<b>Report No.</b>
FSD24044

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker:	EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT AND SCRUTINY COMMITTEE						
Date:	Monday 8 July 2024						
Decision Type:	Non-Urgent	Non-Executive	Non-Key				
Title:	EXCHEQUERSERV	ICE CONTRACT PERF	ORMANCE REPORT				
Contact Officer:	0	, Assistant Director: Exchequ nail: Claudine.Douglas-Brow					
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 2023 to 31<sup>st</sup> March 2024.
- 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)**

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.

1. Summary of Impact: None

#### Transformation Policy

- 1. Policy Status: Existing Policy
- 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 Service Payment, Income and Charging
- 4. Total current budget for this head: £2.24m
- 5. Source of funding: General Fund Revenue Budget

#### 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

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**

1. Summary of Procurement Implications: None

# Property 14

1. Summary of Property Implications: None

Carbon Reduction and Social Value

## 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): 40,000

## Ward Councillor Views

- 1. Have Ward Councillors been asked for comments? Not Applicable
- 2. Summary of Ward Councillors comments: None

# 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 2023 to 31<sup>st</sup> March 2024.
- 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 2024 there were 5,236 invoices outstanding totalling £19.52m, an increase of £1.62m when compared to 31<sup>st</sup> March 2023. Of the total amount, £5.46m (27.98%) had been outstanding for 30 days or less.
- 3.5.2 The increase of £1.62m was due to the rise in disputed debts referred to at paragraphs 3.5.8 and 3.5.14.
- 3.5.3 As at 31<sup>st</sup> March 2024, the amount recovered in respect of invoices raised between 1<sup>st</sup> April 2023 and 31<sup>st</sup> March 2024 was £35.8m or 85.22% against the target of 92%.
- 3.5.4 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
Community Infrastructure Level (CIL) invoices due		
after the 1st April 2024	9	£358,596.00
Disputed and Escalated debts	303	£2,420,336.24
Debts placed on hold by LBB Departments	21	£123,009.86
Debts with LBB Legal Team	13	£15,981.12
Debts secured by Charging Order	2	£254,402.77
Debts referred for Write Off	49	£86,356.53
Total	397	£3,258,682.52

3.5.5 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 92.38% at 31<sup>st</sup> March 2024.

Table 2

	As at 31/03/21	As at 31/03/22	As at 31/03/23	As at 31/03/24
Unadjusted Collection Rate	71.49%	80.68%	81.40%	85.22%
Adjusted Collection Rate	93.12%	97.55%	93.28%	92.38%

- 3.5.6 **Appendix 2** shows the comparison between the levels of outstanding debt for each month from April to March for the years 2021/22 through to 2023/24.
- 3.5.7 **Appendix 3** shows the comparison between the numbers of invoices outstanding each month from April to March for the years 2021/22 through to 2023/24
- 3.5.8 This graph shows an increase in the total number of invoices outstanding at the end of each month. Residential care invoices are often disputed and remain unpaid until issues are resolved which can take some time if the matter is complex or a final Ombudsman decision is required before the debt can be pursued.

### Aged Debt

3.5.9 The out-of-year collection rate across all financial years was 99.1% with £10.3m collected up to the end of March 2024. The factors which continue to affect out-of-year collection are shown below. Once this has been adjusted to take account of these debts the collection rate was 99.58%.

Description	Value of Invoices
Disputed and Escalated debts	£3,464,088.68
Debts referred for Write Off & awaiting cancellation	£1,632,172.25
Debts placed on hold by LBB Departments	£131,140.24
Debts with LBB's Legal Team	£63,753.22
Debts relating to Insolvency	£1,163,895.01
Debts secured by Charging Order	£514,252.23
Total	£6,969,301.63

- 3.5.10 Of the £1.16m relating to insolvency, £1.1m is in respect of corporate rents owed by one organisation that went into liquidation in 2022. To date we have received dividends totalling £530k and we are expecting to receive a final dividend in 2024.
- 3.5.11 Table 4 shows the movement in the out-of-year debt for the year 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 along with the overall percentage reduction.

Fin Year	31-Mar-23	31-Mar-24	Reduction since 31/03/23
	£,000	£,000	%
Pre 2018	1,525	1,294	15%
2018/19	390	338	13%
2019/20	569	503	12%
2020/21	1,789	1,421	21%
2021/22	2,048	1,569	23%
2022/23	11,502	2,477	78%
Total	17,823	7,602	57%

- 3.5.12 **Appendix 4** shows the overall recovery position of debts in each financial year up to 31<sup>st</sup> March 2024.
- 3.5.13 The debts in dispute or on hold where Liberata require instructions from LBB, remain high at £3.8m however disputed invoices over one year old have reduced by 50%.
- 3.5.14 In 2023/24 the value of invoices disputed was significantly higher than in previous years which was mainly due to the number of invoices for residential care charges that were disputed.
- 3.5.15 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.

