
- 2.8 West Berkshire has a player population of 125,226 which has been used to project income figures in the draft business plan below, in line with Aylesbury Vale this assumes a target of a 3% player population in 5 years.
- 2.9 The plan shows a projection of income WBC can expect to receive on the basis of 10p in £ return. Additional income from players not selecting a specific 'good cause' choosing the Community Fund instead is not shown separately, but is estimated by Aylesbury to equate on average to 30% of the overall 'good cause' income.

Year	Ticket Price £	% of WB Player Pop.	Number of Players	Tickets bought per week	Number of weeks	Gross Return	WB share (10%)	Good Causes (50%)	Prizes (20%)	ELM (17%)	VAT (3%)
1	1	1.00%	1256	1	52	65289	6529	32645	13058	11099	1959
2	1	1.50%	1883	1	52	97934	9793	48967	19587	16649	2938
3	1	2.00%	2511	1	52	130578	13058	65289	26116	22198	3917
4	1	2.50%	3139	1	52	163223	16322	81611	32645	27748	4897
5	1	3.00%	3767	1	52	195867	19587	97934	39173	33297	5876

- 2.10 Marketing is an essential part of success and there is a clear correlation between marketing campaigns and increased ticket sales. Aylesbury's marketing budget comes from their discretionary grants fund on the basis the resulting activity more than compensates for the expenditure.
- 2.11 Two named Responsible Representatives are required for the Lottery licence. The Head of Commissioning and Commissioning Service Manager are proposed take on these roles which are required only to be at a management level. Their function will be to review applications on a periodic basis of organisations wishing to be

included as a 'good cause' and act as the link with Gatherwell Ltd who manage everything else.

- 2.12 The Council no longer has a discretionary grants budget so an alternative method of distributing the funds will need to be identified. As an arrangement that is already in place and functioning well, it is proposed the Community Solutions Panel should have its terms of reference expanded to include the award of lottery funding against a set of criteria to be agreed as part of the implementation plan.

3. Recommendations

- 3.1 To secure the services of Aylesbury Vale Lottery Implementation Service on the basis of their established track record of providing support to a number of other Councils and a good success rate.
- 3.2 The Commissioning Service lead on behalf of WBC on contractual arrangements, progressing the implementation project plan and taking responsibility for the ongoing operation of the Lottery once it is set up. Timescales will be agreed once formal approval has been secured.
- 3.3 The Head of Commissioning and Service Manager for Commissioning to be the named as Responsible Representatives for the purposes of the Lottery Licence.
- 3.4 One off budget requirements as set out below to come from Transformational Funding. Ongoing cost as set out below to come from the income to the Council from the sales of tickets.
- Aylesbury Vale Council one-off charge of £10k for the provision of a Lottery Implementation Service
 - One off cost of £3k for the operating platform.
 - Ongoing costs of the licence £600-£900 p.a.
 - Ongoing costs of officer time to act as Responsible Representatives and manage the Councils functions in relation to the ELM calculated at one day per month £4k.
 - Marketing support in line with Aylesbury Vale estimate of £4k - £5k p.a.
- 3.5 Terms of Reference for the Community Solutions Panel to be amended to incorporate the allocation of lottery income subject to the agreement of an appropriate set of criteria as part of the implementation.

4. Conclusion

- 4.1 On the basis of a broad range of benefits for both the Council and wider community the Executive is asked to approve the progression of the implementation of a local lottery using the Aylesbury Vale model.
- 4.2 Information provided by Aylesbury in a draft business plan for WBC demonstrate potential for generating significant income to support local discretionary services and therefore should be taken forward through the actions set out in this report.

5. Consultation and Engagement

Leigh Hogan – Legal Services Manager
Sarah Clarke – Interim Head of Legal Services

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

X SLE – A stronger local economy

The proposals contained in this report will help to achieve the following Council Strategy priority:

x HQL1 – Support communities to do more to help themselves

Officer details:

Name: June Graves
Job Title: Head of Commissioning
Tel No: 01635 519733
E-mail Address: june.graves@westberks.gov.uk

Appendix C

Aylesbury Vale District Council has already established a local authority lottery generating new revenue income directly for community groups and good causes benefitting the residents of their district and raising funding to substitute the threatened grants funding.

This proposal sets out what the team at Aylesbury would do to replicate and establish a lottery for A.N.Other local authority.

Proposal:

The implementation process is supported by a comprehensive project plan delivered by project managers from AVDC.

This sets out to cover five key areas:

- Member and Officer on-boarding
- Delivery of your Business Case and Business Plan
- Delivery of a Cabinet/Council report to secure authorisation
- Completion of your licence application
- Good cause on-boarding and launch of ticket sales.

In greater detail;

- **Member and Officer on-boarding**

The Member and Officer on-boarding involves up to 2 briefing meetings to set out how the scheme works, secure the relevant data to support your business plan and identify appropriate officers to hold the licence and take responsibility for the ongoing operation of the scheme.

Additionally we would introduce the External Lottery Managers (ELM) and answer questions around procurement etc.

- **Delivery of your Business Case and Business Plan**

The production of your Business Case and subsequent Business Plan will require meeting with appropriate officers to secure relevant data including population data and agreeing ticket income breakdown with the operator.

- **Delivery of a Cabinet and Council report**

The project managers would prepare your authorisation report and attend Cabinet and Council to support the presentation as necessary.

- **Completion of your licence application**

Appropriate policies to support your licence application would be provided and the project managers would take you through the licence application.

- **Good cause on-boarding and launch of ticket sales**

The project managers would produce a marketing plan with you to address the on-boarding of good causes and thereafter working with the External Lottery Manager to promote and launch the scheme.

Time:

It is estimated the above will take up to 10 days project management time over 2 – 3 months. Up to 5 days would be on site at your offices with the remaining work offsite.

Cost:

Local Lottery – Supporting Information

There is a fixed fee of £10k to include expenses.

The cost of the operating platform from the ELM is currently £3k. You will have a legal contract with them.

Additionally you will incur cost of the licence and should allow £600 - 900 per annum

Appendix D

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Commissioning
Team:	Commissioning
Lead Officer:	June Graves
Title of Project/System:	Local Lottery
Date of Assessment:	29.5.18

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><small>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</small></p>	<input type="checkbox"/>	x
<p>Will you be processing data on a large scale?</p> <p><small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small></p>	<input type="checkbox"/>	x
<p>Will your project or system have a “social media” dimension?</p> <p><small>Note – will it have an interactive element which allows users to communicate directly with one another?</small></p>	<input type="checkbox"/>	x
<p>Will any decisions be automated?</p> <p><small>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</small></p>	<input type="checkbox"/>	x
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	x
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	x
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><small>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</small></p>	<input type="checkbox"/>	x

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Options Paper Agency and Temporary Spend

Committee considering report:	Executive on 26 July 2018
Portfolio Member:	Councillor Anthony Chadley
Date Portfolio Member agreed report:	12 July 2018
Report Author:	Karen Felgate
Forward Plan Ref:	EX3573

1. Purpose of the Report

This report sets out the options available for the supply and provision of agency and temporary workers following consideration of all of the options, and their relative benefits and risks. The proposals are based upon an analysis of spend and category data that is available to review the options for purchasing.

2. Recommendations

2.1 The Executive resolves to:

- (a) use the ESPO framework and
- (b) delegate authority to the Head of Commissioning (in consultation with the Head of Finance and Head of Legal) to enter into a call off contract to the successful managed service provider via mini competition.

