# Report No. FSD23037

## **London Borough of Bromley**

#### **PART ONE - PUBLIC**

Decision Maker: EXECUTIVE, RESOURCES AND CONTRACTS POLICY

**DEVELOPMENT AND SCRUTINY COMMITTEE** 

Date: Monday 3 July 2023

**Decision Type:** Non-Urgent Non-Executive Non-Key

Title: EXCHEQUER SERVICE - CONTRACT PERFORMANCE

**REPORT** 

Contact Officer: Claudine Douglas-Brown, Assistant Director: Exchequer Services

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Chief Officer: Director of Finance

Ward: (All Wards);

## 1. Reason for decision/report and options

- 1.1 This report provides information regarding Liberata's performance in the provision of Exchequer Services for the period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.
- 1.2 A letter from Bola Odunsi, Liberata's Regional Contract Director, provides an update on each individual service and is attached at Appendix 1 with statistical data relating to the services shown in subsequent appendices.

## 2. RECOMMENDATION(S)

2.1 The Committee is requested to note the information contained within the report on Liberata's performance and the action taken to address any performance issues.

## Impact on Vulnerable Adults and Children

1. Summary of Impact: The Exchequer Service impacts on adults receiving social care, adults who lack mental capacity to manage their finances and the Council's suppliers/customers.

## Transformation Policy

- 1. Policy Status: Not Applicable:
- 2. Making Bromley Even Better Priority (delete as appropriate):
  - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.

#### Financial

- 1. Cost of proposal: Not Applicable:
- 2. Ongoing costs: Not Applicable:
- 3. Budget head/performance centre: Exchequer Services
- 4. Total current budget for this head: £1.98m
- 5. Source of funding: Existing Revenue Budget for 2022/23

## Personnel

- 1. Number of staff (current and additional): 5fte plus Liberata staff
- 2. If from existing staff resources, number of staff hours: Not Applicable

## Legal

1. Legal Requirement: Statutory Requirement: Further Details

Legal Requirement: Statutory Requirement:

Public Health (Control of Disease) Act 1984

Late Payment of Commercial Debts (interest) Act 1998

The County Court Act 1984

The Civil Procedure Rules

Environmental Protection Act 1990

Housing Act 2004

The Care Act 2014

The Public Contracts regulations 2015

2. Call-in: Not Applicable:

#### Procurement

Summary of Procurement Implications: None

## **Property**

Summary of Property Implications: None

## Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: None

## Impact on the Local Economy

1. Summary of Local Economy Implications: None

## Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: None

## Customer Impact

1. Estimated number of users or customers *(current and projected)*: Estimated number of users/beneficiaries (current and projected): The services covered in this report affect those who owe general income to the Council, all of the Council's suppliers and all adult social care clients. This amounts to an estimated 40,000 people

## Ward Councillor Views

- 1. Have Ward Councillors been asked for comments? Not Applicable
- 2. Summary of Ward Councillors comments: Not Applicable

#### 3. COMMENTARY

- 3.1 This report provides information regarding the performance of the Exchequer Services provided by Liberata for the period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.
- 3.2 The Exchequer Client Unit monitor the contractor's compliance against the contract to ensure that services are provided to the required standard, meeting the agreed targets and performance standards. Where there are areas of concern or underperformance, the Assistant Director, Exchequer Services will agree an action plan with Liberata to address these issues. The team also ensures the services comply with current legislation, financial regulations, contractual obligations and audit requirements.
- 3.3 To maintain the drive for improved service performance, monthly service review meetings are held with operational and senior Liberata management. To further illustrate the commitment to the continuous improvement agenda the Contract Director and Finance Service Delivery Director meets with Bromley regularly to deal with escalated issues, review policies and develop new ideas.
- 3.4 The Exchequer Services covered in this report are:-
  - Sundry Debtors, Mortgages and Corporate Debt
  - Accounts Payable
  - · Financial Assessment and Charging
  - Appointee and Deputyship

## 3.5 Sundry Debtors, Mortgages & Corporate Debt

- 3.5.1 The Sundry Debts performance is measured on the amounts recovered at the end of each reporting period. At the 31<sup>st</sup> March 2023, there were 4,870 invoices outstanding totalling £17.88m. This is a reduction of £2.26m when compared to 31<sup>st</sup> March 2022. Of the total amount, £6.37m (35.56%) had been outstanding for 30 days or less.
- 3.5.2 As at 31<sup>st</sup> March 2023, the amount recovered in respect of invoices raised between 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023 was £51.98m or 81.4% against the target of 92%.
- 3.5.3 The table below lists the debts where Liberata were unable to pursue recovery action. These adversely affect in-year collection.

