

EXECUTIVE

Minutes of the meeting held on 14 September 2016 starting at 7.00 pm

(The meeting was adjourned at 10.12pm so that further consideration could be given to item 8 of the agenda, *Commissioning Strategy for Primary and Secondary Intervention Services*)

Present:

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Robert Evans, Peter Fortune,
Kate Lymer, Peter Morgan and Colin Smith

Also Present:

Councillor Nicholas Bennett J.P., Councillor Simon
Fawthrop and Councillor Diane Smith

69 APOLOGIES FOR ABSENCE

There were no apologies.

70 DECLARATIONS OF INTEREST

The Director of Corporate Services declared an interest in items 7 and 17 (Part 1 and Part 2 reports – ‘*Coppice/Spinney and The Glade – Contract Award*’) by virtue of his wife being employed by one of the companies referred to in the Part 2 report. Accordingly, the Director left the meeting during discussion of the Part 1 and Part 2 items.

71 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 20TH AND 29TH JULY 2016 (EXCLUDING EXEMPT INFORMATION)

Minutes of both meetings were agreed.

Concerning Minute 42 of the Minutes of the 20th July meeting, the Director of Corporate Services confirmed to the Portfolio Holder for Care Services that should the cap of 50,000 aircraft movements be breached by Biggin Hill Airport, the Council can then suspend the Airport’s new operating hours (whilst a noise action plan review takes place).

72 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

One question had been received for oral reply. Details of the question, supplementary question, and replies are attached.

73 OFSTED INSPECTION OF CHILDREN'S SERVICES

Report CS17036

Ofsted inspected the Council's services for children in need of help and protection and children looked after between 11th April and 5th May 2016. A linked inspection of the Bromley Safeguarding Children's Board (BSCB) also took place at the same time. The full Ofsted inspection report, published on 27th June 2016, was appended to Report CS17036. Although the Inspection had identified some strengths across Children's Services, the Local Authority had received an overall judgement of 'Inadequate' and the BSCB was rated with a judgement of 'Requires Improvement'.

Report CS17036 summarised the inspection findings, immediate actions taken to respond to the findings, and the Council's plans for further improvement as set out in a draft improvement action plan for submission by 26th September 2016 (also appended to the report). The report further outlined potential funding requirements resulting from the draft improvement action plan and sought relevant approvals.

At the request of the Chairman of the Care Services PDS Committee an additional column, "*Action Plan ID*", was added to the table at Paragraph 6.3 of Report CS17036 to cross refer expenditure to the relevant issue/area in the Draft Improvement Action Plan. The replacement table was available for Members at the meeting and previously circulated.

Following publication of the inspection report, the Secretary of State for Education appointed a Commissioner for Children's Services in Bromley who was expected to:

- make recommendations for the immediate improvement of children's social care and to recommend any additional support required to deliver improvement;
- review the Council's leadership and management capacity and capability to drive forward changes necessary to achieve the required standard; and
- make a recommendation to the Secretary of State as to whether alternative delivery arrangements are the most effective way of securing and sustaining improvement and if so, to recommend the form the alternative delivery arrangements should take.

The Commissioner would provide her report to the Secretary of State by 30th September 2016.

Report CS17036 and its appendices had been previously considered by the Care Services PDS Committee at its meeting on 13th September 2016. Draft minutes of the Committee's consideration of the item were also tabled for the Executive's information.

In discussion the Leader thanked Members present at the Care Services PDS meeting the previous evening for their comments on the item and prior scrutiny. The Leader summarised points raised, linked to areas of improvement needed. The draft Improvement Plan had been endorsed by the Children's Service Improvement Governance (CSIG) Board and the Leader recommended its acceptance. It was necessary to implement the Plan and monitor improvement. Professional officers needed to be fully skilled as soon as possible and there was also a need for improved scrutiny. A Member suggested that external auditors could assist on scrutiny.

Significant work had already taken place on implementing and completing actions from the Improvement Plan. An initial action plan to safeguard children had also been implemented with details outlined to Members including: a review of children and risk; an escalation of cases to care; an increase in the number of children becoming protected and looked after (including increased court work); and a general increase in the level of escalations. There were also legal service improvements. Additionally, caseloads were being brought to recommended levels. Quality from the service would increase over the next couple of years along with a rise in the level of case audits month by month.