3. Implications

- 3.1 **Financial:** West Berkshire Council currently spends circa £4m per annum on agency and temporary spend. Master or hybrid vendor route typically yields around 5-6% savings although this will need to be tested for West Berkshire. Therefore on a spend of £4,000,000 we should yield an average of £200,000 pa. This is caveated as has not been tested.
- 3.2 **Policy:** All services will be required to sign up to new agreed process for delivering agency staff within the Council.
- 3.3 **Personnel:** Potential requirement for a contracts manager dedicated to the management of this spend and contract. This would be achieved on an invest to save basis and costed at approximately £50k per annum.
- 3.4 **Legal:** The Council remains responsible for any challenge to the award via a framework. It would be necessary to make sure that the framework has been procured correctly and any call off made is in accordance with the framework rules and procurement regulations.
- 3.5 **Risk Management:**

Options Paper Agency and Temporary Spend

3.6 **Property:** N/A

3.7 **Other:** N/A

Executive Summary

4. Proposal

4.1 Managed Service Provider MSP

Managed services is the practice of outsourcing on a proactive basis management responsibilities and functions intended to improve operations and cut expenses. The service provider performs on-demand services and bills the customer only for the work done.

Variations to this model are as follows:

Master vendor: Master vendor solutions are typically run by a lead recruitment firm which will farm out jobs to other recruitment firms at lower margins

Neutral vendor: Has no affiliation to a specific recruitment agency and will use a range of recruitment agencies to deliver their clients requirements

Hybrid Model: This is a mixture of the two where the model can be tailored to meet our requirements. This will suit services ie social care and specialist areas such as legal who will require bespoke agencies

Eastern Shires Purchasing Organisation – known as ESPO, have a framework called MSTAR2 which caters for local authorities to provide recruitment services. It is recommended that we use this route and carry out a mini competition to pick the best supplier and managed service route through the framework

4.2 Analysis of Top Two Preferred Options

	Framework	MSP
Proposal	Collection of agencies managed through a framework agreement, assessed for quality and price. Client can pick off the framework from relevant lot.	Existing framework through which commissioning will run a competition to select MSP. MSP will then be responsible for managing the selection process.
Management	Commissioning will run the competition to get agencies onto the framework but services will need to carry out their own mini competition to select the relevant agency from the framework	The Managed Service Provider shall be responsible for ensuring all Agencies utilised meet the required standards and policies of the Customer. The Managed Service Provider shall vet potential Agencies, both in terms of business and financial suitability when signing them up to supply Services
Savings	Savings projected at £150K gross for the Council as a whole. This is the figure that was badged against	West Berkshire Council currently spends circa £4m per annum on agency and temporary spend.

	Framework	MSP
	this work for Commissioning to achieve– however this is not tested and based upon the potential of ability to introduce efficiencies into the system and bringing in processes to manage spend.	Master or hybrid vendor route typically yields around 5-6% savings although this will need to be tested for West Berkshire. Therefore on a spend of £4,000,000 we should yield an average of £200,000 pa. This is caveated as has not been tested
Beneficiaries	Four lots which will provide general clerical/admin staff. Children's social care, adult social care social workers and provider services staff. Individual Services will still be required to find their own specialist staff as this will be outside the scope of the framework	Has the ability to provide agency staff across the Council as a whole including specialist staff for services as MSP will manage the whole process.
Staff requirement	Once contract is procured then it is anticipated that services will pick their agency workers from the framework and carry out their mini competition – but this will be carried out as part of the day to day role of the service. Alternatively this could be managed by Commissioning or HR but would require additional resources. Assuming gross cost of Agency Category officer at £50,000, there will be a net saving on this route of £90,000	There may be a requirement for a contracts manager to oversee the contract particularly if we go for a hybrid or neutral vendor version. Based upon assumption that gross cost of agency contracts officer will be £50,000. Net saving of £150,000.
Speed of introduction of new process	This route will take a lot of pre tender work to ensure we are getting what we want from the process as an authority. Tender process will be approximately 3 months.	Much of the pretender work has been completed by ESPO and the tender process should be straightforward – both routes will need to be signed up to by all senior managers in the Council to ensure it works

4.3 Other Options Considered

- (1) Competitive Procedure with Negotiation – too restrictive and would not provide agency cover for the whole council services
- (2) A further option would be to set up our own employment agency for temporary staff. Whilst this is the most innovative option – the overheads are likely to be high
- (3) Joint commissioning an MSP. This would be a potential options for the future but currently other LA's have their own arrangements
- (4) Maintain the status quo: Contract with Reed expires in October 2018 but would not recognise any savings

5. Conclusion

- 5.1 The preferred route for procurement for West Berkshire Agency staff is for the managed service provider (MSP) option. Hybrid option will allow for Council to tailor service to our requirements.

6. Appendices

- 6.1 Appendix A – Equalities Impact Assessment
- 6.2 Appendix B – Supporting Information

APPENDIX A

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Options paper for Agency and Temporary spend
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	None
Name of assessor:	Karen Felgate
Date of assessment:	30 th April 2018

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	Yes
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Rationalise the spend for agency and temporary staff within the Council
Objectives:	Explore the options for agency and temporary spend within the Council
Outcomes:	Reduce agency and temporary spend and deliver savings
Benefits:	Realise cashable savings and cost avoidance

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	
Disability		

Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	
This is an options paper providing recommendations on preferred procurement routes for agency spend within the Council.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Karen Felgate

Date: 30th April 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

This page is intentionally left blank

Procurement Strategy Report

Options Paper: Agency and Temporary Spend

Portfolio Member: Councillor Anthony Chadley

Report Author: Karen Felgate

1. INTRODUCTION

Purpose

In 2016 as the result of a procurement review undertaken by ADR Consulting, it was agreed that the Council would undertake a category management approach to significant areas of spend within the Council with a view to reducing Council's overall spend. There were three categories of high spend which were identified as primary focus for category management work; print and stationery, agency spend and repairs and maintenance. Other categories will follow as opportunities are identified.

This document sets out the options available for the supply and provision of agency and temporary workers following consideration of all of the options, and their relative benefits and risks. The proposals are based upon an analysis of spend and category data that is available to review the options for purchasing.

Agency and temporary recruitment within the Council is currently undertaken within individual service areas. The common reasons for agency spend is most frequently due to a gap due to one member of staff leaving and the successful recruitment of a new permanent post holder. In Adult Social Care (ASC) and Children and Family Services (CFS), it will be necessary to recruit specialised agency staff with relevant qualifications – ie locum social workers. There can also be a requirement to recruit agency or temporary staff to carry out a specific role for a defined period of time; for example project management of a time limited project. A consultant maybe required to deliver a specific technical skill for a time limited project. These short term posts are generally funded within service area budgets or via a specific pot of money obtained to carry out a project such as an external grant.

The Council currently contracts with Reed for general administrative roles. This contract is managed by HR and is due to expire on 31st October 2018. During discussions with services it became apparent that many recruiting managers in the Council were not aware of the Reed contracted arrangements and have been making their own arrangements with other agencies for these roles.

Social care is an area of high agency usage and spend within the Council. In 2017-18, West Berkshire Council used 108 agencies. Of the 108 agencies, ASC used 46 agencies and CFS 32. Social care are therefore the highest users of agency staff within the Council. There are some duplications in total between them to deliver roles such as care staff and locum social workers. There are other local arrangements which has been agreed with preferred agencies. In CFS, there is an agreed protocol in Berkshire around rates for Children's social workers so that authorities are not undercutting each other. However in general, spot purchasing is used widely across Council for all agency and temporary spend.

Objectives

The key aim to introduce a category management approach to procuring agency staff is to reduce the West Berkshire Council spend in this area per of approximately £4m per annum.

The table below shows agency spend across the Council for the last 3 years. Over the last two years 2015-16 and 2016-17, the council will have spent close to £10m in this category. Finance are currently carrying out a piece of work to look at agency budgets within service areas and how to report spend, as historically it has not been clear what the true cost of agency spend is within the Council. However due to a drive to bring down staffing budgets and reduce reliance on agency and temporary staff, the overall trajectory for

Options Paper: Agency and Temporary Spend

spend is downwards which is positive. The final figure for the annual spend for 2017- 2018 is predicted to be similar to that of 2016-17.