Table 1

Description	No. of Invoices	Value of Invoices
Invoices raised during the last 30 days of the month	1,054	£6,086,798.77
Community Infrastructure Level (CIL) invoices due		
after the 1st April 2023	15	£1,141,576.63
Disputed and Escalated debts	215	£764,373.08
Debts placed on hold by LBB Departments	19	£56,388.30
Debts secured by Charging Order	4	£80,175.82
Debts referred for Write Off	17	£33,749.67
Total	1,324	£8,163,062.27

3.5.4 Table 2 shows the in-year collection rate however to reflect Liberata's recovery performance it has been adjusted to take account of those debts where Liberata could not pursue payment. This gives a revised collection rate of 93.28% at 31st March 2032 which exceeded the target of 92%.

Table 2

	As at 31/03/21	As at 31/03/22	As at 31/03/23
Unadjusted Collection Rate	71.49%	80.68%	81.40%
Adjusted Collection Rate	83.13%	92.41%	93.28%

- 3.5.5 **Appendix 2** shows the comparison between the levels of outstanding debt for each month from April to March for the years 2020/21 through to 2022/23.
- 3.5.6 **Appendix 3** shows the comparison between the numbers of invoices outstanding each month from April to March for the years 2020/21 through to 2022/23.
- 3.5.7 There is a noticeable increase in the invoices raised in October 2022 and the outstanding debt as at 31<sup>st</sup> of October 2022 when compared with the previous years. This was due to a backlog of Residential Care invoices that were raised once the system issues had been resolved.

## **Aged Debt**

3.5.8 The out-of-year collection rate across all financial years was 99.19% with £13.78m collected up to the end of March 2023. The factors which continue to affect out-of-year collection are shown below. Once these have been excluded the collection rate was 99.68%.

Table 3

Description	Value of Invoices
Disputed and Escalated debts	£2,322,193
Debts referred for Write Off & awaiting cancellation	£1,455,807
Debts placed on hold by LBB Departments	£190,001
Debts with LBB's Legal Team	£12,236
Debts secured by Charging Order	£225,912
Total	£4,206,149

3.5.9 Table 4 shows the movement in the out-of-year debt for the year 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 along with the overall percentage reduction.

Table 4

Fin Year	31-Mar-22	31-Mar-23	Reduction since 31/03/22
	£,000	£,000	%
Pre 2018	2,022	1,525	25%
2018/19	576	390	32%
2019/20	1,017	569	44%
2020/21	2,411	1,789	26%
2021/22	14,117	2,108	85%
Total	20,143	6,381	68%

3.5.10 **Appendix 4** shows the overall recovery position of debts in each financial year up to 31<sup>st</sup> March 2023.

- 3.5.11 The debts in dispute or on hold where Liberata require instructions from LBB, remain high at £3.48m however there was a 36% reduction when compared with 31st March 2022.
- 3.5.12 Liberata continue to work with LBB officers to resolve queries and disputes as quickly as possible so that recovery action can continue. Cases are escalated by Liberata to the Exchequer Client Unit who liaise with senior LBB officers regarding pursuing the debt or writing it off if it is uncollectable.
- 3.5.13 There continues to be a low volume of county court claims being issued however the quality has improved since the last report. The Exchequer Client Unit will continue to monitor the position to ensure that claims are issued in a timely manner as unnecessary delays can increase the risk of non-recovery.