On improving scrutiny, it was suggested that the Corporate Parenting role of Members be emphasised. It was also suggested that scrutiny training (highlighted in the Improvement Plan at ID 1.6 under *Leadership and Governance*) might be an area for consideration as part of a PDS meeting. There would also be training for new Members in 2018 following the local election. Refresher training on scrutiny practice might be appropriate for PDS Committees. Scrutiny training could also be discussed within the Groups. In view of Care Services PDS having a key scrutiny role for Children's Services, a Member suggested that the Committee effectively be re-constituted as two committees – one for Children's Services and one for Adult Services. In this regard, the Leader highlighted the role of the CSIG Board.

On the need to work better with partners, the Portfolio Holder for Public Protection and Safety outlined co-operation with the Metropolitan Police including representation by the Deputy Borough Commander and his role in heading a Sub-Group to help address Ofsted's Recommendation 7, particularly in regard to eliminating gangs.

Concluding debate, the Leader highlighted his commitment to finding resources for the Improvement Plan along with a process of scrutiny and consultation with the new Director.

RESOLVED that:

(1) the actions set out in the draft Children's Services Improvement Plan to be submitted to Ofsted be agreed;

(2) the Constitution Improvement Working Group be requested to support the Director of Corporate Services in developing and delivering

any necessary constitutional changes required by the Improvement action plan;

(3) Council be recommended to approve funding for the posts included in Phase One and Phase Two which have already been committed totalling £949k in 2016/17 with a full year effect of £1,471k as set out at paragraph 6.3 of Report CS17036; and

(4) Council agree to release up to a further £141k in 2016/17 and a further £795k in a full year for Phase Three, with any utilisation of the monies being subject to approval by the Executive following an appropriate level of scrutiny.

74 INTERMEDIATE CARE GATEWAY REVIEW

Report CS17027

Current contract arrangements with Bromley Healthcare for Intermediate Care expire on 30th September 2017. The contract is held by Bromley Clinical Commissioning Group (BCCG), with the Council contributing funding through an agreement with BCCG under Section 75 of the NHS Act 2006.

The Council's financial contribution to Intermediate Care had been approved until 31st March 2017 and agreement was sought to extend the current funding arrangements until 30th September 2017. It was then proposed to jointly commission the service again with the CCG, including additional elements related to reablement services.

L B Bromley would make a financial contribution of up to £1,259k per annum under the new contract through an agreement with BCCG under section 75 of the NHS Act 2006. The CCG would lead on procuring the contract as one lot within tendering of the CCG's Community Health Contract. L B Bromley officers would jointly develop the service specification and participate in the tender evaluation. A contract period of five years was proposed with an option to extend for a further two years.

The contract would be managed by the CCG with monitoring requirements linked to outcome measures in the service specification. There would also be a reporting line into Council commissioners.

RESOLVED that:

(1) continuation of L B Bromley's current funding arrangements for the intermediate care contract from 1st April to 30th September 2017 (six month pro-rata amounts) be agreed at a cost of £535,500 in 2017/18 of which £150k would be recharged to the Better Care Fund;

(2) the intermediate care service be jointly tendered with the CCG with a new contract commencing on 1st October 2017; and

(3) a maximum of £1,071k per annum (of which £150k p.a. would be recharged to the Better Care Fund), plus the cost of six FTE care worker posts (£188k p.a.), be contributed to the intermediate care service from October 2017.

75 COPPICE/SPINNEY & THE GLADE - CONTRACT AWARD

Report CS17030a

A Gateway Report was considered by the Executive on 2nd December 2015 outlining the current provision of supported living services for eleven people with significant disabilities living in two properties. The services were projected to be required for future service users to prevent a move to expensive residential care.

Report CS17030a outlined the process of tendering for the learning disability supported living schemes at the Coppice/Spinney and The Glade, the tender submissions being evaluated on a 60% price/ 40% quality split.

Report CS17030b considered under Part 2 proceedings of the meeting outlined the result of the evaluation process.

RESOLVED that the summary be noted.