Service	Service Description	Total FY15/16	Total FY16/17	YTD 17/18 (March 2018)
COMACP	ASC Efficiency Programme	48,888.00	0.00	0.00
COMASC	Adult Social Care	2,570,703.86	2,314,223.20	2,401,325.86
COMCS	Children and Family Services	2,019,744.01	1,205,216.50	888,587.10
COMDIR	Corporate Director – Communities	0.00	0.00	131.85
COMDSG	Education (DSG Funded)	6,311.80	6,926.11	0.00
COMES	Education	266,399.83	277,509.91	358,964.08
COMPHW	Public Health & Wellbeing	0.00	1,767.78	0.00
COMPS	Prevention and Safeguarding	227,122.84	53,730.51	93,619.66
ENVDP	Development and Planning	87,736.02	131,358.45	82,245.36
ENVPPC	Public Protection and Culture	147,393.01	115,690.55	80,076.87
ENVTC	Transport and Countryside	70,254.85	50,706.33	143,667.30
RESCOM	Commissioning	30,223.66	75,443.49	4,633.94
RESCSI	Customer Services and ICT	71,038.04	67,681.35	50,012.27
RESCX	Chief Executive	0.00	180.00	0.00
RESFIN	Finance and Property	119,278.33	104,310.63	86,576.46
RESHR	Human Resources	5,224.64	5,384.32	1,518.88
RESLEG	Legal Services	795.00	36,084.61	56,522.05
RESSS	Strategic Support	18,931.15	21,845.84	6,424.94
		5,690,045.04	4,468,059.58	4,254,306.62

Opportunities to reduce spend in this category can be achieved through the following:

- 1 Negotiating firm price rates with a smaller number of agencies
- 2 Reducing or negating finders fees
- 3 Negotiating commission rates
- 4 Consolidation of invoices to save on time and cost in relation to staffing of processing

These areas will be explored in more detail and the ability to achieve price reductions through the options appraisals.

The second purpose is to ensure that the suppliers engaged have suitably qualified people who can perform the duties required. The number of agencies the Council transacts with is excessive. For example, ASC currently use 46 different agencies for different functions. CFS are working with 32 agencies. Of the 78, agencies used, only 11 are used by both services. Although the work they do can be specialised, it is likely that there will be synergies that can lead to consolidation and reduction of the number of agencies used across both CFS, ASC and this can be replicated across all areas of the Council. By reducing the number of agencies worked with within the council, it will enable better relationships to be developed with a smaller number of providers as well as the ability to put a clear scrutiny path in place

The third aim is to ensure the temporary staff recruitment process is more streamlined and to cut down on administrative time associated with appointing agency staff. A clear structure in place will reduce the service areas time spent liaising with agencies and negotiating rates. There will be opportunities to consolidate invoicing and reduce burdensome paperwork

Options Paper: Agency and Temporary Spend

Key performance indicators will be put in place which will monitor the effectiveness of the new agency strategy and enable easier monitoring of future spend trends. These will be standardised across all agency spend.

Current supply

West Berkshire Council currently uses in excess of 100 agencies across the Council. Only one supplier is currently contracted for general administrative and clerical roles (Reed). This contract expires on 31st October 2018. All the other agencies used are not contracted – although some agencies do currently give agreed rates as agreed individually by services on a spot purchase basis.

Going forward there will be a need to manage this area of work as a category of spend. Effective communication and publicising of any new processes will be paramount to ensure savings in this area.

This section below describes the supply market:

- Dynamics
 - The capacity and capabilities of some of the specialist agencies used is ad hoc and unconsolidated. It certainly differs service by service and also geographically. For example different agencies are used in the east of the district from the west with differing rates. This needs to be standardised and the options outlined below will enable this to be achieved
 - There are definitely agencies that could provide the skill sets we are looking for, but they require detailed job specifications so they fully understand the skills and qualities required for the various roles. This will be done as part of the specification or if we decide to embark on a managed provider route – this can be clarified with the provider
- Geography & Segmentation
 - Some agencies are locally based to various areas within our boundaries. Others have a wider geographic spread.
 - We need niche agencies for the supply of agency workers for roles such as Occupational Therapists, Social Workers, and Support Workers. These are required by both ASC and CFS
 - By ensuring all the agencies has the same job specifications then there should be little to differentiate one from the other. Selection will be on the best price or best placed agency in their locality.

Options for Procurement

Option 1: Managed Service Provider

Managed Service Provider

Managed services is the practice of outsourcing on a proactive basis management responsibilities and functions intended to improve operations and cut expenses. The service provider performs on-demand services and bills the customer only for the work done.

Variations to this model are as follows:

Master vendor: Master vendor solutions are typically run by a lead recruitment firm which will farm out jobs to other recruitment firms at lower margins, if they are not initially able to fill the positions within a certain time period, to ensure coverage. This route is generally considered to be cheaper. However candidates from the master vendor are given priority and the route does not support SME's and BME's as well.

Neutral vendor: Has no affiliation to a specific recruitment agency and will use a range of recruitment agencies to deliver their clients requirements. True neutral vendor partners have no affiliation to, or ownership of, any recruitment firms in their wider group. This means they can manage recruitment agency relationships extremely effectively as there is never any conflict of interest around margins. This route is particularly beneficial to SME's because it allows clear competition and a level playing field. Costs to LA can be negotiated as a flat fee or as a percentage.

Hybrid Model: This is a mixture of the two where the model can be tailored to meet our requirements. This route is particularly attractive as it enables us to specify our requirements – in particular for areas such as social care which need 24/7 turnaround and legal services who require specialist staff who are difficult to recruit

There are two national frameworks that the Council can use should we wish to procure a Managed Service Provider (MSP).

Eastern Shires Purchasing Organisation – known as ESPO, have a framework called MSTAR2 which caters for local authorities to provide recruitment services. This option allows us to have a Managed Service Provider (MSP) who can manage the Council's agency activity on our behalf.

An alternative framework is accessible via Yorkshire Purchasing Organisation (YPO). However ESPO framework is the preferred route for most LA's. Coventry City Council undertook a benchmarking exercise in 2016 comparing the two frameworks via ESPO and YPO and concluded that ESPO offered the best value for money route, although in practice there is very little to differentiate between the two frameworks.

Whilst the framework is available for LA's to call off, West Berks we can undertake our own competition within the existing framework providers to identify the preferred MSP and achieve VFM. However the competition element can be delivered relatively quickly compared to a regular procurement process.

The lots available reflecting this model variations through MSTAR2 are as follows:

Lot 1 – Neutral vendor (supply chain management) - the MSP manages a supply chain of agencies

Options Paper: Agency and Temporary Spend

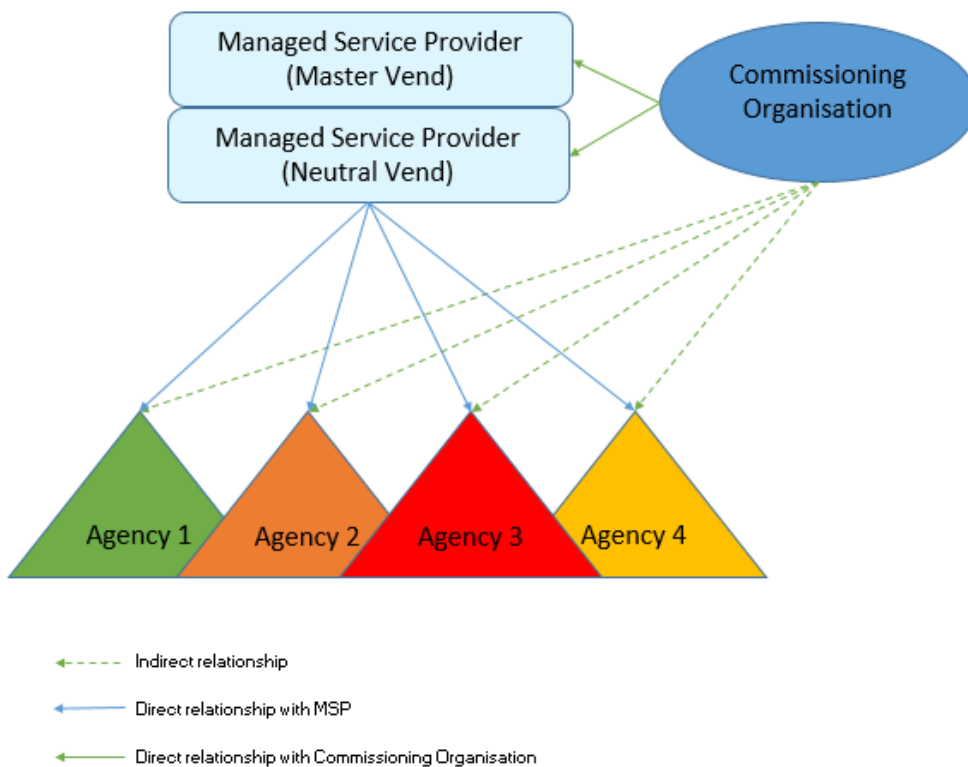
Lot 2 – Master vendor (supply chain management) - the MSP generates a resource pool of staff