## Utilities

- 3.5.14 **Appendix 5** shows a summary of Utility debts as at 31<sup>st</sup> March 2023.
- 3.5.15 The total debt outstanding for Utilities as at 31<sup>st</sup> March 2023 was £244k which was £90k lower than the previous financial year. Of this amount £12.5k was awaiting write off, £28k was in dispute and almost £90k was less than 30 days old. Liberata continue to pursue payment and liaise with the service department regarding any disputed sums.

#### Income

- 3.5.16 The Income Team raised 12,622 sundry invoices (excluding the Trade Refuse service) with a value of £68.83m from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023. This represents a 9% increase in the number of invoices raised in comparison to 2022/23.
- 3.5.17 **Appendix 6** shows the value of invoices raised month by month for the period from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 compared to the same periods in the previous two financial years. An explanation for the increase is provided at 3.5.7.
- 3.5.18 There was also a change in invoicing frequency and value of large NHS related charges. During 2020 and 2021, quarterly invoices were raised at a much higher value, i.e., each invoice would be over £5m. In 2022, this changed to monthly invoices of approximately £2-3m which impacted the value outstanding at each month end.
- 3.5.19 The debt owed to the Council by the NHS is being paid on average 27 days from the date of invoice. This is an improvement due to improved communication and working with the NHS Finance Lead, the quality of the information on the invoices as well as closer debt recovery monitoring and dispute resolution.
- 3.5.20 **Appendix 7** shows the number of invoices raised month by month for the period from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 compared to the same periods in the previous two financial years.

## Trade Waste

3.5.21 The outstanding debt for Trade Waste was £178k as at 31<sup>st</sup> March 2023. Table 5 provides an analysis of the outstanding debt and compares it to the position as at 31<sup>st</sup> March 2022. This shows that the debt is £20k higher than the previous year however over £9k was less than 30 days old and has since been paid.

3.5.22 The main increase is in those debts between one and two years old. A higher number have required further recovery action such as referral to a debt collection agency.

Table 5

Age Analysis of Trade Balance	As at 31st March 2022	As at 31st March 2023	Variance		
	£	£	£	%	
Under 30 days old	357	9,013	8,656		
Invoices 31-365 days old	50,207	61,947	11,741		
Invoices over 1 year old	107,834	107,005	-830		
Total	158,398	177,965	19,567	12.35%	
Recovery Status of Trade Balance					
Payment arrangements/Direct Debits	689	2,113	1,424		
Invoices in dispute	39,669	35,047	-4,622		
Awaiting cancellation	0	2,309	2,309		
Awaiting write off	37,850	22,894	-14,956		
Active Recovery	80,191	115,602	35,412		
Total	158,398	177,965	19,567	12.35%	

## Nightly Paid Accommodation Charges

- 3.5.23 The outstanding debt for Nightly Paid Accommodation charges as at 31<sup>st</sup> March 2023 was £8.64m for current and former occupiers. Table 6 gives a breakdown of the outstanding debt as at 31<sup>st</sup> March 2023 which shows an overall increase of £354k or 4.28%, despite a 2.67% decrease in the level of charges raised.
- 3.5.24 The number of Housing Benefit claims have reduced by approximately 6% a clear indication that more tenants are either not applying for Housing Benefit or are not eligible.
- 3.5.25 When tenants are initially placed, they are encouraged to apply for Housing Benefit and where assistance to complete forms is required Liberata refer them to the Support & Resettlement Team in Housing.
- 3.5.26 All correspondence issued to tenants highlights the importance of applying for Housing Benefit and claims are monitored to ensure that where there are any suspended claims these are followed up and discussed with the tenants.
- 3.5.27 It should be noted however that there are more people in temporary accommodation whose income is above the income thresholds for receiving Housing Benefit, also the feedback from recovery officers who liaise with tenants indicates that cost-of-living issues is cited as the reason for non-payment.
- 3.5.28 Issuing statements on a 4-weekly basis continues to form part of the process for current tenants. A handout has also been designed to be provided by Housing Officers to all new tenants to include important information regarding the tenancy, i.e. applying for housing benefit and the payment process. Tenants are also signposted towards advice and financial help.