76 COMMISSIONING STRATEGY FOR PRIMARY AND SECONDARY INTERVENTION SERVICES

Report CS17033

Commissioners at L B Bromley and Bromley Clinical Commissioning Group (BCCG) had jointly worked on a commissioning strategy for the future provision of Primary and Secondary Intervention Services, setting out a framework for designing a set of Third Sector services to support people maintain independence and delay/prevent the need for high cost care and early admission to care homes and/or hospital.

Approval was sought to develop a Primary and Secondary Intervention Fund work-stream within the Better Care Fund and existing strategic partner funding, and to procure services (including carer support services) against eight categories outlined in Report CS17033, using a new model from April 2017.

Having looked at the proposals, Members preferred to have more time to consider the report.

RESOLVED that the item be considered further at a later date.

**77 FIRST REPORT OF THE EDUCATION SELECT COMMITTEE
2016/17 - THE EDUCATION LANDSCAPE IN BROMLEY**

Report CSD16123

Members considered recommendations from the Education Select Committee's inquiry into "*The Education Landscape in Bromley*" and the Council's future education role upon all maintained schools becoming academies.

Report CSD16123 also outlined responses to the recommendations from the Education Portfolio Holder and Director.

Concerning Recommendation 2.1 (*'That the leader of the Council considers realigning Portfolio Responsibilities to create a Children and Family Portfolio including Youth Offending and Housing'*), the Leader reported that he had discussed the matter with the Chief Executive and would consult with the new Director.

Given pupil numbers coming through Primary Schools in the borough, Cllr Bennett (Chairman of the Education Select Committee) highlighted a need for sufficient secondary school capacity in the Draft Local Plan. Although relevant land could be released if needed, a considerable length of time remained before any new school could be established. Supporting Cllr Bennett's concern, the Deputy Leader suggested that before looking to build a new school(s), the size of existing schools might need to be reviewed for any potential to expand; if necessary, the Deputy Leader would support an existing secondary school being expanded on Green Belt land.

RESOLVED that the relevant recommendations in the Select Committee's report be noted.

**78 GATEWAY REVIEW REPORT - DOMESTIC VIOLENCE
AGAINST WOMEN AND GIRLS SERVICES**

Report CS 17029r

Current contracts for services to reduce Domestic Violence (DV) and Violence Against Women and Girls (VAWG) in L B Bromley expire on 31st March 2017. Report CS 17029r outlined proposed commissioning arrangements and aims for future provision of the services which are dependent upon the success of bids to The Mayor's Office for Policing And Crime (MOPAC).

A VAWG Strategy 2016-2019 had been prepared for ratification by the Safer Bromley Partnership Strategic Group. L B Bromley had a long history of commitment to tackling domestic abuse recently agreeing domestic violence/abuse as one of four key priority areas in the Safer Bromley Partnership Strategic Assessment Report 2016-2019.

As a contracted service for 2017-20 was dependent upon annual MOPAC funding, a 1 year +1+1 contract was proposed over a 3 year period. Such break clauses would provide flexibility to procure the service differently in future as necessary and the level of service could match funding received.

Procuring one organisation to provide the total service (by either forming a consortium with other providers or undertaking delivery of all services) meant the service provider taking responsibility for all data collection. Contract and performance monitoring of consortium providers would also be streamlined; currently the Council had five separate contracts from three service providers.

It was intended to apply for MOPAC funding in September/October 2016 with funding decisions expected between December 2016 and March 2017. A contract would not be awarded until funding had been confirmed.

Supporting the report's recommendations, the Portfolio Holder for Public Protection and Safety highlighted the proposed single contract and streamlining of services. Following a recent London Councils meeting, there was confidence of funding for L B Bromley similar to the previous level with award confirmation expected earlier in October 2016.

Members supported the service and educating children earlier on the need to respect others was suggested. Members were advised that young people were taught about healthy relationships so that abusive relationships can be prevented early so providing a number of benefits. A co-ordinated approach was taken in looking to protect children at risk from domestic violence - intervention having been developed on front line support involving a multi-agency hub. It was proposed to continue support for front line work and to work with children's services.

RESOLVED that:

(1) officers market test the Domestic Violence and Violence Against Women and Girls Services, beginning a formal procurement process offering the service as a single contract from 1st April 2017, for an estimated total value of £220k per annum to March 2020; and

(2) officers submit an application to MOPAC for funding the service covering the period April 2017 to March 2020.