Lot 3 – Supply chain optimisation (hybrid) – customers can define a sourcing strategy using a combination of models depending on their resourcing objectives

For the purposes of evaluation and to establish call-off rates for the framework, prices were submitted on the basis of the 'core' specification. For Lot 2 where the MSP provides services on a Master vendor basis, the suppliers submitted prices on the basis that they supply between 50-70% of the staff from within their own resource pool. However we will be able to agree different models and commercial where different percentages, or different parameters are set and we can do this through a further competition.

Camden have been using the Managed Service Provider model and their current contract is to use a managed service provider who directly provides staff (master vendor). Essex Borough Council use the neutral vendor route. Reading Council have a predominantly master vendor solution but do have a hybrid element whereby they have additional subcontracted agencies (similar to neutral vendor model). Brighton and Hove have developed a hybrid model that they used successfully since 2011.

The diagram below shows the relationship between Commissioner, MSP and agencies.



Financial Impact

London Borough of Camden chose a master vendor model through Hays for its MSP as their main priority was cost savings. Camden spends £32m per annum on agency and temporary staff and have identified cashable savings of over £2m.

They have first tier and second tier agencies. Second tier agencies submit CVs directly to the service manager. 50% of their business is conducted through master vendor route and the other 50% through second tier agencies. This has caused some issues with invoicing which they still need to resolve.

Options Paper: Agency and Temporary Spend

In Reading, who also chose a master vendor model, rates were negotiated for each agency role type – or in the case of regular off contract suppliers, fixed rates were set in place depending upon the role. This meant only one invoice and saved time and expenditure on large volumes of invoices needing to be processed.

Pricing

Options for pricing are as follows:

Payment Method	Advantages	Disadvantages
Flat fee	Cheaper per worker if spend level goes up	Will be expensive if spend level on agency decreases.
Percentage of total cost (or fixed percentage) on agency worker salary	Total paid will fluctuate on overall spend /volume of business Fee is fixed if the cost of wages increases	Not proportionate to agency workers' wages
Gain share	Will incentivise savings as MSP shares in the profits	Difficult to calculate a baseline for savings Will need to be careful that we do not give away too much of our savings

The first two options do not incentivise savings as there is no reason for the MSP to go the extra mile in securing savings. Therefore recommendation is to look at a gain share option which is strictly tailored to our needs. We can agree to have current agency workers transferred across on their existing rates. Any savings achieved will then be returned to the Council in the form of a rebate at the end of the year.

The MSP charge for their services by applying a 'pence per hour' fee to the hourly charge rate of each Temporary Agency Worker. This rate would be inclusive of all costs associated with providing the Services, to include, for example, but not be limited to Account Management, Implementation, Training, Electronic Systems, and end of contract procedures, including transfer of any data etc.

National frameworks such as ESPO and YPO will also charge a rebate fee. This is added to annual charge which we will negotiate as part of the contract with the preferred MSP. The rebate is charged retrospectively and is payable by the Managed Service Providers to ESPO or YPO based upon the turnover of business conducted in the areas of operation.

Therefore the total cost charged will consist of the cost of the Temporary Agency Worker (the pay rate plus statutory contributions) plus the Agency Fee, plus the MSP Fee and the ESPO rebate. If a Temporary Agency Worker is appointed who would typically command a higher rate of pay (higher than the set pay rate or maximum rate if a range is in operation), payment will only be made as per the grade requested.

The Council will be able to negotiate moving all contracts over to the new supplier at the current rates. One way this can be achieved is by asking for a credit note from the MSP at the end of the financial year.

Options Paper: Agency and Temporary Spend

There will be no introductory fees so this will negate those excess costs which are so common when procuring agency staff who subsequently become permanent where the person has been with the authority for more than 14 weeks.

The following are example scenarios.

1. If the temporary agency worker works for the customer and prior to 14 weeks from the start of the first assignment with the customer, the customer wants to take on the temporary agency worker to a permanent contract (or fixed-term contract) without advertising the role and completing a recruitment process then a fee shall be incurred in relation to the rates below.
2. If the temporary agency worker has worked for more than 14 weeks in the role, no fee shall be incurred.
3. If the temporary agency worker has worked for less than 14 weeks, and identifies a position within the authority that has been advertised (either internally or externally) and applies for that position, providing the job has been openly and fairly advertised, no charge shall be made to the customer for the temporary agency worker by the MSP (either themselves or on behalf of one of their supply chain agencies).

The rates applicable to be paid by the customer to the supplier only in circumstances where a charge is legitimate are:

- 0-5 weeks 12.5%
- 5-10 weeks 7.5%
- 10-14 weeks 2.5%
- 14 weeks + no charge

Percentage charge would be based on annualised salary.

As an alternative to paying the transfer fee, the customer may elect to hire the Temporary Agency Worker(s) in question for an extended period. This extended period should be of reasonable length and in no circumstances longer than 3 months.

This route will result in a reduction in the administrative burden of spot purchasing agency staff and invoicing. This will result in time saved by officers contacting and negotiating with agencies on a case by case basis.

Invoicing will be managed by the MSP so West Berks will have one supplier through whom invoices will be channelled

MSP provider will carry much of the risk. For example, issues such as IR35 will have already been resolved through the ESPO framework process so we can be assured that this has already been dealt with.

Savings

Based upon the available data from LA's who have undertaken an MSP route for agency staff – the average savings achieved is in the region of 5% on original spend. Therefore on a current annual spend of £4,000,000 based upon this premise West Berks should save around £200,000 per annum. This is currently caveated as will need to be tested. However the framework spec requires the MSP to make savings as a requirement.

The table below compares savings made by four local authorities, Brighton and Hove, Essex, Camden and Reading who are using the MSP route. Overall it appears that approximately 80% of local authorities in

Options Paper: Agency and Temporary Spend

England including all London Boroughs are using this model. Master vendor or hybrid route appears to be the most lucrative from a savings point of view with average savings of around 5-6% mark.

	Reading	Essex	Camden	Brighton and Hove
Annual agency spend	8,000,000	9,700,000	32,000,000	8,334,009
Annual cashable savings	400,000	250,000	2,000,000	757,594
% saving on agency spend	5.0%	2.6%	6.3%	9%
Route	Hybrid model	Neutral Vendor	Master Vendor	Hybrid model

Brighton and Hove state they have achieved their savings primarily through savings on mark up. They have achieved 9% savings based upon a hybrid model of master and neutral vend. Brighton and Hove have also achieved 100% fill rate on all vacancies.

All the London Councils, such as Tri-borough in London, (Hammersmith and Fulham, Royal, Borough of Kensington and Chelsea and Westminster City Council). Havering Council, LB Islington and Lambeth Council use the MSP route

Coventry City Council introduced an MSP service in 2016. They realised a £920K reduction in contract spend in the 1st quarter of 2017-18 compared to the same period on 2016-17. They chose Pertemps as their preferred MSP via a competition using the ESPO framework.

Islington use a neutral vendor route and have achieved 9% cashable savings from their £28m annual spend. There has been £300k saved in staff time. 9 out of 10 agencies they use are based within the Borough.