	As at 31 March 2022	As at 31 March 2023	Variance %
Charges raised for current year and arrears			
brought forward for previous years	£18,625,840.00	£18,129,101.48	-2.67%
Payments received from debtors	-£1,631,261.00	-£1,580,218.18	-3.13%
Housing Benefit awards	-£8,587,793.00	-£7,824,703.50	-8.89%
Sub total	£8,406,786.00	£8,724,179.80	3.78%
Less combined total debts written on/off	-£118,675.00	-£81,590.49	-31.25%
Total	£8,288,111.00	£8,642,589.31	4.28%

3.5.29 Table 7 below shows that the number of tenants has remained static between March 2022 to March 2023.

Table 7

	Variance			
Month/Year	Currents	%		
Mar-20	714	1,872	2,586	-
Mar-21	899	2,249	3,148	21.73%
Mar-22	1,115	2,757	3,872	23.00%
Mar-23	1,035	2,835	3,870	-0.05%

- 3.5.30 The impact of the Coronavirus Act 2020 is still evident; tenants often had larger debts at the start of the eviction process due to recovery action being prevented during the pandemic. This has led to an increase in the debt level for former tenants requiring tracing and/or further recovery action.
- 3.5.31 Former tenants are often difficult to trace, therefore Liberata continue to refer untraceable tenants for a 6-month tracing process. Where tenants are located, appropriate action is taken immediately.
- 3.5.32 Where Liberata can agree payment arrangements for former tenants they are frequently for very small instalments over long periods of time thereby affecting collection rates. Tenants often have issues with affordability and do not possess the assets needed for successful enforcement of legal action. Where payment arrangements are offered, it is preferable to accept low repayments rather than submitting the debt for write off.
- 3.5.33 Liberata continue to work alongside the Housing Department to review and improve processes. Since the implementation of the MRI Orchard Housing system, regular meetings have been held with the Systems Admin Team to work through any issues and improve processes. Monthly sessions are also held with the Debt Advice and Evictions Teams in order to progress cases and minimise escalation of debt levels where possible.
- 3.5.34 A common request from tenants is for the introduction of a payment card. Consequently, this was suggested as a potential improvement to payment options for tenants and is under review.

## 3.6 Accounts Payable

- 3.6.1 Under the Public Contracts Regulations 2015 the Council is required to publish prompt payment data showing the percentage of undisputed invoices paid within 30 days.
- 3.6.2 A performance summary covering the period from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 is shown in the table below. This shows that the percentage of undisputed invoices paid within 30 days was 94%, against a target of 99%. The drop in performance was due to the transition to the new financial system and the bedding in of new processes.
- 3.6.3 Liberata worked closely with Council Officers in Finance on the implementation of Oracle Fusion which went live at the end of April 2022. The system has provided new functionally which includes a supplier portal and automatic information capture from supplier invoices, both of which will help to improve supplier set up and invoice processing.
- 3.6.4 The drop in performance led to an increase in complaints which can be seen in table 12, however Liberata have worked with officers and suppliers to resolve any issues and provide additional support. This resulted in an improved performance from February 2023 which was 97%.

Table 8

Target: 99%	Invoices Over 30	Invoices Under 30	Total	%	Invoices Over 20	Invoices Under 20	Total	%
Manuals								
	286	18,256	18,542	98%	405	18,137	18,542	98%
I-Proc	1,804	10,131	11,935	85%	3,350	8,585	11,935	72%
Social Care	51	6,517	6,568	99%	64	6,504	6,568	99%
Total	2,141	34,904	37,045	94%	3,819	33,226	37,045	90%

- 3.6.5 Table 9 below shows the percentage split in the method of payments to suppliers. The percentage of suppliers paid by BACS from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 was 98%. This is an increase in BACS payments of 2% compared to last year.
- 3.6.6 The number of payments made by cheque continues to reduce year on year and officers will continue to work with Liberata to reduce this further.