### <u>Utilities</u>

- 3.5.16 Appendix 5 shows a summary of Utility debts as at 31<sup>st</sup> March 2024.
- 3.5.17 The total debt outstanding for Utilities as at 31<sup>st</sup> March 2024 was £260k which is 7% higher than the previous financial year however the amount of debt over 30 days old has reduced by 11% and the value of invoices in dispute has reduced by 44%. Liberata continue to liaise with the service department regarding all disputed sums.

#### Income

- 3.5.18 The Income Team raised 13,288 sundry invoices (excluding the Trade Refuse service) with a value of £55.82m from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024. This represents an increase of 5% in the number of invoices raised in comparison to 2022/23.
- 3.5.19 During the same period, 1,186 invoices relating to all financial years with a total value of £8.2m were subsequently cancelled. This includes invoices for charges raised in advance where the service was subsequently cancelled.
- 3.5.20 This is a much higher number and value compared to previous years, caused by several property sales during 2023/24 resulting in part cancellations of rent and a large number of credits for deceased cases and backdated assessments for residential care charges. Combined, these accounted for 69% of the cancellations.
- 3.5.21 **Appendix 6** shows the value of invoices raised month by month for the period from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 compared to the same periods in the previous two financial years.

- 3.5.22 **Appendix 7** shows the number of invoices raised month by month for the period from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 compared to the same periods in the previous two financial years.
- 3.5.23 The significant increase in the volume of invoices raised that can be seen in some months is mainly due to residential care invoices. However, the volume has started to decrease as the providers have started to collect the care charges.

#### Trade Waste

3.5.24 The outstanding debt for Trade Waste was £149k as at 31<sup>st</sup> March 2024. Table 5 provides an analysis of the debt and compares it to the position as at 31<sup>st</sup> March 2023. This shows that the debt has reduced by over £28k compared to the previous year.

Table 5

Age Analysis of Trade Balance	As at 31st March 2023	As at 31st March 2024	Variance		
	£	£	£	%	
Under 30 days old	9,013	996	-8,017		
Invoices 31-365 days old	61,947	37,108	-24,839		
Invoices over 1 year old	107,005	111,278	4,273		
Total	177,965	149,383	-28,582	-18.04%	
Recovery Status of Trade Balance					
Payment arrangements/Direct Debits	2,113	8,292	6,180		
Invoices in dispute	35,047	19,281	-15,766		
Awaiting cancellation	2,309	1,880	-429		
Awaiting write off	22,894	29,528	6,634		
Active Recovery	115,602	90,402	-25,200		
Total	177,965	149,383	-28,583	-18.04%	

#### Nightly Paid Accommodation Charges

- 3.5.25 The outstanding debt for Nightly Paid Accommodation charges as at 31<sup>st</sup> March 2024 was £8.94m. Table 6 gives a breakdown of the outstanding debt as at 31<sup>st</sup> March 2024 which shows an overall increase of £300k or 3.48% compared to 2023.
- 3.5.26 However, the total rent charge for the year has increased by over £1m (5.56%) since 2022/23. This is linked to the increase in the number of Current Tenants placed in Nightly Paid Accommodation (see Table 7 below).
- 3.5.27 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.
- 3.5.28 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.
- 3.5.29 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.

- 3.5.30 Issuing statements on a 4-weekly basis continues to form part of the process for current tenants and tenants are also signposted for debt advice and financial help.
- 3.5.31 Tenants often had larger debts at the start of the eviction process due to recovery action being prevented during the pandemic. This led to an increase in the debt level for former tenants requiring tracing and/or further recovery action.
- 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 A workshop was held in June 2024 with Liberata, the Exchequer Client Unit and the Housing Department which identified a number of areas for further review and action to improve communication between the teams, improve the tenant support at the sign up stage to take into account that tenants are being placed out of borough, and reduce the length of the eviction process where appropriate.

Table 6

	As at 31 March 2023	As at 31 March 2024	Variance %
Charges raised for current year and arrears			
brought forward for previous years	£18,129,101	£19,136,401	5.56%
Payments received from debtors	-£1,580,218	-£1,492,246	-5.57%
Housing Benefit awards	-£7,824,704	-£8,518,641	8.87%
Sub total	£8,724,180	£9,125,514	4.60%
Less Grants provided for Rough Sleepers	£0	-£102,044	
Less combined total debts written on/off	-£81,590	-£80,421	-1.43%
Total	£8,642,589	£8,943,049	3.48%

Table 7

	Ter	Variance		
Month/Year	ar Currents Formers Total			%
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%
Mar-24	1,356	3,130	4,486	15.92%

## 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 1st April 2023 to 31<sup>st</sup> March 2024 is shown below. This shows that the percentage of undisputed invoices paid within 30 days was 97%, against a target of 99%. The percentage of invoices paid within 20 days was 96%.
- 3.6.3 Although the performance was below the target, there has been an improvement of 3% when compared with the previous year's performance of 94%. Liberata and the Exchequer Unit continue to liaise with service departments to reduce the delays with the receipting of goods and services which impact the timely payment of invoices. The performance for April and May have been 98%.

Target: 99%	Invoices Over 30	Invoices Under 30	Total	%	Invoices Over 20	Invoices Under 20	Total	%
Manuals								
	592	19,574	20,166	97%	699	19,467	20,166	97%
I-Proc	602	13,178	13,780	96%	1,055	12,725	13,780	72%
Social Care	32	9,339	9,371	100%	56	9,315	9,371	99%
Total	1226	42,091	43,317	97%	1,810	41,507	43,317	96%

- 3.6.4 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 2023 to 31<sup>st</sup> March 2024 was 99%. This is an increase in BACS payments of 1% compared to the previous year.
- 3.6.5 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.

		2022	2/23			2023	/24	
	BACS	5	Cheques		BACS		Cheques	
	No.	%	No.	%	No.	%	No.	%
April	2,418	97%	71	3%	3,500	98%	58	2%
May	3,404	99%	33	1%	4,181	99%	34	1%
June	3 <i>,</i> 456	99%	48	1%	3,745	98%	65	2%
July	3 <i>,</i> 508	98%	70	2%	3,369	99%	44	1%
Aug	3,821	98%	73	2%	4,101	99%	56	1%
Sept	3,293	98%	77	2%	3,459	99%	24	1%
Oct	3,420	98%	77	2%	3,866	99%	45	1%
Nov	4,442	99%	61	1%	4,439	99%	56	1%
Dec	3,276	99%	26	1%	3,176	99%	21	1%
Jan	3,992	98%	76	2%	4,353	99%	55	1%
Feb	3 <i>,</i> 488	98%	60	2%	4,298	99%	28	1%
Mar	4,582	99%	59	1%	3,983	99%	30	1%
	43,100	98%	731	2%	46,470	99%	516	1%

## 3.7 Financial Assessment and Charging

3.7.1 The Key Performance Indicator figures for the team covering the period from 1st April 2023 to 31st March 2024 are shown in table 10 below.

Indicator	Target	Actual 2020/21	Actual 2021/22	Actual 2022/23	Actual 2023/24
Complete Financial Assessments within 10 working days	100%	89%	97%	92%	100%
Produce the charging file in line with the timetable	100%	100%	100%	N/A	N/A

- 3.7.2 Performance remained stable by using the automated Workflow Manager on the Anite Document Management Systems (DMS) which was changed to Northgate Document Management System (NDMS) in February 2024. The team adapted well to this change and continued to meet the target month on month.
- 3.7.3 Liberata continue to quality check staff outputs to ensure service standards are met. Procedures are updated regularly and briefing notes issued as and when required. Using experience from other Councils has assisted with working practices to improve performance.
- 3.7.4 There is ongoing work to explore the use of ContrOCC functionality to automate processes and reduce human error. Liberata are also continuing to work closely with LBB to ensure that we are well placed to resume the work required for the Social Care Reforms should they proceed in the future.
- 3.7.5 Customers continue to use the online facility to complete a financial assessment form, upload evidence and contact the team. The online channel is promoted on all correspondence to

customers and their representatives. For the financial year April 23 to March 24, 51% of customers completed the online financial assessment form.

## 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 2024, 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 2024.
- 3.8.2 The migration to the new Caspar Cloud system In January 2023 offered improved functionality and once it had bedded in Liberata implemented the automation of the bank reconciliations successfully in July 2023. This streamlined the bank reconciliation process significantly.
- 3.8.3 The system provider, Trojan released a recent enhancement to Caspar Cloud which allows the DWP benefit rates to be updated annually for multiple clients. This was implemented by Liberata at the end of April 2024 which significantly reduced the amount of time it took to manually complete this task.
- 3.8.4 The system supports the new Deputyship process and legal Court of Protection forms which collectively aid the Appointee & Deputyship team in working effectively.

Table 11

Indicator	Target	Actual 2020/21	Actual 2021/22	Actual 2022/23	Actual 2023/24
Referral of applications to the Panel within 14 working days	100%	100%	100%	100%	100%
Raise invoices within 2 months of the anniversary of the court order	100%	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 there was an increase following the transition to the new Care Management system.
- 3.9.3 Liberata have worked closely with Council colleagues to resolve the system issues and as a result the number of complaints have fallen however there is ongoing work to improve the customer experience.

2020/21 2021/22 2022/23 2023/24
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Sundry Debtors/Income				
Justified	6	7	19	4
Unjustified	2	3	9	12
Total	8	10	28	16
Accounts Payable & Charging				
Justified	-	-	14	4
Unjustified	-	-	3	4
Total	-	-	17	8
Financial Assessment				
Justified	7	13	22	22
Unjustified	6	12	22	12
Total	13	25	44	34
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) £48m per annum
  - Financial Assessments £14m per annum
  - Appointee and Deputyship £3m per annum
- 6.2 The contract costs £2.24m per annum against a revenue budget of £2.24m for 2023/24.
- 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 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)	