Essex County Council also use the neutral vendor model and were suffering from too many agencies used which lead to loss of control, accountability and excessive back office costs. By installing a vendor neutral managed service they were able to retain existing agency providers as long as they signed up to the managed service. They had savings guaranteed in their contract; year 1 was £250k. The service is paid via a 70/30 shared savings arrangement whereby 70% of savings is given to council and 30% to the MSP.

Camden Council use the master vendor route. They chose Hays from the framework. Camden spend £32k annually on agency staff. Their annual cashable savings is greater than £2m.

We can advertise for a specific route - ie master vendor or neutral vendor, or enter into a hybrid version of both which enables us to develop lots which reflect West Berkshire requirements.

Lincolnshire County Council have been delivering the hybrid route for over ten years. Lincoln re-procured their MSP in September 2017 and now have three separate lots through the hybrid route: Social care, legal services and 'other'. Like West Berkshire, they are a rural Council who also struggle to recruit for social care staff. Lincolnshire spend is circa £8m. In the early days of their contract when they moved from unfettered spend to MSP - they made approximately £1m savings in the first year. Last year, 2017-18, they made £170K.

Most of the savings through an MSP are achieved by saving on the mark up that agencies charge to use their services. The following table demonstrates the percentage mark-up which agencies charge based upon different commissioning routes.

West Berkshire Council	Commission/Fee Percentage			
				MSP
	25%	20%	15%	7%
Annual agency spend	£4,000,000	£4,000,000	£4,000,000	£4,000,000
Commission/fee	£1,000,000	£800,000	£600,000	£280,000
Annual saving	£0	£200,000	£400,000	£720,000
% saving on agency spend	0%	5%	10%	18%

Options Paper: Agency and Temporary Spend

25% is the unfettered spend. (ie spot purchasing within services) which is often used by services at present to procure staff

20% is realistic assumption of margin using a usual contracting method – i.e. framework or single contract

15% is the best margin expected outside of an MSP through a framework or contract with a single agency provider

The final column is the MSP charge rate - the expected MSP margin.

Option 2: Establish a West Berkshire Council Agency Framework

Option 2 explores creating a West Berkshire Council framework for agency category split into four (4) lots.

- Lot 1 General Administrative & Clerical roles. (currently contracted to Reed until 31st Oct 2018)
- Lot 2 Adult Social Care provider services (care staff,)
- Lot 3 Adult Social Care social care staff
- Lot 4 Children's Services social care staff

Agencies will be invited to submit their prices and quality assurance will take place up front. Services will then be able to make their agency selection via a mini competition based upon price. This route has the advantage of inviting all agencies onto the framework – however there is limited opportunity for pre-procurement negotiation which will help to drive down the overall cost of agency procurement to the council.

Specialist roles will continue to be negotiated on a spot purchase basis due to the diversity of the roles involved.

- Market engagement event would be required to set out the Council's expectations. It is likely that sessions will need to be held to focus upon three distinct areas – general administrative roles and social work disciplines (ASC and CFS)
- The framework will be in place for the maximum four years. Firm prices to be agreed for this period with no inflation costs or mark ups.

The maximum length of contract period for a framework is four years. We can consider a two year period, with an option to extend for further two years. Alternatively we can agree to run the framework for the full four years with no extension provision

It is planned that by introducing efficiencies into the process, an anticipated saving of up to £150K gross maybe realised annually. This would be achieved by using the following strategies:

1. Negotiating agreed rates as pertinent to the roles with each of the suppliers
2. Reducing introductory fees on temporary to permanent roles. Currently introductory fees can be anything from 15% of salary depending on the role. The aim is to reduce this closer to 10%.
3. Achieve volume reductions on bookings– thereby reducing overall costs to services.
4. Fix inflation costs over the life of the contract with a firm price negotiated with each supplier prior to award.

All services will be required to follow the new arrangements for engaging temporary staff through agencies. Commissioning team will be responsible for ensuring the process is widely published. Procedures for running mini-competitions through framework will be made clear and transparent to all services. However services will need to run their own mini competitions through the framework to recruit staff.

IR35 rules will apply. All agencies who participate in the process will need to be responsible for their client's on-cost arrangements and they will need to demonstrate this as part of the process.

In line with Public Contract Regulations 2015 and contract rules of procedure. The tender process will be subject to OJEU

The following risk for this route have been identified:

1. Hourly rates may be higher in comparison to existing rates, however this is unlikely as the charge rates will have been negotiated and will not fluctuate throughout the year. The aim to negate inflation costs throughout the life of the contract.
2. Some stakeholders maybe resistant to change and want to use the agents they have always used even if they do not represent value for money. Support from senior management will be requested to ensure that all services are signed up to the process. Should stakeholders wish to use agencies outside the framework, then agreement must be obtained by Head of Service.
3. Agencies may not wish to participate in the framework
 - Pricing
 - A mechanisms for pricing, including an annual return based on the volume of agency staff placed with the agencies throughout the year will be implemented.
 - Firm prices and percentage costs for all roles will be agreed across all agencies.
 - Introductory fees will be capped and reduced weekly until week 14 whereby no introductory fee will be applicable
4. Potential savings/efficiencies:
 - Cost Avoidance
 - Reduction in the administrative burden of spot purchasing agency staff. This will result in time saved by officers contacting and negotiating with agencies on a case by case basis.
 - There will be a consolidation and reduction of the number of invoices
 - Cashable savings
 - Through negotiation with agencies it is anticipated that there could be a £150,000 saving per annum on agency costs across the Council. This will be achieved through negotiation on rates, introduction fees and negotiated reductions on volume purchasing. Clearly this will need to be tested through the procurement process. However this will need to be tested.

Should we decide to create our own framework, it may be possible in the future to trade this to other local authorities once implemented, particularly with our nearest neighbours in Berkshire. However this has not been explored in any detail.

A limitation of this route is that we will not be able to include all specialist roles into the framework. It will be too cumbersome and will mean that they will need to remain outside the framework and continue to be purchased by the service area on a spot basis. This will not enable us to make sufficient savings.

It will take considerable time to set up the framework and each service will still have to run a mini-competition to select their preferred supplier from the shortlisted providers.

Alternative procurement options

The two options above were considered the most viable options to market for the agency spend category. The other options which were considered and discounted for the following reasons are outlined below:

1. Competitive Procedure with Negotiation was considered as an alternative route to procurement which would enable negotiation to take place at pre-procurement stage to select a supplier. However after consideration this route was rejected as it was felt it would restrict the market. In particular it would limit the service areas ability to make choices on agency which can be achieved via a framework or an MSP
2. A further option would be to set up our own employment agency for temporary staff. Whilst this is the most innovative option – the overheads are likely to be high – although not explored in any great detail at this stage. There will be opportunities to consider this option in more detail in future should Members wish to take this forward.
3. Discussion has taken place with Reading BC around the potential of joint commissioning with them for the MSP using this process. However this is not an option at the moment. Reading started their latest MSP arrangements in 2017 and are not looking to divert from this at the moment.
4. Tender each lot separately either via a framework or through a competitive procedure. This route will be long winded, take up considerable officer time. Focus would need to initially be on the general administrative roles to ensure that there is a service in place after October 2018.
5. Maintain the status quo: Contract with Reed expires in October 2018 and alternative provision needs to be identified. There will be limited opportunities to recognise any savings for ASC of CFS under the current spot purchase arrangements.

Preferred Options Comparison

	Framework	MSP
Proposal	Collection of agencies managed through a framework agreement, assessed for quality and price. Client can pick off the framework from relevant lot.	Existing framework through which commissioning will run a mini competition to select MSP. MSP will then be responsible for managing the selection process.
Management	Commissioning will run the competition to get agencies onto the framework but services will need to carry out their own mini competition to select the relevant agency from the framework	The Managed Service Provider shall be responsible for ensuring all Agencies utilised meet the required standards and policies of the Customer. The Managed Service Provider shall vet potential Agencies, both in terms of business and financial suitability when signing them up to supply Services
Savings	Savings projected at £150K gross for the Council as a whole. This is the figure that was badged against this work for Commissioning to achieve– however this is not tested and based upon the potential of ability to introduce efficiencies into the system and bringing in processes to manage spend.	Master or hybrid vendor route typically yields around 5-6% savings although this will need to be tested for West Berkshire. Therefore on a spend of £4,000,000 we should yield an average of £200,000 pa.