		2021/	<b>'22</b>			2022/	<b>'23</b>	
	BAC	5	Chequ	ıe	BAC	S	Chequ	ıe
	No.	%	No.	%	No.	%	No.	%
April	2,454	96%	94	4%	2,418	97%	71	3%
May	2,522	95%	123	5%	3,404	99%	33	1%
June	2,874	96%	123	4%	3,456	99%	48	1%
July	2,516	96%	105	4%	3,508	98%	70	2%
Aug	2,242	96%	83	4%	3,821	98%	73	2%
Sept	2,953	97%	99	3%	3,293	98%	77	2%
Oct	2,535	96%	101	4%	3,420	98%	77	2%
Nov	2,315	95%	126	5%	4,442	99%	61	1%
Dec	3,063	98%	73	2%	3,276	99%	26	1%
Jan	2,474	96%	101	4%	3,992	98%	76	2%
Feb	2,870	98%	73	2%	3,488	98%	60	2%
Mar	3,286	95%	172	5%	4,582	99%	59	1%
	32,104	96%	1,273	4%	43,100	98%	731	2%

## 3.7 Financial Assessment and Charging

3.7.1 The Key Performance Indicator figures for the team covering the period from 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2023 are shown in table 9 below.

Table 10

Indicator	Target	Actual 2020/21	Actual 2021/22	Actual 2022/23
Complete Financial Assessments within 10 working days	100%	89%	97%	92%
Produce the charging file from CareFirst weekly	100%	100%	100%	100%

- 3.7.2 The implementation of the new Financial Assessment system, ContrOCC, in November 2021 continued to affect performance during this reporting period. Liberata and the Council have worked closely to resolve most of the issues that were impacting the service and performance from January 23 improved significantly, achieving 100% KPI for all months thereafter. This places the service in a good position moving forward.
- 3.7.3 The increased resourcing levels implemented by Liberata remain in place. This has enabled them to maintain a high level of service within both residential and non-residential assessments. The resilience created has underpinned their focus on both processing and quality checking, which both play a pivotal role in their compliance framework. Liberata's Quality Officer carries out targeted quality checks on the existing team with a higher level of checking undertaken on new starters or upskilled employees.
- 3.7.4 The Information@Work DMS continues to allow a clear focus on the workload to ensure cases are completed in line with KPl's. Liberata continue to benchmark various activities undertaken by the team, which employees are managed against. These benchmarks feed into Liberata's

- performance management framework and have played a key role in further driving service performance.
- 3.7.6 Liberata are committed to improve the customer experience and are working closely with the Exchequer Client Unit, Adult Social Care and LBB IT in order to maximise the benefits of the new functionality provided by the ContrOCC system in order to improve the service provided to Bromley's residents and increase efficiency.

## 3.8 Appointee and Deputyship

- 3.8.1 The Key Performance Indicator figures for the team, covering the year to 31<sup>st</sup> March 2023, are shown in table 11 below which shows the service is consistently performing well. This performance has also been maintained at 100% for both indicators as at 30<sup>th</sup> April 2023.
- 3.8.2 Liberata successfully migrated to the new Caspar Cloud solution in January 2023, which is used for case management. The new Cloud based application offers scope for automating and streamlining the bank reconciliation process which Liberata are aiming to implement by the end of August.
- 3.8.3 Since the transition to the new Care Management System, Liquid Logic (LAS), Liberata have worked with Adult Care Services to streamline the referral process. The new referrals can now be completed by the care manager and viewed online on LAS. The referrals can also be accepted/rejected online by Panel members.

Table 11

Indicator	Target	Actual 2020/21	Actual 2021/22	Actual 2022/23
Referral of applications to the Panel within 14 working days	100%	100%	100%	100%
Raise invoices within 2 months of the anniversary of the court order	100%	100%	100%	100%

#### 3.9 User/Stakeholder Satisfaction

- 3.9.1 Complaints are used as a tool for improvement, with individual errors seen as an opportunity to put things right not just for the individual complainant but for the wider community.
- 3.9.2 The table below shows the number of complaints received since April 2020 split between justified and unjustified. For the range of services being provided the number of complaints remains relatively low, however an increase did occur during the transition to the new Care Management system.
- 3.9.3 Liberata have worked closely with Council colleagues to resolve these issues and as a result the number of complaints received during 2023 has reduced.