79 GOVERNMENT'S FOUR YEAR FUNDING OFFER

Report FSD16061

Approval was sought to accept the '*Four year funding offer*' announced by the Secretary of State for Communities and Local Government as part of the Local Government Finance Settlement 2016.

Although the offer provided a minimum funding level it did offer more certainty on future resources. Nevertheless, the Council would continue to lobby for a fairer funding level for L B Bromley and its residents.

In accepting the offer, an Efficiency Plan needed to be published by 14th October 2016. For the Efficiency Plan submission it was proposed to include Report FSD16061 with links to the Medium Term Financial Strategy reports.

RESOLVED that Council be recommended to:

(1) accept the four year funding offer for the period 2016/17 to 2019/20; and

(2) subject to approval of (1) above, agree that if further changes are required to the Efficiency Plan (see paragraph 3.4.5 of Report FSD16061), the amendments will be undertaken by the Director of Finance with the agreement of the Leader of the Council and the Resources Portfolio Holder.

80 GATEWAY REPORT ON THE AGENCY STAFF CONTRACT AND REVIEW OF FUTURE OPTIONS

Report CEO1626

Members considered a Gateway Review on Agency Staff Provision and options available for a future contract, the current contract with Adecco - the Council's Managed Service Provider - expiring on 23rd April 2017. The current contract was secured through a Framework (EPSO) providing best value for money.

A single provider managing the service meant that L B Bromley had a clear picture of its establishment, the agencies in use, and costs involved. The ESPO Framework also provided more favourable rates compared with other frameworks; joining other London boroughs increased volumes through a contract so making it more attractive to suppliers.

The ESPO arrangement was considered to be the best in class solution for such services and was supported by the Society of London Treasurers and the London Heads of Procurement and HR.

Cllr Simon Fawthrop (Chairman of the Executive and Resources PDS Committee) asked to see information on estimated savings from the existing contract. (Democratic Services Note: information was circulated to Executive Members on 15th September 2016, and copied to Cllr Fawthrop, covering: the number of active agency assignments by job types; agency spend 2015/16 compared to other London Boroughs; and agency costs from 2013/14).

It was difficult to quantify savings given a number of variables but best efforts were made to drive down prices and some agency 'mark-up' rates had

reduced. The Leader highlighted the need for permanent staff employment particularly in social services.

It was understood that agency care workers are paid at or above the minimum wage in accordance with Agency Worker Regulations. Although the Council's use of use of agency staff had increased, L B Bromley spent relatively low amounts on agency staff compared to a number of other London Boroughs. There were currently some 444 agency workers employed across Council Departments with about 85 employed on administrative/clerical duties and about 65 in social care.

Given costs applied to the Council for using agency workers, it was suggested that young people in the borough might value the opportunity of working for the Council on short term contracts e.g. 12 months. Consideration was also suggested on whether the Council might establish its own 'arm's length' employment agency.

Although there was a commitment to employ young people in the borough, and Managers were encouraged to employ directly, there were however employment rights and TUPE related liabilities on direct employment, irrespective of the length of employment particularly in respect of TUPE. By using agency staff in certain situations the employment related risks were borne by the agency and not the Council thereby minimising risk to the Council. Depending on length of assignment and other factors, it was acknowledged that the use of Adecco to supply administrative staff could be a reduced cost option; however, with the labour market determining pay rates, certain categories of professional agency staff such as social workers came with a premium.

In regard to apprenticeships, the 2017 Public Sector Apprenticeship scheme would apply next year and the Council would need to set aside resources for this. Apprentices also had employment rights, including the right of not being made redundant so they could complete their training programme.

RESOLVED that:

(1) L B Bromley continue to use the London-wide Framework for the future provision of agency staff; and

(2) Option 1 (Lot 2 Managed Service Provider for which Adecco is the preferred supplier) be agreed.

81 UPGRADE OF WEBSITE

Report CSD16111

In February 2016 Executive approved a capital budget of £100k to review and scope long term requirements of the Web and Customer Relationship Management (CRM) systems.