Options Paper: Agency and Temporary Spend

Beneficiaries	Four lots which will provide general clerical/admin staff. Children’s social care, adult social care social workers and provider services staff. Individual Services will still be required to find their own specialist staff as this will be outside the scope of the framework	Has the ability to provide agency staff across the Council as a whole including specialist staff for services. Master Vend route MSP will manage the whole process. Hybrid version we would need to have a relationship with a number of agencies which will require more management.
Staff requirement	Once contract is procured then it is anticipated that services will pick their agency workers from the framework and carry out their mini competition – but this will be carried out as part of the day to day role of the service. Alternatively this could be managed by Commissioning or HR but would require additional resources. Assuming gross cost of Agency Category officer at £50,000, there will be a net saving on this route of £100,000	MSP will need to be managed at a central point. In many authorities this is managed by a category manager in Commissioning. Framework providers ESPO and YPO recommend a dedicated resource to manage the ongoing contract management. Assuming gross saving of £200,000, cost of Agency Category officer at approx. £50,000 will result in a net saving of £150,000.
Speed of introduction of new process	This route will take a lot of pre tender work to ensure we are getting what we want from the process as an authority. Tender process will be approximately 3 months.	Much of the pretender work has been completed by ESPO and the mini competition process should be straightforward – both routes will need to be signed up to by all senior managers in the Council to ensure it works

Conclusion

The preferred route for procurement for West Berkshire Agency staff is for the managed service provider (MSP) option.

This is for the following reasons:

1. Projected savings are based upon examples from other LA’s who have used this route so the projections are caveated. However going with an MSP it is estimated that we can make a saving of £200,000 per annum on the current £4m agency spend. If an additional staffing resource is required to manage the service then there will be a net saving of £150k per annum
2. MSP route will allow us to incorporate all agency spend. Framework will only deal with the main categories; administrative and social care. Other areas will still need to be dealt with on a spot purchase basis
3. MSP will be a quicker route as the framework is already established. This means that the Council will be able to see the benefits of any savings quicker. Framework work will be front loaded and will require a lot of pre-tender work.

We can simply pick an MSP from the framework as preselection has already taken place. However it is recommended that we hold our own mini competition within the preferred framework suppliers to choose our preferred MSP.

Options Paper: Agency and Temporary Spend

In order to get the best outcome the recommendation is to go with the hybrid model (lot 3 on the ESPO framework) which will enable us to fit to our own requirements.

Recommendation

It is recommended that Executive approve award of agency and temporary work through the ESPO framework and it is awarded to the successful tenderer of the mini competition.

Extra Care Schemes

Committee considering report:	Executive on 26 July 2018
Portfolio Member:	Councillor Graham Bridgman
Date Portfolio Member agreed report:	18 July 2018
Report Author:	Robert Bradfield
Forward Plan Ref:	EX3603

1. Purpose of the Report

This paper seeks to inform the outcome of the tender process and seek delegated authority to award the contract. The existing arrangements are commercially unsustainable for the provider. The tender is running on an 'accelerated open procedure' which will give WBC the ability to conclude a tender process, and allow sufficient time for the provider to resource the schemes, in line with a start date of 1 October 2018.

2. Recommendation

The Executive resolves to delegate authority to Head of Adult Social Care in consultation with Head of Finance and Head of Legal Service to enter into a contract with the successful bidder following conclusion of the evaluation.

3. Implications

- 3.1 **Financial:** A guide rate was developed for the tender to account for all hours to be delivered. This posed an inherent risk in the procurement strategy as we were inviting open competitive bids, so as not to presume a cost level that will offer quality and sustainability of supply. The risk of budget pressure was shared with ASC & Finance. The overall effect over the five year period of the contract (based on the existing budget & assuming inflation) is a projected cost avoidance of £29k (based on prices from bidders)
- 3.2 **Policy:** n/a
- 3.3 **Personnel:** TUPE of staff from incumbent provider to new provider will happen in due course. The number of staff attracted to working in this sector remains an ongoing issue for providers and the Council.
- 3.4 **Legal:** In accordance with the rules applicable to the light regime procurements.
- 3.5 **Risk Management:** TUPE and staff remain the biggest risk to sustainability of provision, and sufficient prominence of this has been made in the tender documents.
- There is a financial risk attached to this competitive tender.

3.6 **Property:** Makes use of the three existing properties owned and run by Housing 21, A2 Dominion & Sovereign Housing.

3.7 **Other:** n/a

4. Other options considered

4.1 Tender with restricted budget (not likely to encourage quality provision).

4.2 Do nothing (would likely result in legal challenge and put service user safety at risk).

4.3 Tender with guide budget standard procedure (will cause undue delay in securing a new supplier).

4.4 Tender with guide budget on an 'accelerated procedure' – to ensure shortest possible timeframe for new supplier contract award & start date. Recommended approach.

Executive Summary

5. Introduction / Background

- 5.1 There are three extra care schemes (Redwood, Alice Bye Court, Audrey Needham House) in West Berks operated by three different registered social landlords - A2 Dominion, Housing 21 and Sovereign Housing. The care and support services are currently delivered by Allied Healthcare ("Allied").
- 5.2 Despite the work to date, there are ongoing concerns with commercial sustainability. As a consequence, a termination date has been agreed with Allied (30 September 2018) by which time Commissioning will have a new provider in place.

6. Proposal

The Executive resolves to delegate authority to Head of Adult Social Care in consultation with Head of Finance and Head of Legal Service to enter into a contract with the successful bidder following conclusion of the evaluation.

7. Conclusion

A re-tender is underway to resolve this matter as quickly as possible with the financial caveats made in attempt to protect budgets from undue pressure

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information

Appendix A

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	This paper seeks to inform Corporate Board & Operations Board of the tender process and seek delegated authority to award the contract from Executive Board.
Summary of relevant legislation:	Care Act
Does the proposed decision conflict with any of the Council’s key strategy priorities?	No
Name of assessor:	RBradfield
Date of assessment:	11/6/18

Is this a:		Is this:	
Policy	/No	New or proposed	/No
Strategy	/No	Already exists and is being reviewed	Yes/
Function	/No	Is changing	/No
Service	Yes/		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Re-tender services to meet service user needs
Objectives:	Secure new supplier that can deliver specified services
Outcomes:	Supplier award
Benefits:	Care delivered in line with expectations

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No change to proposed service model	
Disability	No change to proposed service model	

Gender Reassignment	No change to proposed service model	
Marriage and Civil Partnership	No change to proposed service model	
Pregnancy and Maternity	No change to proposed service model	
Race	No change to proposed service model	
Religion or Belief	No change to proposed service model	
Sex	No change to proposed service model	
Sexual Orientation	No change to proposed service model	
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	/No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	/No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: RBradfield

Date: 11/6/18

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

This page is intentionally left blank

Extra Care Schemes

1. Introduction/Background

- 1.1 There are three extra care schemes (Redwood, Alice Bye Court, Audrey Needham House) in West Berks operated by three different registered social landlords - A2 Dominion, Housing 21 and Sovereign Housing. The care and support services are currently delivered by Allied Healthcare, with contract commencement of August 2017.
- 1.2 This paper seeks to inform Corporate Board & Operations Board of outcome of the tender process and seek delegated authority to award the contract from Executive Board. The tender is running on an 'accelerated open procedure' which will give WBC the ability to conclude a tender process, and allow sufficient time for the provider to resource the schemes in line with a start date of 1st October 2018.