Table 12

	2020/21	2021/22	2022/23
Sundry Debtors/Income			

Justified	6	7	19
Unjustified	2	3	9
Total	8	10	28
Accounts Payable & Charging			
Justified	-	-	14
Unjustified	-	-	3
Total	-	-	17
Financial Assessment			
Justified	7	13	22
Unjustified	6	12	22
Total	13	25	44
Appointee & Deputyship			
Justified	-	-	-
Unjustified	-	-	-
Total	-	-	-

#### 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The Single Financial Assessment Unit are required to carry out timely and accurate financial assessments so that the adults receiving social care and support are informed as early as possible how much they are required to pay towards their care. When there are delays in completing financial assessments or providing information this can cause distress or anxiety for clients and their families.
- 4.2 The Accounts Payable Team are responsible for making direct payments to vulnerable adults, children with disabilities, foster carers and care homes. Making the correct payments on time ensures there is no impact on vulnerable adults or children.
- 4.3 The Appointee and Deputyship Team provide services to vulnerable adults who lack the capacity to manage their finances. Prompt submission of court and DWP applications ensures that the risk of financial abuse is removed as early as possible.
- 4.4 The Appointee and Deputyship Team also carries out protection of property to prevent or mitigate the loss or damage to property belonging to adults in Bromley who are receiving care and support from the Council or are in hospital and no suitable arrangements have been made.

#### 5. TRANSFORMATION/POLICY IMPLICATIONS

5.1 One of the "Making Bromley Even Better" ambitions is to manage our resources well, providing value for money, efficient and effective services for Bromley's residents. To achieve this, we will ensure robust contract management with a focus on efficiency and innovation to improve services for Bromley residents.

#### 6. FINANCIAL IMPLICATIONS

- 6.1 The services provided through the Exchequer Services Contract referred to within this report deal with significant financial transactions with examples illustrated below:
  - Accounts Payable £500m per annum

- Sundry debts (income) £70m per annum
- Financial Assessments £14m per annum
- Appointee and Deputyship £3m per annum
- 6.2 The contract costs £1.98m per annum against a revenue budget of £1.98m for 2022/23.
- 6.3 There are no direct financial implications as a consequence of this report, however the report requests members to take note of the performance of Liberata (the contract provider) and agree any actions taken to improve performance.
- 6.4 This service is responsible for significant number of financial transactions (as illustrated above), for which poor performance or management of these duties can be significantly costly to the council and can affect our cashflow, liquidity and ability to meet our liabilities.

#### 7. LEGAL IMPLICATIONS

7.1 This report is a contract performance report for Exchequer Services and is submitted in compliance with rule 23 of the Contract Procedure Rules which requires an annual update report to be submitted when the value of the contract is in excess of £1 million.

#### 8. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 8.1 Liberata exclusively uses Ark data centres which are committed to the European Green Deal, achieving the ambitious greenhouse gas reductions of the climate law, and leveraging technology and digitalisation to achieve the goal of making Europe climate neutral by 2050. For the last 6 years, all Ark facilities have been powered by 100% renewable energy. To improve sustainability further Ark has developed innovative direct air evaporative cooling capability that dramatically lowers energy consumption and cost, capable of providing compressor free cooling for 100% of every year.
- 8.2 The MyBromley account software supports over 49,815 subscribers to e-billing, reducing paper production and postal service reliance. Officers continue to work with Liberata on projects to increase back-office automation and further reduce paper volumes.
- 8.3 Liberata also supports staff to volunteer for local organisations, such as Age Concern befriending scheme.

## 9. CUSTOMER IMPACT

9.1 The services covered in this report affect those who owe general income to the Council, all of the Council's suppliers and all adult social care clients. This amounts to an estimated 40,000 people.

Non-Applicable Headings:	Personnel implications, Procurement implications, Property implications, impact on the local economy, impact on Health and Wellbeing, Ward councillor views
Background Documents: (Access via Contact Officer)	