Options had been reviewed and further work was necessary to review longer term requirements and alternatives for the CRM system. From the original capital budget, £50k had been set aside for this work and a further report would be brought to Members on conclusion of the work.

In the meantime, upgrading the Web content management system as quickly as possible to Jadu Continuum was now the preferred solution. It was also recommended that Liberata be commissioned to upgrade components to the MyBromley Account web portal and to provide staff resource to transition to the new Web system so avoiding service interruption. This would be additional work under Liberata's existing contract and scoping/design work, project management, and alterations to the MyBromley Account were estimated to cost £116k.

Jadu held a strong market position as providers of web systems and appeared significantly cheaper than alternative products. Moving to a different web system provider would significantly increase costs, particularly around the MyBromley account integrations. Transition was anticipated to take a minimum of eighteen months, with no impact on service delivery through the current web customer interface. This was an upgrade to an existing licence which only Jadu could perform. As such, it was recommended that Jadu be commissioned to upgrade the web content management system as a negotiated single tender, at an estimated cost of £53k.

At an estimated cost of £20K, and as a further negotiated single tender, it was recommended that Blue Sky be commissioned to set up and host a temporary pre-production environment, and to carry out essential security testing on the new system to ensure compliance with data security before moving to a live environment. Blue Sky provided hosting services for the current website for which the temporary environment would be a separate extension. As such the work could only be provided by Blue Sky.

Additionally, a sum of £37k had been set aside as a contingency budget for unforeseen costs that might arise from the one-off capital costs.

RESOLVED that:

- (1) a sum of £176K be included in the latest Capital Programme for the upgrade of the Web content management system, as set out at section 3 of Report CSD16111, to be funded from capital receipts;**
- (2) officers proceed to commission Jadu Ltd to upgrade the Web content management system as a negotiated single tender at an estimated cost of £53k;**
- (3) as additional work associated with their existing contract, and at an estimated cost of £116k, Liberata be commissioned to upgrade the components of the MyBromley Account web portal and to provide staff resource to transition to the new system so avoiding service interruption; and**

(4) as a negotiated single tender at an estimated cost of £20k, Blue Sky be commissioned to provide a temporary environment to enable the upgrade process.

82 BETTS PARK CANAL BANK STABILISATION PROJECT

Report ES16053

This item was added to the agenda of the meeting on grounds of urgency so that works can be undertaken as soon as possible to stabilise the bank of the Betts Park Canal.

The bank (approx. 160 feet) in the north eastern section of the canal had moved significantly in the last six months and residents neighbouring the bank had recently experienced problems with movement in gardens and in one case movement within a property.

A schedule of works with indicative costs was provided to repair the failed retaining wall and reduce the risk of the bank moving further. The project was to be procured and delivered using highway contract rates from the current highway maintenance provider, FM Conway Ltd. The cost of repair work was estimated at £136k to be funded from capital receipts.

RESOLVED that the Betts Park Canal bank be stabilised at a cost of £136k, funded from capital receipts, and the scheme be added to the capital programme.

83 CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

There were no additional issues to be reported from the Executive and Resources PDS Committee.

84 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

85 EXEMPT MINUTES OF THE MEETINGS HELD ON 20TH AND 29TH JULY 2016

The exempt minutes for both meetings were agreed.

86 COPPICE/SPINNEY & THE GLADE - CONTRACT AWARD

Report CS17030b

Further to Report CS17030a in Part 1 of the agenda, Members considered Report CS17030b in Part 2 proceedings and made a decision on award of contract for the provision of Supported Living Services at the Coppice/Spinney and the Glade.

87 REABLEMENT GATEWAY REVIEW

Report CS17032

Report CS17032 proposed a way forward for tendering the in-house reablement service, reablement being considered a key service to help reduce pressures on the social care service.

88 EXTRA CARE HOUSING TENDERING UPDATE

Report CS17031

Members were updated on the tendering process for the in-house Extra Care Housing service with recommendations for the way forward.

89 AWARD OF CONTRACT FOR CAPITAL WORKS AT STEWART FLEMING PRIMARY SCHOOL

Report ED17006

A decision was taken on contract award for the main contract (Phase 1) of the capital scheme at Stewart Fleming Primary School.

Chairman

The Meeting was adjourned at 10.12 pm