2. Supporting Information

- 2.1 It is recognised that prices on the previous (12/13/14) contracts were low for WBC, as the providers had not received inflation for the years preceding 2017 (table above). Inflation between 2012 and 2017 had risen by 7.5%, with National Living Wage also placing a pressure on staffing costs for providers (some providers in receipt of an uplift for NLW received up to 2.9%).
- 2.2 A guide rate was developed for the forthcoming tender to account for all hours to be delivered, including waking nights. This figure was developed by ASC Finance, and the tender operated a competitive pricing mechanism to encourage suppliers to offer best value. It is noted that there is an inherent risk in the procurement strategy as we invited open competitive bids, so as not to presume a cost level that will offer quality and sustainability of supply. The risk was identified and raised with ASC & Finance.
- 2.3 At this stage, inflation has not been built into the contract, so providers will be expected to bid for a contract that is three years long with an extension period of two years. Any change to rates in line with inflation pressures will be out of contract if requested at a later stage.

Tender timetable:

Issue (OJEU/non-OJEU) Contract Notice	12/06/2018
Closing Date and Opening of SQ/Technical Questionnaire/ITT	29/06/2018
Award Decision	03/08/2018
Standstill Period	16/08/2018
Contract Award	17/08/2018
Contract Work starts	01/10/2018

Update @ 4/7/18

Tenders have been received from bidders, and evaluation has concluded.

There will be an initial pressure on ASC budgets (as prices are secured for five years), with ensuing years demonstrating a reduction in cost (based on existing usage). This is based on the rates provided not increasing (over five years) and assuming budgets receive an inflationary figure. There is also a slight increase in overall spend which is caused by securing two waking night staff at each site – required to operate complex night cases that require double up and other risk factors e.g. fire safety.

3. Options for Consideration

- 3.1 Tender with restricted budget (not likely to encourage quality provision).
- 3.2 Do nothing (would likely result in legal challenge and put service user safety at risk).
- 3.3 Tender with guide budget standard procedure (will cause undue delay in securing a new supplier).
- 3.4 Tender with guide budget on an ‘accelerated procedure’ – to ensure shortest possible timeframe for new supplier contract award & start date. Recommended approach.

4. Proposals

It is proposed to continue with the existing ‘accelerated procedure’ and award a contract based on ‘most economically advantageous tender’.

5. Conclusion

A re-tender is underway to resolve this matter as quickly as possible with the financial caveats made in attempt to protect budgets from undue pressure. This paper seeks to seek delegated authority to award the contract from Executive.

6. Consultation and Engagement

Clients & families, ASC, Care Quality, Legal Services

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council’s position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim(s):

- P&S – Protect and support those who need it**
- HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- P&S1 – Good at safeguarding children and vulnerable adults**

Officer details:

Name: Robert Bradfield
Job Title: Service Manager Commissioning
Tel No: 2925
E-mail Address: Robert.bradfield@westberks.gov.uk

This page is intentionally left blank

Contract for Preventative Services known as Link Up, Growing for All and Friendship Skills

Committee considering report:	Executive on 26 July 2018
Portfolio Member:	Councillor Graham Bridgman
Date Portfolio Member agreed report:	31 May 2018
Report Author:	Karen Felgate
Forward Plan Ref:	EX3575

1. Purpose of the Report

- 1.1 To seek approval to award a contract to West Berkshire Mencap for preventative day services known as Link Up, Growing for All and Friendship Skills.

2. Recommendation

- 2.1 The Executive resolves to award contract for preventative day services known as Link Up, Growing for All and Friendship Skills to West Berkshire Mencap as set out in this report.

3. Implications

- 3.1 **Financial:** ASC have factored cost into their budgets.

- 3.2 **Policy:**

- 3.3 **Personnel:** None

- 3.4 **Legal:** The services being awarded under this contract are niche with no other bidders. There is a risk of a challenge under the procurement rules where the Council is under a duty to adhere to the principles of transparency. The description of services and the change to block award was not contained in the advert that was published in May 2017. However it is suggested that the locality of such niche services mean that there is no competition and thus pose a minimal risk of challenge by the bidders.

The services commenced from the 1st April without Executive approval however there is a budget provision to fund it. There is a risk that award without specific authority is ultra vires but we understand that there is budgetary provision in place.

The Contract Rules of Procedure under 11.11 and in particular 11.11.7 (d) require Executive approval for all awards under exception over the value of £500k.

- 3.5 **Risk Management:** Risk of challenge under procurement rules. The services

were to form part of the day services framework and tender process took place in summer/autumn 2017. However ASC have been in negotiations with Mencap since then over price. There were no other suppliers who came forward who were able to deliver these services. Therefore this is not circumnavigating procurement rules but has been part of a process which had not concluded due to negotiation over price.

3.6 **Property:** N/A

3.7 **Other:** None

4. **Other options considered**

4.1 Terminate services – Adult Social Care rely on these essential services to deliver on their Care Act prevention agenda.

Executive Summary

5. Introduction / Background

- 5.1 This report is for information only to seek approval to award a contract to West Berkshire Mencap for the provision of specific day services for service users/clients with a learning disability known as Link Up, Growing for all and Friendship Skills.
- 5.2 The additional information report (Part B) with this paper has been approved by Commercial Board as required under Part 11.11.7 (d) and Part 11.11.8. The report recommended award of this contract to West Berkshire Mencap from 1st April 2018 for three years plus two year extension
- 5.3 Councillor Rick Jones, Portfolio Holder for Adult Social Care, was present at Commercial Board and spoke in support of the retrospective contract award.

6. Proposal

- 6.1 Adult Social Care require a range of learning disability (LD) services to cater for a broad LD client base. This ranges from residential and high support forensic care settings, domiciliary care, supported living and day services options.
- 6.2 West Berkshire Mencap have for a number of years been delivering day services and supported employment opportunities for LD clients. These services have grown organically over the years and were delivered in an unofficial block and spot arrangement and waiting lists were historically managed by the old Learning Disabilities team within ASC. Before 1st April ASC bought 121 sessions per week in a block contract arrangement at £43 per session. There were additional sessions bought as a spot purchase which fluctuated depending upon demand. These were purchased at £45 per session.
- 6.3 The service is made up of three distinct elements which are as follows:
 - Link Up - work skills in a sheltered employment workshop in Central Newbury. Clients carry out a number of basic tasks such as sticking on labels, making Christmas cards, stuffing envelopes
 - Growing4All - a therapeutic gardening project at Cottismore Park, near Kingsclere.
 - Friendship skills – assisting clients to develop basic social skills
- 6.4 The services provide social support, work skills and an educational underpinning to assist individuals to develop their work skills, personal skills and develop their motor skills - the structured approach. It enables individuals with an LD to develop their skills and independence in a safe and supported environment and at their pace.
- 6.5 In 2014 Commissioning on behalf of ASC launched the Voluntary Sector Prospectus (VSP) process. The aim of the prospectus was to deliver a range of preventative services for clients with all needs across the district, which included

supported employment and day services. It was at that time envisaged that Link Up, and G4A services would be incorporated into the VSP.

- 6.6 However after two rounds of the VSP, it became clear that these services did not neatly fit into this process.
- 6.7 It was then decided that the services would be procured via the day services framework. This procurement process took place in summer/autumn of 2017. WBMencap inflated their prices through this process. ASC have been at stalemate with Mencap since August last year with no agreement in place.
- 6.8 There have been no other LD providers come forward and demonstrate the ability to deliver or replicate the service during the three tender exercises that have been carried out in the past 4 years.
- 6.9 The service as it is currently delivered is invaluable to ASC as it delivers on the preventative Care Act requirements for clients with a learning disability. Unfortunately this means that our negotiating position with Mencap to reduce the price closer to the current level of £43 per session has been limited.
- 6.10 It has taken the last 9 months and a number of meetings including Tandra Forster and Councillor Rick Jones as ASC portfolio holder to get to a position whereby we could come to an agreement on price.
- 6.11 The last meeting agreed the process and that the service changes would be backdated to 1st April 2018. Unfortunately this has not allowed for the decision making process to take place beforehand.

7. Conclusion

- 7.1 The Executive resolves to grant an exception to the Contract Rules of Procedure and to award the contract West Berkshire Mencap a retrospective three plus two year contract starting on 1st April 2018.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Commissioning
Team:	Commissioning
Lead Officer:	Karen Felgate
Title of Project/System:	Contract for Preventative Day Services known as Link Up, Growing for All and Friendship Skills
Date of Assessment:	2/5/18

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Contract award to West Berkshire Mencap for services known as Link Up, Growing for All and Friendship Skills.
Summary of relevant legislation:	Care Act 2014 Public Contract Regulations 2015
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Karen Felgate
Date of assessment:	2/5/18

Is this a:		Is this:	
Policy	/No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Deliver preventative day service provision to West Berkshire Clients with a learning disability
Objectives:	Allow clients to undertake meaningful activity and play an active part in the community.
Outcomes:	This service will contribute to West Berks ASC preventative agenda under Care Act 2014
Benefits:	Enable clients with a learning disability to undertake meaningful activity

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	

Disability	Yes – positive outcome. Clients with a learning disability will be actively supported to carry out meaningful activity in the community	Contract monitoring information KPIs Care managers feedback from clients Parents and relatives feedback
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: This is a service specifically aimed at clients with a learning disability. Clients will need to be assessed by West Berkshire Council care management and referred via ASC resource panel. ASC will hold a waiting list of clients	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	/No
Please provide an explanation for your answer: Service will have a positive impact upon the clients it is aimed at by enabling them to undertake meaningful activity and play an active part in the community	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:

Stage Two required	No
Owner of Stage Two assessment:	Karen Felgate
Timescale for Stage Two assessment:	

Name: Karen Felgate

Date: 2/5/18

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Contract for Preventative Services known as Link Up, Growing for All and Friendship Skills

Portfolio Member: Councillor Graham Bridgman

Report Author: Karen Felgate

1. INTRODUCTION

1.1 Purpose

This report is to inform Commercial Board of the commissioning route that has been undertaken to procure specific day services for clients with a learning disability known as Link Up, Growing for all and Friendship Skills. This report is also to request an exception to the contract rules of procurement to sign off the retrospective award of this contract to West Berkshire Mencap

1.2 Objectives of the procurement

Adult Social Care require a range of learning disability (LD) services to cater for a broad LD client base. This ranges from residential and high support forensic care settings, domiciliary care, supported living and day services options.

West Berkshire Mencap have for a number of years been delivering day services and supported employment opportunities for LD clients. These services have grown organically over the years and were delivered in an unofficial block and spot arrangement and waiting lists were historically managed by the old Learning Disabilities team within ASC.

The service is made up of three distinct elements which are as follows:

- Link Up - work skills in a sheltered employment workshop in Central Newbury. Clients carry out a number of basic tasks such as sticking on labels, making Christmas cards, stuffing envelopes
- Growing4All - a therapeutic gardening project at Cottismore Park, near Kingsclere.
- Friendship skills – assisting clients to develop basic social skills

The services provide social support, work skills and an educational underpinning to assist individuals to develop their work skills, personal skills and develop their motor skills - the structured approach. It enables individuals with an LD to develop their skills and independence in a safe and supported environment and at their pace.

In 2014 Commissioning on behalf of ASC launched the Voluntary Sector Prospectus (VSP) process. The aim of the prospectus was to deliver a range of preventative services for clients with all needs across the district, which included supported

employment and day services. It was at that time envisaged that Link Up, and G4A services would be incorporated into the VSP.

However after two rounds of the VSP, it became clear that these services did not neatly fit into this process.

It was then decided that the services would be procured via the day services framework. However WBMencap inflated their prices through this process for all clients regardless of whether they were existing clients or new clients. ASC policy is that existing clients should remain on their current rate

We have been at stalemate with Mencap August last year with no agreement in place.

There have not been any other LD providers come forward and demonstrated the ability to deliver or replicate the service during the three tender exercises that have been carried out in the past 4 years.

The service as it is currently delivered is invaluable to ASC as it delivers on the preventative Care Act requirements for clients with a learning disability.

It has taken the last 9 months and a number of meetings including Tandra Forster and Councillor Rick Jones as ASC portfolio holder to get to a position whereby we could come to an agreement on price. Currently at the time of writing, there are only 7 clients which are in receipt of friendship skills via ASC on Care Director. The agreement was that the service would be backdated to 1st April 2018. Unfortunately this has not allowed for the decision making process to take place.

For this reason I am requesting a retrospective exception from the contract rules of procedure to award the Link Up, Growing for All and Friendship skills services to West Berkshire Mencap a three plus two year contract.

2. Implications

- | | | |
|-----|-------------------------|---|
| 2.1 | Financial: | ASC have made provision for price increase in budget |
| 2.2 | Policy: | This service will support ASC deliver its requirements in respect of the Care Act 2014. |
| 2.3 | Personnel: | N/A |
| 2.4 | Legal: | Request retrospective exception to contract rules of procedure to allow for retrospective contract award to West Berkshire Mencap. |
| 2.5 | Risk Management: | Exceeding 120 hours and purchasing service on a spot basis will increase This will put a pressure on ASC budgets. ASC will manage the waiting list through resource panel to mitigate this where possible. Other risks outlined below |

2.6 **Property:** N/A

2.7 **Other:** Currently there are no other services of this type available for clients with a learning disability in West Berks. Commissioning with work with ASC and other providers in the district to develop a wider range of services over the life of this new contract

3. MARKET ANALYSIS

3.1 Current supply – there are currently no other providers who can deliver these services in the area. There have been three processes carried out in the last three plus years; two rounds of the VSP and the day services framework. Throughout all these processes there has no other provider who are able deliver these services. West Berkshire Mencap also have the infrastructure. They own a large warehouse on the Hambridge Lane industrial estate which was donated to them by Greenham Common Trust to deliver these services. They also own an allotment in Cottesmore which delivers the G4A service. This service will shortly be locating to Mencap’s offices in Enborne Road.

The is a market development exercise which will take place post contract award to stimulate the market in this area and develop more competition

3.2 Duration of contract

Contract will be awarded for 3 years plus a 2 year extension facility. There will be a six month break clause which can be implemented should there be a wish to recommission the service before that date

4. SAVINGS ANALYSIS

4.1 Adult social care costs are currently under pressure and increasing due to national living wage pressures and cost of care provision. WBMencap have not had a price uplift for approximately 7 years. Should ASC need to purchase outside of the block then they will pay an increased rate. However ASC will manage a waiting list of clients to ensure that the block is exceeded only in extreme circumstances and any agreement to pay outside of the block will need to be signed off by ASC Resource Panel and HoS.

4.2 Key risks

Risk	Likelihood	Impact	Owner	Counter Measure
ASC will be required to purchase outside of the block	Medium	Budget pressure in ASC	Tandra Forster/ Paul Coe/ Roz Haines	ASC will manage a waiting list for the block which will not be exceeded except in extreme circumstances and will require sign off by HoS and Resource Panel

Risk	Likelihood	Impact	Owner	Counter Measure
Lack of competition in the market	High	Only one provider - WBMencap	Commissioning /ASC	Use the next three years to carry out market analysis and incentivise other providers to provide similar services in the district
Achieving political sign off for procurement strategy and service implementation	Medium	Lack of political sign off will mean inability to deliver service which will impact upon ASC preventative agenda	Portfolio Holder/ Commissioning/ Head of ASC	Cllr Jones is fully signed up to the process that has been undertaken and will brief management board.

4.3 Key stakeholders

Councillor Rick Jones – Portfolio Holder for ASC

Tandra Forster – Head of ASC

Roz Haines Business Manager ASC

Paul Coe Service Manager ASC

June Graves Head of Commissioning

Shiraz Sheikh – Interim Service Manager Legal Services

Karen Felgate Service Manager Commissioning

5. Conclusion

5.1 It is recommended that Executive agree the retrospective exception to the contract rules of procedure and agree to the award of a 3 plus 2 year contract to West Berkshire Mencap for Link Up, Growing for All and Friendship Skills block contract.

Agenda Item 12.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Agenda Item 13.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank