

Date of issue: Friday, 10 June 2022

<b>MEETING:</b>	<b>CABINET</b>	
	Councillor Swindlehurst	Leader of the Council and Cabinet Member for Council Recovery, Forward Strategy & Economic Development
	Councillor Mann	Deputy Leader and Cabinet Member for Housing & Planning
	Councillor Ajajib	Customer Services, Procurement & Performance
	Councillor Akram	Leisure, Culture & Community Empowerment
	Councillor Anderson	Financial Oversight & Council Assets
	Councillor Bains	Public Protection, Regulation & Enforcement
	Councillor Hulme	Children's Services, Lifelong Learning & Skills
	Councillor Nazir	Transport & The Local Environment
	Councillor Pantelic	Social Care & Public Health
<b>DATE AND TIME:</b>	<b>MONDAY, 20TH JUNE, 2022 AT 6.30 PM</b>	
<b>VENUE:</b>	<b>COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL</b>	
<b>DEMOCRATIC SERVICES OFFICER:</b> <b>(for all enquiries)</b>	<b>NICHOLAS PONTONE</b>	<b>07749 709 868</b>

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**GAVIN JONES**  
Chief Executive

## AGENDA

### PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
1.	Declarations of Interest	-	-
	<i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>		
2.	Minutes of the Meeting held on 21st and 29th March and 17th May 2022	1 - 18	-
3.	Cabinet portfolios and Lead Member responsibilities 2022/23	19 - 24	All
4.	<b>Council Tax Energy Bill Rebates Scheme</b>	25 - 38	All
5.	<b>Finance Department Restructure</b>	39 - 50	All
6.	<b>Re-procurement of Adult Social Care Domiciliary Care Contracts</b>	51 - 76	All
7.	<b>Procurement of Integrated Community Equipment Service</b>	77 - 92	All
8.	<b>Re-procurement of Adult Social Care Extra Care Contracts</b>	93 - 118	All
9.	<b>Draft Home to School Travel Assistance and Post 16 Travel Assistance Policies for Consultation</b>	119 - 176	All
10.	<b>Improvement &amp; Recovery - Asset disposals programme</b>	177 - 186	All
11.	<b>Bus Enhanced Partnership</b>	187 - 240	All
12.	Exclusion of Press and Public	-	-

It is recommended that the Press and Public be excluded from the meeting during consideration of the item in Part 2 of the Agenda, as it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding the information) as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (amended).

## PART II

- |     |  |           |   |
|-----|--|-----------|---|
| 13. | <b>Re-procurement of Adult Social Care Domiciliary Care Contracts - Appendices 1-4</b> | 241 - 250 | - |
| 14. | <b>Re-procurement of Adult Social Care Extra Care Contracts - Appendix</b>             | 251 - 252 | - |

### Press and Public

**Attendance and accessibility:** You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

**Webcasting and recording:** The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

**Emergency procedures:** The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

Note:-

**Bold = Key decision**

Non-Bold = Non-key decision

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**Cabinet – Meeting held on Monday, 21st March, 2022.**

**Present:-** Councillors Swindlehurst (Chair), Mann (Vice-Chair), Akram, Anderson, Bains, Carter, Hulme and Pantelic

**Also present under Rule 30:-** Councillor Gahir

**Apologies for Absence:-** None.

**PART 1**

**86. Declarations of Interest**

None were declared.

**87. Minutes of the Meeting held on 21st February and 9th March 2022**

**Resolved –** That the minutes of the meeting of the Cabinet held on 21<sup>st</sup> February and 9<sup>th</sup> March 2022 be approved as a correct record.

**88. Slough Library Service Plan and new delivery model**

The Cabinet considered a report that set out the results of the public consultation into the future of statutory library services in Slough and taken together with the existing Needs Assessment, made recommendations about the future delivery model of the library service in Slough.

The Council had a duty to provide a comprehensive and efficient library service and the report set out the review process that had been undertaken. The Cabinet noted the equalities impact assessment; consultation results; petition on Langley library which had 1,348 signatures; and the discussion at the Customer & Community Scrutiny Panel. The main proposals were to approve the strategic service plan for Slough library services 2022 to 2027 as at Appendix C to the report; and agree that for a minimum period of 12 months the library service operate from the current buildings (Langley library, Cippenham library, Britwell hub and The Curve), with a reduction in opening hours. Reduced hours from current locations was the preferred option from the consultation results.

Lead Members asked a range of questions and discussed various aspects of the report which are summarised as follows

- In response to a question on the responses received from the consultation, the Officer explained that there was around 2,500 responses to the initial consultation and an additional 2,500 responses from young people who provided comments that are captured in Appendix F to the report. Lead Members welcomed the extensive consultation and engagement that had taken place, including with non-

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library users and residents for whom English was not their first language. The Cabinet was satisfied that the consultation was a sound basis to inform decisions.

- In relation to the future co-location opportunities with other council services and public sector partners. It was noted that these issues regarding individual sites would be considered as part of the Asset Disposal Programme.
- Members supported the role of volunteers but commented on the importance of ensuring they were adequately trained and organised. The consultation and engagement process had led to a significant level of additional interest in people becoming volunteers which was welcomed.

After due consideration, the Cabinet agreed the recommendations but also requested that in addition to the report in 12 months, a further update report in the Autumn of 2022 to inform the budget process.

### **Resolved –**

- (a) That the strategic service plan for Slough library services (2022 to 2027) (Appendix C to the report) be agreed.
- (b) That it be agreed to reduce the current library publication budget from £220,500 to £90,000 per annum to align our spend just within the CIPFA most similar group rather than towards the top of it.
- (c) That it be agreed that for a minimum period of 12 months the library service operates from the current buildings in which libraries are accommodated (Langley Library, Cippenham Library, Britwell Hub and The Curve) with a reduction in the opening hours and hours when specialist library staff will be in attendance as described in paragraph 2.19 of the report.
- (d) Agreed that an interim report be brought back to Cabinet by December 2022 and a full report in 12 months to provide an update and make recommendations for future options to deliver library services within the Council's current constrained financial position.

## **89. Re-procurement of Adult Social Care Domiciliary Care Contracts**

The Lead Member for Social Care & Public Health and the Associate Director for People Strategy and Commissioning introduced the report on the re-procurement of Adult Social Care Domiciliary Care Contracts which sought approval to tender for two tranches of domiciliary care contracts via the Council's Adult Social Care Dynamic Purchasing System. The two existing tranches of contracts expired in June 2022 and December 2022 respectively.

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Appendices 1 and 2, which contained exempt information, were noted during consideration of the Part I report.

The Cabinet recognised that good quality domiciliary care enabled people with assessed care and support needs to remain living at home, which promoted their independence and reduced the need for more expensive residential care. The Officer explained that the domiciliary care market was subject to a number of different current pressures including inflation, the National Insurance increases and wage competition from other sectors.

Lead Members raised a number of issues during the course of the discussion which included the importance of good communication and information between providers and their clients. The Cabinet welcomed the fact the suppliers paid staff travel time and wages at or above the National Living Wage and asked that this be monitored to ensure providers were complying. In response to a question about how the Council monitored the safety and welfare of care workers it was explained that it is ensured that providers were providing adequate training and that it encouraged for staff to share any concerns in the workplace through their management structure. Members also requested that opportunities for clients to provide feedback on the care they received to be sufficiently robust and responsive.

At the conclusion of the discussion the recommendations were agreed.

### **Resolved –**

- (a) That the retendering of two tranches of domiciliary care contracts via the Council's Adult Social Care Dynamic Purchasing System, on a three year basis with scope for two extensions of one year each be agreed.
- (b) That delegated authority be given to the Executive Director for People (Adults), in consultation with the Lead Member for Social Care and Public Health, to have oversight of the procurement process.
- (c) That it be agreed that contract award for the first tranche of contracts will be presented to Cabinet in June 2022 and that contract award for the second tranche of contacts will be presented to Cabinet in November 2022.
- (d) That it be noted that a report concerning the proposed model would be presented to People Scrutiny Panel in March 2022.

## **90. Adult Social Care Transformation Update and Procurement**

The Lead Member for Social Care & Public Health and the Executive Director for People (Adults) presented an report on Adult Social Care Transformation Programme and procurement. The report set out the progress in the delivery of the Adult Social Care (ASC) transformation programme and to sought

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approval to procure external support to ensure the continued delivery of phase 2.

The Lead Member highlighted that the programme aimed to deliver savings of £9.1m to adult social care over the entirety of the programme, with the majority being delivered in the coming year. As at the end of year 1 of the programme the planned £2.1m in savings had been achieved. The programme aimed improve social work practice and outcomes as well as savings. The support of the external provider, Peopletoo, was important in delivering the programme and it was proposed that the contract be extended to the end of March 2023.

The Cabinet noted the significant challenges facing adult social care including workforce pressures, rising demand, cost inflation, social care reform and the ongoing impacts of the Covid pandemic. The transformation programme was central in addressing these challenges and needed to be well managed. The Lead Member highlighted the significant contribution the co-production network was making in re-shaping services.

An update report on the impact of the external support and the business case and procurement of future external support would come to the Cabinet in the summer of 2022. The recommendations were agreed.

### **Resolved –**

- (a) That the good progress on the delivery of phase 2 of the ASC transformation programme be noted.
- (b) That the procurement of external support to continue to deliver phase 2 of the ASC transformation programme be approved.
- (c) That the award of a contract to Peopletoo Limited for 12 months from 1 April 2022 to 31 March 2023 at a maximum cost of £350,000 be approved.
- (d) That delegated authority be given to the Executive Director for People (Adults), in consultation with the Lead Member for Social Care and Public Health, to commence formal procedures to procure this support and award the contract to commence on the 1st of April 2022.
- (e) Receive a further report in the Summer 2022 on the progress being made on the delivery of the ASC transformation programme and the impact of the contract with Peopletoo.

### **91. Procurement of health visiting school nursing (0-19 Service)**

The Public Health Programme Manager introduced the report which set out the context, key issues and suggested approaches to deliver a re-procurement of the Slough health visiting and school nursing 0-19 service

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offer before the expiration of the existing contract on the 30th September 2022.

The current contract was with Solutions for Health and the report proposed a contract extension to September 2023 with further work on the future model. The Officer highlighted that the 18-month period would be used to engage with Members, partners and crucially children and young people. The recommendations were agreed.

### **Resolved –**

1. That a contract extension running from October 2022 to September 2023 be authorised.
2. That it be agreed that further work be undertaken to determine the procurement methodology, including the option of an East Berkshire joint service, with joint procurement.
3. Noted that a briefing to Lead members and Directors, on progress to date in June 2022, will precede a report to be presented in July 2022 requesting a decision on future procurement of the services from September 2023.

## **92. Adult Social Care - Closure of directly provided services update**

The Cabinet had agreed on 20<sup>th</sup> September 2021 to close the remaining adult social care directly provided services consisting of Lavender Court, Respond and Priors, Phoenix and The Pines day centres. The Lead Member for Social Care and Public Health and the Executive Director of People (Adults) introduced an information report on the progress of closure.

The report set out in detail the progress made on the three workstreams of re-assessing client needs and identifying alternative provision; staff consultation regarding proposed closures; and service de-registration and premises hand back. Good progress had been made regarding client re-assessment and alternative provision. It was noted for example that of the seven residents of Lavender Court, three had moved in supporting living placements and four into alternative residential provision. All but one continued to live in Slough, and the other individual had moved out of the area to be closer to family.

In relation to day care clients, forty-three people had alternative services put in place following their re-assessments and the remaining individuals either no longer wanted traditional day care or no longer required support from the Council. The details of the staff consultation were summarised and it was noted that eleven staff had applied for alternative roles within the Council and six had been successful. Thirty-seven staff had been made redundant.

The report set out the lesson learned, which included early communication and engagement; robust audit trails; and the value of pre-decision scrutiny.

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Lead Members welcomed the approach that was taken and commended the Officers involved. The report was noted.

**Resolved –** That the update report and that the affected services were now closed be noted.

### **93. References from Overview & Scrutiny**

There were no references from Overview & Scrutiny.

### **94. Notification of Key Decisions**

The Cabinet considered and endorsed the Notification of Key Decisions published on 20<sup>th</sup> February 2022 which set out the key decisions expected to be taken by Cabinet over the next three months.

**Resolved –** That the published Notification of Decisions be endorsed.

### **95. Microsoft Licencing Enterprise Agreement - Three-year Contract**

The Cabinet agreed to consider an urgent report on the renewal of the Council's Microsoft licences which were due to expire on 31<sup>st</sup> March 2022.

The details of the licences were explained by the Director of Finance. The proposal had been through the Council's procurement processes and were within budget.

The Chair of the Overview & Scrutiny Committee addressed the Cabinet and expressed concern about the need to take this decision urgently. In response it was noted that the report had been brought forward from the wider ICT Modernisation Programme report coming to Cabinet on 29<sup>th</sup> March 2022 to ensure the licences could be renewed before 25<sup>th</sup> March 2022 and therefore avoid any disruption to the services.

The Cabinet agreed the recommendations and agreed they could be implemented urgently to ensure the licences could be renewed before expiry.

**Resolved –**

- (a) That the matters contained in the report be considered urgently to enable the licences to be renewed before the end of March 2022.
- (b) That the award of a new three-year agreement for Microsoft licences with Dell to run from 01.04.22 – 31.03.25 via the government crown commercial framework at a three-year cost of £1.633m as provided for in the revenue budget be approved.
- (c) That the decision (b) be implemented urgently as any delay that could be caused by the call-in process would seriously prejudice the Council's interests.

**96. Exclusion of the Press and Public**

The Cabinet was able to conduct all business during Part I of the meeting therefore the press and public were not excluded from the meeting.

**97. Re-procurement of Adult Social Care Domiciliary Care Contracts - Appendices 1 and 2**

The Part II appendices were considered and noted in resolving the matters contained in the Part I report.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.15 pm)

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## **Cabinet (Extraordinary) – Meeting held on Tuesday, 29th March, 2022.**

**Present:-** Councillors Swindlehurst (Chair), Mann (Vice-Chair), Akram, Anderson, Bains, Carter, Hulme and Pantelic

**Also present under Rule 30:-** Councillor Gahir

**Apologies for Absence:-** None

### **PART 1**

#### **98. Declarations of Interest**

None were declared.

#### **99. Slough Borough Council First Stage Recovery Plan**

The Leader of the Council and the Chief Executive introduced a report that set out the high-level proposals for SBC's Recovery Plan.

The Leader highlighted that this was the first-stage of the plan and set out the approach and key themes. It was recognised that the Council faced very significant challenges to address the scale of the financial and corporate leadership failures over several years, and the Leader stated that Members took their share responsibility for both the failings and the commitment to resolve the problems the Council faced.

A robust recovery plan was required to provide a focus for the Council's the recovery and improvement plans and effectively implement the Directions issued by the Secretary of State. The plan was linked to the functional capability assessments and leadership reports elsewhere on the Cabinet agenda.

The Chief Executive summarised the key themes of the recovery plan which were:

- Leadership and culture
- Financial recovery and onward sustainability
- Business planning and performance management
- Governance
- Organisational capability, capacity and resilience
- Technological capability, capacity and resilience
- Citizen service standards and performance

Lead Members welcomed the work carried out to date on the Recovery Plan and emphasised their collective commitment to take the necessary steps to put in place and implement a recovery and improvement plan. The importance of the plan being built on data and evidence, feedback and

working with partners was particularly welcomed. It would be important to ensure the plan was a 'living document' and continue to evolve as part of the Council's continuous improvement over the coming years. Several Members highlighted that residents needs should be at the centre of the plan and engagement with them was crucial.

The Cabinet agreed that improving organisational cultures and behaviours, including Member-Officer relations was important. Constructive and well informed challenge would improve decision making and this would require good governance processes, such as timely and high quality reports to Members. The role of the Overview & Scrutiny function and performance management were highlighted as Members priorities for the improvement plan.

Speaking under Rule 30, Councillor Gahir expressed support for the approach being taken and concurred with the comments of Cabinet Members to ensure that scrutiny was strengthened as it had a vital role to play in the improvement journey.

At the conclusion of the discussion, the Cabinet agreed the first stage recovery plan.

**Resolved –** That the key themes and approach for developing the council's Recovery Plan, as outlined in section 3 and 4 of the report be agreed.

#### **100. Slough: Solid Foundations for Recovery**

The Leader of the Council and the Chief Executive introduced a report which focused on the steps to improve leadership and culture at the Council to ensure the recovery programme was built on solid foundations.

The report highlighted that the Council was under formal Government intervention and the root cause of organisation failure of the scale in Slough was a failure of leadership at both officer and Member level. Improving leadership across the Council was therefore central to the delivery of the recovery plans and the report set out the approach and some of the practical ways that this would be addressed. The recommendations included specific steps for the Cabinet and Corporate Leadership Team (CLT) which included leadership development and tailored development plans for each Lead Member and CLT committing to providing collective leadership, involving staff in the process of change and developing a new workforce strategy.

Lead Members welcomed the proposals, particularly the specific measures to improve engagement across the Council such as roadshows and stronger internal mechanisms in areas such as whistleblowing. It was recognised that as a democratic body the relations between Members and officers was a key priority and developing a culture of constructive challenge, trust and collaborative working was important.

At the conclusion of the discussion the recommendations were agreed.

**Resolved –**

That it be approved that the following 12 recommendations be built into the Council's wider Recovery Plan:

- Recommendation 1: Cabinet will commit to ongoing, facilitated leadership development as a collective.
- Recommendation 2: In addition, each Lead Member will have their own tailored development plan, so that they are empowered to fulfil the Executive roles properly.
- Recommendation 3: Commitment to re-statement and regular communication on priorities within the organisation and outside - clearly outlining what is going well, not so well and what has changed as a result of the intervention.
- Recommendation 4: Commitments to diversity and how the members will obtain tangible evidence to show change has happened.

Cabinet noted the intention of the Chief Executive to ensure the following:

- Recommendation 5: The CLT will commit to ongoing, facilitated leadership development as a collective.
- Recommendation 6: Regular staff surveys will be undertaken and will include a section on CLT leadership. Any shortcomings will be addressed and fed back to staff.
- Recommendation 7: Visibility of officer senior leadership – improvements to include Chief Executive/ Executive Director visits to departments, unscheduled walkabouts, use of technology to communicate and obtain feedback, weekly blog from Chief Executive and attendance at induction programme or key message video.
- Recommendation 8: Recruitment and Retention of staff will be fundamental to the Council's recovery. The Council will publish a workforce strategy to address
- Recommendation 9: A working group is established involving staff from across the organisation to propose a set of organisation values and behaviours. Once adopted, these will form a key part of the employer brand and will be used in recruitment, professional development and performance management
- Recommendation 10: An annual staff survey (with intra year thematic polling) will be undertaken. Results will be published and scrutinised. Any response action will be published and reported back to the organisation
- Recommendation 11: Bi-annual "Leader and CEO roadshows" will be undertaken, supported by smaller informal sessions with groups of staff. Where staff will have the opportunity to be updated on issues affecting the Council and where they will have the opportunity to interact with senior leaders

- Recommendation 12: The Council should monitor and publish its staff diversity figures and create opportunities through its recruitment and staff development for people from diverse backgrounds to join and advance within the organisation.

### **101. Slough: Functional Capability Assessments**

The Leader of the Council introduced the report on the functional capability assessments which were part of the Council's response to the Department of Levelling Up, Housing and Communities Direction to assess the functional capability of all services by the end of February 2022.

The Leader commended the Cabinet and Council staff who have worked intensively over the past year in particular to address the financial challenges and keep services running during a very difficult period for the authority. The assessment of functional capability in each service had been carried out through a structured process and the report set out key themes and areas of concern identified.

The Chief Executive summarised the report and explained that this is an input to the recovery plan as it aims to identify gaps in the organisation. There was still work to be done but this will feed into the wider corporate plan. The second phase of the process was to produce costed action plans that addressed the key gaps identified in the functional assessment.

The report was noted and approved.

**Resolved –** That the analysis and findings included in the report be approved.

### **102. Initial ICT Improvement Programme**

The Director of Finance gave a presentation and summarised the report on the initial ICT improvement programme which provided an update regarding the current programme of work to modernise the Council's ICT facilities and sought to improve the service in terms of both cost savings and service delivery improvements.

It was recognised that the Council's IT systems were in need of significant improvement and the report set out the first phase of the improvement plan for ICT. Recovery from the current position regarding ICT would be a long term programme. The Director stated that it was expected a plan regarding the future staffing structure would be ready in the near future to achieve a more permanent structure in the team.

Lead Members discussed various aspects of the report and endorsed the initial plan. They agreed clearly set out the issues with a clear plan and timeline to make the necessary improvements. It was recognised that ICT was fundamental to the delivery of services across the Council and the Cabinet agreed the recommendations and to receive further reports on future

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phases. Lead Members commended Officers in the ICT team for the extensive work they had undertaken to develop the plan and also for their work during the pandemic when the Council largely moved from office to remote based working.

### **Resolved –**

The Cabinet:

- noted the initial assessment of the issues with the service set out in the Reasons for Recommendations in the report.
- noted that these would be continuously worked on from now going forward.
- approved the expenditure set out in Appendix 2 to the report and contained within the Council's recently approved budgets.
- noted the work being undertaken by the digital team and the projects outlined in appendices 3 and 4 and that a delivery update will be brought back when the work has been fully assessed.
- noted that the Director of Finance would be approving the licences and contracts set out in appendix 5 and taking forward actions to avoid this reoccurring for these contracts in the future.
- noted that work continues to identify any other such matters.
- noted the outcome of the DLUHC cyber security assessment and the work being undertaken, appendices 6 and 7 to the report.
- delegated authority to the Director of Finance in consultation with the Leader, to appoint ICT officers on an interim basis and to commence procurement for an ICT partner(s).
- agreed that a report be presented to Cabinet with an updated plan for future phases in quarter 3 2022/23.

### **103. Exclusion of Press and Public**

It was not necessary to exclude the press and public as Appendices 6 and 7 of the Initial ICT Improvement Programme were considered and noted during Part I of the meeting without disclosing any of the exempt information.

### **104. Initial ICT Improvement Programme - Appendices 6 and 7**

**Resolved –** That appendices 6 and 7 be noted.

Chair

(Note: The Meeting opened at 5.31 pm and closed at 6.52 pm)

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## **Cabinet (Extraordinary) – Meeting held on Tuesday, 17th May, 2022.**

**Present:-** Councillors Swindlehurst (Chair), Mann (Vice-Chair), Akram, Bains, Carter and Pantelic

**Also present under Rule 30:-** Councillors Strutton

**Apologies for Absence:-** Councillor Anderson and Hulme

### **PART 1**

#### **105. Declarations of Interest**

Item 2 – Update on procurement of services with the voluntary sector for prevention and carer support:

- Councillor Carter declared that he provided some IT services and corporate social responsibility with Slough CVS and that he would not therefore participate or vote on the item. He did remain in the Chamber.
- Councillor Akram declared that she had been appointed by Council as the outside representative for SBC on Slough CVS.

#### **106. Update on procurement of services with the voluntary sector for prevention and carer support**

The Lead Member for Social Care and Public Health introduced the report which provided an update on commissioning and contract management activity concerning the voluntary and community sector since the previous report to Cabinet in December 2021.

Approval was being sought to award a further contract for a period of 12 months from July 2022 to allow for a new model for the voluntary and community sector to be developed which aligned with the work being undertaken on the 'Front Door' as part of the adult social care transformation programme.

In response to a question about the monitoring arrangements and the targets set out in the report, the officer explained that there was an action plan that was being carefully monitored and additional targets have been set for the project. A dedicated contracts officer has been appointed for this contract, and the Lead Member also played a role to monitoring to ensure Cabinet oversight. The Officer explained that the new model provided an opportunity to review the components of the service and therefore reach out to wider areas of the community.

Speaking under Rule 30, Councillor Strutton stated the importance of improving support to young carers. The Officer commented that the decision

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before Cabinet was to extend the existing contract to provide sufficient time to develop a new model which would include a review of service provision including for young carers. Scrutiny would have the opportunity to comment on the proposals later in the year.

After due consideration the recommendations were agreed.

### **Resolved –**

- (a) Agreed to award a one-year contract to SCVS for a period of 12 months from 1 July 2022 to 30 June 2023. This would be at a maximum cost of £473,251, which must not be exceeded, funded through the Better Care Fund and Public Health grants.
- (b) Noted the update on commissioning activity provided in this report, including detailed performance information.
- (c) Noted that a report concerning the proposed model for the voluntary and community sector will be presented to People Scrutiny Committee for its comment and consideration in Autumn 2022.
- (d) Noted that the proposed model for the voluntary and community sector and a procurement strategy would be presented to Cabinet in Winter 2022.
- (e) Delegated authority to the Executive Director for People (Adults), in consultation with the Lead Member for Social Care and Public Health, to have oversight of the development of the proposed model as well as the development of performance targets for the contract period (1 July 2022 to 30 June 2023), should this be approved.

## **107. Finance Action Plan Update**

The Leader of the Council introduced a report that updated the Cabinet on the work undertaken in 2021/22 to implement the Finance Action Plan. The Cabinet was asked to recommend the report to Council.

Most of the actions in the plan were completed or on track. Of the 64 finance related recommendations in the CIPFA, DLUHC and Grant Thornton reports, 28 were complete with the other 36 partially complete or on track. It was noted that progress was made on the Asset Disposal Programme and Lead Members and Directors were meeting regularly to identify the £20m savings for 2023/24 by the end of May. Work on the accounts was continuing with the 2018/19 accounts due to be produced imminently with subsequently accounts being completed at 3 or 4 month intervals during 2022. The Cabinet welcomed the progress that had been made in delivering on the action plan which was critical to the Council's financial and wider recovery.

Speaking under Rule 30, Councillor raised a number of matters including the remaining financial gap for 2023/24; issues with the potential disposal of

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Observatory House; workforce issues and training; and customers responsiveness including with housing repairs. The Leader responded to the points made, and highlighted that identifying the potential £20m savings for 2023/24 by the end of May was far earlier than previous years and would provide sufficient time for robust savings plans to be refined and scrutinised.

Lead Members noted the comments of the Commissioners on the report which set out the stark financial picture for the Council and responsibility of all councillors to understand the position and focus on taking the necessary decisions to put things right. The Cabinet acknowledged the need to difficult decisions and were committed to taking evidence based decisions and follow the proper processes of good governance.

At the conclusion of the discussion the Cabinet noted the report and agreed to recommend the Finance Action Plan to Council on 19<sup>th</sup> May 2022.

### **Resolved –**

- (a) That the wide range of progress in 2021-22 as highlighted in Appendix 1 to the report and the proposed financial management objectives in 2022/23 be noted; and
- (b) That the report be recommended to Council.

### **108. NNDR Covid Additional Relief Funding Scheme (CARF)**

The Leader of the Council introduced a report which set out how support through the Covid Additional Relief Funding (CARF) scheme should be awarded to businesses and to agree the Council's scheme.

Funding had been provided by central Government to support businesses impacted by the pandemic and this further sum of money had been made available for distribution to businesses who would otherwise be ineligible for existing support linked to business rates. It was noted that awards would relate to liabilities for the 2021/22 financial year only.

After due consideration the proposed scheme was agreed.

**Resolved –** That the proposed CARF scheme (as at Appendix 1 to the report) be approved.

### **109. Procurement forward plan for services in excess of £180,000 and works in excess of £1 million in 2022/23**

The Leader of the Council introduced the report which sought authority from Cabinet for the commencement of procurement for contracts with an estimated value of over £180,000 (services) and £1 million (works), that were proposed to be let in the 2022/23 financial year. The list of contracts was set out in Appendix A to the report and were approved.

**Resolved –**

- (a) That commencement of procurement for the list of goods, works or services set out in Appendix A to the report be authorised;
- (b) Delegated authority to the Executive Director of Corporate Operations, following consultation with the relevant Cabinet Member for those procurements indicated in Appendix A as requiring delegated authority to award contract due to tight timescales involved.

**110. References from Overview & Scrutiny**

The Cabinet received a reference from the Overview & Scrutiny Committee from its meeting held on 7th April 2022 in relation to the Initial ICT Improvement Programme.

*“That the Committee support the proposed hybrid approach of building both in-house capacity and securing an ICT partner be supported in principle, but that key data storage and management hardware and systems be kept in-house.”*

Lead Members commented that operational ICT related decisions would generally best be taken by expert officers in the IT team and noted the risks in in-house provision rather than cloud based solutions. It was suggested that further information could be sought to better understand the rationale for the scrutiny recommendation and the detail could be considered as the IT improvement programme was delivered.

The Leader noted that there is to be a new Cabinet Member responsible for IT who could explore the issue further with scrutiny members and IT officers and report back to a future Cabinet.

**Resolved –**

That the recommendation from the Overview & Scrutiny Committee on 7th April 2022 be noted, and that the Lead Member for Customer Services, Procurement and Performance consider the matter with scrutiny members and officers, then report back to a future Cabinet meeting.

*“That the Committee support the proposed hybrid approach of building both in-house capacity and securing an ICT partner be supported in principle, but that key data storage and management hardware and systems be kept in-house.”*

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.39 pm)

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet

**DATE:** 20<sup>th</sup> June 2022

**SUBJECT:** Cabinet Portfolios and Responsibilities 2022/23

**PORTFOLIO:** Leader of the Council

**CHIEF OFFICER:** Director of Corporate Operations

**CONTACT OFFICER:** Nick Pontone, Democratic Services Lead

**WARD(S):** All

**KEY DECISION:** NO

**EXEMPT:** NO

**DECISION SUBJECT TO CALL IN:** NO

**APPENDICES:** A – Lead Members and Portfolios

**1 Summary and Recommendations**

1.1 To advise the Cabinet of portfolios and the Members responsible for them.

**Recommendations:**

Cabinet is requested to resolve:

- (a) That the Cabinet note the portfolios and responsible Lead Members as appointed by the Leader of the Council.
- (b) That the appointment of Councillor Pavitar Kaur Mann as Deputy Leader of the Council be noted.

**Reason:** For the Cabinet to note the Lead Members and their portfolios as appointed by the Leader of the Council from after the Annual Meeting of Council on 19<sup>th</sup> May 2022.

**Commissioner Review**

Commissioners have reviewed this report.

**2 Report**

**Introductory paragraph**

2.1 In accordance with the Council's Constitution, the Leader has determined the number of Councillors appointed to the Cabinet and the portfolios they will hold.

This was reported to the Annual Meeting of Council held on 19<sup>th</sup> May 2022 with the appointments coming into effect following that meeting.

## Options considered

There are no alternative options as the report is to note the decisions taken by the Leader of Council in appointing Cabinet Members and the portfolios they hold.

## Background

2.2 The Leader of the Council has appointed the following Councillors to Cabinet portfolios listed below:

Councillor Swindlehurst	Leader of the Council and Lead Member for Council Recovery, Forward Strategy & Economic Development
Councillor Mann	Deputy Leader of the Council and Lead Member for Housing & Planning
Councillor Ajaib	Lead Member for Customer Services, Procurement & Performance
Councillor Akram	Lead Member for Leisure, Culture & Community Empowerment
Councillor Anderson	Lead Member for Financial Oversight & Council Assets
Councillor Bains	Lead Member for Public Protection, Regulation & Enforcement
Councillor Hulme	Lead Member for Children's Services, Lifelong Learning & Skills
Councillor Nazir	Lead Member for Transport & The Local Environment
Councillor Pantelic	Lead Member for Social Care and Public Health

2.3 Article 7 of the Council's Constitution states that the Cabinet will consist of "the Leader and at least two but not more than nine Members appointed to the Cabinet by the Leader."

2.4 The full list of Cabinet portfolios is set out in Appendix A.

## 3. Implications of the Recommendation

### 3.1 Financial implications

3.1.1 In accordance with the Members' Allowance Scheme approved by Council, members of the Cabinet are entitled to a Special Responsibility Allowance. The

costs of Members' allowances are met from the budget for allowances, which sits within the wider Democratic Services budget.

### 3.2 Legal implications

3.2.1 The recommendations within this report meet legal requirements. The Constitution provides for the Leader of the Council to appoint Cabinet Members and the portfolios they will hold.

### 3.3 Risk management implications

3.3.1 There are no identified risks in noting this report.

### 3.4 Environmental implications

3.4.1 None.

### 3.5 Equality implications

3.5.1 None.

## 4. **Background Papers**

None.

**Lead Member Portfolios**

**Council Recovery, Forward Strategy & Economic Development -  
James Swindlehurst**

- Council Forward Strategies
- Council Communications
- Legal, Democratic & Member Services
- Council Constitution, Policy & Scrutiny Support
- Local Government Relationships
- SBC Forward Plans (incl. Strategic Recovery/Improvement Plan)
- Economic Development & Inward Investment (including relationship with Thames Valley Berkshire LEP)

**Housing & Planning –  
Pavitar Kaur Mann**

- Homelessness Prevention & Rough Sleeping
- Social & Affordable Housing Supply
- SBC Housing Companies (operational/housing matters)
- Housing Repairs Services & Estate Management
- Private Sector Housing Regulation/standards
- Council-Managed Neighbourhood Shopping Parades
- Town Centre Management and 'Meanwhile' Uses
- Regional & Sub-Regional Plans
- Planning & Development Management
- Slough Local Plan Preparation & Place Strategy

**Financial Oversight & Council Assets -  
Rob Anderson**

- Budget Strategy & Financial Planning
- Financial Governance & Oversight
- Financial Recovery Planning
- Fraud Prevention & Counter-Fraud Activity
- Corporate Landlord Function
- Capital Programme
- Council Asset Planning & Asset Disposals
- Commercial Companies and SBC Investments
- Corporate Accounts (Including SBC Companies)
- Audit (including Relationship with External Auditors)

## **Transport & The Local Environment - Mohammed Nazir**

- Public Transport & Active Travel
- Council Fleet Management & Future Transport Planning
- Taxi & Minicab Licensing
- Cycling & Walking Strategies & Plans
- Relationships with Bus & Rail Operators
- Surface Access to Heathrow Airport
- Highway Maintenance/Street-works & Street-lighting
- Parks, Open Spaces & Allotments
- Grounds Maintenance & Public Realm Standards
- Air Quality, Climate Change & Flood Prevention
- Waste Management/Refuse Collection/Recycling
- Energy Efficiency & Decarbonisation

## **Children's Services, Lifelong Learning & Skills – Christine Hulme**

- Education & School Improvement
- Early Years & SEND services
- School Admissions. School Places & Pupil Attendance
- Corporate Parenting, Foster Care, Adoption
- Youth Engagement
- Children's Centres, Nurseries, Play Strategy
- Children & Young People's Safeguarding
- Early Intervention
- Unaccompanied Asylum Seekers
- Slough Children's Company (Slough Children First)
- Library Service, Careers Services and Lifelong Learning Skills Training and Apprenticeships

## **Social Care and Public Health – Natasa Pantelic**

- Adult Social & Community Care
- Older People's Services
- Adult Safeguarding
- Disabilities & Careline
- Mental Health
- Substance Misuse Services
- Prevention & Public Health
- Health & Wellbeing Partnerships
- Relationships with NHS & Ambulance Services

**Public Protection, Regulation & Enforcement –  
Balvinder (Beni) S. Bains**

- Consumer Protection, Trading Standards & Food Safety
- Enforcement Services
- Overall Responsibility for Licensing Services
- Coroner, Crematorium & Registrar
- Building Control/Building Regulations
- Emergency Planning
- ASB, Community Safety, Crime Reduction, Prevent
- Relationship with the Police
- Fire Safety and relationship with the Fire Service

**Customer Services, Procurement & Performance -  
Zaffar Ajajib**

- Human Resources
- Organisational Development
- Performance Management & Reporting
- Resident & Customer Services
- Benefits & Council Tax Support
- SBC Service recovery
- Development of Digital Services & Digital Inclusion
- IT & e-government
- Procurement

**Leisure, Culture & Community Empowerment -  
Sabia Akram**

- Leisure & Sports Facilities, Sports Development
- Community Centres, Halls & Facilities (operations)
- Community Cohesion & Faith Partnerships
- Community Events & Engagement
- Arts & Cultural Strategies
- Equalities
- Partnerships with the Voluntary, Community/  
• Charitable Sector & Social Enterprises

## Slough Borough Council

<b>Report to:</b>	Cabinet
<b>Date:</b>	20 June 2022
<b>Subject:</b>	Council Tax Energy Bill Rebates Scheme
<b>Chief Officer:</b>	Steven Mair – Director of Finance
<b>Contact Officer:</b>	Chris Boylett – Interim Group Manager Revenues, Benefits and Charges
<b>Ward(s):</b>	All
<b>Portfolio:</b>	Cllr Rob Anderson, Lead Member for Financial Oversight and Council Assets
<b>Key decision:</b>	Yes
<b>Exempt:</b>	No
<b>Decision subject to call in:</b>	Yes
<b>Appendices:</b>	1 - Council Tax Energy Bill Rebates 2022/23 Core and Discretionary Scheme

### 1. Summary and Recommendations

- 1.1 This report sets out the recommended approach for the utilisation and award of Discretionary Energy Bill Rebates.

#### **Recommendations:**

- 1.2 Cabinet is recommended to:

- 1) Approve the policy at Appendix 1 for the allocation of the discretionary funding to support vulnerable households to meet their energy bills. The following groups would be supported
  - a. A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E-H and are in receipt of Council Tax Reduction. Current cases 200 costing £30,000
  - b. A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E-H and are entitled to a reduction under the Council Tax (Reduction for Disabilities) Regulations 1992. Currently 30 cases costing £4,500
  - c. A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E-H and are entitled to a reduction as a result of Severe Mental impairment. Currently 5 cases costing £750
  - d. A single additional payment of £30 (in addition to the mandatory payment) will be awarded to any household who resides in a home with a Council Tax

- band A to D and is in receipt of Council Tax reduction on the 1<sup>st</sup> June 2022.  
Currently 9,500 cases costing £285,000
- e. Retain a small post of £43,200 to make awards for energy support identified through the Household support fund scheme.
- 2) Delegate to the Council's Section 151 Officer, in consultation with the Lead Member for Financial Oversight and Council Assets, the authorisation to make technical scheme amendments to ensure the scheme meets the criteria set by the Government and the Council.

### **Reason**

- 1.3 The recommendations are considered the most effective way in which to target the available funds (£363,450) in supporting the households most likely to be impacted by the increases in energy costs. By supporting those who are already reliant on state benefits or who have identified disabilities to support their households this provides money to those least likely to be able to manage the increase in energy costs.

### **Commissioners Review**

*"The commissioners are content with the proposals."*

## **2. Report**

### **Introduction**

- 2.1 The proposed policy seeks to ensure that the utilisation of the funding made available for the discretionary scheme supports those households most in need and most likely to be impacted by the increasing energy costs and the ongoing cost of living crisis.
- 2.2 It is clear that the limited funds made available will need to mitigate the impacts of the largest energy bill increases ever seen but by targeting the available funds these proposals seek to reduce the impact on those least likely to be able to meet these increases.

### **Options considered**

- 2.3 A number of options were considered in looking at how best to utilise the funding made available to support households outside of the scheme. These included
- Providing support to all Band E – H properties but this would have resulted in a relatively small payment to all households and could be seen as inappropriate or insufficient by recipients. This would also have been a significant administrative burden.
  - Putting in place an application based discretionary scheme that invites individual claims for support. Again, this would be a large administrative exercise that would be likely to lead to funding not being awarded in a timely manner and the full allocation may not be used.
  - Awarding a payment to those who move into the borough after the 1<sup>st</sup> April 2022. This was seen as a difficult option as the service would need to gather

information from residents who may have received a payment elsewhere. At the same time, it would be difficult to manage the spend within the limited budget available.

## **Background**

- 2.4 From 1 April 2022, households will be entitled to a non-repayable energy rebate payment of £150, known as the Council Tax Rebate, to a liable council taxpayer (or person who would otherwise be liable where the property is exempt) for every household that occupies a property in Bands A to D which meets the required criteria on 1 April 2022.
- 2.5 Each Council is also required to provide a discretionary scheme, for those in council tax bands E to H who are in need and not entitled to the Council Tax Rebate. This funding can also be used to provide extra support to those in Bands A to D.
- 2.6 In order for a property to be included in the mandatory scheme it must meet the following criteria on 1 April 2022:
- it is valued in council tax bands A to D. This includes a property that is valued in band E but has an alternative valuation band of band D, as a result of the disabled band reduction scheme
  - it is someone's sole or main residence
  - it is a chargeable dwelling, or in exemption classes N – students, S – under 18s, U – Severely Mentally Impaired, or W – Occupied Annexe
- 2.7 This payment is designed to support households with the costs of their energy utilities. To be entitled to the payment the following eligibility rules must also be met:
- where the council is aware that the liable council taxpayer does not occupy the property, they will not be eligible.
  - where a property is in Exemption class N (other than HMOs for council tax purposes), S U or W and the council is able to contact an occupant, the occupant will be eligible for the support.
  - a property that meets all the criteria but, has a nil council tax liability as a result of local council tax support, will be eligible.
  - an unoccupied property (for the purposes of calculating council tax) will not be eligible.
- 2.8 For those people who occupy a property and do not meet the criteria to receive a mandatory payment the discretionary scheme will look to help the most vulnerable within the area.
- 2.9 The mandatory scheme will run from 1 April 2022 to 30 September 2022. The discretionary scheme will run from 2 April 2022 until 30 November 2022, or until funds are exhausted, whichever is the earlier. The council has been allocated £363,450 for awards under the discretionary scheme.

### **3. Implications of the Recommendation**

#### 3.1 Financial implications

3.1.1 The Council has been allocated £363,450 in funding for awards to be made under a discretionary scheme to support vulnerable households to meet their energy bills. The categories of eligibility as set out in paragraph 1.2 above clarify how the funding will be distributed, along with a projection of how much will be issued to residents in each category. This will leave an estimated £43,200 to make awards for energy support identified through the Household support fund scheme. There is no net cost impact to the Council from the administration of the scheme.

#### 3.2 Legal implications

3.2.1 The recommendations contained within this policy meet the guidance set out in the Support for energy bills - the council tax rebate 2022-23: billing authority guidance by Department of Levelling Up, Housing & Communities which was updated on the 16 March 2022 and is in line with Section 3 Local Government Finance Act 1992 Regulation 3 (1) (c) Council Tax (Administration and Enforcement) Regulations 1992.

3.2.2 The guidance confirms that local authorities can choose whether to distribute the discretionary funding to those households who are not eligible under the core scheme or to provide "top ups" to those most vulnerable households in bands A to D. This can include support for households on income related benefits or those energy bill payers who are not liable for council tax. Discretionary support should not be offered to occupants of property in exemption class O, as the Ministry of Defence will provide cost of living support. Allocations must be spent by 30 November 2022 and any unpaid allocation will need to be repaid to central Government.

3.2.3 For those individuals who are eligible but do not have a direct debit arrangement in place, appropriate pre-payment checks must be undertaken. This can include a requirement for an application and self-certification to confirm that the individual is a liable taxpayer, meets any eligibility criteria and is applying on behalf of a household. The Council must satisfy itself that the claimant is entitled to payment and that the payment details are those of the entitled person and retain a record of any evidence supplied and all pre-payment checks undertaken.

#### 3.3 Risk management implications

3.3.1 Not directly applicable.

#### 3.4 Environmental implications

3.4.1 Not directly applicable.

#### 3.5 Equality implications

3.5.1 Under s.149 of the Equality Act 2010, the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic and those who do not.

3.5.2 Officers have considered this duty when recommending the groups of people who should receive support. Two groups have been prioritised based on disability and support has been targeted at those households in receipt of income related benefits ensuring that protected groups who are disproportionately represented in this category receive financial support.

#### **4. Background Papers**

1. [Support for energy bills - the council tax rebate 2022-23: billing authority guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/support-for-energy-bills-the-council-tax-rebate-2022-23-billing-authority-guidance)

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## Council Tax Energy Bill Rebates

2022/23

## Core and Discretionary Scheme

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## **Council Tax Energy Rebate Policy 2022-23**

### **1. Introduction**

- 1.1 The purpose of this policy is to determine eligibility for a payment under the Mandatory scheme set out by the Secretary of State for Levelling Up, Housing and Communities on 3<sup>rd</sup> February 2022 and the Council's Discretionary Council Tax Energy Rebate scheme.
- 1.2 The Council Tax Energy Rebate Scheme is effectively in two parts, the mandatory scheme which is largely determined by Central Government, and the Discretionary scheme which the Government has determined that Councils can decide locally how best to make use of the funding made available.
- 1.3 The mandatory scheme is designed to provide a single one-off grant of £150 to all eligible households who meet the criteria shown in Section 2. All payments relating to this part of the scheme will have to be made prior to the 30 September 2022 which is the deadline for this element.
- 1.3 The Government has provided Slough with £363,450 to fund its discretionary scheme, however all payments must be made prior to 30 November 2022. The level of payments made under the discretionary scheme are defined in Section 4.

### **2. Eligibility for criteria for the Mandatory Scheme**

- 2.1 To provide some immediate relief for these rising costs, while targeting those most likely to require support, the government expects billing authorities to provide a £150 one-off payment to a liable council taxpayer (or an occupant where the property is exempt) where they occupy a property which meets all of the following criteria on 1 April 2022.
  - It is valued in council tax bands A to D. This includes property that is valued in band E but has an alternative valuation band of band D, as a result of the disabled band reduction scheme.
  - It is someone's sole or main residence.
  - It is a chargeable dwelling, or in exemption classes N, S, U or W
- 2.2 The scheme will not cover any premises which are armed forces accommodation. The Ministry of Defence will be in touch with residents in those premises that are currently exempt under Class O.
- 2.3 Where the council is aware that the liable council taxpayer for a chargeable dwelling does not occupy the property (for example in a House in Multiple

Occupation or residential care home), no-one will be eligible for the rebate in relation to that property. Councils might consider supporting occupants in these circumstances through their discretionary fund.

- Where a property is in exemption classes N (other than HMOs for council tax purposes), S, U or W and the council is able to contact an occupant, the occupant **will** be eligible for support.
- A property that meets all the criteria but has a nil council tax liability as a result of local council tax support, **will** be eligible.
- A property that has no permanent resident and is someone's second home **will not** be eligible.
- An unoccupied property (for the purposes of calculating council tax) **will not** be eligible.

2.4 For the purpose of the Council Tax Rebate, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992.

### 3. Effective date

- 3.1 The effective date for this scheme is 1 April 2022. The Council will determine eligibility based on the position at the end of that day.
- 3.2 Where the Council has reason to believe that the information they hold about the valuation list, liable taxpayer(s) or residents circumstances in respect of 1 April 2022 is inaccurate, it will withhold the payment and take reasonable steps to determine the correct information.
- 3.3 Where records relating to the liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 are retrospectively updated, councils should take reasonable steps to pay or clawback payments.
- 3.4 Where the property band recorded on a valuation list is amended retrospectively to 1 April 2022, for example as a result of a successful appeal made to the Valuation Office Agency ('VOA') that concluded after this date, councils are not required to pay or clawback payments. The exception is where a property is a new build and awaiting an official banding from the VOA. In these cases, eligibility should be determined based on the official band subsequently allocated by the VOA, where this has an effective date before or on 1 April 2022
- 3.5 Where a review, proposal, or appeal pre-dating the announcement on 3 February 2022 is successful after 1 April 2022 and as a result, a property would have been eligible for the rebate, councils may wish to provide support using their Discretionary Fund.

#### **4. Eligibility to the Discretionary Scheme**

- 4.1 The Council has decided that payments will be made provided the household has their sole or main residence in a dwelling and the following conditions are met.
- A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E-H and are in receipt of Council Tax Reduction. Current cases 200 costing £30,000
  - A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E-H and are entitled to a reduction under the Council Tax (Reduction for Disabilities) Regulations 1992. Currently 30 cases costing £4,500
  - A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E-H and are entitled to a reduction as a result of Severe Mental impairment. Currently 5 cases costing £750
  - A single additional payment of £30 (in addition to the mandatory payment) will be awarded to any household who resides in a home with a Council Tax band A to D and is in receipt of Council Tax reduction on the 1<sup>st</sup> June 2022. Currently 9,500 cases costing £285,000
- 4.2 Households who are not liable for Council Tax but who are responsible for energy payments will be able to make a claim for assistance through the Household Support Fund run by the Council. Details of which are available on the Council's website.

#### **5. How the Council Tax Energy Rebate will be paid**

- 5.1 Where the Council determines that all the eligibility criteria are met in full for the mandatory scheme a one-off payment of £150 will be made to the household. It should be noted that only one payment will be made per household regardless of the number of occupants or liable Council Taxpayers.
- 5.2 Where the Council determines that all the eligibility criteria are met in full for the discretionary scheme, payment will be made in line with the scheme outlined in Section 4.

Direct Debit payers

- 5.3 Where the Council holds live direct debit instructions for a liable council taxpayer of an eligible household, they should make an automatic payment as early as possible.
- 5.4 The Council is required to verify that the bank details are held are those of the eligible household and where multiple residents of an eligible household are jointly and severally liable for Council Tax, the full

payment will be made to the account for which the direct debit is held only. Payment of the rebate, however, is for the benefit of the household as a whole.

- 5.5 No payment will be made where the name on the bank details does not match a liable party. Should the Council require additional information in order to establish the correct person to receive the payment, it is expected that the household provides all necessary details as soon as possible.
- 5.6 The Council will only make payments in this way to households that had a live and successful direct debit instruction during April 2022.

Where the Council does not hold a current direct debit instruction for an eligible household

- 5.7 Where the Council does not hold a current direct debit instruction for an eligible household, it will make reasonable efforts to contact the household and obtain the necessary bank details or offer the household the option to receive the rebate as a credit onto their Council Tax account.
- 5.8 Eligible households will be given 6 weeks in which to make a claim for the rebate to be paid to them. A reminder will be issued after 3 weeks. If no claim is made the Council will make an award of the eligible rebate directly onto the Council tax account of the eligible household. If the account is then placed in credit the taxpayer should apply for a council tax refund in the normal manner, a refund will not be made where the account is not in credit.
- 5.9 On receipt of a claim for payment the rebate to a bank account the Council is required to verify the account details, where these can not be verified payment will be made direct to the Council Tax account of the eligible household.

## **6. Disputes**

- 6.1 The Government has stated that it is for the Council to determine eligibility for the Council Tax Energy Rebate and, as such, the decision of the Council in this matter will be final. Should any taxpayer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details are available on the Council's website.

## **7. Provision of information to the Council**

- 7.1 Residents, owners and managing agents should note that the Council has powers available to it under Regulation 3 (1) (c) of the Council Tax (Administration and Enforcement) Regulation 1992, to request such information to determine the correct liable person for Council Tax purposes. Government has stated that these powers may also be used for Council Tax Energy Rebate purposes.
- 7.2 Failure to respond to such a request, without reasonable excuse, within 21 days could lead to penalties being imposed. The Council therefore encourages all such persons to provide any requested information as soon as possible

## **8. Scheme of Delegation**

- 8.1 The Council has approved this scheme. The Council's Section 151 Officer is authorised to make technical scheme amendments to ensure the scheme meets the criteria set by the Government and the Council.

## **9. Taxation and the provision of information to the HMRC**

- 9.1 The Council does not accept any responsibility in relation to a taxpayers HMRC tax liabilities and all taxpayers should make their own enquiries to establish any tax position.

## **10. Managing the risk of fraud and recovery of incorrectly paid amounts.**

- 10.1 The Council will not accept deliberate manipulation of this scheme of fraud. Any person caught falsifying information to gain a Council Tax Rebate will face prosecution and any amount awarded will be recovered from them
- 10.2 If it is established that any Council Tax Energy Bill Rebate payments have been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by a taxpayer or any other person, the Council will look to recover the amount in full.

## **11. Data Protection and use of data**

- 11.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

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**SLOUGH BOROUGH COUNCIL**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	20 June 2022
<b>SUBJECT:</b>	Finance Department Restructure
<b>CHIEF OFFICER:</b>	Steven Mair, Director of Finance
<b>CONTACT OFFICER:</b>	Mike Thomas Interim Financial Adviser
<b>WARD(S):</b>	All
<b>PORTFOLIO:</b>	Cabinet Member for Financial Oversight and Council Assets - Cllr Anderson
<b>KEY DECISION:</b>	NO
<b>EXEMPT:</b>	NO
<b>DECISION SUBJECT TO CALL IN:</b>	YES
<b>APPENDICES:</b>	None.

## 1 Summary

- 1.1 This report seeks approval to a restructure of the finance and commercial services sections within the Corporate Operations Department in line with the proposals contained within this report.
- 1.2 The Council's external auditors and various recent Government reports have highlighted the need to significantly strengthen the finance and commercial services function and to develop a structure that is sustainable and underpins the future success of the department and the Council. The proposed structure is underpinned by:
- detailed job descriptions for all posts which have been evaluated by the HR Department and Trade Unions
  - a comprehensive business plan for the Department, which includes the services robust plans to improve succession planning, communications, training and development, and productivity among other matters.
  - regular comprehensive reporting to Audit and Corporate Governance, Cabinet and Council on issues and work being undertaken by the finance and commercial services function through the finance action plan developed and regularly updated during 2021/22 and 2022/23.
- 1.3 The overall budget for the restructure is within the amounts approved by Cabinet in the 2022/23 budget which is underpinned by the assumptions made in the Capitalisation Direction agreed by DLUHC.

## 2 Recommendations:

### 2.1 Cabinet is recommended to:

- a. approve the restructure of services to consolidate them into a wider finance directorate, including the core operational finance teams (financial management and strategic and corporate finance), transactional finance teams (accounts payable and accounts receivable excluding revenues and benefits), a strengthened commercial services team and a new team that brings together financial governance, risk, insurance, internal audit and counter fraud and investigations and involving the following specific changes:
  - i. Increased internal capacity in the commercial services team to replace services provided by an external contractor;
  - ii. Increased internal capacity in the team covering internal audit to replace services provided by an external contractor;
  - iii. The transfer of the counter fraud and investigations team into a wider financial governance team;
  - iv. The transfer of the revenues, benefits and charges team into the finance department.

#### **Reason:**

2.3 Various recent reports have highlighted the need to significantly improve capacity and capability within the finance department including the revenues and benefits service, most notably:

2.4 The external auditors included a section 24 recommendation in their report in 2021 that highlights the need to significantly invest in financial capacity.

2.5 CIPFA recommended

- 'the organisation makes further provision to enhance the capacity within the finance team including exploring other delivery avenues, such as the use of shared services.'
- The S151 officer immediately commences the appointment process for a permanent Deputy S151 Officer.'
- The Council seek to re-negotiate the contractual terms for the S151 officer and his team to extend the notice period they are required to give prior to departure.

The recommendations enable the s.151 officer to meet his statutory responsibilities.

2.6 The department is currently operating with significant numbers of interim staff at the senior level. This is expensive and needs to be replaced by permanent staff in order to reduce cost and drive a sustainable future for the department.

#### **Commissioner review**

*"Commissioners are content with the proposed structure and recommend that the payroll function is moved to operate under finance transactional services."*

### 3 Report

#### Introduction

- 3.1 The DLUHC governance report, the CIPFA review and the Section 24 recommendations from the Council's External Auditors highlighted the need to enhance the capacity and capability within the finance department. Following the 'Our Futures' review a substantial number of finance staff left the department and have yet to be replaced. The Department currently has an Interim Director of Finance and a management team that is made up of interim consultants barring one permanent member of staff, the Group Manager Commercial. At the managerial level almost all staff are interim consultants and there are substantial numbers of staff at lower levels who are also interims. Approximately 50 per cent of staff within the department are permanent employees of Slough BC. There is a significant risk for the Council should it not move to resolve the current position.
- 3.2 As part of the development of the High-Level Functional Capacity and Capability assessment and the Finance Action Plan a revised structure has been developed to ensure the future sustainability of the function and to enable recruitment and development of the financial expertise required to move the Council forward. The costs of moving to this new structure and the transitional costs during 2022/23 have been included in the departmental budget and as part of the Capitalisation Direction agreed with DLUHC.
- 3.3 The proposed structure includes 2 Deputy Director posts covering financial management, and strategic and corporate finance to replace the Associate Director – Finance and Commercial. The latter postholder will also be the Deputy s151 officer – a recommendation made by CIPFA. Heads of commercial services and a post managing financial governance, internal audit, risk, insurance and counter fraud will report into these Deputy Directors. A head of transactional services will report into the s.151 officer on an interim basis until a further planned restructure is undertaken for the revenues and benefits service. The structure recognises the need to respond positively to the significant number of recommendations made with respect to the weaknesses identified in commercial services, governance, financial management, risk management and internal audit. A separate report has been presented to the Employment and Appeals Committee to recommend to full council approval of the two new deputy chief officers at a remuneration of potentially over £100,000.
- 3.4 A high-level benchmarking exercise has been undertaken and identified the number of filled posts within the Finance department was significantly lower than the approved structure. The proposals indicate a full structure of 67 is needed excluding commercial, audit, fraud and procurement ie including financial management, strategic and corporate finance and accounts payable and recoverable. Comparator authorities for like services are showing around 54 fte's although it is known that the two authorities able to be identified for comparison are also considered to be operating at a minimum level of service. Members should note that the increase in more senior posts is part of the overall plan to bring greater leadership, direction and capability to the function and the organisation during a period of stabilisation for the function in the next three to four years. It is envisaged that once the function has stabilised there will be a need to review the structure again post 2025/26.

Table 1 shows the new structure compared to the old, and, Table 2 shows the comparison of the numbers in the core finance function with two other authorities of a similar size. The number of staff in internal audit, commercial and counter fraud are similar to comparator authorities.

Table 1: Comparison of Old and New Structure

Slough Old Job title	Slough Old Total In structure	Slough New Job Title	New Finance and AP/AR	I A, Comm, CF Risk	Slough New All
Director Level 16	1	Executive Director Finance and Commercial Level 16	1	0	1
Asst. Director Level 12	1	Deputy Director (Dep s151) Level 13/14	2	0	2
Group Mgr Level 10	4	Strategic Finance Manager, Level 11/12	9	2	11
Level 9	6	Finance Manager Level 9	21	2	23
Level 8	14	Specialist Level 8	0	8	8
Level 7	16	Financial Acct Level 7	12	4	16
Level 6	7	Finance Officer Level 6	6	5	11
Level 5	10	Finance Assistant Level 5	13	2	15
Level 4	2	Graduate Trainees Level 4/5	3	0	3
<b>Total</b>	<b>61</b>	Total	<b>67</b>	23	<b>90</b>

Table 2: Comparison with Councils of a similar size

Job Title	Slough New	Council A	Council B
Director	1	1	1
Deputy Director	2	1	1
Strategic Finance Manager	9	2	3
Finance Manager	21	24	9
Financial Accountant	12	13	7
Finance Officer	6	13	15
Finance Assistant	13	INCL ABOVE	3
Graduate Trainees	3	0	2
<b>TOTAL</b>	<b>67</b>	<b>54</b>	<b>42*</b>

\* DOESN'T INCLUDES AP and AR – average 12 or IA and Counter Fraud

## Business Planning

The restructure proposals are part of a much broader Departmental Business Plan. The business plan sets out the services vision and objectives at Slough BC and the ambition to be recognised as one of the best finance functions in local government where the staff to feel proud to work for the function. Our ambitions are to:

- ensure financial plans enable Long Term Financial Sustainability
- deliver value for money for the taxpayers of Slough
- ensure the financial implications of decisions are understood
- operate an efficient and effectively customer focussed department
- improve capacity, capability and culture to enable future success
- embed strong Financial Governance and risk management

3.5 The business plan is supported by a number of key policy statements including a departmental approach to communications, succession planning, training and development, rotation and productivity. Details of the high-level plans in each of these areas are shown below.

### Communications

3.6 It is recognised that in the current challenging times it is more important than ever that the Department has an internal communications plan. The on-going changes and uncertainty due to the current financial situation have highlighted the need to maintain a constant dialogue with our people and customers. The departmental communications plan has been developed to ensure that the service is:

- utilising the most effective communications channels to deliver key messages
- ensuring key messages are being effectively disseminated to the appropriate individuals and stakeholders
- meeting the business plan objective to place staff engagement at the heart of what the service does

- developing a consistency in the way in which it communicates both within and outside the department

This plan will fit with the overall corporate communications strategy once this is developed.

### Productivity

- 3.7 Slough BC like all local authorities has been bearing the brunt of continued fiscal austerity measures for a number of years. In the face of these challenges, the Finance and Commercial Services Leadership Team (FCLT) continues to seek out new, more effective and innovative ways of working to improve operational efficiency and generate cost savings. Productivity improvements are aimed at improving the efficiency of the finance team's labour pool thereby increasing the overall value added to the Council.
- 3.8 Productivity improvements will be defined as a means to increase the value added to the Council by the finance team whilst measurement seeks to establish the potential for improvement and make people accountable for the state of productivity. The productivity plan paper sets out how productivity will be considered holistically as a means to add value rather than myopically as a set of KPIs.

### **Achievements to date and challenges ahead**

- 3.9 In 2021 the team underwent great change including significant turnover of experienced staff following the restructure. The aim is to re-build the team on a stronger and more sustainable base. Despite the challenges there were some significant achievements during 2021/22 as shown below:
- overhauling the final accounts process implementing new ways of working which should not only expedite the audit process but also support the production of more accurate accounts in future
  - improving budget setting and delivering the capitalisation direction
  - implementing processes for seeking options for financial savings by transforming, stopping, deferring or reducing services
  - developing financial business partnering
  - improvements to financial accounting and control
  - reviewing Interests in companies
  - developing an asset disposal programme
  - bringing internal audit in-house
  - stabilising the Insurance function
  - improving revenues and benefits Services
  - implementing a business case review process

The current finance and commercial teams have achieved a massive amount during 2021/22. It has been very much a year of discovery and reaction to put the department and the finances of the Council on a sustainable footing for the future. The scale of what has been achieved reflects the dedication and hard work of many staff and interim colleagues during the year. Whilst achievements to date have been significant, it is known that the delivery of the future will be even more challenging and the business plan and related service plans set out these challenges for 2022/23 and beyond in a more proactive and balanced manner.

## Restructure Project Planning

- 3.10 A detailed project and communications plan has been developed to implement the restructure proposals. Support has been sought from the HR department and any additional specialist requirements will be sought from the marketplace, for example, support for assessment centres which will be used to draw up a baseline for existing matched staff and to test external applicants before appointment and external recruitment campaigns.

### Deliverables

- 3.11 Delivery of a revised structure for the finance and commercial services department that will sustain the function for the future. It will allow the Council to address now and avoid weaknesses in the future in the functions of:

- statements of accounts and year-end close
- budget setting and delivery
- medium term financial planning and strategy development
- investments in companies
- internal audit and procurement
- financial systems
- development of a sustainable finance team
- Dedicated Schools Grant
- insurance
- business planning
- PFI review
- revenues and benefits
- risk management and assessment
- corporate governance including financial governance
- Treasury management
- capital accounting and investment appraisal
- cash flow forecasting
- asset management and disposal

### Timeline

- 3.12 The restructure is projected to be in place by late Autumn 2022 to enable a smooth transition from the current structure to a more sustainable position. The proposed timeline is challenging but achievable as shown in Table 2 below:

Table 2: Timeline

ACTIVITY	DATE
Proposals issued to Trade Unions	May 2022
Briefing for affected staff	9 June 2022
Proposals reported to Cabinet for approval to consult	20 June 2022
Consultation <b>Starts</b> on 28 June 2022 - <b>Ends</b> 27 July 2022	
One to ones - affected staff with Line Manager	29 June – 8 July

End of formal consultation period and any formal responses to have been submitted to <a href="mailto:Mike.Thomas@slough.gov.uk">Mike.Thomas@slough.gov.uk</a>	27 July 2022
Formal response to comments made during Consultation Process and final proposals and structure confirmed in report from Director of Finance	1 August 2022
Implementation of the outcomes of the consultation	8 August 2022
Internal recruitment process begins	8 August 2022
Internal Recruitment process ends	31 August 2022
Internal and External advertising	5 Sept – 30 September
Applications reviewed, assessed and invitations for interview sent	3-7 October
Offers made	4 November 2022
Interviews and Assessments	17-21 October 2022
External Candidates notified of outcome	26 October 2022
Offers made	4 November

#### **4. Implications of the Recommendation**

##### **4.1 Financial implications**

- 4.1.1 The budget for the Finance department (excluding Revenues & Benefits) is scheduled to be £7.002m in 2022/23, inclusive of the amounts set out in the capitalisation direction. The forecast projected expenditure is containable within this figure, including the cost of contractors covering currently vacant positions and fulfilling advisory functions helping to transform the service as well as to bring the backlog of financial statements up to date. This will also enable the function to transition to a permanent structure by the end of the year.
- 4.1.2 In 2023/24, the budget is scheduled to drop by £1.6m as one-off capitalisation direction monies are removed and the complete permanent staffing structure is due to be in place. The budget of £5.402m in 2023/24 caters for the new structure in full.

4.1.3 The table below sets out the budget by year:

	<b>£'000</b>	<b>£'000</b>
<b>Budget 2022/23 composition:</b>		
Permanent staff	1,866	
Temporary staff	4,180	
Other budgets ie third party internal audit support, investigations team, Agresso support	956	
<b>Total Budget 2022/23</b>		<b>7,002</b>
Remove one-off CD monies		(1,600)
<b>Total Budget 2023/24</b>		<b>5,402</b>

4.1.4 It is envisaged that once the structure is in place and the service is in a more stable and sustainable position there will be opportunities to develop further efficiency savings across the whole department and the wider council.

## 4.2 Legal implications

4.2.1 The rules governing appointment of certain senior officers are governed by legislation. The function of appointment of staff must be discharged by the head of paid service or an officer nominated by him, with the exception of statutory chief officers, non-statutory chief officers, deputy chief officers or political assistants. Under the Chief Officer Employment Rules chief officers are appointed at a member level, however deputy chief officers are appointed at an officer level. As none of the roles on the structure, with the exception of the Executive Director of Corporate Resources (s.151 officer) are chief officers, all appointments will be made at an officer level. However, for all deputy chief officers no offer of appointment should be sent until notice has been given to every member of the cabinet to allow material and well-founded objections to be made.

4.2.2 The determination of remuneration of or other terms and conditions applying to chief officers and deputy chief officers must comply with the Council's pay policy. Full council should decide any new roles where the salary is £100,000 or more. A separate report is being taken to the Employment and Appeals Committee to make this recommendation and provides a rationale for the higher evaluated grades.

4.2.3 The Local Government Act 1972 requires every council to appoint a chief finance officer. This officer must have specific finance qualifications. Whilst there is no legal requirement to have a deputy s.151 officer, many authorities do have an officer who can deputise for the statutory s.151 officer. Consideration has been given to the qualifications required for this role and the extent to which this officer

can exercise the functions of the s.151 officer. In addition, functions under s.151 of the Local Government Act 1972 are part of the statutory direction and can be exercised by the appointed DLUHC commissioners. The deputy s.151 officer should therefore not take decisions in accordance with s.151 without considering the extent of delegation and consulting with the appointed commissioners.

#### 4.3 Risk management implications

##### Summary of risks.

Category	Risk/Opportunity	Controls	Residual Risk Score (1 (Low) to 10 (high))
Reputational	Finance Team reverts back to being under resourced and under skilled	Current team of interims are secured for the short to medium term Skills transfer taking place Training being developed Additional temporary and permanent resources are identified and secured	<b>6 if the last control is not achieved</b>  <b>2 – if the last control is achieved</b>
Reputational	DLUHC/CIPFA/Grant Thornton may not have confidence that the Council can address all the matters to the quality and in the time needed	Employment of new finance team Employment of temporary additional resource Creation of appropriate permanent finance structure as part of this report External review comments on the newly instigated finance service	<b>7 if the penultimate control is not achieved</b>  <b>2 – if the penultimate control is achieved</b>
Legal	Accounts not completed	Employment of national experts Creation of robust project plan as developed and successfully used elsewhere Utilisation of proven whole team methodology On-going engagement with external audit Extensive training	<b>As above</b>
Financial	Poor financial management practices continue  New practices are not embedded	Range of new processes introduced on a phased basis Officers trained in the new approaches	<b>As above</b>
Reputational	Weaknesses in Council's strategic use of companies, governance, management, financial reporting and performance management continue	Holistic reviews of all companies underway Some issues already being addressed through Cabinet and Council. (Others will take place over the coming 18 months)	<b>As above</b>
People	A lack of permanent leadership impacts the ability to recruit and retain and the health and well-being of current team	Recruit permanent team Implement communication strategy across the department with regular updates Ensure department managers are engaging regularly with staff on a 1-1-2 basis Undertake regular full team briefing sessions at least twice per year.	<b>As above</b>

4.3.1 Failure to implement the restructure will limit the ability of the council to move forward on the financial challenges it faces.

4.3.2 Failure to recruit to the structure will potentially mean the s151 officer and the council cannot meet their statutory responsibilities.

- 4.3.3 The current levels of permanent staffing are not sustainable and are potentially impacting the health and well-being of the team and the council's ability to recruit and retain staff.
- 4.3.4 Without a strong finance function the rest of the organisation will be unable to meet its responsibilities and the challenging savings targets set out in the MTFs.
- 4.3.5 The current marketplace for experienced public sector finance professionals is very competitive and this has been reflected in the salaries offered in order to attract the right calibre of people.

#### **4.4 Environmental implications**

- 4.4.1 No specific environmental implications arise.

#### **4.5 Equality implications**

- 4.5.1 The assessment and recruitment process is constructed to ensure equality of access and non-discrimination. A full equality impact assessment will be undertaken.
- 4.5.2 Any contractor procured to provide specialist services will do on the basis that they are knowledgeable and understanding of Equality Act duties. An Equality Impact Assessment has been undertaken as part of the project.

#### **4.6 Procurement implications**

- 4.6.1 The procurement of any specialist support will be compliant with both the Contract Procedure Rules and the Public Contracts Regulations 2015.

#### **4.7 Workforce implications**

- 4.7.1 There are significant implications for the current workforce who will be put through a review process for the second time in three years. The new structure is designed to invest additional capacity and experience within the team.
- 4.7.2 There may be the need to consider voluntary redundancy for some staff.

#### **4.8 Property implications**

- 4.8.1 This Framework has no direct implication on properties. There may be some collateral implications depending on the ability to recruit local people to undertake the roles. A more hybrid approach may require less property.

### **5. Background Papers**

None

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**SLOUGH BOROUGH COUNCIL**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	20th June 2022
<b>SUBJECT:</b>	Re-procurement of Adult Social Care Domiciliary Care Contracts
<b>CHIEF OFFICER:</b>	Marc Gadsby, Executive Director People (Adults)
<b>CONTACT OFFICER:</b>	Jane Senior – Associate Director People Strategy and Commissioning Suzanne Binns Group Manager-Purchasing
<b>WARD(S):</b>	ALL
<b>PORTFOLIO:</b>	Cllr Natasa Pantelic, Social Care and Public Health
<b>KEY DECISION:</b>	YES
<b>EXEMPT:</b>	Part Exempt – Appendices 1 – 4 are exempt as they contain the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
<b>DECISION SUBJECT TO CALL IN:</b>	YES
<b>APPENDICES:</b>	Appendices 1-4 (Part II) Equality Impact Assessment (Part I)

## 1 Summary and Recommendations

- 1.1 This report seeks approval to award contracts to 9 suppliers of domiciliary care which have been tendered by competitive process via the Council’s Adult Social Care Dynamic Purchasing System. This will ensure a sufficiency of supply once the first tranche of existing contracts expires in July 2022.

### Recommendations:

Cabinet is recommended to:

1. Agree to the award of contracts to 9 suppliers for the provision of domiciliary care. This will be to suppliers 1,9,10,13,15,16,19, 22 and 24. Full details are contained at Exempt Appendix A.
2. Agree to the issuing of contract extensions and variations to existing tranche 1 providers who did not bid for new contracts, for a six month period until 16 January

2023. This will enable providers to continue to work with up to 155 service users whilst alternative arrangements are put in place, but not to take on new referrals

3. Note that lessons learned from the tendering process relating to tranche 1 will be built into arrangements concerning the tendering process for tranche 2 .
4. Delegate authority to the Executive Director for People (Adults) in consultation with the Lead Member for Public Health and Social Care to have oversight of the mobilisation period and to be kept apprised of changes in the local adult social care market.

**Reason:**

To ensure a sufficiency of supply of domiciliary care in the local area, which has been secured through competition.

**Commissioners Review**

This report has been reviewed by Commissioners.

**2 Report**

**Introductory paragraph**

- 2.1 In March 2022, Cabinet approved the re-tendering of two tranches of domiciliary care contracts. This report set out the results of the tendering and evaluation process for the first tranche of contracts and recommends contract award to 9 suppliers. This is an increase of 3 suppliers from the current total of 6 within Tranche 1.
- 2.2 The provision of good quality domiciliary care enables individuals with assessed care and support needs to remain living at home, thus promoting independence and reducing the need for more expensive residential care.
- 2.3 Domiciliary care providers play an essential role within the health and social care system. Not only by delivering care to those who are assessed as requiring it, but also by enabling timely discharge from hospital, freeing up hospital bedspaces and facilitating moves back home. Local authorities are required, under s5 of the Care Act 2014, to ensure a diverse and sustainable market to meet eligible assessed care needs including care at home for those who require it. This includes the provision of directly commissioned care as well as provision for those in receipt of Direct Payments and self-funders.
- 2.4 The provision of domiciliary care meets the following Council priorities and objectives:

**Slough Health and Wellbeing Strategy**

Priority Two- Integration – Increasing the proportion of people living independently at home, and decreasing the number of people living in care homes.

## Slough Corporate Plan

- An environment that helps residents live more independent, healthier and safer lives

Domiciliary care enables individuals with assessed care and support needs to remain living at home, thus promoting independence and reducing the need for more expensive residential care

- A council that lives within our means, balances the budget and delivers best value for taxpayers and service users

The provision of domiciliary care prevents the need for take up of more expensive residential care. This supports the Council to balance the budget and deliver best value.

## Options considered

2.5 In the report to Cabinet in March 2022, a number of options were considered:

Option	Pros	Cons
<p><b>Option 1</b></p> <p>Do not re-tender contracts which are due to expire.</p>	<p>This would reduce resource pressure placed upon teams engaged in procurement activity.</p>	<p>Not tendering for contracts which are due to expire will leave a limited number of contracted suppliers available to deliver services.</p> <p>Individuals receiving a service would need to transfer to another provider if they wished to continue receiving a commissioned service.</p> <p>It is unlikely that in-contract suppliers would be able to expand capacity to meet demand. This might lead to purchasing activity which is not compliant in order to respond to demand and urgent system pressures, including supporting discharge from hospital.</p>
<p><b>Option 2</b></p> <p>Retender contracts via the Adult Social Care Dynamic Purchasing System.</p> <p><b>Recommended</b></p>	<p>Maintains sufficiency and diversity of supply.</p> <p>Supply secured through competitive processes in order to meet best value requirements.</p>	<p>Economic pressures placed upon providers are likely to have an impact upon the market and potentially upon the price secured at the present time.</p>

	<p>Allows for further competition to take place when securing individual packages of care.</p> <p>Allows providers flexibility to deliver to a higher or lower number of people depending upon workforce availability.</p>	
<p><b>Option 3</b></p> <p>Retender using a different method eg block contracts</p>	<p>Providers have surety of income and can plan their businesses more effectively.</p> <p>Simple payment schedule is less resource intensive for Council staff.</p>	<p>Might not be able to deliver contracted hours due to workforce pressures.</p> <p>If service demand fluctuates below block level, the Council pays for undelivered hours. Therefore, not cost effective.</p>
<p><b>Option 4</b></p> <p>Retender both tranches at the same time.</p>	<p>This would reduce resource required by managing one procurement rather than two.</p>	<p>Contracts have different end dates and there is no scope to extend contracts terminating earlier.</p> <p>Current arrangements help spread the risk and ensure that competition is undertaken under different market conditions. This has been beneficial for securing good quality provision at affordable rates.</p> <p>The market is undergoing a period of uncertainty including those relating to inflationary pressures– and the timing is not optimum for retendering the first tranche of contracts.</p> <p>Retendering the second tranche of contracts – when further information concerning Adult Social Care Reforms is released and the Fair Cost of Care Exercise is undertaken – might provide greater certainty for suppliers interested in investing more business in Slough.</p>

2.6 Option 2 was considered to be the most suitable option for ensuring a diverse and sustainable market to meet eligible care needs, which took account of market fluctuations.

## **Background**

- 2.7.1 Domiciliary Care plays an essential role within the health and social care system. Care workers provide care and support to individuals with assessed needs within their own homes, to enable them to stay independent for longer. Care and support activities can include administration of medication, helping people with transfers (for example from bed to chair), helping with washing, dressing and toileting and other forms of personal care. Domiciliary care providers enable people to return home after a hospital stay, thus ensuring that hospital discharge takes place on time and that individuals do not need to stay in hospital longer than necessary.
- 2.8 The referral process is managed by allocating packages of care to the lowest priced supplier who has availability across all tranches of contracted supply and can meet the individual service user's needs.
- 2.9 The Council currently pays providers on a per minute basis for actual delivery of care up to the commissioned visit duration. It is normal for payments to be around 85% of the cost of commissioned hours. Where any additional time has been required on individual visits, due to an emergency situation or a temporary fluctuation in need, these are then checked before being authorised for billing. The council saves around £1m over the year by paying on a per minute basis.
- 2.10 All care workers employed by suppliers are paid at or above the National Living Wage and all care workers are paid travel time.
- 2.11 The report to March Cabinet 2022 concerning the re-procurement of domiciliary care sets out that the current commissioning strategy has been to periodically undertake procurements via the Adult Social Care Dynamic Purchasing System (DPS). This has meant that the Council has been able to maintain a sufficiency and diversity of supply, secured at competitive prices. This approach has also meant that the Council has been able to manage market risks - such as maintaining access to alternative suppliers where a provider has failed. The Council has also been able to contract with a number of market entrants (at a lower price) as well as more established providers, thus ensuring competitiveness in the local market. Periodic refresh of contracted suppliers not only attracts new entrants to the market, but also means that there are phased contract end dates which spreads the risks associated with supply failure upon re-procurement.
- 2.12 The report provided information that during the previous 12 month rolling period, 1471 packages of domiciliary care for people had been commissioned across all providers at an approximate cost of £6.8M. This equates to approximately £17.91 per hour.
- 2.13 642 packages of domiciliary care had been commissioned from tranche one providers whose contracts are due to expire in July 2022 at a weighted average cost of £18.21 per hour.
- 2.14 Costs associated within each of the tranches were set out within the March 2022 paper to Cabinet as follows:

Contract Expiry Date	Total packages of care	Weighted Average Hourly Price	Total annual expenditure
Tranche 1 July 2022	642	£18.21	£3.5m
Tranche 2 December 2022	386	£18.06	£1.6m
Beyond 2022	443	£17.21	£1.7m
<b>Totals</b>	<b>1471</b>	<b>£17.91</b>	<b>£6.8m</b>

2.15 The annual costs contained with the table above concerning Tranche 1 contracts, were considered to provide an indication of the potential annual expenditure going forward. Information was also provided concerning market conditions which could influence the prices secured. Although other factors concerning the Council's approach to awarding inflationary uplifts, government support in the form of Workforce Recruitment and Retention grants for providers, and the upcoming Adult Social Care Reforms were also considered as being potentially mitigating factors in the prices that could be secured.

### The Procurement Process

- 2.16 A Procurement Officer from the Commercial Team was consulted on the procurement process and published the requisite notifications. The procurement was undertaken in accordance with the Public Contracts Regulations 2015.
- 2.17 Expressions of Interest from providers were sought using a Find a Tender Prior Information Notice (PIN) issued on the 1<sup>st</sup> April 2022 through the SE Shared Services Portal informing them of the opportunity being let through the ASC DPS, and inviting providers not already registered on the DPS to make their applications. Applications to the DPS were assessed, and successful organisations were admitted onto the existing DPS and provided with instructions on how to locate the Mini-competition opportunity.
- 2.18 All organisations currently on, and also those successful in joining the relevant DPS Lots were invited to participate in the mini-competition.
- 2.19 The mini competition was also advertised on Find a Tender through the SE Shared Services Portal with a deadline for submissions of the 3<sup>rd</sup> May 2022.
- 2.20 At Tender, bidders were required to submit a Method Statement and Pricing Schedule with regard to the services tendered, alongside their required declarations and other contractual documentation returns.
- 2.21 213 expressions of Interest (EOI) were received and 24 organisations submitted returns by the deadline. **Those returns have been evaluated.** The remaining 189 non-bidding suppliers will be contacted to identify the reasons why they did not make a return.
- 2.22 Of the 24 bidding organisations, 23 are established CQC registered providers, 1 organisation is a new Slough based start-up without current CQC Registration Status. 2 organisations are existing suppliers from the Tranche 1 cohort (of which

there are 6 in total), 1 is an existing provider for SBC but not from Tranche1 or 2, and did not need to bid.

4 existing suppliers of the 6 suppliers within Tranche 1 did not bid for contracts. This is for a number of reasons set out at 2.36 below. Existing providers have fed back on their intention to bid for services when a new round of procurement takes place later in the year to coincide with Tranche 2 contracts coming to an end.

2.22 This has created a difficulty in that c155 service users in receipt of domiciliary care provision, could potentially need to be assessed and receive provision either through a direct payment or by transfer to an alternative contracted provider. During the tender process, bidders were informed that a decision would be made as to whether existing service users would be transferred from the current providers after evaluation of the submitted tenders.

2.23 Legal advice has been sought in order to provide the 4 existing suppliers of the 6 suppliers within tranche 1 who did not bid for new contracts with a contract variation or new term of contract to allow them to continue to provide services to their current clients for a period of up to 6 months from the 17th July 2022. This will allow time for assessments to be undertaken and for stability to be achieved over the Christmas period when the second tranche providers' contracts terminate in December 2022. Further information concerning options in regard to this matter is shown at section 2.41 below.

In accordance with regulation 59 of the PCR 2015, these suppliers have "self-certified" their compliance with the selection requirements, and confirmed that none of the grounds for exclusion apply, to retain admittance to the DPS. They have confirmed that already submitted documents are still applicable, or have provided new documents as preceding ones have expired, or circumstances have changed.

## **2.24 Quality Evaluation**

2.24.1 The specification and contract terms were amended during 2021 in preparation for a previous procurement round. A number of co-production meetings were held with representatives from social work teams, health colleagues and the co-production network. Feedback ensured that the following areas were incorporated into method statements which were evaluated during the procurement process:

- Meeting the needs of the individual
- Safety and safeguarding – including operating safely during covid.
- Quality assurance
- Approaches to staff recruitment, retention and training.
- Pricing and capacity building.
- Business Continuity Planning.
- Information systems and their use for monitoring service provision.
- Approach to partnership working with the Council and others.

2.28 Bidders were required to complete 20 questions within the submitted Method Statement in relation to the quality of the service. Bidders were informed in the guidance issued of the weightings that would be applied to each question.

- 2.29 On evaluation, bidders were required to score a minimum of 45.5 points out of a possible 65 for the generic Home Support Services Lot 1 Method Statement and 14 points out of a possible 20 for the COVID19 Response Service Lot 2 Method Statement. Failure to meet the thresholds resulted in no progression to an award of contract. Lot 2 bidders were required to meet the minimum threshold in both Lot 1 and Lot 2 scoring for the award of contract.
- 2.30 An evaluation panel comprising 3 officers from the People Strategy and Commissioning Team, the Adult Social Care Social Work Operational Team, and the Purchasing Team undertook independent scoring and a moderation meeting was held and facilitated by a Group Manager. Economic Standing Status assessments were undertaken by the Finance Team.

### **Evaluation Outcome**

- 2.30 Quality Method Statement Scores ranged from 31.3 to 52.9 across the 24 submissions.
- 2.32 A total of 9 bidders of the 24 scored at or above the minimum Quality threshold of 45.5.
- 2.33 3 of the bidders also passed the minimum quality threshold for delivery of the domiciliary care COVID19 response service.
- 2.34 The outcome of the tender evaluation is set out at Exempt Appendix A. A full list of bidding organisations is set out at Exempt Appendix B. The price and the Care Quality Commission (CQC) rating for existing Tranche 1, Tranche 2 and Tranche 3 contracts is set out at Exempt Appendix C. The price and CQC Quality Rating for incoming providers is set out at Exempt Appendix D.

### **Lessons Learned**

- 2.35 There is a need to provide general information to providers registered on the DPS on factors they should consider when submitting proposals in order to maximise their chances of success at mini-competition stages. The quality of returns was such that a number of bidders failed to address all areas of the questions.
- 2.36 4 out of 6 existing suppliers within Tranche 1 did not bid for contracts. This is due to a number of reasons which are primarily administrative and include:
- Inability to properly navigate the SE Shared Services Portal
  - Not keeping contact details up to date and therefore missing notifications
  - Not being clear about process
- 2.37 Existing providers have fed back of their intention to bid for services when a new round of procurement takes place later in the year to coincide with Tranche 2 contracts coming to an end.
- 2.38 Lessons learnt will be factored into the next procurement round for tranche 2 contracts. For example, providers will be directed to the training videos and manual on the SE Shared Services Portal on how to navigate the portal. Training will also be provided on how to construct a bid.

## Unanticipated Risks

- 2.40 The risk assessment provided for the March Cabinet report assessed the residual risk of existing providers not bidding for contracts as being Low – as providers would be keen to continue to work with their clients. Whilst this is correct, administrative difficulties were not anticipated as being a factor in existing providers not bidding for new contracts.
- 2.41 4 existing suppliers of the 6 suppliers within Tranche 1 did not bid for new contracts. This has implications for up to 155 service users as well as significant resourcing implications. The options concerning onward provision of domiciliary care for these service users, along with the positive and negative impacts of implementing each option are set out in the table below:

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
<p><b>Option 1</b></p> <p>Immediately arrange for all 155 service users to have an assessment and to be transferred to a direct payment, a managed account or a new contracted provider or existing contracted provider from tranche 2 or tranche 3, prior to contract expiry of tranche 1 contracts in July 2022.</p>	<p>A move to a direct payment or to a managed account could be more cost effective than receiving a directly commissioned package of care.</p> <p>Existing and new contracted providers could benefit from an immediate increase in business.</p>	<p>It will be heavily resource intensive to undertake 155 assessments, and to arrange for direct payments, managed accounts or transfer to another provider to take place.</p> <p>This would require significant additional resource (which the Council is unable to afford) in order to manage assessments and transfers of care safely and effectively. Given the current recruitment market there are no guarantees that additional resource could be obtained. Any requirement to undertake this activity outside of this arrangement would require at least some suspension of business as usual activity both across social work and purchasing teams. This would mean that the People (Adults) directorate is not compliant with its</p>

		<p>statutory duties and will also create knock on impacts across the health and social care system – particularly in regard to hospital discharge.</p> <p>Could cause significant disruption in regard to continuity of care.</p> <p>Could cause service user and family dissatisfaction and distress</p> <p>Take up of direct payments or a managed account are voluntary and cannot be made compulsory.</p>
<p><b>Option 2</b></p> <p>Award a contract extension / variation for a 6 month period from 17<sup>th</sup> July 2022 to existing tranche 1 providers which enables them to work with existing service users but which does not permit new placements.</p>	<p>Allows sufficient time for reviews to be undertaken and for service users to take up a direct payment, a managed account or a transfer of care as appropriate.</p> <p>Bidders were informed at Tender through the clarification process that an option for service users to remain with their existing providers could be a possibility.</p>	<p>New and existing contracted providers do not benefit immediately from the possibility of transfers of care.</p>

## Market Conditions

2.42.1 There have been significant changes to the local market conditions since approval was given by Cabinet to proceed with the tender.

2.42.2 The inflation rate for April 2022 stands at 9% and inflation is anticipated to increase further in the year ahead.

2.42.3 It has also been announced that there are further increases in the cost of fuel.

2.42.4 Other local authorities close to Slough have recently reported a significant lack of success at tender with major increases in fee rates and in some instances providers choosing not to take up contract award offers.

2.42.5 Providers are gaining experience from cost of care exercises being carried out across the country and this is likely to increase provider fees.

2.42.6 Providers are reporting increased issues in their ability to recruit and retain staffing, due to competitive rates of pay in other local labour market sectors due to the decreased movement of labour from Europe.

2.42.7 Market conditions have had a combined impact upon the fee rates submitted by successful tenderers. Further details containing fee rates are contained at Exempt Appendix 3 and Exempt Appendix 4.

### **Managing Cost Pressures and Sufficiency of Service**

2.42.8 In order to ensure sufficiency of supply, it is recommended that the 9 organisations scoring over the relevant quality threshold are progressed through to contract award based upon Economic Standing checks. Start-up suppliers will be required to submit assurance statements, cashflow and profit and loss forecasts, and/or other evidence of sufficient resources to mobilise the contracts before awards are made.

2.42.9 In order to manage associated cost pressures, the Council's processes for assigning domiciliary care orders to suppliers is:

- 1) All suppliers in contract will be ranked in accordance with their tendered costs. This ranking will include all current suppliers and those successful at this tender and any future tender
- 2) Work will be assigned to the lowest cost supplier for any given order subject to:
  - a. The supplier having the necessary capability to perform the work
  - b. The supplier having the necessary capacity (*i.e.* available competent staff and equipment for the required task) to perform the work at the required times
- 3) Should that supplier not be able to take on the work, this will then pass to the next lowest cost supplier who has the capability and capacity to perform the work.

### **Preparation for the Next Stage**

2.43 Further to approval of the recommendations by Cabinet, the People Strategy and Commissioning Teams will work with the successful bidders to deliver the implementation plan set out at 2.44 below.

## 2.44 Implementation Plan

Implementation Plan	Date
Pre-award Economic Standing checks completed	20/05/2022
Pre-contract mobilisation and demobilisation plan development with providers- ensure TUP(E) due diligence is undertaken between outgoing and incoming providers, where applicable.	22/05/2022 - 16/07/2022
Demobilisation of existing contracts with Tranche 1 suppliers who did not bid in this Tender and do not bid in the next tranche or are unsuccessful in the next tranche.	01/06/2022-16/01/2023
Review of service users regarding options to receive a Direct Payment/Managed Account Service/Individual Service Fund, or transfer to an alternative provider.	22/05/2022-16/01/2023
Monitor staff recruitment and induction in new suppliers and plan transfers of service users and referral dates.	22/05/2022-16/01/2023
Contingency - Bring forward contract start dates with new suppliers if there are capacity issues in our current supplier list due to transfer of service users from outgoing contractors before 17th July 2022.	21/06/2022
Meetings with new providers to agree contract monitoring QA systems, performance workbooks and engagement forums with providers	22/05/2022-16/07/2022
Monitor mobilisation plan implementation.	22/05/2022-16/07/2022
Contract Go-Live Dates by 17th July 2022	17/06/2022

### Contract monitoring

- 2.45 Performance workbooks will be agreed with providers and contract monitoring and contract management meetings will be scheduled.
- 2.46 The quality of provision will be monitored through the Quality Assurance team and reported to the Care Governance Board.
- 2.47 The People Strategy and Commissioning Team will be making improvements in the way the services are monitored. Further consultation has been undertaken with the Co-production network in consideration of the methodologies to be used going forward to improve opportunities for feedback, aspects of service to identify and measure performance in order to facilitate improvements to the quality of services provided.
- 2.48 We know from our annual surveys, that service users view the following areas as being important:

- Staff arriving on time
- Staff staying for the whole time of their visit time
- Having the same care staff Training of staff
- Carer to Service User Matching
- Recruitment and retention
- Meet language and cultural needs of Slough's diverse community

2.49 Additionally we also need the agencies to :

- Work in partnership to improve services
- Have robust quality checking systems
- Implement safe working practice

2.50 Co-production members discussed and added the following items:

- Improved recruitment and speed of access to a person who speaks the same language as the service user
- Treating people with dignity and respect, communicating with the person and getting to know their preferences and likes, their spiritual/religious needs as well as their physical needs.
- Taking care to ensure a suitable environment – e.g. put the radio on their favourite channel.
- Trustworthy.
- Matching care workers to the service user.
- Treating care staff well. Obtaining and reacting to their feedback. Help them to make a complaint or suggest an improvement in the service and act upon it.

As well as email, telephone calls and face to face visits the co-production network members suggested:

- Surveys should include face to face meetings with care staff as well – perhaps introduction of a provider care staff forum.
- Carers survey as well to gather the views of relatives et

### **3. Implications of the Recommendation**

#### **3.1 Financial implications**

3.1.1 Homecare providers are already legally required to pay care workers National Living Wage, and this is a rate that is subject to inflation increments. The budget for Domiciliary Care is £5.314m and the total spend for the 2021/22 financial year was £6.8m. This includes £3.5m spend with Tranche1 suppliers. The council has budgeted an additional £2m for Care purchasing (including Domiciliary Care) inflation.

3.1.2 In the Risk Management Implications section at para 3.3.1 of the Cabinet Report of the 21<sup>st</sup> March 2022, the medium risk factor associated with a lack of continuity of

supply if existing suppliers did not bid, or bid at excessive price was set out with mitigating actions. The mitigating action in relation to bids received at excessive price was shown as “All new packages of care will be set-up with the most cost-effective organisation.” An exempt appendix to the report also included modelling information concerning potential cost increases should providers bid at similar rates to nearby local authorities. The potential cost pressures were estimated to be up to £196K per annum for tranche 1 providers.

- 3.1.3 Two of the existing tranche 1 suppliers increased their prices averaging £0.90 per hour, equivalent to a full year cost of £112k – this is £84K lower than the potential cost pressures identified in the March Cabinet Report. In consideration of the current service user profile, if the equivalent of 30% of the service users currently with existing suppliers were to transfer to a provider whose price is £1.71 per hour lower then this would mitigate £45,747 of the £112k potential additional cost pressure. However, it should be noted, that disrupting the possible long term care arrangements of an individual purely on cost purposes is unethical and would have significant resource implications both for operational and purchasing teams. Similarly, if a further 30% of new referrals are allocated to providers using the mechanism set out above in paragraph 2.42.9 again would realise £45,747 of cost pressures.
- 3.1.4 In order to ensure continuity of supply, and management of cost pressures, existing tranche 1 suppliers will be provided with an additional 6-month term of contract to continue to supply services to service users allocated to them during their existing contract period. This provision will be set at the price at the end of the existing term. No new service user allocations will be made to them during this term, until or unless they have applied and been successful at a future mini competition.
- 3.1.5 This period will allow for service user reviews to identify, where appropriate, service transfers to other Care providers, from existing tranche 1 suppliers that did not bid or were unsuccessful in any subsequent mini competition to which they applied, or are excessively priced. Where a service user wishes to remain with their current provider or take up the offer of a Personal Budget via a Direct Payment / Managed Account / Individual Service Fund Account to have choice and control over how their care and support needs are met.
- 3.1.6 Personal budgets have proven to be a cost-effective solution in meeting the care and support needs of individuals with typically a reduction of between 8-9% of annual spend against budget. It should be noted that whilst an offer of a direct payment can be made to an individual, this cannot be mandated.
- 3.1.7 As a demand led provision, Domiciliary Care expenditure will need to be monitored very closely to ensure sustainability within the stated budget envelope. The Adult transformation project initiatives to diverting demand at front door and ensuring competitive “target price” for care provisions should mitigate against any adverse budgetary effects.

## 3.2 Legal implications

3.2.1 The Care Act 2014 requires the local authority to meet identified eligible needs as assessed under s9 of the Care Act, and to meet that need with appropriate provision. Where this is identified as domiciliary care, then there is a duty placed upon the Council to make that provision.

3.2.2 The Care Act statutory guidance states that 'high quality, personalised Care and Support can only be achieved where there is a vibrant, responsive market of services available'.

3.2.3 Under section 5 of the Care Act, the local authority has a duty to shape and maintain an efficient and effective market of services for meeting care and support needs in the local area

3.2.4 The duty applies in relation to services that the Local Authority commissions directly, but also to other non-commissioned services in its area (including those used by self-funders), universal services and services provided by partners (such as health or charitable services) that together create the marketplace.

3.2.5 The market that is shaped should ensure that any person requiring Care and Support/Support services:

1. Has a variety of providers supplying a variety of services to choose from;
2. Has a variety of high quality services to choose from; and
3. Has sufficient information to make an informed decision about how to meet the needs in question.

3.2.6 In order to fulfil its duty to promote diversity and quality in service provision the Local Authority must ensure it has effective strategies to shape the marketplace and commission the right services.

3.2.7 Use of a properly established Dynamic Purchasing System (DPS) to procure Domiciliary Care Contracts is a compliant procurement approach in accordance with both the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.

3.2.8 The DPS must be operated as a completely electronic process and must be open, throughout the period of validity of the DPS, to any economic operator that satisfies the selection criteria

3.2.9 To procure under a DPS, the council must follow the rules of the restricted procedure, which means that any economic operator can submit a request to participate in response to the call for competition by providing the information for qualitative selection requested by the council. The minimum time limit for receipt of requests to participate, where a prior information notice (PIN) is used as a means of calling for competition, is 30 days from the date on which the PIN is sent to the UK e-notification service - *Find a Tender*.

3.2.10 The council must offer unrestricted and full direct access free of charge to the procurement documents, by means of the internet, on an ongoing basis from the date on which the PIN is sent. This requirement can be satisfied by providing a link to a procurement portal (such as Intend SE Portal) where potential candidates can access the documents.

- 3.2.11 The council must finalise their evaluation of requests to participate in the DPS, in accordance with the applicable selection criteria, within ten working days following their receipt, and must simultaneously and in writing invite the economic operators which have expressed their interest to confirm their continuing interest, and invite the selected candidates to submit their tenders.
- 3.2.12 The minimum time limit for receipt of tenders must be at least ten days from the date on which the invitation to tender is sent. However, the council may set the time limit for the receipt of tenders by mutual agreement between the council and all selected candidates, provided that all selected candidates have the same time to prepare and submit their tenders.
- 3.2.13 Where the council awards a contract under a DPS, there is no compulsory standstill period.
- 3.2.14 The council must either send a contract award notice within 30 days after the award of each contract based on the DPS or group such notices on a quarterly basis and send the grouped notices within 30 days of the end of each quarter.
- 3.2.15 HB Public Law can advise as required on the DPS procedural requirements and contract awards and conclusion.
- 3.2.16 Legal advice has been sought in order to provide the 4 existing suppliers of the 6 suppliers within tranche 1 who did not bid for new contracts with a contract extension or new term of contract to allow them to continue to provide services to their current clients for a period of up to 6 months from the 17th July 2022. This will allow time for the assessments to be undertaken and for stability over the Christmas period to be achieved when the second tranche providers' contracts terminate in December 2022. (Further information and options considered are shown at s 2.41 above.) HB Public Law will provide advice on the contract extensions or new short-term contracts as required.
- 3.2.17 In accordance with regulation 59 of the PCR 2015, these suppliers have "self-certified" their compliance with the selection requirements, and confirmed that none of the grounds for exclusion apply, to retain admittance to the DPS. They have confirmed that already submitted documents are still applicable, or have provided new documents as preceding ones have expired, or circumstances have changed.

### 3.3 Risk management implications

- 3.3.1 The recommended option decision will ensure the sufficiency of supply when the existing contracts terminate on the 16<sup>th</sup> July 2022 for tranche 1 and 1<sup>st</sup> December 2022 for tranche 2. The table below sets out the risks associated with the proposed course of action and the mitigating actions.

Risk	Assessment of Risk	Mitigation	Residual Risk
Mobilisation will not take place on time.	Medium	Use other current suppliers for supply. Transfer existing service users with expiring contractors to current suppliers or offer Direct Payment, Managed Accounts or Individual Service Fund Accounts to remain with their current provider.  Extend the contracts with outgoing suppliers for a period of 6 months from the 17 <sup>th</sup> July 2022 to allow demobilisation over a longer period of time.	Low
Quality of new providers will not be satisfactory.	Low	Scoring of quality at Tender evaluation required a minimum threshold of 45.5 out of a possible 65 points.	Low
Care staff will not be adequately paid as providers seek to offer competitive prices.	Medium	Tenderers were requested to submit a breakdown of their fee rates including staff wage costs and explain how their pricing ensures sustainability.	Low
Service users may be required to have a change of care worker.	Medium	TUP(E) will apply in most circumstances for the transfer of care packages between agencies. However, a Direct Payment, Managed Accounts or Individual Service Accounts to remain with their current provider.	Medium/Low
Risk of challenge to the procurement process	Low	In accordance with regulation 59 of the PCR 2015, these suppliers have "self-certified" their compliance with the selection requirements, and confirmed that none of the grounds for exclusion apply, to retain admittance to the DPS. They have confirmed that already	Low

		submitted documents are still applicable, or have provided new documents as preceding ones have expired, or circumstances have changed.	
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**3.4 Environmental implications**

3.4.1 During the procurement process suppliers were requested to provide a copy of their environmental impact assessment and impact management measures.

3.4.2 The table below provides examples of environmental impact measures that affect home care services:

<b>Environmental Impact</b>	<b>Management Measures</b>
Carbon emissions from staff travelling to work and between service user households.	Staff recruitment centred on local residents thus reducing travel to work carbon emission footprint. Promotion or provision of bicycles for staff travel. Promotion of walking routes for rosters. Promotion of car sharing. Promotion of electric powered cars.
Hazardous Waste management	Promotion and support of service user recycling of household waste packaging. Infection control policies and procedures. Staff trained in infection control and incontinence waste storage and disposal. Use of incontinence waste removal service.
Office and equipment waste management	Use of confidential paper shredding and recycling service. Use of recycled ink cartridges for printers. Recycle electronic equipment with ethical supplier. Reduce paper usage by using electronic alternative methods for communication e.g. electronic rostering and care delivery records.

### 3.5 Equality implications

- 3.5.1 In March 2022 an Initial Equalities Impact Assessment was provided see Annex 1.
- 3.5.2 Engagement with the Co-production network has been undertaken and as identified in paragraph 1.6 above further engagement with providers was required regarding carer to service user matching, recruitment and retention, meeting language and cultural needs of Slough's diverse community, and improved recruitment and speed of access to a person who speaks the same language as the service user.
- 3.5.3 Bidders were required to set out how they will recruit and retain staff to meet the needs of Slough's diverse community in their submitted proposals. Proposals were scored taking into account the requirements and equality implications.
- 3.5.4 Some suppliers are now licenced to recruit people from overseas which may assist in the recruitment of staff with specific language and cultural knowledge.
- 3.5.5 Engagement with our current suppliers has resulted in increased availability for Punjabi speakers and male carers.
- 3.5.6 The supply will be monitored throughout the lifetime of the contracts and any shortfalls addressed through engagement with our suppliers. The contracts call for suppliers to work in partnership with the council to improve the quality of supply throughout the duration of the contract.
- 3.5.7 Specific workshops, and forums will be held to engage with providers and the co-production network throughout the lifetime of the contracts to improve the quality of person-centred care.

### 3.6 Procurement implications

The following table sets out the options that were considered in relation to the procurement route and strategy at Cabinet in March 2022.

The following table sets out the options that have been considered in relation to the procurement route and strategy for the local home care services supply in Slough.

<b>Procurement Strategic Approach</b>	<b>Consideration</b>	<b>Recommended</b>
Use of Suppliers engaged through mini-competition stage on the ASC Dynamic Purchasing System (DPS)	<p>The approach allows for regular refresh of the list of contracted suppliers at any time, as and when required, via advertisement of mini-competitions.</p> <p>New suppliers to the local market are engaged through application to join the DPS at any time with the knowledge that there will be opportunity to apply at mini-competition stage for supply contracts.</p>	<p>Yes.</p> <p>Offers time efficient and flexibility for refresh of suppliers for generic and specialist services.</p> <p>Maintains sufficiency of supply and new entrant competition in the market.</p>

<b>Procurement Strategic Approach</b>	<b>Consideration</b>	<b>Recommended</b>
	<p>Early engagement with suppliers successful on joining the DPS allows organisations to understand</p> <p>The DPS also allows a time efficient process for specific specialist services to be procured.</p>	
One or Sole Supplier	<p>Whilst in theory there may be opportunities for economies of scale, there are increased overheads for supporting larger services leading to increased fee levels. The local market becomes uncompetitive. The provider is unlikely to be able to compete with other providers for workforce – as other providers outcompete in terms of wage payments. There are no suppliers present in the local market who would be capable of performing the role of sole supplier. Local authorities are moving away from this model due to the experience with supplier failures.</p>	<p>No.</p> <p>High risk of supply failure and lack of sufficiency of supply.</p> <p>Removes new entrant supplier competition in the market.</p>
One Lead Supplier with subcontractors/consortia	<p>The home care market is highly competitive with individual providers competing for market share and for supply to other local authorities. The lead provider is unable to compete with the subcontractors for staffing and this leads to a service failure by the Lead supplier. Most often this requires further procurement to directly contract with alternative providers. Equally consortia arrangements are not sustainable due to the competing interests of the constituent parties.</p>	<p>No.</p> <p>High risk of supply failure and lack of sufficiency of supply.</p>

<b>Procurement Strategic Approach</b>	<b>Consideration</b>	<b>Recommended</b>
Small Number of Suppliers – each with restricted geographical area of operation	The referral and service demand patterns across the borough is not conducive for geographical areas of operation. On consultation with providers they have indicated that this is an operational option which is likely to fail. Workforce retention issues and supplier failure is highly likely leading to supply failure and the need to re-procure.	No.  High risk of supply failure and lack of sufficiency of supply.
Fixed Framework of larger number of providers	Experience within the borough has indicated that the number of viable providers reduces over the lifetime of the framework leading to shortage of supply. This results in the need to reopen the framework or purchase off framework. The length of time required for the procurement opportunity to be open is longer than alternative methods, lengthening the timescale for procurement and alternative supply. The opportunity for new more competitive suppliers to enter the framework is restricted and the likelihood of failed procurement exercise is heightened.	No.  High risk of supply failure over time, with decreased ability to bring new entrants into the local market and maintain competition in the market.  Supplier failure leading to lack of sufficiency of supply.
Joint Procurement with other neighbouring local authorities/E Berkshire.	Neighbouring authorities have set their rates for current procurement of domiciliary care at a fixed hourly rate. Both areas have historically operated without using the DPS approach. One authority is now going to utilise a DPS approach after failure of a lead provider approach. Both areas have experienced sufficiency difficulties.	No.

## Proposed Procurement Timetable

Tranche 1 contracts required for 17<sup>th</sup> July 2022

<b>Procurement Stage</b>	<b>Estimated Timetable</b>
Deadline for mini-competition	May 2022 Completed 3 <sup>rd</sup> May 2022
Evaluation Complete	11 <sup>th</sup> June Completed 17 <sup>th</sup> May 2022
Cabinet Award decision	20 <sup>th</sup> June 2022
Contract Award letters	24 <sup>th</sup> June 2022
Contract Mobilisation completed	17 <sup>th</sup> July 2022
Set up of Personal Budget/Direct Payments/ISF Accounts, TUP(E) Staff transfers as applicable. Demobilisation of outgoing supplier contracts completed	16 <sup>th</sup> January 2023

### 3.7 Workforce implications

3.7.1 A number of the current Tranche 1 suppliers did not submit bids. There will be increased workloads in the Adult Social Care Operational Team and the People Strategy and Commissioning Team. This will be to oversee any TUP(E) transfers as well as to manage service user reviews. It will also be to facilitate service user transfers to other providers or arrange for direct payments, managed accounts, or Individual Service Fund accounts as appropriate. The extent and location of the additional work is dependent on the number of service users requiring transfer between agencies and the number for which Direct Payments, Managed Account services and Individual Service Accounts are required to be set up and managed on a longer-term basis. There will not be a bulk transfer of individuals or staff to new providers. Any transfers will be managed on a case-by-case basis and where transfers are required these will be made to the most appropriate provider across all suppliers on the list.

3.7.2 Similar workforce implications may arise during the Tranche 2 procurement activity.

### 3.8 Property implications

3.8.1 Not Applicable.

## **4. Background Papers**

Report to Cabinet in March 2022 – Re-procurement of Domiciliary Care Contracts.  
Report to People Scrutiny Committee March 2022

<b>Directorate: People(Adults)</b>	
<b>Service: Commissioning</b>	
<b>Name of Officer/s completing assessment: Karen Hodsden</b>	
<b>Date of Assessment:31/01/2022</b>	
<b>Name of service/function or policy being assessed: Externally Commissioned Domiciliary Care</b>	
1.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>The provision of Domiciliary Care (DC) is a statutory requirement of the Council under the Care Act 2014. Domiciliary Care workers provide personal care (such as support with getting up, getting washed, eating and drinking), non-personal care (such as support with shopping, household cleaning and laundry) and specific healthcare activities such as end of life care. Domiciliary Care enabled individuals to continue to live independently in their own homes. This Equality Impact Assessment (EIA) will primarily assess possible effects on residents with protected characteristics. Additionally, this EIA assesses the possible effects of recommissioning of Domiciliary Care (DC) services for all users and carers who either receive support directly or indirectly. The recommissioning exercise will not see an interruption in service. There may be some changes in contracted providers, with new providers delivering services and some existing providers existing arrangements. Individuals who require a domiciliary care service will not have any disruption to services provided – although they may experience some degree of change if an existing provider is not successful in re-tendering for services or does not re-tender.</p>
2.	<p>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.</p> <p>Domiciliary Care providers deliver services in the borough. Commissioning arrangements are managed through the Council's People Strategy and Commissioning Team. Partnership arrangements are in place with social workers and the NHS.</p>
3.	<p>Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc. Please consider all of the Protected Characteristics listed (more information is available in the background information). Bear in mind that people affected by the proposals may well have more than one protected characteristic.</p> <p>There are 10 protected characteristics:</p>

	<ol style="list-style-type: none"> <li>1. Age including younger and older people</li> <li>2. Disability</li> <li>3. Gender reassignment</li> <li>4. Pregnancy and maternity - No Impact</li> <li>5. Race including ethnic or national origins, colour or nationality</li> <li>6. Religion or belief including lack of belief</li> <li>7. Sex</li> <li>8. Sexual orientation</li> <li>9. Marriage/civil partnerships No Impact</li> <li>10. Carers protected by association</li> </ol> <p>Individuals in receipt of domiciliary care services may have one or more protected characteristics. It is a requirement that all providers delivering domiciliary care have appropriate equalities policies in place.</p> <p>All providers bidding for domiciliary care will be required to be registered / register with the Care Quality Commission. The Care Quality Commission standards set out that services must be able to meet specific cultural, language and spiritual/religious needs through personalisation of the care and support plan.</p>
4.	<p>What are any likely positive impacts for the group/s identified in (3) above? You may wish to refer to the Equalities Duties detailed in the background information.</p> <p>Domiciliary care enables individuals to live at home independently thus supporting participation in the community and a better quality of life.</p> <p>Domiciliary care also prevents the need for more expensive and sometimes less satisfactory residential care.</p> <p>Active market shaping in Slough means there are suppliers who have experience specific to the demographic of the borough. E.g. Culture and language, complex care needs, a specialist rapid response service is also available.</p> <p>The competitive procurement process will include evaluation of the proposed operational method statements in relation to meeting the needs of Slough's culturally diverse community and related service requirements such as language needs. There are specific challenges in identifying male carers and this will be identified in the ITT documentation.</p>

5.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so then are any particular groups affected more than others and why?</p> <p>It will be important that any cultural requirements are addressed through the tendering process.</p>
6.	<p>Have the impacts identified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence sources and conclusions drawn (e.g. survey results, customer complaints, monitoring data etc).</p> <p>In progress. However, previous work has been taken into account.</p>
7.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results, e.g. have the staff forums/unions/ community groups been involved?</p> <p>In progress, forums and workshops are planned before the specification is completed. Slough's co-production network is engaged in the work.</p>
8.	<p>Have you considered the impact the policy might have on local community relations?</p> <p>Ensuring sufficient supply of appropriate domiciliary care which meets the assessed needs of the population will have a positive impact upon community relations.</p>
9.	<p>What plans do you have in place, or are developing, that will mitigate any likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact?</p> <p>Forums and workshops will identify any possible negative impacts and develop approaches for mitigating these.</p>
10.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented). Please see action plan below.</p> <p>KPIs developed in partnership with community groups will be actively managed through contract management. These include service user protected characteristic profile monitoring, and reasons for unavailability of staffing/referral declination.</p>

<b>What course of action does this EIA suggest you take? More than one of the following may apply</b>	✓
<b>Outcome 1: No major change required.</b> The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	✓
<b>Outcome 2: Adjust the policy</b> to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? (Complete action plan).	
<b>Outcome 3: Continue the policy</b> despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
<b>Outcome 4: Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

***Action Plan and Timetable for Implementation***

At this stage a timetabled Action Plan should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

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<b>Action</b>	<b>Target Groups</b>	<b>Lead Responsibility</b>	<b>Outcomes/Success Criteria</b>	<b>Monitoring &amp; Evaluation</b>	<b>Target Date</b>	<b>Progress to Date</b>
Initial consultation	User group	KH	Changes and challenges are mutually agreed and included in the specification.	Report following the workshop	March 2022	
Market shaping	Suppliers	KH	Changes and challenges are mutually agreed and included in the specification.	Report following the workshop	March 2022	

<b>Name:</b> <b>Signed:</b> .....(Person completing the EIA)
<b>Name:</b> ..... <b>Signed:</b> .....( Policy Lead if not same as above)
<b>Date:</b> .....

**SLOUGH BOROUGH COUNCIL**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	June 20 <sup>th</sup> 2022
<b>SUBJECT:</b>	Development of a model for Community Equipment Service
<b>CHIEF OFFICER:</b>	<i>Marc Gadsby, Interim Executive Director People Adults</i>
<b>CONTACT OFFICER:</b>	Jane Senior, Associate Director People Strategy & Commissioning Avtar Maan, Group Manager People Strategy
<b>WARD(S):</b>	All
<b>PORTFOLIO:</b>	Cllr Natasa Pantelic, Social Care and Public Health Cllr Christine Hulme, Children's Services, Lifelong Learning and Skills
<b>KEY DECISION:</b>	YES
<b>EXEMPT:</b>	NO
<b>DECISION SUBJECT TO CALL IN:</b>	NO
<b>APPENDICES:</b>	<i>None</i>

**1 Summary and Recommendations**

The Council has a duty to support residents to be independent at home and to reduce the need for long term high-cost care. This report seeks approval to progress the development of a new model for Community Equipment Service jointly with the other Berkshire local authorities and statutory health bodies, led by West Berkshire Council. This arrangement will support the delivery of economies of scale by drawing together the planning and purchasing power of local authorities and health bodies across the region.

**Recommendations:**

Cabinet is recommended to:

1. Agree to Slough Borough Council working in partnership with local authorities and statutory health bodies across Berkshire to develop a new model for the delivery of community equipment services, led by West Berkshire Council.
2. Delegate authority to the Executive Director People Adults in consultation with Lead Member Social Care and Public Health, and Lead Member Children's Services, Lifelog Learning and Skills, to have oversight of the development process.

3. To approve the continuance of the Berkshire Community Equipment Service (BCES) Section 75 Agreement. (This is the vehicle through which funding between statutory bodies can be pooled)
4. Note that a paper concerning the proposed new model will be presented to People Scrutiny Panel in Spring 2023.
5. Agree that recommendations and updates concerning the re-procurement of new community equipment services will be presented to Cabinet in Spring 2023.
6. Agree that recommendations for contract award for new community equipment services will be presented to Cabinet in Winter 2023.

**Reason:**

To seek agreement to progress the development of a new model for community equipment in partnership with other Berkshire local authorities and statutory health bodies, led by West Berkshire. This is with the aim of jointly procuring new provision, with a contract start date of 1<sup>st</sup> April 2024, to deliver best value by joining forces to deliver economies of scale.

**Commissioners Review**

Commissioners have reviewed this report.

**2 Report**

This report contributes to the following objectives and emerging corporate priorities:

Emerging Corporate Priorities

We will live within our means, balance the budget, and provide best value for taxpayers and service users

We will focus on providing the best quality core service we can afford. Providing services that keep our most vulnerable residents healthy, public spaces safe and our environment clean.

To ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand

Slough Recovery Plan

Leadership and Culture

- Decisions are based upon data and evidence
- The organisation is transparent and openly and actively engages with the public and partners to inform decision-making

Governance

- Evidence led decision making
- Develop and enhance performance reporting outlines areas for improvement and best practice

Citizen Service standards and performance

- Provide a good level of service to residents and businesses
- Contribute to the customer engagement excellence programme

## Slough Corporate Plan

- An environment that helps residents live more independent, healthier and safer lives

Community equipment services support people to live in their own homes and to manage their long-term health conditions without the need to live in a care home or hospital settings.

- A council that lives within our means, balances the budget and delivers best value for taxpayers and service users

Current arrangements for community equipment delivers economies of scale and greater purchasing power through collaboration across Berkshire and a larger customer base. This delivers value due to recycling and shared management costs.

## Slough Health and Social Care Plan

More integrated and pre-emptive service offers

- Expand CVS role in social care
- Improve strength based and personalised ways of working in social care.

The Berkshire Community Equipment Service (BCES) was procured through a partnership of local authorities and statutory health bodies across Berkshire with West Berkshire operating as the lead body. This was effective from 1 April 2017 for a five-year contract period until 31 March 2022. The contract was extended for a further two years in 2022, utilising the provision written into that contract. There is no further allowance for extending the current contract.

The funding and partnership arrangement are supported via the Berkshire Community Equipment Service Section 75 Agreement. The Section 75 Agreement does not require renewal to progress the development of the model. However, in accordance with the Section 75 Agreement, 12 months' notice must be given should the Council wish to exit the service.

The service provides a variety of equipment for adults, children and young people with long term conditions and disabilities. Following an assessment from a qualified practitioner (Occupational Therapist, Occupational Therapy Assistant, Social Worker, or Physiotherapist), equipment is provided on loan from the local authority. The equipment helps service users to maintain and maximise their independence, enables them and their carers to be safely supported at home as well as enhancing their quality of life.

## Options considered

Option	Pros	Cons
<p><b>Option 1</b></p> <p>Do not approve the development of a new model and cease the provision of community equipment when the contract expires in March 2024.</p> <p>This is <b>not</b> recommended</p>	<p>Less pressure placed upon Council officer resource</p>	<p>The Council has a statutory duty for residents with disabilities and long-term conditions to remain independent and safe in their homes. The provision of community equipment supports this function for residents; without this function the likely outcome would be:</p> <ol style="list-style-type: none"> <li>1. Increase in care package costs</li> <li>2. Increase in care home admissions</li> <li>3. Increased in hospital admissions (due to falls etc)</li> <li>4. Delays in hospital discharge</li> <li>5. Breakdown in carer relationships.</li> </ol>
<p><b>Option 2</b></p> <p>Agree to progress the development of a new model independently by the Council and outside of a partnership approach.</p> <p>This is <b>not</b> recommended</p>	<p>Absolute control over the scope of services and potential service developments.</p> <p>Compliance with legal duty set out in Care Act 2014.</p>	<p>Joint arrangements have successfully been in place since 2011 and there is expertise within the partnership.</p> <p>Contract management, procurement and financial management would need to be undertaken by Slough Council officers instead of by West Berkshire Council as the Lead authority. This would create an additional pressure upon teams, who do not currently have expertise in this area, and undertaking these additional areas of responsibility would likely be more expensive than the management costs associated with the contract</p>

		<p>(currently £10,500 per annum), due to having to recruit additional specialist staff.</p> <p>Other considerations include</p> <ul style="list-style-type: none"> <li>• Significantly reduced purchasing power and a reduction in economies of scale – Slough population is approximately 140,000 compared to 915,000 across Berkshire.</li> <li>• Increased costs in terms of sourcing a local store, transport fleet and costs relating to decontamination, IT infrastructure, recycling, and disposal of damaged equipment.</li> <li>• Two tier system – with Health colleagues based in Slough accessing the BCES service, and the Council using a standalone service – this is not aligned to the integration ambition of the Council.</li> <li>• Current system allows of joint case management of complex health and social care patients through data sharing. This would not be possible outside the BCES partnership.</li> </ul>
<p><b>Option 3</b></p> <p>Bring services in house when contracts expire in March 2024.</p> <p>This is <b>not</b> recommended</p>	<p>Would support continuity of service delivery.</p> <p>Compliance with legal duty set out in Care Act 2014.</p> <p>The Council would be able to build expertise in this area.</p>	<p>There would be significant resource implications to manage this process. Start up costs for frontline provision would include</p> <ul style="list-style-type: none"> <li>• Warehouse to store equipment and carry out repair, maintenance, and</li> </ul>

		<p>decontamination of used goods</p> <ul style="list-style-type: none"> <li>• Purchase of fleet to deliver goods</li> <li>• Restock equipment cost - as little will be transferred from the current service to an inhouse provision.</li> </ul> <p>This is not aligned to the Care Act duties for market shaping.</p> <p>There is no expertise in the council to manage and deliver an in-house service</p>
<p><b>Option 4</b></p> <p>Permit the development of a new model of community equipment in partnership with Berkshire local authorities and statutory health bodies with the aim of jointly procuring services, subject to agreement by Cabinet – both prior to procurement and prior to contract award.</p> <p><b>Recommended Option</b></p>	<p>Fully integrated service across health and social care across the Berkshire footprint</p> <p>No set up costs with transfer of equipment, the equipment warehouse, vehicles, and labour through TUPE.</p> <p>Procurement costs are shared equally at 1/8 of the costs across the partnership. Decisions for award, service development are agreed at the Berkshire Commissioner Group, the recommendations will be formally agreed by the governance process within the lead contracting authority.</p> <p>Flexible Section 75 Agreement where the council only pay for what is loaned to the service user.</p> <p>Economies of scale equipment is at a competitive price given the purchasing power for</p>	<p>Lost opportunity for Council officers to develop expertise in procuring. managing or bringing in-house a community equipment service.</p>

	<p>equipment over a larger population.</p> <p>Expertise provided through clinical oversight -Nurse and Senior Occupational Therapist employed by West Berkshire to provide advise and guidance.</p> <p>Opportunities to share costs and equipment through recycling.</p> <p>Fully integrated service across health and social care across the Berkshire footprint.</p>	
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### Community equipment contract

- 2.1 The Council has a statutory duty (under the Care Act 2014 and the Children and Families Act 2014) to meet the assessed eligible needs of residents, including equipment and disability aids. This function supports residents to maintain and manage their condition, to stay healthy and independent whilst maintaining choice and control over how they manage health and care needs. This service is integral to reducing pressures on social care by preventing care home admissions, facilitating discharge from hospital, and supporting carers to carry out their caring role.
- 2.2 The BCES delivers the specialist equipment to support residents of all ages who have an assessed need across the six Berkshire Local Authorities. The Joint Arrangements ensure that provision of specialist community equipment in a coordinated and consistent way. The current participating organisations under the BCES partnership include
- West Berkshire Council – contract lead and host authority
  - Slough Borough Council
  - Slough Children First
  - Wokingham Borough Council
  - Reading Borough Council (and Achieving for Children)
  - Royal Borough of Windsor and Maidenhead (Optalis and Achieving for Children)
  - Frimley Clinical Commissioning Group (for East Berkshire)
  - Berkshire West Clinical Commissioning Group
- 2.3 The Contract is held between the service provider, currently Healthcare Pro (formerly known as NRS Healthcare) and the lead authority West Berkshire Council, who act on behalf of the BCES Partnership. The current 5-year contract commenced on 1<sup>st</sup> April 2017 and was extended in 2022 for a further 2 years to 31<sup>st</sup> March 2024. The contract was procured through an open market process in accordance with procurement rules at that time.

## 2.4 Key elements of the service include

- Sourcing and storage of equipment
- Delivery, installation, and collection (when no longer required)
- Decontamination, recycling of equipment for future use or safe disposal
- Maintenance and repair of equipment (legal duty under LOLER)
- Technology enabled care (with optional monitoring)
- Customer care- call centre operations, complaints and feedback
- Safe and Well (for self funders)
- Trusted assessor for assessment for basic equipment needs and technology enabled care devices
- OT assessment service
- Clinical oversight and advice
- Training in the use of equipment for all prescribers

### Case Management

2.5 As of 8 February 2022, there were 56 prescribers of community equipment in Slough and a total of 1951 across the Berkshire footprint. Prescribers will normally be an Occupational Therapist, Occupational Therapy Assistant, Nurse, Physiotherapist, or other approved general administrator, and will have access to the case management system (IRIS). IRIS is the online platform for authorities to track the delivery and order of community equipment. IRIS provides the following

- Secure encrypted route for purchasing equipment
- Dynamic catalogue for practitioners to browse and select the correct equipment item
- Real time information regarding stock levels
- Close technical equivalent information in cases of increasing prices or low stock
- Advice and training guides for practitioners (guidance notes, warnings, and criteria)
- Management of lifespan of equipment (annual testing)
- Real time report re shelf life
- Integration with email and NHS SPINE.
  - This provides real time information on service users activity to aid timely collection, for example when a service user moves to a care home
  - Linked to GP and NHS number to provide update to ensure correct allocation of charges across the contract

The level of access to IRIS is determined by each partner. Group Managers will have authority to approve equipment orders as well as having the clinical responsibility for the provision of equipment. Administrators can order low level risk equipment, whereas qualified practitioners have access to more specialised technical equipment, for example hoists. The current practice is for health staff to order specialised equipment (beds and pressure mattresses), and for social care to order equipment in line with delivery of personal care and independence (hoists and telecare).

Training is required for all prescribers prior to being issued a login to the case management system. One of the benefits of the joint arrangement is the removal of duplication; the local authority and health partners have access to the service user's entire history for equipment, which stops repeat orders and ensures equipment no longer in use can be recycled quickly.

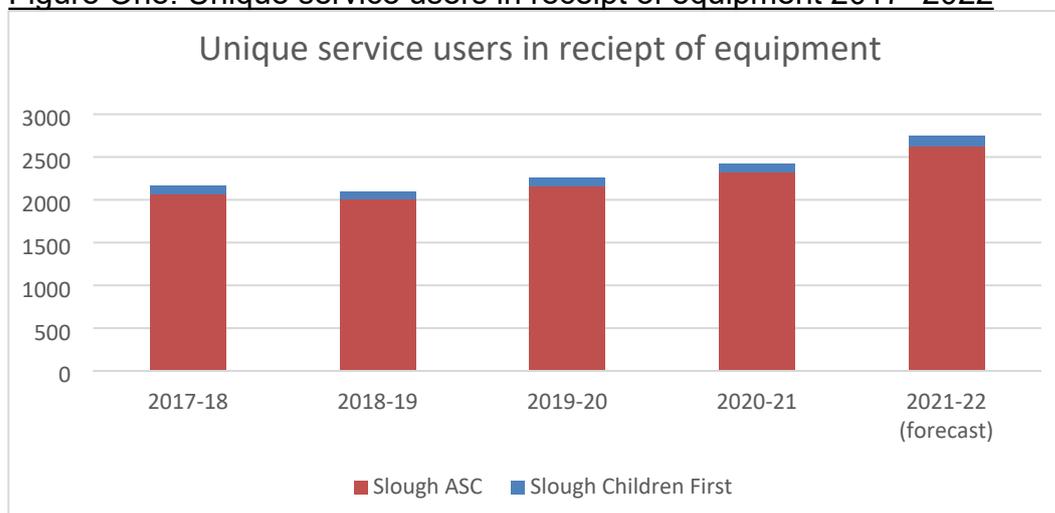
## Demand for community equipment

- 2.6 Community equipment supports service users to retain independence whilst reducing the need for high-cost residential care. This could include:
- The service user being prescribed a raised toilet seat and mobility aids following a hospital discharge.
  - The service user being prescribed ceiling track hoists and slings to enable care at home if they have a long-standing health condition and a serious disability
  - The service user being prescribed appropriate high back seating, profile beds and pressure mattresses to reduce the risk of deterioration of the long-term condition
  - The service users being prescribed technology enabled care equipment to reduce risks relating to hearing or visual impairment such as sensors and fire alarms that glow etc
  - The service user being prescribed a falls detector, key safe – to enable easy access for care workers and a pendant alarm.

2.7 Demand for community equipment has increased over the lifetime of the contract. this is partly due to demographic pressures relating to an ageing population and an increase in the care needs and complexity of the population. Figure One shows a steady rise in numbers in receipt of services from the equipment contract:

- An increase of 24% for children’s social care, this is from 93 unique service users in 2017/18 to an approximate 113 in 2021/22
- An increase of 27% for adult social care, this is from 2073 unique service users in 2017/18 to an approximate 2069 in 2021/22

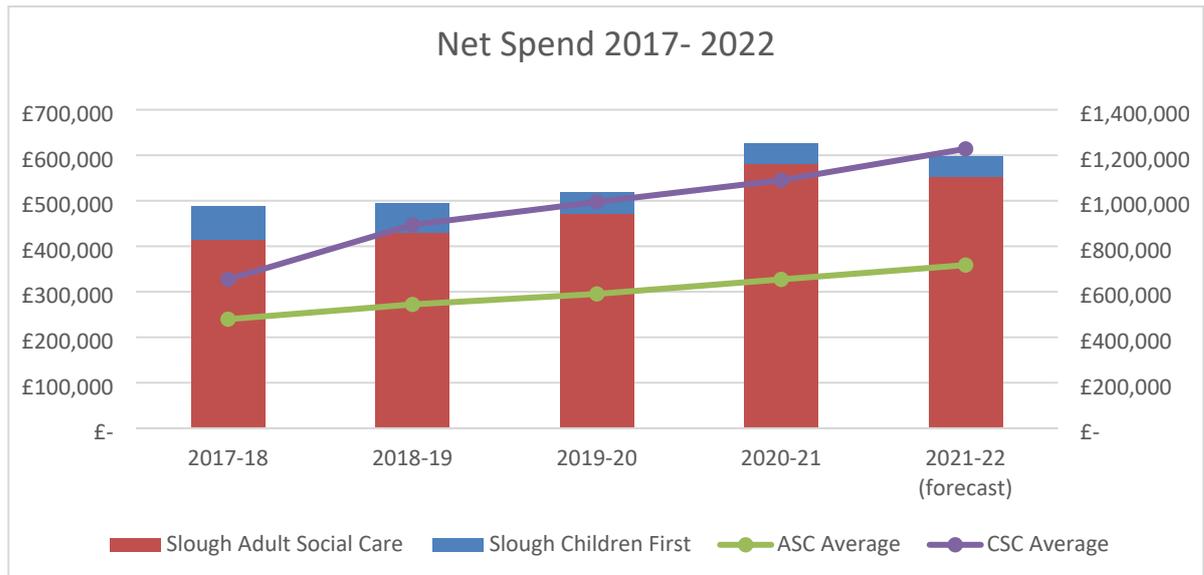
2.8 Figure One: Unique service users in receipt of equipment 2017- 2022



Source: BCES partnership data

2.9 There has been a commensurate increase in expenditure against the contract. This relates to delivery, maintenance, installation, and collection. The net spend has risen by 40% for adult social care, from £415,000 in 2017/18 to £581,000 in 2021/22. For Children and Young People in Slough, the expenditure has decreased from £73,000 2017/18 to £43,000 in 2021/22 and is the result of different purchasing activity. It should be noted that in Slough, expenditure for adult social care is below average when compared across all six unitary authorities, this is demonstrated by figure two.

**Figure Two: Net spend 2017- 2022**



Source: BCES Partnership Data

2.10 The increase in demand and thereby in spend is due to an increasing older population and an increase in complexity of need. The Projecting Older People Population Information System predicts that the population of those aged 65 and over will increase by 50% by 2040. The Projecting People Adults Needs and Service Information System predicts the following rises in complexity for the local population of Slough :

- 28% increase in population aged 60 years and over to have severe hearing loss
- 13% increase in total population aged 18-64 predicted to have a longstanding health condition caused by a stroke
- 8% increase in the total population aged 18-64 predicted to have a serious personal care disability
- 8% increase in the total population aged 18-64 predicted to have impaired mobility

2.11 The increase in complexity and demand has led to a 48% increase activity as shown in Table One:

**Table One – Items of equipment delivered (includes Trusted Assessments and NRS Monitoring Service)**

	<b>Slough ASC</b>	<b>Slough Children First</b>
2017-18	6536	191
2018-19	8337	239
2019-20	8854	197
2020-21	9771	262
2021-22	9721	268

Source: BCES Partnership Data, includes trusted assessments and monitoring.

Demographic pressures, mean more equipment must be bought to enable more people to retain their independence and avoid an unsustainable increase in care package costs.

Based upon current increases in demand and in spend, it is predicted that the cost and volume of equipment will be £580,000 per annum.

## **Commissioner Review**

*[Sign off from the Commissioner(s) is required for all reports and any comments are to be recorded in the report.]*

### **3. Implications of the Recommendation**

#### **3.1 Financial implications**

- 3.1.1 The budget for the Community Equipment service is £660k, the budget funding is split between General Fund revenue allocation, Better Care Funding and Government Capital grant. General Fund Revenue Allocation - £218k  
Better Care Fund Allocation - £130k. Disabled Facilities Grant (DFG) Capital Grant Allocation- £248k ( please see March 2022 updated guidance for DFG), General Fund Revenue Allocation - Children Service - £60k
- 3.1.2 There is no known risk to Better Care funding and Disabled Facilities Grant funding to the Council. For 22/23, the funding allocation for Better Care Fund of £10.60m and Disabled Facilities Grant of £1.14m have been announced.
- 3.1.3 The potential to secure savings in the procurement will be limited due to the worldwide shortage of raw materials, increased costs for containers and shipping as well as fuel.
- 3.1.4 The potential for procurement savings is expected to be limited due to an expectation that the overall contract price will increase given the limited number of suppliers in the community equipment services marketplace. Comparison of costs between contracts is not straight forward as the total cost comprises both the equipment and delivery cost plus a management fee. Each contract charges different prices for each of these elements.

#### **3.2 Legal implications**

- 3.2.1 The Council has a duty under Section 1 of the Care Act 2014 to promote the wellbeing of adults in care and need. The wellbeing principal applies in all cases where the local authority is carrying out a care and support function or deciding with regards to a person's risk and support care needs. The provision of community equipment can be applied to the following wellbeing principles
- Personal dignity (including treatment of an individual with respect)
  - Physical and mental health and emotional well being
  - Control by the individual over day-to-day life (including over care and support and how this is provided)
  - Participation in work, education, training or recreation
  - Social and economic wellbeing
  - Domestic, family and personal

- Suitability of living accommodation

3.2.2 Section 2 of the Care Act 2014 places a duty to provide, arrange or otherwise identify services, facilities, and resources to prevent, delay or reduce the needs of adults for care and support in the local area. Community equipment features in the statutory guidance of the act : *Local authorities must provide or arrange services, resources or facilities that maximise independence for those already with such needs, for example, interventions such as rehabilitation/reablement services, e.g. community equipment services and adaptations*<sup>1</sup>.

3.2.3 Section 5 of the Care Act 2014 allows for the provision of equipment to be put in place and for a statutory assessment to be paused for a period of time to assess the impact. Following a pause, the assessment can continue before a decision is made on eligibility.

3.2.4 In addition to our legal duties to provide community equipment under the Care Act 2014 the following legislation is relevant:

- National Health Service Act (2006)
- Children Act (1989)
- Chronically Sick and Disabled Persons Act (1970)
- Children and Families Act (2014).

#### Section 75 Agreement

3.2.4 The Six Berkshire Unitary Councils and the Berkshire CCGs entered into the Community Equipment Service Section 75 Agreement on 23 February 2015. This Section 75 Agreement continues year after year until terminated by the parties in accordance with the terms of the agreement as set out below.

It is intended that the Council will continue to collaborate with both health and local authorities across Berkshire in the provision to commission a joint community equipment service. The Section 75 agreement sets out the terms for collaboration, including the governance, financial contribution, roles and responsibilities and exit arrangements.

Any partner intending to leave the partnership would do so by issuing 12 months' notice in writing to the lead authority. Any partner leaving the partnership would then be required to find alternative provision for both existing clients as well as procuring a new service in their own right for any future provision. Termination should not be undertaken lightly as both the resources and cost of retendering, along with potential loss of economies of scale and stability that comes with an established infrastructure across both Health and Social Care, would be significant

It will be important that the Lead Member for Public Health and Social Care and the Lead Member for Children's Services, Lifelong Learning and Skills remain sighted on this project, if a 12-month notice period is required by Members to be initiated.

Further information containing the Section 75 Agreement can be found at Appendix 1.

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<sup>1</sup> Department of Health. Care and Support Statutory Guidance: issued under the Care Act 2014, para 2.9.

### 3.3 Risk management implications

3.3.1 The table below sets out the risks associated with the proposed course of action and the mitigating actions

Risk	Assessment of Risk	Mitigation	Residual Risk
Suppliers do not bid as they do not have sufficient organisational capacity	<p>Medium</p> <p>The contract is of significant value across the Berkshire partnership; therefore, the contract may not be sustainable in relation to volume of activity and financial investment required.</p>	<p>The market for community equipment is small but well established; there are examples of other large partnership arrangements like Berkshire with a broad customer base. Buckinghamshire and Oxfordshire are examples.</p> <p>Interested providers will submit financial reports and audited accounts as part of the tender process to ensure this risk is reduced.</p>	Low
Impact of increased volume of activity leading to further financial pressures.	<p>Medium / High</p> <p>Section 2.9 highlights a significant increase in activity due to increased service user complexity and demographic pressures.</p>	<p>The Partnership has in place robust contract management processes, including arrangements to identify equipment that has been loaned for a significant period, or duplicate orders to ensure value for money.</p> <p>Management reports are sent out to local area commissioners and occupational therapy teams for on-going performance monitoring. This allows for</p> <ol style="list-style-type: none"> <li>1. Financial analysis and reporting to identify budgetary pressures early on – this allows for mitigating actions to take place.</li> <li>2. Early identification of new trends where items can be stocked via the catalogue for a better price.</li> <li>3. Ongoing activity to increase recycling</li> </ol>	Medium

Risk	Assessment of Risk	Mitigation	Residual Risk
		<p>of stock and therefore reduced financial costs.</p> <p>Team Managers review performance reports to ensure there is no oversubscribing.</p> <p>Prescribers and Managers attend regular training to ensure they have up-to-date knowledge regarding the equipment on offer as well as alternatives. This ensures appropriateness and clinical oversight where the offer is matched with need.</p>	
<p>Impact of Brexit and supply chain challenges.</p>	<p>High</p> <p>The market is facing significant economic and logistical pressures due to Brexit, this ranges from shortages in HGV drivers to increased shipping and docking costs. Combined with a worldwide shortage in raw materials and increased cost for shipping containers, suppliers can no longer absorb increased costs and have now transferred some directly to customers.</p>	<p>Team Managers to closely monitor prescribing activity to ensure provision is based on assessed needs.</p> <p>Collaborate with the Provider and other purchasing areas to</p> <ol style="list-style-type: none"> <li>1) Source equipment produced regionally to reduce transportation cost</li> <li>2) Joint purchasing with other areas to increase purchasing power and deliver further economies of scale</li> <li>3) Modification of packaging (more flat packed equipment) for better use of containers.</li> <li>4) Redirecting deliveries to alternative shipping ports to reduce costs and delays.</li> <li>5) Further use of close technical equivalent equipment that are more cost effectiveness.</li> </ol>	<p>Medium/High</p>

Risk	Assessment of Risk	Mitigation	Residual Risk
Delay within the Partnership in progressing the delivery model and specification.	Medium  Delays may occur due to disagreements amongst partners and multiple governance structures	The procurement timeline is described in Section 3.6. A more detailed plan will be developed once all Partners confirm continuance under the current rearrangements.  Slough Commissioning Lead will continue to be part of the project group and other sub-groups to ensure the timeliness of the procurement and Slough's input is included.	Low

### 3.4 Environmental implications

3.4.1 The specification for the commissioning of community equipment will contain environmental targets to reduce the carbon footprint. This may include continued use of route optimisation for the distribution of equipment and to ensure multiple items can be delivered in one setting as well as sourcing equipment locally.

3.4.2 The contract also operates on a recycling basis to reuse equipment (after cleaning and decontamination) to minimise the environmental impact as well as secure further financial efficiencies.

### 3.5 Equality implications

3.5.1 An Equalities Assessment is not required as there are not anticipated to be any negative impacts arising from the development of a community equipment model. As the model is developed a full equalities impact assessment will be carried out by West Berkshire Council (contracting lead and host authority) with input from Slough Borough Council and will be reported back to Cabinet in Spring 2023.

### 3.6 Procurement implications

#### 3.6.1 High Level Procurement Plan

Event	Start Date	Target Date to complete
All BCES Partners to seek authority to commence joint procurement and confirm with Lead Authority	1 <sup>st</sup> April 2022	29 <sup>th</sup> July 2022
West Berkshire to collate partnership commitment approval to start commissioning process through own Cabinet	1 <sup>st</sup> August 2022	19 <sup>th</sup> September 2022
Partnership meetings to commence to develop service specification	20 <sup>th</sup> September 2022	28 <sup>th</sup> April 2023

Service User consultation	6 <sup>th</sup> February 2022	29 <sup>th</sup> February 2022
Agree ITT method statement		28 <sup>th</sup> April 2023
West Berkshire to publish Tender Advert		30 <sup>th</sup> May 2023
Tender closing date		18 <sup>th</sup> July 2023
Evaluation of tenders by Slough Panel (Adult Social Care, Commissioning, and Children Social Care)	19 <sup>th</sup> July 2023	11 <sup>th</sup> September 2023
Moderation across Berkshire Partners		28 <sup>th</sup> September 2023
Award Decision (West Berks)		13 <sup>th</sup> October 2023
Contract Award Notice		5 <sup>th</sup> December 2023
Contract mobilisation	2 <sup>nd</sup> January 2024	31 <sup>st</sup> March 2024
New service start date		1 <sup>st</sup> April 2024

### 3.7 Workforce implications

3.7.1 n/a

### 3.8 Property implications

3.8.1 n/a

## **4. Background Papers**

Section 75 Agreement

**SLOUGH BOROUGH COUNCIL**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	20 <sup>th</sup> June 2022
<b>SUBJECT:</b>	Re-procurement of Adult Social Care Extra Care Contracts
<b>CHIEF OFFICER:</b>	Mark Gadsby, Executive Director People (Adults)
<b>CONTACT OFFICER:</b>	Jane Senior – Associate Director People Strategy and Commissioning  Avtar Maan Group Manager - People Strategy
<b>WARD(S):</b>	ALL
<b>PORTFOLIO:</b>	Cllr Natasa Pantelic, Social Care and Public Health
<b>KEY DECISION:</b>	YES
<b>EXEMPT:</b>	NO (with the exception of Appendix A)
<b>DECISION SUBJECT TO CALL IN:</b>	YES
<b>APPENDICES:</b>	Appendix 1 – Equalities Impact Assessment  Exempt Appendix A – Pricing Information

## 1 Summary and Recommendations

- 1.1 In January 2022, Cabinet approved the extension of the current contract to Creative Support for Integrated Care and Support in Extra Care to the value of £848,200 per annum for a period of two years, this is equal to £1,696,400 (one million, six hundred and ninety-six thousand, four hundred) over two financial years to cover the period 1st April 2021 to 31st March 2023. Cabinet also approved commencement of a new commissioning process to design a revised model of Integrated Care and Support in Extra Care services.
- 1.2 Following Cabinet approvals outlined in 1.1, this report seeks approval to procure Integrated Care and Support in Extra Care Services for a 3-year contract plus one extension period of one year each from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2027. The extension is subject to satisfactory performance throughout the initial contract period and that the contract is assessed as continuing to meet best value requirements.

## **Recommendations:**

Cabinet is recommended to:

1. Agree to the procurement of the Integrated Care and Support in Extra Care contract via the Council's Adult Social Care Dynamic Purchasing System, on a three-year basis with scope for one extension of one year. This will be subject to satisfactory performance throughout the initial contract period and that the contract is assessed as continuing meet best value requirements.
2. Delegate authority to the Executive Director for People (Adults), in consultation with the Lead Member for Social Care and Public Health, to have oversight of the procurement process.
3. Agree that recommendations for contract award will be presented to Cabinet in December 2022.
4. Note the pricing scenarios included at Exempt Appendix A

## **Reason:**

To ensure best value in securing sufficiency of supply of Integrated Care and Support in Extra Care in the local area.

## **Commissioner Review**

Commissioners have reviewed this report.

## **2 Report**

### **Introductory paragraph**

- 2.1 The provision of good quality Integrated Care and Support in Extra Care enables individuals with assessed care and support needs to remain living in their own home, thus promoting independence and reducing the need for more expensive residential care.
- 2.2 Extra Care plays an essential role within the health and social care system, not only by delivering care to those who are assessed as requiring it, but also by averting the need for individuals to move to alternative residential care options, maintaining their independence and retaining greater control over their lives.
- 2.3 The provision of Integrated Care and Support in Extra Care meets the following Council priorities and objectives:

#### **Slough Health and Wellbeing Strategy**

Priority Two- Integration – Increasing the proportion of people living independently at home and decreasing the number of people living in care homes.

#### **Slough Five Year Plan**

Outcome 2 – Our people will be healthier and manage their own care and support needs.

## Slough Borough Council Recovery Plan Priorities

### Leadership and Culture

- Decisions are based upon data and evidence
- The organisation is transparent and openly and actively engages with the public and partners to inform decision-making

### Governance

- Evidence led decision making
- Develop and enhance performance reporting outlines areas for improvement and best practice

### Citizen Service standards and performance

- Provide a good level of service to residents and businesses
- Contribute to the customer engagement excellence programme

## Options considered

A number of options were considered:

Option	Pros	Cons
<p><b>Option 1</b> Do not re-tender contracts which are due to expire.</p>	<p>This would reduce resource pressure placed upon teams engaged in procurement activity.</p>	<p>This would not comply with the recommendation agreed at Cabinet in January 2022 to re-procure these services.</p> <p>Not tendering for contracts which are due to expire will leave care arrangements for individuals at risk and contractual arrangements non-compliant with Council's Contract Procedural Rules.</p> <p>No savings will be made, alternative ways to deliver statutory care and support prescribed by the Care Act 2014 will have to be met.</p> <p>Significant disruption in service provision for vulnerable service users with social care needs. This will impact safeguarding, social care assessment and purchasing activity</p>
<p><b>Option 2</b> Direct Award of Contract to existing provider.</p>	<p>This would maintain and secure existing care arrangements in place.</p>	<p>This would not comply with Cabinet's previous direction in January 2022 to re-procure these services.</p>

	<p>This would reduce resource pressure placed upon teams engaged in procurement activity.</p>	<p>The Council would not be able to seek possible better value from the market in relation to provision of Extra Care services.</p> <p>Would not comply with Public Contracts' Regulations</p> <p>There is a mature care and support market, a direct award for this service is a not a fair and transparent process, competition is recommended.</p>
<p><b>Option 3</b> Retender block contract via the Adult Social Care Dynamic Purchasing System.</p> <p><b>Recommended</b></p>	<p>Maintains sufficiency and diversity of supply.</p> <p>Supply secured through competitive processes in order to meet best value requirements.</p>	<p>Economic pressures placed upon providers might have an impact upon the market and potentially upon the price which is able to be secured at the present time.</p>
<p><b>Option 4</b></p> <p>Do not retender the Extra Care contract and transfer all individuals receiving care from these providers to direct payments.</p>	<p>It would be cost effective to transfer individuals in receipt of commissioned care packages onto direct payments.</p>	<p>Individuals in receipt of Extra Care services have complex needs for whom the management of their care arrangements via Direct Payments is unlikely to be feasible.</p>
<p><b>Option 5</b></p> <p>Open-market procurement leading to new block contract arrangement</p>	<p>The Council will have assurance on adequate supply for the term of the contractual period.</p> <p>Simple payment schedule is less resource intensive for Council staff.</p> <p>Providers have surety of income and can plan their businesses more effectively.</p>	<p>The Council has an effective mechanism for driving competition and seeking best value – the Adult Social Care Dynamic Purchasing System.</p> <p>The procurement timetable is compatible with utilising the DPS.</p>

Further information on procurement approaches considered are set out at section 3.6 below.

## Background

2.4 Extra Care balances independent living with an enhanced sense of security where service users receive support to manage their tenancies. Essential to this are the following extra care characteristics:

- Purpose-built, accessible design promoting independent living which supports people to age in place.
- Fully self-contained properties with own front doors.
- Secure tenancies or lease arrangements where the service user has full control over who has access to their own home.
- Office for use by staff serving the scheme and sometimes the wider community.
- Communal spaces and facilities.
- Access to planned and unplanned urgent care and support services 24 hours a day, 7 days a week.
- Community alarms and other assistive technologies.
- Safety and security often built into the design with fob or person-controlled entry.

2.5 Extra Care schemes provide a cheaper and more personalised support to adults when compared to residential care settings as the council will only pay for the provision of care and support, the accommodation cost is the responsibility of the tenant. Tenancy or purchasing of extra care properties are paid directly by the service user to the Landlord. This includes additional charges relating to maintenance, communal facilities, and support as described in the tenancy agreement. Where affordability is a barrier, this is often funded via housing benefits claims and/or council tax reductions.

2.6 Slough Extra Care Schemes: Since 2008, there have been two Extra Care Housing Schemes in Slough; 56 properties at Northampton Place and 70 properties at The Pines. There are a total of 126 properties across the two schemes.

1. Northampton Place is designed with 47 one-bedroom and 9 two-bedroom self-contained properties. 10 of the 56 properties are sold on a shared ownership with the rest being available for rent.
2. The Pines is designed with 55 one-bedroom and 15 two-bedroom self-contained properties. 17 of the 70 properties are sold on a shared ownership with the rest being available for rent.

Under the shared ownership scheme, eligible applicants must buy 75% share of the property, with the Landlord Anchor/Hanover, retaining the remaining 25% share in the property.

2.7 Eligibility: Applicants must be 55 years or older, with care and support needs, and have a local connection to the area. For either setting, the applicant must

make an application on the housing register to rent an extra care property or register with the Council for shared ownership. Applications are assessed for suitability by the Housing Panel; this is a joint Adult Social Care, Housing Allocations, care operator, and housing operator panel that reviews and agrees applications to the schemes from adult social care and housing allocations

### Service user engagement and consultation

2.8 Several co-production meetings were held with representatives from social work teams, health colleagues and the co-production network. Feedback to date has ensured that the following areas have been further developed / incorporated into the service model:

- Meeting the needs of the individual.
- Safety and safeguarding – including operating safely during COVID-19.
- Quality assurance.
- Approaches to staff recruitment, retention and training.
- Pricing and capacity building.
- Business Continuity Planning.
- Information systems and their use for monitoring service provision.
- Approach to partnership working with the Council and others.

An additional provider survey with service users is also currently being conducted with full findings ready by end of June. These results will help inform the final version of the service specification.

### **Extra Care Model**

The current specification for care and support in extra care will be updated following a series of on-going service user and stakeholder engagement events. The specification will be finalised in July once the service user engagement and onsite review of service user care needs is fully completed in June 2022. The following relevant 'I' and 'my' statements have been raised by service users:

- I should be put at the centre
- My needs should be understood
- I want to have meaningful and positive relationships
- I should know my carers
- My carers are listening, empathetic and caring
- My service should be value based
- I should be supported to do the things I can do for myself
- I want barriers removing so I can love my life
- I want to be able to choose how I live my life
- I want to live a dignified, safe and independent life
- I want to be connected to my family, friends and community
- I want comfort and security
- My service should be efficient and well led
- My service should use technology and better logistics (scheduling)

- My service should be effectively monitored and reviewed (proactive and reactive)
- My service should interact and work with other services, family and the community to deliver my care plan and high standards

The new service will ensure that people living in Extra Care with assessed care and support needs have timely access to services which is person-centred to the assessed needs of the individual, is responsive to changing needs and enables the person to maximise their independence and quality of life in their Extra Care home and in the community.

Core elements of the proposed model will be strengthened to include the following:

- A. Wellbeing: The service will promote and maximise the wellbeing of people, recognising the aspirations and potential of people. Individuals will be empowered through the provision of care and support to live independently for as long as possible.
- B. Quality: The service will work to quality principles, being self-reflective and self-improving. The workforce will be skilled, with a focus on development, retention and training.
- C. Choice & Control: The service will support and facilitate personalisation by placing people at the centre of decision making about them. The use of digital technology, where appropriate, will be pivotal to the promotion of greater choice, control and avoidance of intrusive care. This will also allow service users to maintain effective contact with the community and their own support networks.
- D. Cultural awareness: The service will ensure that the religious, cultural and spiritual needs and wishes of service users are identified, respected and wherever possible met.
- E. Standards: The service will work to national and local standards and within legal frameworks. There will be strong leadership, with clear processes, pathways with strong service user engagement where concerns raised are acted upon in a timely manner.
- F. Partnership: The service will have effective and productive operational relationships with internal and external service partners. There will be strong integration with support services, including provision of activities provided by the Landlord, links with health services and a multidisciplinary approach.
- G. Enabling: The service will support and challenge people to build and sustain their own potential for independence and wellbeing. There will be strong relationships between the provider and service users to coordinate effective care and support based on needs to provide the right care at the right time in the right place.
- H. Adaptable: The service will be adaptable to changing circumstances and take a lead role in responding to changing need.

- I. Evidence: The service will base its approach on the best care evidence and on evidence presented through assessment and care planning.
  - 1) Core Elements of the service will cover as a minimum:
    - A) Hours of cover: 365 days per year, 24-hour cover.
    - B) Access to the service.
    - C) Definition of care covered –Care Act (2014).
    - D) Strength-based support planning.
    - E) Communication with social care regard changes to care package or needs.
    - F) Safeguarding principles and processes.
    - G) Unplanned care and emergency care for an existing service user.
    - H) Unplanned admission.
    - I) Continuity of care.
    - J) Access to service users' property and security.
    - K) Managing complex behaviour and conditions.
    - L) Performance monitoring and quality assurance.
    - M) Safer Recruitment and supervision.
    - N) Learning development and training.
    - O) Provider records and confidentiality.

## 2.9 Integration

The Council and Anchor Hanover operate under a partnership nominations agreement, this sets out the process for assessing applications, the eligibility criteria for extra care, the level of need within the extra care setting as well as roles and responsibilities for both organisations. The selected care provider is expected to align its service delivery with Anchor Hanover to ensure a coordinated and integrated approach to deliver the assessed care needs for residents in extra care.

## 2.10 Outcomes

These will be measured under the key domain areas outlined below, following the Key Lines of Enquiry (KLOE) outlined:

### **Safe**

People are protected from abuse and avoidable harm. This means that people are supported to make choices and take risks and are protected from physical, psychological and emotional harm, abuse, discrimination and neglect.

S1 - I am protected from bullying, harassment, avoidable harm and abuse that may breach my human rights.

S2 - How are risks to individuals and the service managed so that people are protected, and their freedom is supported and respected?

S3 - How does the service make sure that there are sufficient numbers of suitable staff to keep people safe and meet their needs?

S4 - My medicines are managed so that I receive them safely.

S5 I am protected through the prevention and control of infection

### **Effective**

People's care, treatment and support achieve good outcomes, promote a good quality of life and are evidence-based where possible. This means that people are supported to live their lives in the way that they choose and experience the best possible health and quality of life outcomes.

E1 - I receive effective care, which is based on best practice, from staff who have the knowledge and skills they need to carry out their roles and responsibilities.

E2 - My consent to care and treatment is always sought in line with legislation and guidance.

E3 - I am supported to eat and drink enough and maintain a balanced diet.

E4 - I am supported to maintain good health, have access to healthcare services and receive ongoing healthcare support.

### **Caring**

Staff involve and treat people with compassion, kindness, dignity and respect. This means that people, their families and carers experience care that is empowering and provided by staff who treat people with dignity, respect and compassion.

C1- I have positive caring relationships with services.

C2 - I am supported to express my views and I am actively involved in making decisions about my care, treatment and support.

C3 - My privacy and dignity are respected and promoted.

C4 - I am supported at the end of my life to have a comfortable, dignified and pain free death.

### **Responsive**

Services are organised so that they meet people's needs. This means that people get the care they need, are listened to and have their rights and diverse circumstances respected.

R1 - I receive personalised care that is responsive to my needs.

R2 - My experiences, concerns and complaints are routinely listened to and learned from.

R3 - I will receive consistent coordinated, person-centred care when I use, or move between, different services.

## Well-led

The leadership, management and governance of the organisation assure the delivery of high-quality, person-centred care, supports learning and innovation, and promotes an open and fair culture. This means that management and leadership encourage and deliver an open, fair, transparent, supporting and challenging culture at all levels.

W1 - I will experience a positive culture that is person-centred, open, inclusive and empowering from my service.

W2 - My service will be well-led and managed.

W3 - My service will deliver high quality care.

W4 - My service works in partnership with other agencies in pursuit of excellence.

2.11 As a demand led provision, Extra Care expenditure will need to be monitored very closely to ensure financial sustainability. The Adult Transformation Programme initiatives to diverting demand at front door and ensuring competitive “target price” for care provisions should mitigate against any adverse budgetary effects.

2.12 The quality of provision is monitored through the Quality Assurance team and reported through the Care Governance Board. Overall, quality of provision within the borough is good.

## **3. Implications of the Recommendation**

### 3.1 Financial implications

3.1.1 The Council is responsible for procuring a suitable care provider and payment of care and support costs to meet assessed needs.

3.1.2 The current budget/contract price of **£848,000, provides** a maximum of 45,130 hours of care; this is a mixture of planned care, unplanned care, and urgent care. The revised contractual model will reduce the waking-night component relating to both Extra Care provisions. The revision to the model will equate to a reduction of 6,188 hours, brings the revised total down to 38,942 hours of care in the revised block contractual model. The reduction in hours of care could result in budget savings ranging from, at least £92,500 to £116,280 per annum depending on the unit cost per hour achieved in the procurement. Details are set out at Exempt Appendix A.

The proposed level of commissioned hours is commensurate with the needs outlined within care reviews for the individuals for whom council care currently provide care across both schemes. These clients typically have complex needs and who have had more than one care review undertaken over the last year – therefore providing certainty that the level of proposed commissioned hours being set an appropriate level.

3.1.3 It should be noted that with a reduction in the number of contracted hours it is possible that a cheaper contract price could be achieved – based upon the scenarios set out at Exempt Appendix A. The reduction in care hours will not compromise the care needs of individuals or contravene Housing Management requirements relating to the number of staff required on premises overnight. Rather, the block level of contracted hours will allow the care provider to flexibly allocate hours amongst clients aligned to actual care need. Additionally, given the complex needs of clients within these schemes it is unlikely the contracted block level of hours will be under-utilised. The People Strategy and Commissioning Team will work with Legal and Procurement Teams to develop an appropriate contract.

3.1.4 This provision is demand-led, where any changes in service user assessed needs, over and above the contracted value will require approval via the routine Social Care Panel Approval process. This will provide the necessary scrutiny prior to any further commitment of council funds above the contracted level over the life of the contract.

## 3.2 Legal implications

3.2.1 The Care Act 2014 requires the local authority to meet identified eligible needs as assessed under s9 of the Care Act, and there to be appropriate provision to meet that need. Where this is identified as Extra Care, then there is a duty placed upon the Council to make that provision.

3.2.2 The Care Act statutory guidance states that 'high quality, personalised Care and Support can only be achieved where there is a vibrant, responsive market of services available'.

3.2.3 Under section 5 of the Care Act, the local authority has a duty to shape and maintain an efficient and effective market of services for meeting care and support needs in the local area.

3.2.4 The duty applies in relation to services that the Local Authority commissions directly, but also to other non-commissioned services in its area (including those used by self-funders), universal services and services provided by partners (such as health or charitable services) that together create the marketplace.

3.2.5 The market that is shaped should ensure that any person requiring Care and Support/Support services:

1. Has a variety of providers, supplying a variety of services to choose from;
2. Has a variety of high-quality services to choose from; and
3. Has sufficient information to make an informed decision about how to meet the needs in question.

3.2.6 Under Public Contracts' Regulations the Local Authority must ensure it has effective strategies to shape the marketplace and commission the right services.

3.2.7 Use of a properly established Dynamic Purchasing System (DPS) to procure Integrated Care and Support in Extra Care is a compliant procurement approach in accordance with both the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.

3.2.8 The DPS must be operated as a completely electronic process and must be open, throughout the period of validity of the DPS, to any economic operator that satisfies the selection criteria

3.2.9 To procure under a DPS, the council must follow the rules of the restricted procedure, which means that any economic operator can submit a request to participate in response to the call for competition by providing the information for qualitative selection requested by the council. The minimum time limit for receipt of requests to participate, where a prior information notice (PIN) is used as a means of calling for competition, is 30 days from the date on which the PIN is sent to the UK e-notification service - Find a Tender.

3.2.10 The council must offer unrestricted and full direct access free of charge to the procurement documents, by means of the internet, on an ongoing basis from the date on which the PIN is sent. This requirement can be satisfied by providing a link to a procurement portal (such as SE Portal) where potential candidates can access the documents.

3.2.11 The council must finalise their evaluation of requests to participate in the DPS, in accordance with the applicable selection criteria, within ten working days following their receipt, and must simultaneously and in writing invite the economic operators which have expressed their interest to confirm their continuing interest and invite the selected candidates to submit their tenders.

3.2.12 The minimum time limit for receipt of tenders must be at least ten days from the date on which the invitation to tender is sent. However, the council may set the time limit for the receipt of tenders by mutual agreement between the council and all selected candidates, provided that all selected candidates have the same time to prepare and submit their tenders.

3.2.13 Where the council awards a contract under a DPS, there is no compulsory standstill period.

3.2.14 The council must either send a contract award notice within 30 days after the award of each contract based on the DPS or group such notices on a quarterly basis and send the grouped notices within 30 days of the end of each quarter.

3.2.15 HB Public Law can advise as required on the DPS procedural requirements and contract awards and conclusion.

### 3.3 Risk management implications

3.3.1 The recommended option decision will ensure the sufficiency of supply when the existing contract terminate on the 31<sup>ST</sup> of March 2023. The table below sets out the risks associated with the proposed course of action and the mitigating action.

Risk	Assessment of Risk	Mitigation	Residual Risk
Suppliers do not bid.	<p>Medium</p> <p>The existing provider is likely to be keen to retain their customer base and a number of new providers have registered on the Dynamic Purchasing System.</p>	<p>A PIN notice will be issued directing interested parties to apply for registration on the DPS</p>	<p>Low</p>
Suppliers bid at excessive and unaffordable hourly rates.	<p>Medium / High</p> <p>The market is facing significant economic pressures. This includes increases in national insurance contributions, inflationary pressures and wage competition from other sectors.</p>	<p>There are specific tender development methods to deal with this scenario which set weightings according to constraints and evaluating in quality: price ratios.</p> <p>Providers will in all likelihood be mindful of Adult Social Care Reforms and the Fair Cost of Exercise which will need to be undertaken this year.</p> <p>Approaches to inflationary uplifts will be included within tender documents.</p>	<p>Low / Medium</p>
Suppliers bid at rates which are higher than those currently, placing a pressure on Adult Social Care budgets.	<p>Medium</p> <p>The market is facing significant economic pressures. This includes increases in national insurance contributions, inflationary pressures and wage competition from other sectors.</p>	<p>The instructions to tender will include reference to the scoring mechanism in relation to the price evaluation.</p> <p>Information will also be included in relation to how service users will be allocated to providers i.e., according to an individual's need, availability of staffing and price.</p> <p>Providers will in all likelihood be mindful of Adult Social Care Reforms and the Fair Cost of</p>	<p>Medium / Low</p>

		<p>Exercise which will need to be undertaken this year.</p> <p>Approaches to inflationary uplifts will be included within tender documents.</p>	
Loss of continuity of supply for service users if the existing supplier does not bid or bids at excessive price	Medium	TUPE will apply to any transfer of service from one provider to another. Service users whose packages of care are identified as potentially requiring transfer will receive a service review to determine whether their individual needs can be met by the new provider.	Low
Providers offering a lower price will result in a lower quality	Medium	<p>There are specific tender development methods to deal with this scenario which set weightings according to constraints and evaluating in quality: price ratios.</p> <p>The Extra Care contract will contain a clear set of KPIs which will be monitored. Care providers are also monitored by the Council's Quality Assurance team with issues discussed at the Care Governance Board with improvement plans being submitted to ensure that clear turnaround initiatives are implemented, where required.</p> <p>A suite of KPIs will be included within contracts and suppliers will be required to report against these.</p>	Low

### 3.4 Environmental implications

3.4.1 During the procurement process, potential suppliers will be requested to provide a copy of their environmental impact assessment and impact management measures.

3.4.2 The table below provides examples of environmental impact measures that affect Extra Care services:

<b>Environmental Impact</b>	<b>Management Measures</b>
Carbon emissions from staff travelling to work and between service user households.	Staff recruitment centred on local residents thus reducing travel to work carbon emission footprint. Promotion or provision of bicycles for staff travel. Promotion of walking routes for rosters. Promotion of car sharing. Promotion of electric powered cars.
Hazardous Waste management	Promotion and support of service user recycling of household waste packaging. Infection control policies and procedures. Staff trained in infection control and incontinence waste storage and disposal. Use of incontinence waste removal service.
Office and equipment waste management	Use of confidential paper shredding and recycling service. Use of recycled ink cartridges for printers. Recycle electronic equipment with ethical supplier. Reduce paper usage by using electronic alternative methods for communication e.g., electronic rostering and care delivery records.

### 3.5 Equality implications

3.5.1 An Initial Equalities Impact Assessment is set out at Appendix 3 and will be further developed through engagement with various workshops and groups including the co-production network. Providers will be required to set out how they will meet equalities requirements through the tendering process. This includes meeting the diverse cultural and language needs within the borough and seeking to recruit sufficient male carers to meet demand.

### 3.6 Procurement implications

The following table sets out the options that have been considered in relation to the procurement route and strategy.

The following table sets out the options that have been considered in relation to the procurement route and strategy for the local Extra care services supply in Slough.

<b>Procurement Strategic Approach</b>	<b>Consideration</b>	<b>Recommended</b>
Use of Suppliers engaged through mini-competition stage on the ASC Dynamic Purchasing System (DPS)	<p>The approach allows for regular refresh of the list of contracted suppliers at any time, as and when required, via advertisement of mini competitions.</p> <p>New suppliers to the local market are engaged through application to join the DPS at any time with the knowledge that there will be opportunity to apply at mini-competition stage for supply contracts.</p> <p>Early engagement with suppliers successful on joining the DPS allows organisations to clearly understand service delivery requirements.</p> <p>The DPS also allows a time efficient process for specific specialist services to be procured.</p> <p>There are currently 160 providers registered to bid for call-off Contracts on the DPS, for care and support and will allow the Council to consider different service delivery options, such as multiple</p>	<p>Yes.</p> <p>Offers time efficient and flexibility for refresh of suppliers for generic and specialist services.</p> <p>Maintains sufficiency of supply and encourages new entrant competition in the market.</p>

<b>Procurement Strategic Approach</b>	<b>Consideration</b>	<b>Recommended</b>
	providers in the local areas versus one lead provider.	
Open-market procurement	This option may increase new increase new providers into this market.	No.  The Council has an effective mechanism for driving competition and seeking best value – the Adult Social Care Dynamic Purchasing System.  A process for engagement and service development is underway to inform the new Extra Care service model. This work will be completed by September. The timetable for this exercise is compatible with adoption of the DPS contractual mechanism.
Joint Procurement with other neighbouring local authorities/E Berkshire.	Neighbouring boroughs of Bracknell Forest and RBWM are not seeking a procurement of this service type at this time.	No.

### **Proposed Procurement Timetable**

This paper recommends use of the Adult Social Care DPS mechanism for securing Extra Care contracts required for April 2023. The below timetable is applicable for this purpose:

<b>Event</b>	<b>Date</b>
Issue PIN Notice - Not call for competition but to prompt bidders to register onto DPS if interested.	23/05/2022 – 23/06/2022
Cabinet authority to commence procurement.	20/06/2022
ITT issued on SE Shared Services E-portal (restricted due to use of DPS).	1/07/2022
Deadline for receipt of clarifications.	13/07/2022
Target date for responses to clarifications.	18/07/2022

Deadline for receipt of Tenders.	03/08/2022 at 12 noon
Evaluation of Tenders.	3/08/2022 – 31/08/2022
[Presentations] – Proposed date if required.	To be scheduled
Prepare and approve Tender evaluation Report (TER).	15/09/2022
Inform Cabinet of Contract Award (Prior to formally awarding)	15/10/2022
Notification of contract award decision	27/10/2022
Confirm contract award.	12/11/2022
Contract start and start of mobilisation period.	15/12/2022
Target service commencement date.	April 2023

### 3.7 Workforce implications

3.7.1 Not Applicable.

### 3.8 Property implications

3.8.1 Not Applicable.

## 4. Background Papers

None

Appendix 1 – Equalities Impact Assessment

<b>Directorate: People (Adults)</b>	
<b>Service: Commissioning</b>	
<b>Name of Officer/s completing assessment: Avtar Maan (AV)</b>	
<b>Date of Assessment: 27/04/2022</b>	
<b>Name of service/function or policy being assessed: Externally Commissioned Integrated Care and Support in Extra Care Services</b>	
1.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>The provision of Extra Care services is a statutory requirement of the Council under the Care Act 2014. Extra Care workers provide personal care (such as support with getting up, getting washed, eating and drinking), non-personal care (such as support with shopping, household cleaning and laundry) and specific healthcare activities such as end of life care. Extra Care-enabled individuals continue to live independently in their own homes. This Equality Impact Assessment (EIA) will primarily assess possible effects on residents with protected characteristics. Additionally, this EIA assesses the possible effects of recommissioning of Extra Care services for all users and carers who either receive support directly or indirectly. The recommissioning exercise will not see an interruption in service. Individuals who require Extra Care services will not have any disruption to services provided – although they may experience some degree of change if the existing provider is not successful in re-tendering for services or does not re-tender.</p>
2.	<p>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.</p> <p>Extra Care providers deliver services in the borough. Commissioning arrangements are managed through the Council’s People Strategy and Commissioning Team. Partnership arrangements are in place with social workers and the NHS.</p>
3.	<p>Who will be affected by this proposal? For example, who are the external/internal customers, communities, partners, stakeholders, the workforce etc. Please consider all of the Protected Characteristics listed (more information is available in the background information). Bear in mind that people affected by the proposals may well have more than one protected characteristic.</p> <p>There are 10 protected characteristics:</p>

	<ol style="list-style-type: none"> <li>1. Age including younger and older people</li> <li>2. Disability</li> <li>3. Gender reassignment</li> <li>4. Pregnancy and maternity - No Impact</li> <li>5. Race including ethnic or national origins, colour or nationality</li> <li>6. Religion or belief including lack of belief</li> <li>7. Sex</li> <li>8. Sexual orientation</li> <li>9. Marriage/civil partnerships No Impact</li> <li>10. Carers protected by association</li> </ol> <p>Individuals in receipt of Extra Care services may have one or more protected characteristics. It is a requirement that all providers delivering Extra Care have appropriate equalities' policies in place.</p> <p>All providers bidding for Extra Care will be required to be registered / to register with the Care Quality Commission. The Care Quality Commission standards set out that services must be able to meet specific cultural, language and spiritual/religious needs through personalisation of the care and support plan.</p>
4.	<p>What are any likely positive impacts for the group/s identified in (3) above? You may wish to refer to the Equalities Duties detailed in the background information.</p> <p>Extra Care services enable individuals to live at home independently as opposed to moving to alternative residential care accommodation. This supports participation in the community and a better quality of life.</p> <p>Extra Care also prevents the need for more expensive and sometimes less satisfactory residential care.</p> <p>Active market shaping in Slough means there are suppliers who have experience specific to the demographic of the borough. E.g., Culture and language, complex care needs, etc.</p> <p>The competitive procurement process will include evaluation of the proposed operational method statements in relation to meeting the needs of Slough's culturally diverse community and related service requirements such as language needs. There are specific challenges in identifying male carers and this will be identified in the ITT documentation.</p>

5.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so, then are any particular groups affected more than others and why?</p> <p>It will be important that any cultural requirements are addressed through the tendering process.</p>
6.	<p>Have the impacts identified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence sources and conclusions drawn (e.g., survey results, customer complaints, monitoring data etc.).</p> <p>In progress. However, previous work has been taken into account.</p>
7.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results, e.g., have the staff forums/unions/ community groups been involved?</p> <p>In progress, forums and workshops are planned before the specification is completed. Slough's co-production network will be engaged in the work. Creative Support Ltd have commenced a comprehensive survey with existing service users and their families / carers.</p>
8.	<p>Have you considered the impact the policy might have on local community relations?</p> <p>Ensuring sufficient supply of appropriate Extra Care services which meet the assessed needs of the population will have a positive impact upon community relations.</p>
9.	<p>What plans do you have in place, or are developing, that will mitigate any likely identified negative impacts? For example, what plans, if any, will be put in place to reduce the impact?</p> <p>Forums and workshops will identify any possible negative impacts and develop approaches for mitigating these.</p>
10.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented). Please see action plan below.</p> <p>KPIs developed in partnership with community groups will be actively managed through contract management. These include service user protected characteristic profile monitoring, and reasons for unavailability of staffing/referral declination.</p>

<b>What course of action does this EIA suggest you take? More than one of the following may apply</b>	✓
<b>Outcome 1: No major change required.</b> The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	✓
<b>Outcome 2: Adjust the policy</b> to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments would remove the barriers identified? (Complete action plan).	
<b>Outcome 3: Continue the policy</b> despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
<b>Outcome 4: Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

### ***Action Plan and***

#### ***Timetable for Implementation***

At this stage a timetabled Action Plan should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

<b>Action</b>	<b>Target Groups</b>	<b>Lead Responsibility</b>	<b>Outcomes/Success Criteria</b>	<b>Monitoring &amp; Evaluation</b>	<b>Target Date</b>	<b>Progress to Date</b>
Initial consultation	User group	AV	Changes and challenges are mutually agreed and included in the specification.	Report following service user and carer survey	June 2022	
Market shaping	Suppliers	AV	Clarifications are mutually agreed and included in the specification.	Report following Supplier Workshop	July 2022	

**Name:**

**Signed:** ..... (Person completing the EIA)

**Name:** .....

**Signed:** ..... (Policy Lead if not same as above)

**Date:**

Appendix A in Part II of the agenda.

Appendix A in Part II of the agenda

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**SLOUGH BOROUGH COUNCIL**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	20 <sup>th</sup> June 2022
<b>SUBJECT:</b>	Draft Home to School Travel Assistance and Post 16 Travel Assistance Policies for Consultation
<b>CHIEF OFFICER:</b>	Andrew Fraser – Executive Director of People (Children)
<b>CONTACT OFFICER:</b>	Johnny Kyriacou – Associate Director, Education & Inclusion
<b>WARD(S):</b>	All
<b>PORTFOLIO:</b>	Councillor Hulme – Lead Member Children’s Services, Lifelong Learning and Skills
<b>KEY DECISION:</b>	YES
<b>EXEMPT:</b>	NO
<b>DECISION SUBJECT TO CALL IN:</b>	NO – Due to insufficient time to consult if adhering to DfE Guidance in relation to consultation requirements
<b>APPENDICES:</b>	<ul style="list-style-type: none"> <li>• 1 - Consultation Draft Policy for 5-16 Home to School Transport Travel Assistance</li> <li>• 2 - Consultation Draft Policy Post 16 Education Travel Assistance Policy Statement</li> <li>• 3 – Initial EqIA</li> </ul>

## 1 Summary and Recommendations

- 1.1 All Councils have statutory responsibilities related to home to school travel assistance. Slough Borough Council is proposing to review and ensure its Travel Assistance policies enable the Council to continue to deliver its statutory responsibilities, improves outcomes for children and young people with SEND and controls costs.

### Recommendations:

Cabinet is recommended to:

- 1.2 approve the strategic aims to support deliver of the Council’s statutory responsibilities in relation to providing travel assistance to attend school and colleges
- 1.3 Approve the policies attached at Appendices 1 and 2 in draft and authorise a public consultation to take place from the end of June to August 2022.

- 1.4 Note that a report will be brought back to cabinet early in the 2022/23 Autumn Term for approval of the final policies, following consideration by the People Scrutiny Panel on 12 September 2022.

**Reason:**

- 1.5 There are significant areas of inefficiency in relation to Slough Borough Council's delivery of its arrangements for home to school and post 16 transport for children and young people with special educational needs and disabilities. The current policy and application contribute towards higher costs and impact the effectiveness of outcomes for children and young people. Delivery of the outcomes sought through the proposed strategic aims will benefit all Slough residents by supporting the integration and independence of children and young people with SEND, promoting environmental sustainability and securing the efficient use of public resources.

**Commissioner Review**

*"The Commissioners support the recommended option to develop appropriate policies that align with the strategic aims of the authority to be delivered within available resources."*

**2 Report**

**Introductory paragraph**

- 2.1 The existing Home to School and Post 16 Travel Assistance policies do not sit within a clear strategic framework. Agreeing the strategic aims and setting policies to meet these is critical to ensure the Council meets its statutory duties and focuses its resources appropriately.
- 2.2 Weakness in the wording within the current policies impact on officers' ability to effectively handle demand growth in a robust, consistent and sustainable manner. It also provides limited options to officers when deciding on the form of travel assistance that will be offered to eligible children and young persons.
- 2.3 The inclusion of independence and environmentally sustainable travel will focus on encouraging healthier modes of travel through a robust travel hierarchy assessment approach to travel needs and the development of independent travel skills, where appropriate, to encourage a healthier approach to travel and where available the utilisation of existing public transport options. This supports the Council's priority to have happy, healthy and successful children in Slough.
- 2.4 A review and an update of the current Home to School and College/Post 16 travel assistance policies is required to ensure ongoing compliance with statutory obligations within a more constrained financial environment as well as improving the clarity and transparency of the service available to residents of Slough. This will also aid to improve demand control, efficient delivery of the service and delivery of spend reduction targets.

## Options considered

### Option 1 – Consult and develop policies that align with agreed strategic aims

#### **Recommended Option**

2.5 In order to foster consistency of practice and equity of provision of home to school and post 16 travel assistance, Cabinet is asked to consider and agree a set of strategic aims that will underpin a public consultation with residents in June 2022, including with children and young people with SEND and their families. The consultation will propose a range of policy options and will inform a refresh of the Council's Home to School and Post 16 Travel Assistance policies.

2.6 The proposed strategic aims are:

- Social integration of children and young people whatever their needs
- Independence for children and young people with SEND
- Promotion of parental responsibility to make any necessary arrangements to ensure their children attend school
- School responsibility to collaborate with the council on SEN travel
- Environmentally sustainable travel
- Efficient use of public resources

2.7 The proposed timetable for public consultation and refresh of policy is set out below:

<b>Date</b>	<b>Action</b>
20 June 2022	Cabinet to consider and agree design principles to inform 28 day consultation on a range of proposals regarding the Council's home to school and post 16 travel assistance policy and provision
23 <sup>rd</sup> June – 21 <sup>st</sup> July 2022	28 day public consultation on proposals for policy change
12 <sup>th</sup> September 2022	People Scrutiny Panel
19 <sup>th</sup> September 2022	Cabinet considers updated home to school and post 16 policies
October 2022	New policy published and implemented. Implementation of operational changes to begin during 2022/23 academic year with full adoption of the policies and changed in time for the 2023/24 academic year.

2.8 A 28 day consultation will take place from 23 June 2022 on proposals to refresh the Council's Home to School, and Post 16 Travel Assistance policies. These proposals will be underpinned by a set of strategic aims agreed by Cabinet (see 2.6)

2.9 During the consultation period, there will be significant engagement with children and young people with SEND to understand their experiences of travel and transport to educational settings, their aspirations for independence and integration and what supports them to arrive safely, on time and ready to learn. Residents will be engaged through a series of public meetings within the Borough, scheduled for lunchtimes and evenings and virtually. Education establishments will be engaged through existing networks and dedicated meetings to discuss the proposals and provide opportunity for feedback/insight. Other voluntary groups will also be engaged and have opportunity to provide feedback, such as Special Voices (parent/carer forum group).

- 2.10 Implementation of a new policy, based on the agreed strategic aims will enable officers to robustly and consistently assess applications for travel assistance. It will enable officers to identify and allocate more cost effective, independent, and sustainable travel options to eligible children and young persons.
- 2.11 With a Education Health and Care Plan's (EHCP's) growing nationally at a rate of approximately 10% annually and it is essential to Slough's long term sustainability that only necessary and required travel assistance is provided. Currently for every 10 new EHCP's up to 4 would qualify for travel assistance, with current practice awarding arranged transport in most instances. The proposals aim ensure support with travel continues to be provided where it is necessary, based on need, whilst also enabling greater control to minimise the cost impact of EHCP growth. Slough's travel assistance uptake of children and young persons with an EHCP is currently over 40%, it is expected that the proportion of uptake reduces as policy principles are implemented and embedded into the service

#### Option 2 – Policy review without introduction of design principles

- 2.12 A review and refresh of the existing policy is necessary in order to ensure consistency with the statutory obligations and guidelines. A review would improve the control provided to officers to consistently apply the policy reducing the risk of challenge from a policy and statutory obligations perspective.
- 2.13 Conducting a review of the policy would not resolve the current provision of non-statutory support or enable a more focussed approach to provide more independent and sustainable travel options for those it is suitable for. Therefore, demand management control and ability to arrange more cost effective travel options is weaker than option 1.
- 2.14 Alterations to the existing policies are likely to be more restricted, whilst delivery of the new policies will lack the strength key deliverables (the design principles) to influence changes to behaviour (use of sustainable travel options) and delivery of the service.
- 2.15 A public consultation would still be required to review and update the Home to School and Post 16 Travel Assistance policies, the same timetable as the one detailed above would need to be adopted if this option was chosen.
- 2.16 This option is not recommended, as Council's policies should be set within a clear strategic framework to ensure they are focused on meeting need in a cost effective manner.

#### Option 3 – No policy review

- 2.17 Taking no action will result in the Council continuing to operate a policy for travel assistance that exceeds its statutory obligations, it will restrict officers' ability to enforce consistent outcomes for children and young persons and enable the practice of inefficient provision to continue adding pressure on existing budgets and expenditure.
- 2.18 Current phrasing of the policies contradicts some aspects of the statutory guidance, although current practice supports the Council's obligations. Risk of challenge will continue to exist whilst policy remains in its current format.

- 2.19 Effective management of current and future demand will continue to be difficult for officers, whilst travel options that are less dependent on the Council and financially more sustainable may not be able to be allocated to appropriate individuals. Delivery of existing spend reduction targets and further reductions targets are at risk of not being realised.
- 2.20 Current policy and practice do not integrate and align with the SEND code of practice to support and develop young person's independence skills in preparation for adulthood and may result in watering down key messages from the Council in relation to making families more resilient, independence, and social integration of children and young persons.

## **Background**

- 2.21 *To effectively manage transport and travel assistance services the Council requires strategic aims that will provide the necessary framework for effective service delivery.*
- 2.22 *The strategic aims detailed in this report aim to support local service aspiration, but also the overall Council and national objectives. This includes improving outcomes for children and young people with SEND, improved resilience and independence for families, and reducing the impact on the environment/climate, whilst ensuring efficient use of public resources.*
- 2.23 **Comparison with national data** *Most Councils in the country have reduced the amount of transport and travel assistance provided to get pupils from home to school. Slough Borough Council continues to provide significant discretionary provision for children. This includes some free provision for pre-school children with SEND, children attending schools (not nearest to home) to accommodate preferences of faith or same sex education, and young people with SEND attending post 16 settings.*
- 2.24 *The current uptake of assistance of children and young people with an EHCP is currently up to 43%. Approximately 30% of the 520 children and young people with an EHCP and travel assistance, live within the statutory walking distance eligibility. Due to an individuals SEND or additional needs/circumstances assistance with travel may continue to be necessary.*
- This is an area of focus that will establish if assistance is necessary based on individual needs. Supported by a robust policy and process this proportion could be reduced by approximately 10% based on the percentage up take of other local authorities.*
- 2.25 *The Council spent approximately £3.4m on transporting children to School and Post 16 establishments 2021/22. The Council currently provides assistance for 710 children and young persons, of which 520 have an EHCP (SEN).*
- 2.26 *To deliver the service approximately 134 routes operate daily supporting children and young people with SEND. Those routes serve 18 in borough education establishments and 43 out of borough.*
- 2.27 *The Council currently does not request a contribution for assistance from those benefiting from provision of discretionary services, such as those aged 16-18 (and 19 if continuing their course). Other Councils require a fee to be paid, as demonstrated in the table below:*

<i>Council</i>	<i>Maximum Annual Contribution Charge</i>
<i>Hertfordshire</i>	<i>£1,554</i>
<i>Buckinghamshire</i>	<i>£1,179</i>
<i>Essex</i>	<i>£900</i>
<i>Wiltshire</i>	<i>£850</i>
<i>Bexley</i>	<i>£400</i>
<i>Redbridge</i>	<i>£300</i>

2.28 The Association of Transport Co-ordinating Officers undertakes a survey with its member authorities across England, Scotland and Wales, benchmarking demand and spend growth in the process. Their latest survey (published late 2021) detailed that Urban Unitary Authorities (EUU) were paying £4,983 per annum for every child/young person they provided travel assistance to with SEND, this does not include any London Councils (LB). Slough is currently paying on average £5,769 per annum per passenger for SEN travel.

2.29 Comparison with London Boroughs and some other similar Councils to Slough is shown below:

<b>Local Authority</b>	<b>LA Group</b>	<b>No. Pupils Receiving transport or travel support</b>	<b>Cost Per Pupil</b>
Middlesbrough Council	EUU	703	£ 3,556
Hartlepool Borough Council	EUU	359	£ 3,701
Medway Council	EUU	1364	£ 4,085
Southend on Sea City Council	EUU	364	£ 4,269
Warrington Borough Council	EUU	441	£ 4,364
Birmingham City Council	MBC	5410	£ 4,688
Halton Borough Council	EUU	380	£ 4,842
Walsall MBC	MBC	705	£ 4,908
Solihull MBC	MBC	565	£ 4,993
Bexley Council	LB	648	£ 5,170
Derby City Council	EUU	750	£ 5,333
Bracknell Forest	EUU	318	£ 5,372
Plymouth Council	EUU	800	£ 5,375
<b>Slough Council</b>		<b>520</b>	<b>£ 5,769</b>
Blackpool Council	EUU	362	£ 6,029
Bromley Council	LB	857	£ 6,126
Sandwell MBC	MBC	784	£ 6,606
Wokingham Borough Council	EUU	302	£ 6,623
Lewisham Council	LB	759	£ 7,246
Havering Council	LB	470	£ 7,447
Hillingdon Council	LB	890	£ 7,640
Lambeth Council	LB	547	£ 7,678
Southwark Council	LB	688	£ 7,776

Islington Council	LB	449	£ 8,575
Enfield Council	LB	873	£ 8,591

2.30 The services are already working towards spend reduction targets. They are on course to deliver the agreed spend reduction against the current provision/demand, however some of this is dependent on having the ability to allocate alternative appropriate provision, moving away from the traditional arranged transport for all as a door-to-door service.

### **Current Policy Effectiveness**

2.31 Within the provision provided to children and young people is a significant number who travel long distances on their own in a taxi, often well into young adulthood. This does not promote independence and preparation for adulthood, nor is it inclusive. The Council is currently delivering a service that fosters dependency and isolation for many children and young people with SEND.

2.32 Key features of the current policy, practice and culture that underpin poor outcomes for children and young people and high comparative costs are:

- Significant historic levels of discretionary spend – beyond the statutory requirements and by comparison with other authorities
- Independent Travel Training has not been an available option for officers to make available to young people as a valid and enforceable travel assistance offer
- School and parental expectations of solo routes and passenger assistants rather than options that promote independence and integration of children and young people
- Practice has not been coherent and consistent in determining ‘exceptional circumstances’, although it has improved in recent times
- A need for more robust annual review process for children and young people as to travel provision or continued eligibility

### **Consultation**

2.33 The 28 day consultation will aim to seek views and opinions on draft policies for Travel Assistance to both Schools and Colleges (Post 16). A number of proposed changes will also be presented aiming to address the issues identified with the current policies and delivery of the service.

2.34 Proposals that are planned for inclusion in the service and policy consultation include:

- Independent Travel Training may be offered to families as a suitable and appropriate travel provision, subject to a needs assessment. Successful training of 15 young persons is expected to replace current transport arrangement with a public transport pass, creating a spend reduction of up to £85k per annum.
- A new Travel Bursary option will be available and offered to families that will enable them to make their own travel/care arrangements that enable them to facilitate their child’s attendance at School/College. Uptake of this travel option is expected to generate a spend reduction of £65k per annum.
- The use of collection points for transport arrangements which have historically collected and dropped off all children from their home address. Where a needs assessment identifies that a child is able to access travel arrangements away from the home address then this may be offered where appropriate to do so. The consultation will focus on when the use of collection points may be appropriate, the maximum/targeted distance of a collection point from the home address, and the types of locations that could be considered suitable. A spend reduction has not

been identified for this proposal, its primary benefit is creating a stepping stone towards independent travel, creating an easier transition for young person's aiming to travel independently in the future whilst benefiting the support available when using Council arranged transport.

- Assistance with travel will no longer be provided to faith Schools or same sex establishments where nearer establishments are identified as being able to meet educational need, unless qualification under statutory requirements. Immediate removal of all outstanding provision is expected to generate a spend reduction of up to £20k per annum.
- Introduction of a contribution charge from those in receipt of assistance where the Council does not have a statutory obligation to provide free assistance to eligible individuals. Consultation will explore how any contribution fee should be structured and the level of any fee. Structure options include: a flat fee, tiered contribution and subsidised fee for low-income families. A contribution of £1000 per young person, per annum would have the potential to generate income of £50k which would off-set transport spend. A range of different contribution levels will be included in the consultation.
- Expectation that travel is discussed during Annual Review process (EHCP) that explores, challenges and supports the development of travelling with greater independence. Development will be encouraged and supported through the travel assistance offer for those eligible for the service

### **3. Implications of the Recommendation**

#### **3.1 Financial implications**

3.1.1 The examples proposed in paragraph 2.34 above indicate that there are opportunities to make the service more cost effective and hence a saving in the cost of Home to School and College Travel Assistance is expected. The scale of such a saving will be subject to the extent to which travel assistance enables more children and young persons to transition from individual to shared travel arrangements, or increases their independence and ability to transition from private to public transportation by way of example. Arrangements will be assessed on a case-by-case basis and it is not possible at this stage to say how this might affect any one individual, hence any saving can only be estimated. The overall budget for the service is approximately £3.7m, from which a saving of £550k has been estimated; however, this will be subject to the numbers of children qualifying for travel assistance and the nature of their needs, which will fluctuate from year to year.

#### **3.2 Legal implications**

3.2.1 Under the Education Act 1996, the Council has specific duties and powers as set out below:

(a) a duty to assess school travel needs and promote sustainable modes of travel in relation to children and young people of 6th form age (s.508A);

(b) a duty to provide home to school travel arrangements as considered necessary for eligible children of compulsory school age, such arrangements to be provided free of charge (s.508B). Eligible children is defined in legislation and further details are provided within this policy;

(c) a power to make school travel arrangements for children who are not eligible under s.508B. This power can be applied to children below compulsory school age, children attending faith schools or those living within the statutory walking distance. The Council may make a charge for provision of travel arrangements under this power (s.508C);

(d) a duty to prepare a transport policy statement specifying travel arrangements provided to persons of sixth form age (s.509AA). The statement shall specify the provision of transport, provision of financial support and provision of travel concessions. A person is of sixth form age if they are receiving education or training and is over compulsory school age but (a) is under the age of 19; or (b) had begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

3.2.2 For the Post 16 policy, s.509AB requires the Council to consult the following prescribed persons:

(a) any other local authority that it considers appropriate;

(b) the governing bodies of maintained schools which provide sixth form education and further education institutions in the local area;

(c) persons in the local area who will be of sixth form age when the statement takes effect and their parents;

3.2.3 The statutory guidance for home to school travel arrangements for children of compulsory school age states:

(a) policies should be clear, easy to understand and provide full information on travel and transport arrangements, including the statutory provision and that provided on a discretionary basis;

(b) the appeal process should be set out;

(c) the sustainable modes of school travel strategies should ideally be integrated into the policy statement and published together;

(d) When changing a policy, there should be consultation for at least 28 working days during term time. This period should be extended to take account of any school holidays.

(e) Any changes should be phased in so that children who start under one set of transport arrangements can continue to benefit from them until they conclude their education at that school or move to another school;

3.2.4 The statutory guidance for Post 16 travel arrangements requires the Council to have regard to the following in assessing what transport arrangements of financial support may be required:

(a) The needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made;

(b) The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided;

(c) The distance from the learner's home to establishments of education and training;

(d) The journey time to access different establishments;

(e) The cost of transport to the establishments in question;

(f) Alternative means of facilitating attendance at establishments;

(g) Preferences based on religion;

(h) Non-transport solutions to facilitate learner access

- 3.2.5 For young people with special educational needs and disabilities, consideration should be given to additional factors, including that it may take longer to complete a programme of learning or training and that the availability of an independent travel training scheme should be included in the policy statement.
- 3.2.6 In addition to the prescribed list of consultees for the Post 16 policy statement, the guidance recommends consulting with education and training providers, higher education institutions, transport companies, community groups, voluntary organisations and groups/organisations with an interest in disability issues.

### 3.3 Risk management implications

- 3.3.1 The service is seeking approval to consult on draft updated policies for travel assistance. Proposals have been identified to change current practice which may result in public challenge and risk barriers to accessing education to be introduced. It is proposed to actively seek the views of current users, stakeholders and the public to understand potential implications.
- 3.3.2 Analysis of the consultation engagement feedback will be considered when finalising policy changes and will be presented to cabinet at the same time as seeking approval to begin implementing policy changes
- 3.3.3 *Current request to consult is in line with statutory obligations and best practice as outlined by the DfE to avoid risk of legal challenge*

### 3.4 Environmental implications

- 3.4.1 Promoting environmental sustainability is one of the strategic aims for the home to school and post 16 travel assistance policies and aligns with the objectives of the Councils Climate Change Strategy

### 3.5 Equality implications

- 3.5.1 The statutory duty assigned to Councils in relation to Home to School travel ensures groups with protected characteristics, including age and disability will continue to have access to support with travel and access to their education place where it is necessary and Council support is required.
- 3.5.2 Requirements are established to support children of compulsory school age and ensure assistance is available if necessary for those attending Post 16 education establishments.
- 3.5.3 Families who are identified as low income are also supported through the statutory duty and this support will continue to be available.
- 3.5.4 Children/young persons with disabilities are also supported within the statutory duty with assistance being required where necessary to facilitate attendance, this is assessed on a case-by-case basis and will continue to be available.
- 3.5.5 Those families or individuals who are not included in the statutory duty includes Religion/faith and sex protected characteristics. Proposed changes may impact on

what travel support is available to these groups, however it will not impact on their right to choose an education establishment of a specific religion/faith or same sex establishment if that is their preference of the family. Under the proposed changes families would be expected to make their own travel arrangements where the establishment is not the nearest available that can meet their educational needs.

3.5.6 Within the statutory duty and included in the proposed policies, the Council will continue to retain its right to award assistance if it is appropriate to exercise its discretionary powers. Families will continue to be able to request assistance if they fail to meet the stated eligibility thresholds and the Council will consider the circumstances on a case-by-case basis.

3.5.7 The strategic aims to underpin proposals to refresh the Council's home to school and post 16 travel assistance policies are intended to foster the social integration, independence, and preparation for adulthood of children and young people with special educational needs and disabilities. The initial EqIA has identified overall neutral or positive impacts for groups with protected characteristics through promotion of equality of opportunities and improved relationships between children with SEND and those without.

### 3.6 Procurement implications

3.6.1 No procurement implications have been identified at this stage. Current contracts have been procured on the basis that demand will fluctuate. Mechanisms exist within current terms and conditions to enable changes to the service being provided to reflect demand requirements.

### 3.7 Workforce implications

3.7.1 No workforce implications have been identified at this stage.

### 3.8 Property implications

3.8.1 No property implications have been identified at this stage.

## 4 **Background Papers**

None

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## **Slough Borough Council Home to School (5-16) Travel Assistance Policy**

**Travel Assistance policy for children of compulsory school age (5-16)**

**Department Responsible: xxxxx Contact details: xxxxx Document first release: xxxxx**

## **Introduction**

This document sets out Slough Borough Council's Home to School/College Travel Assistance Policy and describes how the Council fulfils its duties and exercises its discretionary powers under the Education Act 1996. The policy explains the criteria for eligibility for travel assistance for pupils to their school for children of compulsory school age (5-16 years old) and for young people aged 16 to 19 and 19 to 25. It describes how parents and carers can apply for travel assistance and how decisions are made. It sets out how parents and carers may appeal against decisions that they believe do not comply with this policy.

## Policy Statement

Slough Borough Council (the Council) is committed to ensuring that all pupils have a great start to life, are safe and healthy and have access to high quality education so that they are able to achieve their full potential. The Children and Families Act 2014 commits partners to work together to develop services which strengthen the abilities and resilience of children and their families to be independent.

The Council is also committed to meeting the educational needs of as many children and young people as possible within local schools. In many cases, this will mean that pupils can walk or cycle to school with their parents or carers. This policy sets out how we will help the small number of pupils who find it difficult to travel to school without some assistance.

The Council will continue to deliver our statutory responsibilities to meet the travel needs of children and young people, enabling them to access their place of education. This support will be targeted at those children and young people who have significant additional needs or are deemed extremely vulnerable.

We want to support parents and carers to fulfil their responsibility to ensure their school-aged children attend school regularly and to make any necessary arrangements to ensure that they attend school. Those children and young people not in receipt of travel assistance from the Council can use a wide range of forms of travel in Slough, accompanied as necessary, including bus, train, concessionary fares, walking and cycling. We also want to support schools to promote safe routes to school and safe travel skills through their regular curriculum.

The Council has a duty under s.508A of the Education Act 1996 to promote the use of sustainable travel and transport. This requires the Council to have a strategy to develop sustainable travel and transport infrastructure and to promote these modes of travel.

## Aims and Objectives

The council has the following aims and objectives when assessing transport / travel support:

- Social integration of children and young people whatever their needs
- Support and develop Independence and resilience for children and young people with SEND and their families
- Environmentally sustainable travel
- Efficient use of public resources

## Eligibility

### All pupils

Parents and carers have a legal duty to ensure that their statutory school-aged children (age 5-16) attend school regularly and to make any necessary arrangements to ensure that they attend school.

A child is of compulsory school age from the start of term after their fifth birthday up until the last day of the academic year in which they are in year 11. This applies to both children with and without an Education Health and Care Plan (EHCP).

There are four core categories of eligible children:

- statutory walking distances
- unsafe walking routes
- extended rights
- special educational needs, disability and mobility problems

Children below the age of 5 will not be eligible for free travel assistance between their home and school.

For pupils in year 12 and above (post-16 year olds), there is a separate policy (Linked to be added).

### Statutory walking distances

The Council will provide free home to school travel assistance for children of compulsory school age to the nearest suitable school from their home address who meet the 'qualifying distance' criteria which is:

- 2 miles or more for children below the age of eight, measured by the shortest walking distance between the home and the school
- 3 miles or more for children aged 8 and above, measured by the shortest walking distance between the home and the school

Children who live between 2 and 3 miles from their school will cease to be entitled to free travel from the start of the term following their eighth birthday.

If the child/family qualify for free school meals or they are in receipt of maximum Working Tax Credit then please refer to the Extended Rights section below.

Further detail on eligibility is dealt with in the application section below.

### Unsafe walking routes

The Council will provide travel assistance if it determines that a child cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe

to walk. The Council regularly assesses walking routes using the “Road Safety GB Guidelines on Assessment of Walked Routes to School.” Routes that have been determined to be unsafe will be kept under review and support will be withdrawn when the walking route is no longer deemed to be unsafe. The Council will expect a parent or carer to accompany the child along a route which would otherwise be classified as being unsafe and will not provide travel assistance if this accompaniment will make the route safe.

## **Extended rights**

Children from low-income families are entitled to additional support in certain circumstances. This applies to pupils who are entitled to free school meals, or those families who are in receipt of the maximum level of Working Tax Credit (WTC).

Children above the age of 8, but under the age of 11, from low-income families will be entitled to travel assistance to their nearest suitable school if the shortest walking distance between their home and the school is more than two miles.

Children aged 11 and over (years 7 – 11) from low-income families will be entitled to travel assistance if they attend one of their three nearest suitable schools where they live between two miles (measured by the shortest walking distance) and 6 miles (measured by the shortest road route) from their school.

Children aged 11 and over (years 7 - 11) from low-income families who are attending their nearest designated faith school preferred on the grounds of religion or belief will also be entitled to travel assistance if their school is more than two miles (measured by the shortest walking distance) but not more than 15 miles (measured by the shortest road route) from their home.

# Application Process

## How to Apply

All requests for travel assistance for children without an EHCP must be made via the Council portal.

For children and young people with an EHCP families can contact the Travel Assistance Team on 01753 875708.

The Council will look to complete the assessment of applications in a timely fashion, aiming to put in place travel arrangements for those entitled at the earliest opportunity. However, it may take up to 6 weeks to process and families should be prepared to make their own interim travel arrangements if necessary.

During periods of high demand, such as the build-up to the new academic year, timescales for processing applications may be extended. Families are advised to apply for assistance with travel at the earliest opportunity to ensure arrangements are in place when they are required.

## Assessing travel assistance entitlement for compulsory school age children

In all cases, a child/young person must be attending the nearest suitable school (or one of the three nearest suitable schools under the extended rights eligibility). This is defined as a school that has spaces available that provides education appropriate to the age, gender, ability and aptitude of the child, and appropriate to the child's EHCP where one exists.

Types of suitable schools considered under this policy are:

- community, foundation, trust, voluntary aided and voluntary controlled schools
- academies or alternative provision academies
- free schools
- community or foundation special schools
- non-maintained special schools
- pupil referral units
- maintained nursery schools
- city technology colleges, city colleges for the technology of the arts and university technical colleges
- Independent schools where this is named on a child's EHCP or is the nearest of two schools named.

For mainstream applications processed during the normal school admissions round, a school will be determined as having a vacancy if a place would have been offered according to the allocations made on the national offer day, assuming the parent either made or could reasonably have made an application. For applications made after the normal admissions round and those made during the school year, a school will be determined as having a vacancy if, at the point of processing the child's school application, a place could have been allocated to the child.

When a child cannot be offered a place at the nearest school to the home address, the Council will, subject to the criteria set within this policy and the qualifying distance being met, provide assistance with travel to the next nearest school with space to admit. For travel arrangements to be provided in this instance the parent must provide evidence that they have applied for and been refused a place at the school which is the nearest school for their home address and any other schools closer than the school offering admission.

Where a school operates on multiple or split sites, the assessment of nearest qualifying school will take account of the sites used to prioritise admissions (as defined in each school's admission arrangements), regardless of which year groups are educated at which site or which site a child might attend.

## **How walking distance is measured**

Walking distances are calculated using the shortest available walking route from the home address to school. If families believe that the walking route measured is not available to walk they should request a review of the route.

The legal definition of an 'available walking route' is a route along which a child, accompanied as necessary, can walk with reasonable safety to school.

Where a school operates on a temporary site and that school's permanent/current site is deemed to be a child's nearest qualifying school, the home to school walking distance will be measured to the school's temporary site to determine if the child lives over the statutory walking distance and is eligible for travel assistance. Eligibility will be reassessed at the point a child ceases to be educated at the temporary site.

Distances will be measured using the Council's CapitaOne System (and supported by other Council GIS systems) from the address point of the pupil's house to the nearest school gate available for pupils to use when measuring to a school, as set by Ordnance Survey.

## **Route safety assessment**

Where a parent/carer believes the assessed walking route to be unsafe, they should write to the Travel Assistance Team outlining the aspect of the route they believe to be unsafe. The identified aspects of the route will then be reviewed by the team. Review of the routes will use the 'Road Safety GB Guidelines on Assessment of Walked Routes to School' to assess suitability.

## **Extended Rights**

Parents who believe they meet the Extended Rights criteria and are therefore eligible for assistance with travel to school must include with their application evidence of the child's entitlement to free school meals or the family's receipt of maximum level of Working Tax Credit (WTC) with their application form.

A child who has been assessed as eligible for travel assistance by meeting the Extended Rights criteria will have their entitlement reviewed each academic year to ensure that the child continues to meet the necessary criteria.

If a child ceases to be eligible for free school meals or a family ceases to be entitled to the maximum level of Working Tax Credit during the academic year for which travel assistance has been awarded, travel assistance will continue until the end of that academic year.

If the child is applying for travel assistance to a school of faith under Extended Rights eligibility, then the parents must also provide supporting evidence regarding their genuine adherence to their religion or belief and this will normally be confirmed by asking their religious leader to sign the application form.

## **Special educational needs, disability and mobility problems**

Where a child with special education needs, a disability and/or mobility problems does not meet the other three eligibility criteria but has identified specific needs/circumstances that may mean it is unreasonable to expect the child to walk to school (accompanied by an adult as necessary), then an assessment based on their individual needs and circumstances will be undertaken.

In determining whether a child cannot reasonably be expected to walk between home and school, the Council will consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent or carer can reasonably be expected to accompany their child. The expectation is that a child will be accompanied by a parent or carer.

When assessing entitlement for travel assistance for a child with SEND or mobility problems, the Council will consider the individual needs of each child. This may include taking professional advice from educational psychologists, medical officers and teachers and consulting with parents and carers before arriving at a final decision.

Consideration will also be given to the child's physical and medical requirements including any disabilities they may have. The findings and decision will be recorded on a travel assistance assessment form.

The following factors will be taken into consideration when assessing travel assistance entitlement:

- the age of the child
- the distance of the child from school to home
- whether the child is physically able to walk the journey to school
- whether the walking route is appropriate for the pupil and their specific needs and allows them to arrive in a fit state to be educated
- whether a child's emotional and behavioural difficulties will create a clear health and safety hazard to themselves or others on the journey to school
- the SEND of the child
- the efficient utilisation of resources
- any other individual circumstance

This is not an exhaustive list. It is not presented in any particular order and is for guidance only. Meeting one or more of the criteria does not automatically entitle a child with SEND to travel assistance.

The fact that a child has an EHCP or attends a special school does not automatically entitle him or her to travel assistance.

Eligibility for travel assistance is related to the child's needs. Assessment may take into account the need for travel assistance due to some family circumstances. Factors identified in an application will be considered when determining eligibility for home to school travel assistance and deciding on the type of travel assistance to be provided.

Other family circumstances, such as parents and carers attending work or looking after other children cannot be considered when determining eligibility.

## **Extenuating circumstances**

Recognising that the Council's discretionary powers should not be unreasonably fettered by its general policy, the Council will consider and may agree requests for home to school travel assistance where there are considered to be extenuating circumstances that prevent a child accessing their school unless travel assistance is put in place. If the parent believes extenuating circumstances exist and assistance with travel is necessary, then information and evidence must be provided when applying for assistance in order for this to be considered.

The overriding expectation is that parents should undertake their legal responsibility to get their child(ren) to and from school and as such the Council will need to be satisfied that the parent has demonstrated why they, for social, medical, financial or personal reasons cannot undertake this duty.

The determination will be based on evidence received to support the case whether travel assistance is necessary in order for the child to receive an education. Consideration will be given as to whether the circumstances could have reasonably been foreseen by the parent/carer. For example, moving to temporary accommodation owing to flood damage cannot be foreseen, whereas choosing a school other than a child's nearest school and realising following this decision that assistance with travel is not available could be foreseen.

Where it is decided that a child does not qualify for assistance with travel based on the presented needs/circumstances then it remains the parent/ carer's responsibility to ensure school attendance or consider transferring the child to a more local school.

In all cases the decision whether to exercise discretion will be taken on a case by case basis.

## **Special consideration and appeals**

Parents/carers of children who live in Slough and who wish to appeal a decision about one of the following, may apply for their case to be considered at a travel assistance case review:

- the travel arrangements offered
- their child's eligibility

- the distance measurement in relation to statutory walking distances
- the safety of the route

During an appeal about an application for travel assistance, travel arrangements will not be provided to the child/young person. Where the appeal concerns a change to existing travel arrangements, then the previously agreed travel arrangements will continue until the review is complete.

The Council operates a two-stage appeal process as detailed below:

Stage one: Review by a senior officer

- A parent has 20 working days from receipt of the local authority's home to school travel assistance decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Where this is possible, within 20 working days of receipt of the parent's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review

Stage two: Review by an independent appeal panel

- A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.
- Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days).

## **Withdrawal of assistance provided in error**

Where a child has been awarded in error, Slough Council has the right to withdraw this after first considering the circumstances of each case to determine whether there are exceptional reasons for provision to continue.

Consideration cannot be given to those who simply cannot meet their parental responsibility to get their own child to school following the removal of assistance. This would have been expected to have been taken into account at the time of admitting the child into school, as would have been the case had the error not been made. Where it is decided to withdraw transport, one term's notice is given.

### **Provision of false or inaccurate information**

When submitting an application, the parent will sign a declaration confirming the accuracy of the information. The parent is also under a duty to notify the Council of any changes in circumstances. If it later transpires that the information is incorrect or updating information has not been provided, then notice will be given and the travel assistance will cease immediately. The Council will also take steps to recover the cost of travel assistance provided as a result of this inaccurate

information. If the information has been provided fraudulently, the Council's corporate anti-fraud team will investigate to determine whether a criminal prosecution should be commenced.

# **Discretionary Travel Requirements**

## **Children below the age of 5**

### **Children attending Reception classes**

Ordinarily and in accordance with the Council's statutory duty, children under the age of 5 will not be entitled to travel assistance between their home and school. However, the Council will consider travel assistance applications for children below statutory school age in extenuating circumstances. Where a parent/carer believes that there are extenuating circumstances that warrant a child being provided with assistance with travel before they turn five years of age, they should complete the appropriate application form and provide supporting evidence of the case.

A child becomes of compulsory school age at the start of term after their fifth birthday.

### **Pre-school children with SEND**

Local authorities do not have a duty to provide or arrange free travel for children who have not yet reached compulsory school age and who are attending a pre-school setting. However, the Council will consider travel assistance applications for children below statutory school age in extenuating circumstances.

Where a parent/carer believes that there are extenuating circumstances that warrant a child being provided with assistance to support their travel to School (before they turn five years of age), they should complete the appropriate application form and provide supporting evidence of the case.

If the Council agrees to provide travel assistance it may request a contribution towards costs with travel arrangements subsidised by the Council.

### **Children attending schools on grounds of religion or belief**

Ordinarily assistance with travel to a faith school will only be provided if it is the nearest suitable school and the child comes within the eligibility criteria above.

# Travel Assistance Provision Options

## Forms of Travel Assistance

The Council will review the travel needs of all eligible children and decide the most appropriate form of assistance that will be provided. In accordance with the Council's strategic aims, the form of travel offered will reflect the most appropriate use of public funds to ensure cost effective provision is in place, will seek to promote independence and to be environmentally sustainable, whilst also meeting the needs of the child.

In accordance with national guidance, a journey to school for eligible children should be suitable, safe and reasonably stress free to enable the children to arrive at school ready for a day of study. To this end it is considered reasonable that journey times each way for children are as follows:

- 45 minutes for primary aged pupils
- 75 minutes for secondary aged pupils

However, it is recognised that adhering to journey times may not always be possible particularly in rural areas. It may be deemed acceptable for a trip to exceed these journey times if it is considered that the additional time does not place undue stress, strain or difficulty on the pupil, which would prevent them from benefitting from the education.

Where children with special educational needs, disability or mobility problems are present, then journey times may sometimes need to be longer and more complex, although the Council will ensure that it does not extend routes for such children unnecessarily with appropriate measures in place to address any implications for doing so.

Subject to meeting the eligibility criteria of this policy, the following assistance will be considered (in the following order):

1. provision of a travel pass for the pupil;
2. provision of independent travel training;
3. provision of a travel bursary;
4. payment of car mileage/travel reimbursement for the pupil's parent(s) (with parental consent);
5. Provision of a cycling allowance (with parental consent)
6. Provision of a suitable escort to enable a pupil to walk a short distance (with parental consent)
7. provision of a travel pass for pupil and parent;
8. provision of a shared vehicle without escort (using collection point if appropriate);
9. provision of a shared vehicle with escort (using collection point if appropriate);
10. provision of an individual vehicle without escort;
11. provision of an individual vehicle with escort.

The provision of an individual vehicle with or without escort should be exceptional and only where it has been demonstrated that other modes of assistance are not suitable.

Other bespoke travel options may be considered and offered where individual needs enable travel, and the development of travel skills and independence, e.g. Travel Buddy.

All travel assistance will be reviewed as part of the annual review of needs and if appropriate as part of an early review. Travel assistance may be withdrawn or amended if circumstances have changed, or the Special Educational Needs and Disabilities (SEND) Panel considers the withdrawal appropriate as an encouragement to independence or the offer is no longer the most economical mode of travel.

## **Provision of Passenger Assistants**

A passenger assistant will only be provided following the outcome of an assessment of the child's Special Educational Needs and/or medical needs in order to meet the needs of the children travelling to and from school. This determination will be made by the Travel Assistance Team taking into account:

- A child's medical needs, particularly where rescue medication is required.
- Where an individual child's needs create a clear danger or health and safety risk to themselves and other passengers on the vehicle.
- Where an assessment of the children on the vehicle and the journey to be undertaken highlight a clear danger or health and safety risk to all passengers on the vehicle.

The consideration for passenger assistants will be made based on evidence received from all relevant parties and will be reviewed regularly, where appropriate and whenever a contract is re-tendered.

## **Travel training**

Local authorities have a duty to encourage, enable and assist the participation of young people with learning difficulties or disabilities up to the age of 25 in education and training. Independent travel training aims to achieve this.

Independent travel is a valuable skill for preparing for adulthood, an essential employability skill, and provides greater opportunities for young people, not least increasing confidence in their abilities and reducing their sense of reliance on family members.

In line with the Council's aims and objectives to support independence and prepare young people for adulthood, and where appropriate employment.

The Council will work in partnership with education establishments and other individuals to identify young people who could benefit from ITT and contact their families to invite them to take part in ITT.

The Council will also contact young people and their families who will be transitioning from statutory education into post-16 and above to invite them to take part in ITT.

An ITT assessment will be carried out in the home, with the support of the family, to confirm the suitability of the young person for the ITT programme, taking into account the following criteria:

- existing level of independent travel skills
- the likelihood of the pupil being eligible for SEN travel assistance under the 16 to 19 & 19-25 policy
- the age of the pupil
- the distance between home and school
- the SEND of the pupil
- the route which the young person would need to undertake
- journey times using public transport and the complexity of the journey
- the frequency of the journeys required

This assessment would take place before the pupil undertakes the ITT programme, which would last for approximately four to six weeks. During the programme, the pupil will travel to and from their education or training provision each day with their dedicated one to one ITT trainer.

During the period when a pupil is taking part in the ITT, this will be their travel assistance offer. At the end of the ITT programme, the Council will review the pupil's progress with the family to decide if it is appropriate for the pupil to continue to travel independently. If it is not appropriate for the pupil to travel independently, their previous travel assistance offer will be reinstated. Although it is expected that the majority of young people would benefit from ITT, it is acknowledged that for some young people, due to the nature of their SEND, ITT will not be appropriate.

### **Travel Bursary**

This is an allowance that can be provided by Slough Council to parents of children who are eligible for travel assistance.

A parent may choose to accept the travel bursary in lieu of arranged travel assistance by the Council. This enables families to make their own arrangements to facilitate travel and access to education. A travel allowance will only be offered where it is less expensive than any alternative form of travel assistance.

Any arrangements made by the parent using the travel allowance are the responsibility of the parent.

The travel bursary is calculated on shortest walking route (return journey) between the home and the school at 45p per mile.

Where there are two or more children living at the same address and attending the same school and the travel bursary has been agreed for one child, additional bursary payments will not be provided for the other children as all children would be expected to travel together.

If the parent transports siblings to different schools the bursary due would be based on the shortest walking route between home, school A and school B, and return.

The travel bursary is paid over 10 months (October to July) if the child is entitled from the start of the school year. Parents will need to nominate a bank account before any payments are made.

The travel bursary is based on the child's attendance being over 80% for the full year. Attendance records will be requested from the school at the end of each term. If the child shows poor attendance in the Autumn or Spring terms then the parent may be transferred to the standard travel reimbursement option. Alternatively, if the child's attendance is below 80% then the final month's payment will be reduced.

If a parent is in receipt of the travel bursary but is temporarily unable to transport their child to school due to a short-term illness or medical condition, temporary assistance may be provided. However, this may take up to 6 weeks to put in place.

### **Car Mileage/Travel Reimbursement**

Where a child is entitled to travel assistance, the Council can provide a fuel allowance for parents to take their children to and from school, where it is more cost effective than providing contracted or arranged transport.

The Council would pay parents (where their child attends/travels daily) two return journeys at 45p per mile.

For example, where a family reside 5 miles from the school, each return journey is 10 miles:

2 return journeys = 20 miles x 45p = £9 per day.

A typical term would be 65 school days = £585 per term.

Where a Car Mileage/Travel Reimbursement is provided, parents are required to submit claims for payment on a monthly basis, confirming journeys made and attendance.

Upon receipt of the completed claim, the Council will then review and check the details. If details are correct, then payment will be made.

Car Mileage/Travel Reimbursement, based on the above, are paid where the parent agrees to receive such an allowance. Where the amount paid is at 45p per mile, this is considered to cover the full cost to the parent of transporting their child in their own vehicle.

### **Collection points**

Collection points are like bus stops, where the Council identifies designated pick-up and drop-off locations for the pupil to meet the bus or taxi rather than offering a door-to-door service. This reduces the time needed for the route to pick up the pupils and supports children and young people to become more independent and better prepares them for adulthood.

Using a collection point will not be possible for some children and young people with the most complex SEND needs, and in some cases parents' own mobility or disability may impact on them being able to accompany their child to a collection point. Where this is the case, the ambition for the service is to improve the range of options available for families to take responsibility for their own children's transport where this is desired and appropriate. In such circumstances, the Council will carefully consider and assess the individual child's needs as well as the mobility and or disability of their parents.

Where a collection point is allocated, it is the parent's or carer's responsibility to make sure that their child travels to and from the collection point and transfers to and from the vehicle safely.

For parents who are temporarily unable to take their child to a collection point, no temporary assistance will be provided in those circumstances. This is because the child's special educational need or disability has not changed and the transport service from the collection point is still available.

All collection points will be within a one-mile walking distance of the home and will be assessed in advanced for their suitability.

- wherever a bus stop can be legally used as a collection point, it will be
- minibuses can stop to collect and drop off on yellow and double yellow lines; vehicles cannot stop on red routes, white zig zags (near a zebra crossing) or school keep-clear hatchings
- the driver always plans not to cause obstructions to other road users while making a drop off or collection and will try to stop in parking areas or bays
- collections or drop-off are always made kerb side
- each collection point is physically assessed before being used in service; a driver will go out and access to see if the location is safe (for example, a well-lit public location, not too close to a junction or on the brow of a hill)
- the drivers complete dynamic risk assessments at the time of collections or / drop offs in the eventuality of any changes (new road layouts, another road user in the stopping space) and will slightly adjust the collection point if it is unsafe to stop

### **Weekly/Fortnightly boarding placements**

Transport will be provided to take children to school on a Sunday evening, or Monday morning, as directed by the school and to collect children to take them home at the end of the designated school week, or earlier as directed by the school for planned or unplanned early closures.

### **Termly residential placements**

12 single journeys from home to school and school to home will be provided each academic year. This will consist of trips required at the start and end of each term, and at other school closure times, i.e. half term breaks.

### **Permanent (52 week) residential placements**

12 single journeys from home to school and school to home will be provided each academic year. These are at the discretion of the parents, school and child and need to be booked at least 10 days in advance through our Travel Assistance Team.

Any additional trips will be the responsibility of the parent. Where there is a risk of a placement breakdown the Travel Assistance Team may consider providing reimbursement of fuel or public transport costs in order to support additional trips on a short term basis so that the child can be supported back into full time boarding.

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# **Slough Borough Council Post-16 Travel Assistance Policy Statement**

**Academic Year 2022 – 2023**

**Travel Assistance policy statement for young people aged 16-18 in further education, continuing learners aged 19 and those young people aged 19 – 24 (inclusive) with learning difficulties and/or disabilities**

**Department Responsible: xxxxx Contact details: xxxxx Document first release: xxxxx**

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# Introduction

Local authorities do not have to provide free or subsidised post 16 travel support but do have a duty to prepare and publish an annual travel assistance policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.

Most young people in Slough will be able to access their education without the support of the Council. It is expected that public transport and other travel options (including financial support) are explored in the first instance and utilised wherever possible.

All young people carrying on their education post 16 must reapply for travel support.

'Sixth form age' refers to those young people who are over 16 years of age but under 19 or continuing learners who started their programme of learning before their 19<sup>th</sup> birthday (years 12,13,14).

Local authorities also have a duty to encourage, enable and assist young people with learning difficulties / disabilities to participate in education and training, up to the age of 25.

This policy uses the term 'Post 16' to include both learners of sixth form age and those with learning difficulties / disabilities up to the age of 25.

This policy document specifies the support that Slough Borough Council (the council) considers necessary to facilitate the attendance of Post 16 learners receiving education or training.

Education or training refers to learning or training at a school, further education institution, a council maintained or assisted institution providing higher or further education, an establishment funded directly by the Education Skills Funding Agency, learning providers delivering accredited programmes of learning which lead to positive outcomes and are funded by the council, for example, colleges, charities and private learning providers.

## Aims and Objectives

The council has the following aims and objectives when assessing transport / travel support:

- Social integration of children and young people whatever their needs
- Support and develop Independence and resilience for children and young people with SEND and their families
- Environmentally sustainable travel
- Efficient use of public resources
- To support students from low-income families access education

## Transport and travel assistance

### Low Income Support - Student reduced fare card

The Student reduced fare card supports those students from low-income families to encourage and enable participation in Post 16 education.

A Student reduced fare card is available for those meeting the necessary low-income eligibility criteria detailed in the how to apply section.

There is no charge for the Student Reduced Fare Card.

This enables students to travel on either First Buses (that either begin or end in the borough of Slough) or train services (specific routes only) at a reduced fare.

The Student Reduced Fare Card will enable some students to travel to a number of FE colleges outside the Slough area also. Some of these are listed below.

College
East Berkshire College (Langley)
Bracknell & Wokingham College (Bracknell Centre)
Berkshire College of Agriculture
Strodes College
Uxbridge College
Amersham & Wycombe College (High Wycombe Campus)
Kensington & Chelsea College (Holland Park Centre)
Westminster Kingsway College (Victoria Centre)

Cardholders using the train will be able to use their card on the following specific journeys:

- Slough to Langley/Maidenhead/Henley-on- Thames/Windsor& Eton Central and Reading (and vice versa)
- Langley to Slough/Maidenhead/Henley-on- Thames/Windsor & Eton Central and Reading (and vice versa)
- Burnham to Slough/Langley/Maidenhead/ Henley-on-Thames/Windsor & Eton Central and Reading (and vice versa)

#### Who is the Student Reduced Fare Card for?

The card is available for students aged 16-18 and those who reach 19 whilst continuing a course in the 2022-21 academic year.

Cardholders will be able to purchase daily, weekly, and monthly tickets at under 16 rates.

There are no time restrictions on the use of the Student Reduced Fare Card. Card holders are able to travel all day, all evening and during weekends or holidays.

Lost or stolen cards will be replaced once in the academic year and students will not be charged for this. Both cards will require three passport photographs.

### How to apply

Students are required to complete an application form, and must include three passport photos, and copies of documentary evidence of meeting low income thresholds as follows:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- The Guarantee element of State Pension Credit
- Universal Credit (provided you have an annual net earned income of no more than £7,400, as assessed by earnings from up to three of your most recent assessment periods)
- Child Tax Credit, provided they are not entitled to Working Tax Credit and have an annual income of £16,190 or less
- Working Tax Credit 'run-on' - the payment someone may receive for a further four weeks after they stop qualifying for Working Tax Credit

Applications can be downloaded from the Slough Borough Council's Website.

## **Concessionary tickets for young people 16 – 25 from public transport providers**

### **National 16 – 17 Saver (Train)**

In January 2019, the Department for Transport announced the launch of a new national Railcard scheme which benefits 16 - 17 year olds. This Railcard offers 16 - 17 year olds a 50% discount on rail travel, and is available from September 2019. More information is available on the Railcard website.

The Saver offers 16 - 17 year olds:

- a 50% discount off standard anytime, off- peak, PlusBus, advance and season tickets
- can be used on South Western Railways, Southern and Great Western Railway network and
  - across the National Rail network (except on ScotRail and Caledonian Sleeper services)
- the card costs £30 and is valid for one year or until your 18th birthday

- a season ticket purchased before your 18th birthday can run up to 4 months after you turn 18. For example if you turn 18 in February 2020 then you can purchase a season ticket which will still give you 50% discount for travel up until June 2020

### **Concessionary Bus Travel**

The Slough concessionary bus pass (national scheme) entitles holders to travel free of charge on off-peak local bus services anywhere in England. Off-peak hours are 9:30am until 11pm on weekdays and all day at weekends and bank holidays.

To be eligible for a concessionary bus pass you must be:

- of State Pension age; or
- have a permanent disability – where the disability has lasted at least 12 months, or be likely to last at least 12 months and has a substantial effect on your ability to carry out normal day-to-day activities

If you are disabled, you will automatically qualify if you:

- are in receipt of higher rate of the mobility component of the Disability Living Allowance or,
- are in receipt of war pensioner's mobility supplement or,
- have the disability registration card
- are blind or partially sighted
- are profoundly or severely deaf
- are without speech
- have a disability or have suffered an injury which has substantial and long-term adverse effect on your ability to walk
- do not have arms or have long-term loss of the use of both arms
- have a learning disability
- have been refused a driving licence because of physical incapacity
- suffer from severe mental illness
- have 8 points or more in the moving around component for the Personal Independence Payment (PIP)

Further details can be found on the Council's website: [www.slough.gov.uk/transport-travel/concessionary-bus-passes](http://www.slough.gov.uk/transport-travel/concessionary-bus-passes)

### **Travel support from schools and colleges**

Students may also purchase seats on vehicles run by individual schools, colleges or by third party commercial operators on the school's or college's behalf. For information on available routes please check individual school/college websites.

### **The 16-19 Bursary Fund**

The 16 to 19 Bursary Fund provides financial support to help young people overcome specific barriers to participation so they can remain in education.

There are 2 types of 16 to 19 bursaries:

1. A vulnerable bursary of up to £1,200 a year for young people in one of the defined vulnerable groups below:

- in care
- care leavers
- in receipt of Income Support, or Universal Credit in place of Income Support, in their own right
- in receipt of Employment and Support Allowance or Universal Credit and Disability Living or Personal Independence Payments in their own right

2. Discretionary bursaries which institutions award to meet individual needs, for example, help with the cost of transport, meals, books and equipment

To be eligible for the discretionary bursary young people must:

- be aged 16 or over but under 19 at 31 August 2022 or
- be aged 19 or over at 31 August 2022 and have an Education, Health and Care Plan (EHCP)
- be aged 19 or over at 31 August 2022 and continuing on a study programme they began aged 16 to 18 ('19+ continuers')
- be studying a programme that is subject to inspection by a public body which assures quality (such as Ofsted), the provision must also be funded by either a Government funding agency or the local authority

Schools and colleges are responsible for managing both types of bursary. Young people who want to apply for support from the bursary fund should contact their chosen school or college to make an application.

Further information can be found at [www.gov.uk](http://www.gov.uk) search for post 16 bursaries.

## **Young parents / Care to Learn**

If you are a young parent under 20, Care to Learn can help pay for your childcare and related travel costs, up to £160 per child per week, while you're learning. Care to Learn can help with the cost of:

- childcare, including deposit and registration fees
- a childcare 'taster' session (up to 5 days)
- keeping your childcare place over the summer holidays
- taking your child to the childcare provider

### **Types of child care**

The childcare provider must be Ofsted registered and can be a:

- childminder
- pre-school playgroup
- day nursery
- out of school club

If your child needs specialist childcare, the provider must also be on the Care Quality Commission's register for specialist provision.

If you want a relative to get Care to Learn for looking after your child they need to be both:

- providing registered childcare for children they're not related to
- living apart from you and your child

### **Payments**

Childcare payments go directly to your childcare provider. Before your childcare provider can be paid:

- your childcare provider needs to confirm your child's attendance
- your school or college needs to confirm that you're attending your course

Payments for travel costs go to your school or college - they'll either pay you or arrange travel for you.

### **Attendance**

Payments will stop if:

- you stop attending your course
- you finish your course
- your child stops attending childcare

### **Eligibility**

You can get Care to Learn if:

- you're a parent under 20 at the start of your course
- you're the main carer for your child
- you live in England
- you're either a British citizen or a national of a [European Economic Area \(EEA\) country](#)
- your course is publicly funded (check with your school or college)
- your childcare provider is registered with Ofsted or the Care Quality Commission

### **Type of course**

Care to Learn is only available for courses in England that have some public funding. This includes courses that take place in:

- schools
- school sixth forms
- sixth form colleges
- other colleges and learning providers, including Foundation Learning
- your community at Children's Centres

Young parents are also entitled to apply for an Under 19 Bus Only Ticket or for those aged 19 and over can apply for the 19 – 25 card.

For more information please visit <https://www.gov.uk/care-to-learn/how-to-claim>

## **Further Discretionary Support for Students aged 16-19 attending post 16 education**

The Council will exercise its discretion to provide travel assistance for students aged 16 to 19 (when continuing a course commenced before their 19<sup>th</sup> birthday) where it considers that travel assistance is necessary to enable the young person to reasonably access their education or training provision.

The Council is clear that as young people with SEND approach adulthood, where appropriate, travel assistance will be provided to support independence.

In assessing eligibility for students entering post- 16 education and training for travel assistance, particular attention will be paid to the following criteria.

- whether the student is currently in receipt (or has applied for) of any funding from the 16 to 19 Bursary Fund and to what value
- the location of the sixth form unit or college the student would like to attend (if this is not a local provision, the local authority would need to know that the course being taken is not available locally).
- whether the sixth form unit is an extension to the school previously attended by the student and named in their EHCP
- the distance from the student's home to their education or training establishment and the journey time
- whether the young person has SEND and/or mobility difficulties which would impede their access to their educational placement, either independently or otherwise, for example, a wheelchair user
- whether the young person has SEND which would make it unsafe for them to travel independently
- whether the public transport journey to the nearest suitable placement is too complex for the young person to be expected to travel independently

Applicants must also evidence why it is necessary for the Council and not the student/family to make suitable travel arrangements. To assess this and understand the individual circumstances the Council will need to know:

- what other arrangements have been considered or tried and why they are not suitable
- if there is a family member or carer who is willing and able to transport the student

- whether the student is in receipt of higher rate mobility component of the Personal Independence Payment or Disability Living Allowance, the purpose of which is to assist those who have mobility problems, with severe difficulty walking or who need help getting around outside. We would normally expect this benefit to be fully utilised and if there are any factors limiting its use details should be provided
- whether there is a 'Motability' vehicle for which the student may or may not be the driver
- any other needs or circumstances that might need to be taken into account

Each request will be assessed on a case-by-case basis. Where an individual has been awarded assistance with travel this will be subject to payment of the appropriate contribution payment.

### **Contribution Payment for Students aged 16-19 attending post 16 education**

Contribution payments for travel assistance will only apply to those aged 16-18, and those continuing their course when turning 19 years of age.

Contribution details for student types are as follows:

#### **Low income families**

Where travel assistance is provided to qualifying low income families, this will be subject to a contribution from the student/parent of £1000 per annum. The option will be available to pay this in termly instalments over the academic year. Children from low income groups are defined as those who are entitled to free school meals, or those families whose annual taxable household income is less than £16,190\* and are in receipt of their maximum level of Working Tax Credit (WTC).

#### **Students with an Education, Health and Care Plan (EHCP)**

Where a post 16 student has an Education, Health and Care Plan (EHCP) and is attending the school named within their EHCP as the nearest appropriate school for their post 16 education – public transport will be promoted for this group and travel training referrals will be made for all students with the expectation that they will be assessed for suitability for training by the end of the first term of post 16 education. A charge for travel assistance will be based on the income of the family at the time of application. Low income families, as defined in above will be required to contribute £1000 towards the cost of support provided. All other applicants will be required to make a contribution of £1000 towards the cost of travel support.

#### **Students with SEN who no longer have an EHCP**

Those students who had an EHCP in year 11 who will be attending a school or college to continue their education and require additional support to do so. Low income families, as defined above will be required to contribute £1000 towards the cost of travel assistance. All other applicants will be required to make a contribution of £1000 towards the cost of travel support.

All applications will be considered based on the evidence provided to support the claim at the time of application.

### **Other Students**

Bespoke transport or individual taxis will not be provided. The cost of travel assistance for this group will be £1000 per year, per student.

### **Reimbursement of the Charge**

If travel assistance is no longer required part way through a term, a partial reimbursement of the charge may apply, provided all tickets/passes have been returned and are received within the timescales stated in the table below. When calculating a reimbursement for tickets/passes received after the first day of a term an administrative charge of £60 will apply. The following levels of refund will be payable after the administration charge has been taken:

<b>Length of time ticket/pass has been used</b>	<b>Refund Due</b>
Up to 4 weeks	75%
4 to 8 weeks	50%
Over 8 weeks	0%

No reimbursement will be paid during the summer term.

### **Support for Students aged 19-25 attending post 16 education**

The post-19 (19 to 25) travel assistance powers held by the Council apply to students with special educational needs and disabilities aged between 19 and 25 inclusive who have an EHCP.

The Council recognises that young people are, in many cases, more capable of achieving independent travel than pupils of statutory school age. As such the policy for post-19 (19-25) students is focused upon a needs-led approach in which the individual needs of each young adult are assessed to inform the appropriate form of travel assistance.

'Post-19' will include learners aged 19 to 25 (starting from the academic year after they turn 19).

The Council will consider whether assistance with travel is necessary to enable young adults with EHCPs to maintain attendance at their education placement. If it is identified that assistance is necessary, then there would be no charge/ financial contribution expected from the young adult.

For post-19 students starting a new course, they must also evidence why it is necessary for the Council and not the student to make travel arrangements. The same assessment and considerations that were applied to students aged 16-19 will be applied to those 19-25 based on the evidence provided and, on a case,-by-case

basis to determine if assistance from the Council with travel and access to their education placement is necessary.

Where it is identified that assistance with travel is necessary for a learner aged 19-25 then no contribution charge will be required.

## **Council provided Travel Assistance**

Where students are identified as only able to access their post 16 education with assistance from the Council, after exhausting all other travel options, then the Council may

allocate a travel option from the categories below.

The Council will aim to use the highest appropriate category on the list, taking into account the needs of the pupil, and how the council can enable them to develop skills for independent travel:

1. provision of a travel pass for the pupil;
2. provision of independent travel training;
3. provision of a travel bursary;
4. payment of car mileage/travel reimbursement for the pupil/pupil's parent(s) (with consent);
5. provision of a travel pass for pupil and parent;
6. provision of a shared vehicle without escort;
7. provision of a shared vehicle with escort;
8. provision of an individual vehicle without escort;
9. provision of an individual vehicle with escort.

All travel provision will be reviewed as part of the annual review of needs and if appropriate as part of an early review. Travel assistance provision may be withdrawn or amended if circumstances have changed or the Special Educational Needs and Disabilities (SEND) Panel considers the withdrawal appropriate as an encouragement to independence.

## **Travel training**

Local authorities have a duty to encourage, enable and assist the participation of young people with learning difficulties or disabilities up to the age of 25 in education and training. Independent travel training aims to achieve this.

Independent travel is a valuable skill for preparing for adulthood, an essential employability skill, and provides greater opportunities for young people, not least increasing confidence in their abilities and reducing their sense of reliance on family members.

In line with the Council's aims and objectives to support independence and prepare young people for adulthood, and where appropriate employment.

The Council will work in partnership with education establishments and other individuals to identify young people who could benefit from ITT and contact their families to invite them to take part in ITT.

The Council will also contact young people and their families who will be transitioning from statutory education into post-16 and above to invite them to take part in ITT.

An ITT assessment will be carried out in the home, with the support of the family, to confirm the suitability of the young person for the ITT programme, taking into account the following criteria:

- existing level of independent travel skills
- the likelihood of the pupil being eligible for SEN travel assistance under the 16 to 19 & 19-25 policy
- the age of the pupil
- the distance between home and school
- the SEND of the pupil
- the route which the young person would need to undertake
- journey times using public transport and the complexity of the journey
- the frequency of the journeys required

This assessment would take place before the pupil undertakes the ITT programme, which would last for approximately four to six weeks. During the programme, the pupil will travel to and from their education or training provision each day with their dedicated one to one ITT trainer.

During the period when a pupil is taking part in the ITT, this will be their travel assistance offer. At the end of the ITT programme, the Council will review the pupil's progress with the family to decide if it is appropriate for the pupil to continue to travel independently. If it is not appropriate for the pupil to travel independently, their previous travel assistance offer will be reinstated. Although it is expected that the majority of young people would benefit from ITT, it is acknowledged that for some young people, due to the nature of their SEND, ITT will not be appropriate.

### **Those not in education, employment or training (NEET)**

To support the provision of suitable education or training for young people who are 16 and 17 years old and not in education, employment or training (NEET), Slough Council may offer fixed term (up to one month) travel cards at subsidised rates to facilitate travel to interviews, work experience and other activities necessary to secure appropriate provision. To be eligible, young people must be registered and receiving support through Early Help and Preventative Services.

### **Available support in other circumstances**

Recognising that the Council's discretionary powers should not be unreasonably fettered by its general policy, the Council will consider and may agree requests for assistance with travel to Post 16 education placements where there are considered to be extenuating circumstances that prevent a young person accessing their further education placement unless travel assistance is available. If the parent/carer or

young person believes extenuating circumstances exist and assistance with travel is necessary, then they should provide additional information and evidence when submitting their application for consideration.

The overriding expectation is that parents/carers and young persons will have exhausted all other available options to support and enable travel to and from their education placement. The Council will need to be satisfied it has been demonstrated that, for social, medical, financial or personal reasons access to their education placement cannot be facilitated without assistance with towards travel arrangements.

The determination will be based on evidence received to support the case whether travel assistance is necessary in order for the child to access their education.

In all cases the decision whether to exercise discretion will be taken on a case-by-case basis.

## **Applying for travel assistance/support**

All requests for travel assistance for children and young people with an EHCP must have a completed application form. To access a copy families can contact the Travel Assistance Team on 01753 875708.

## **Deadline for applications**

For Post 16 Travel Assistance Applications an application window will operate between 1 March until 30 September each year for new starters which then reopens for 1 January to close again on 31 January in each academic year. We will consider circumstances of applications made outside of this window where someone's circumstances changed unexpectedly (eg a house move or drop in income).

## **Appeals**

There is a two-stage process for parents who wish to challenge a decision about:

- the travel assistance arrangements offered;
- their child/young person's eligibility;

Stage one: Review by a senior officer

- A parent/pupil has 20 working days from receipt of the local authority's home to school travel assistance decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Where this is possible, within 20 working days of receipt of the parent/pupil's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review

## Stage two: Review by an independent appeal panel

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days).



## EQUALITY IMPACT ASSESSMENT TEMPLATE

Completing an EIA is the simplest way to demonstrate that the Council has considered the equality impacts of its decisions and it reduces the risk of legal challenge. EIAs should be carried out at the earliest stages of policy development or a service review, and then updated as the policy or review develops. EIAs must be undertaken when it is possible for the findings to inform the final decision.

### SECTION 1:

<p><b>Title</b></p>	<p>Draft Home to School Travel Assistance and Post 16 Travel Assistance Policies for Consultation</p>
<p>What are you analysing?</p> <ul style="list-style-type: none"> <li>• What is the policy/project/activity/strategy looking to achieve?</li> <li>• Who is it intended to benefit? Are any specific groups targeted by this decision?</li> <li>• What results are intended?</li> </ul>	<p>The Council will be undertaking a review of the way SBC delivers its Home to School and Post 16 Travel Assistance to</p> <p>a) ensure they are fit for purpose and continue to be compliant with statutory obligations b) review the advantages and disadvantages of offering alternative travel options (where appropriate) that support the development of independence c) achieve value for money by offering assistance based on individual need (in line with statutory obligations), with any offer aligning to the individuals ability to travel as independently as possible.</p> <p>The review of the Home to School and Post 16 Travel assistance policies is required to ensure officers can rigorously apply the appropriate entitlement thresholds and also provide transparency and consistency to families and Schools in relation to the decision-making process and understanding of any potential travel offer.</p> <p>The Council is consulting on draft policies and a range of proposed changes. The Consultation is planned to run for 28 days between 23rd June and 21st July 2022. Engagement is planned to include: an online survey, email to all current users of the services, Schools and Post 16 Establishments, and partners to encourage participation.</p> <p>Face-to-face engagement with users and stakeholders will also take place through public engagement events discussing the draft policies and proposed changes. Reminders will be sent via SBC social media and contact through stakeholders to encourage attendance and participation.</p> <p>This EIA will be reviewed after the consultation process has concluded to reflect any identified changes to the policies after consideration of the consultation engagement and feedback.</p> <p>Under the Education Act 1996, the Council has specific duties and powers as set out below:</p> <p>a) a duty to assess school travel needs and promote sustainable modes of travel in relation to children and young</p>

	<p>people of 6th form age (s.508A);</p> <p>(b) a duty to provide home to school travel arrangements as considered necessary for eligible children of compulsory school age, such arrangements to be provided free of charge (s.508B). Eligible children is defined in legislation and further details are provided within this policy;</p> <p>(c) a power to make school travel arrangements for children who are not eligible under s.508B. This power can be applied to children below compulsory school age, children attending faith schools or those living within the statutory walking distance. The Council may make a charge for provision of travel arrangements under this power (s.508C);</p> <p>(d) a duty to prepare a transport policy statement specifying travel arrangements provided to persons of sixth form age (s.509AA). The statement shall specify the provision of transport, provision of financial support and provision of travel concessions. A person is of sixth form age is they are receiving education or training and is over compulsory school age but (a) is under the age of 19; or (b) had begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.</p>
<p>Details of the lead person completing the screening/EIA</p>	<p>(i) Full Name: Johnny Kyriacou  (ii) Position: AD – Education &amp; Inclusion  (iii) Unit: People (Children)  (iv) Contact Details: Johnny.kyriacou@slough.gov.uk</p>
<p>Date sent to Finance</p>	
<p>Version number and date of update</p>	<p>V1</p>

**SECTION 2: Do you need to complete a full Equality Impact Assessment (EIA)?**

Not all proposals will require a full EIA, the assessment of impacts should be proportionate to the nature of the project/policy in question and its likely impact. To decide on the level of detail of the assessment required consider the potential impact on persons with protected characteristics.

<p><b>2.1</b></p>	<p><b>Please provide an overview of who uses/will use your service or facility and identify who are likely to be impacted by the proposal</b></p> <ul style="list-style-type: none"> <li><i>If you do not formally collect data about a particular group then use the results of local surveys or consultations, census data, national trends or anecdotal evidence (indicate where this is the case). Please attempt to complete all boxes.</i></li> <li><i>Consider whether there is a need to consult stakeholders and the public, including members of protected groups, in order to gather information on potential impacts of the proposal</i></li> </ul>
<p>The Home to School service is mainly used by SEN children although there are a number of mainstream children who are entitled to free transport and in general receive bus passes. Going forward the key driver in children receiving home to school transport will depend on rigorous application of the policy so that just those with a statutory entitlement will receive it. There may be some identified who currently have incorrectly received transport so they will be negatively impacted but this will not be because of any particular group characteristic. On the positive side there will be children supported to become more independent and attain travel skills at an earlier age.</p> <p>There are currently 1,695 people aged 0-25 on an Education, Health and Care Plan (EHCP). Of the 1,695 there are 520 who current use travel arrangements organised and funded by the Council. 190 users of the service do not have an EHCP, 20 of which attend a faith or same sex school which may not be the nearest School to their home address which can provide the appropriate level of education.</p>	
<p><b>2.2 Are there any groups with protected characteristic that are overrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the proposal may have a disproportionate impact on this group even if it is a universal service.</i></b></p>	<p>The statutory requirements on Council’s in relation to Home to School/College travel includes support for children and young people with disabilities, low income families. Therefore, the proposed policies affect outcomes of those protected characteristics groups.</p> <p>The primary principle of the statutory requirements, guidance and the policy is to ensure children and young people can access their education placements, where statutory eligibility thresholds are met or it is identified as necessary (in order to facilitate attendance) then assistance with travel must be provided. Assistance will continue to be available to these groups, with the type of assistance reflecting individual needs/circumstances.</p>
<p><b>2.3 Are there any groups with protected characteristics that are underrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the service may not be accessible to all groups or</i></b></p>	<p>N/A</p>

there may be some form of direct or indirect discrimination occurring.

**2.4 Does the project, policy or proposal have the potential to disproportionately impact on people with a protected characteristic? If so, is the impact positive or negative?**

	None	Positive	Negative	Not sure
Men or women	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of a particular race or ethnicity (including refugees, asylum seekers, migrants and gypsies and travellers)	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled <sup>1</sup> people (consider different types of physical, learning or mental disabilities)		<input checked="" type="checkbox"/> More options to support development of travel independence, not currently available	<input type="checkbox"/>	<input type="checkbox"/>
People of particular sexual orientation/s	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People in particular age groups (consider in particular children, under 21s and over 65s)		<input type="checkbox"/>	<input checked="" type="checkbox"/> Proposed changes include contribution charge for Post 16 learners	<input type="checkbox"/>
People who are intending to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact due to pregnancy/ maternity	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of particular faiths and beliefs		<input type="checkbox"/>	<input checked="" type="checkbox"/> 20 users of the service are currently in receipt of support which exceeds the Council statutory obligations. This is under	<input type="checkbox"/>

<sup>1</sup> Disability discrimination is different from other types of discrimination since it includes the duty to make reasonable adjustments.

				consideration for removal	
People on low incomes	<p>✓ Families on low incomes are currently supported through the Councils statutory obligations therefore no change proposed for compulsory school age assistance. Potential contribution charge for Post 16 assistance is unlikely to impact as financial support is available if required</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>If any of the answers to the questions above is, “negative” or “unclear” you will need to undertake a detailed impact assessment.</b></p> <p>A detailed impact assessment will be conducted once the consultation exercise is complete and feedback analysed.</p>					

<b>2.5</b>	<b>Based on your responses, should a full, detailed EIA be carried out on the project, policy or proposal</b>
	Yes    No <b>X</b>
<b>2.6</b>	<b>Provide brief reasons on how have you come to this decision?</b>
	Children will be assessed for school transport using criteria set out in policy. The policy will not allow children to be excluded on grounds of race, ethnicity, disability, sexual orientation, gender or faith. The requirement will be for the policy to be applied equally for all groups and having an increased staffing resource will decrease the likelihood of cases not being fully or properly assessed.

<p>A detailed EIA will be undertaken once the consultation exercise is complete, feedback analysed (and considered). This will be presented back to scrutiny and cabinet in September 2022 and will be considered when finalising the policy proposals.</p>
---

### SECTION 3: ASSESSING THE IMPACT

In order to be able to identify ways to mitigate any potential impact it is essential that we know what those potential impacts might be. Using the evidence gathered in section 2, explain what the potential impact of your proposal might be on the groups you have identified. You may wish to further supplement the evidence you have gathered using the table below in order to properly consider the impact.

Protected Group		Positive impact?			Negative impact? If so, please specify the nature and extent of that impact	No specific impact	If the impact is negative how can it be mitigated? Please specify any mitigation measures and how and when they will be implemented	What , if any, are the cumulative effects of this decision when viewed in the context of other Council decisions and their equality impacts
		Eliminate discrimination	Advance equality	Good relations				
Gender	Men					✓		
	Women					✓		
Race	White					✓		
	Mixed/Multiple ethnic groups					✓		
	Asian/Asian British					✓		
	Black/African/Caribbean/ Black British					✓		
	Gypsies / travellers					✓		
	Other ethnic group					✓		
Disability	Physical		✓					
	Sensory		✓					
	Learning Difficulties		✓					
	Learning Disabilities		✓					
	Mental Health		✓					

Protected Group		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action)	What are the cumulative of effects
		Eliminate discrimination	Advance equality	Good relations				
<b>Sexual Orientation</b>	Lesbian, gay men, bisexual					✓		
<b>Age</b>	Older people (50+)					N/A		
	Younger people (16 - 25)				✓		Families may be required to pay a contribution towards travel costs if the learner is attending Post 16 education, currently there is no requirement to pay a contribution. If a contribution charge is introduced this must be reasonable. Financial support is available to learners and/or families to mitigate the impact of any charge. The consultation will explore what is an appropriate level of contribution if the change is approved and introduced.	
<b>Gender Reassignment</b>						✓		
<b>Impact due to pregnancy/maternity</b>						✓		

<p><b>Groups with particular faiths and beliefs</b></p>				<p>✓</p>		<p>20 learners currently benefit from travel assistance to a School of faith or same sex establishment that isn't the nearest School that can meet the individuals' educational needs. Removing this provision will align eligibility with other learners and in line with the Council's statutory obligations.</p> <p>The consultation will explore whether the proposed change is appropriate before seeking final approval and implementation</p>	
<p><b>People on low incomes</b></p>					<p>✓</p>		

**SECTION 4: ACTION PLAN**

**4.1** Complete the action plan if you need to reduce or remove the negative impacts you have identified, take steps to foster good relations or fill data gaps.

*Please include the action required by your team/unit, groups affected, the intended outcome of your action, resources needed, a lead person responsible for undertaking the action (inc. their department and contact details), the completion date for the action, and the relevant RAG rating: R(ed) – action not initiated, A(mber) – action initiated and in progress, G(reen) – action complete.*

**NB. Add any additional rows, if required.**

Action Required	Equality Groups Targeted	Intended outcome	Resources Needed	Name of Lead, Unit & Contact Details	Completion Date (DD/MM/YY)	RAG
Undertake consultation exercise to seek views on proposed policy changes and identified mitigation		Feedback received from potentially affected groups to ensure understanding of impact is correct and any mitigation/alterations can be identified		Johnny Kyriacou, (People Children)	21/07/22	

**THIS SECTION TO BE COMPLETED BY THE RELEVANT SERVICE MANAGER**

**SIGNATURE:**

**FULL NAME:** Johnny Kyriacou

**UNIT:** People - Children (Education & Inclusion)

**EMAIL & TELEPHONE EXT:** johnny.kyriacou@slough.gov.uk

**DATE (DD/MM/YYYY):** 01/05/2022

**WHAT NEXT?**

**It is the responsibility of the service to complete an EIA to the required standard and the quality and completeness of EIAs will be monitored by Strategic Finance Board.**

**All EIAs for proposed changes to levels of service arising from budget proposals must be completed by (insert date).**

**All completed EIAs should be sent to**

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**SLOUGH BOROUGH COUNCIL**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	20 June, 2022
<b>SUBJECT:</b>	Improvement & Recovery – Asset disposals programme
<b>CHIEF OFFICER:</b>	Richard West
<b>CONTACT OFFICER:</b>	Fin Garvey
<b>WARD(S):</b>	All
<b>PORTFOLIO:</b>	Financial Oversight & Council Assets - Cllr Rob Anderson
<b>KEY DECISION:</b>	NO
<b>EXEMPT:</b>	NO
<b>DECISION SUBJECT TO CALL IN:</b>	YES
<b>APPENDICES:</b>	None

**1. Summary and Recommendations**

- 1.1. The Corporate Plan (Improvement and Recovery Plan) describes the current financial crisis of the Council and those fundamental changes immediately required that will allow it to ensure financial sustainability in the near future.
- 1.2. A key element in the Council's financial recovery is the disposal of property assets. This report describes the next critical steps in the advancement of the Asset Disposal Programme.

**Recommendations:**

Cabinet is recommended to agree to:

- a) A report to full Council recommending amendments to Part 3.5 - Responsibility for Executive Functions and Part 4.4 Executive Procedure Rules of the Constitution to require decisions on disposal of an asset via a lease at less than best consideration to be a reserved function of Cabinet and to set up a new cabinet committee to oversee the asset disposal programme.
- b) The *Cabinet Committee – Asset Disposal Programme* will provide Cabinet with a regular progress report on the disposals programme (standing agenda item) including recommendations for disposal for those assets that are deemed key decisions.

Cabinet is recommended to note:-

- a) The process being followed in the consideration of asset disposals.
- b) The decision to market the assets located out of the borough of Slough.

**Reason:**

- 1.3. Timely proceeds from the sale of Council assets are fundamental to the fiscal recovery of the Council and providing long term financial stability.

**Commissioner Review**

*“Asset disposal is a fundamental component of the Improvement and Recovery Plan. This process will need to be managed at pace to avoid adverse financial consequences.”*

**2. Report**

***Introduction and Context***

- 2.1. The proposals within this report update Cabinet on new governance structures which establish an effective, robust and transparent assets disposals programme to ensure the Council maximises value from disposal of its assets and follows due process. It is expected that a report will be taken to full Council in July on the new cabinet committee following consideration of the changes by the Member Working Panel on the Constitution.
- 2.2. The Council’s financial position is unsustainable. The Council has developed a significant asset portfolio, both within and outside the Borough, which has been financed by debt. A phased asset disposal programme could realise capital receipts in the region of £600m over the next five years to finance Capitalisation Directions, repay external loans and reduce borrowing to sustainable levels by 1 April 2027.

***Governance***

- 2.3. The effective delivery and governance of the Asset Disposal Programme will also require the Council to put in place additional measures which will enable the Council to deliver these capital receipts in a timely manner with effective oversight. It is proposed that the formal governance structures of the Council are amended in two ways to ensure elected members have proper oversight:
  - (1) The constitution be amended to set up a Cabinet Committee focused specifically on the Asset Disposals Programme to allow a more focused review and debate on specific proposals and to make recommendations to Cabinet.
  - (2) For decisions to enter into a lease for land at less than best consideration to be a reserved function of Cabinet, with the exception of land which is being disposed of in accordance with a statutory obligation, for example HRA residential properties disposed of under the Right to Buy or leases to academies as part of an academy conversion
- 2.4. The responsibility for executive functions confirms that Cabinet will make certain more strategic decisions unless these are specifically delegated to an officer on a case-by-case basis. This includes disposal, acquisition and/or appropriation of property for rationalisation of the Council property portfolio or for the facilitation of development initiatives outside of agreed disposal or acquisition policies and making key decisions as defined by Article 13. A key decision is defined as:

*an Executive decision which:*

- (a) is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates,  
or
- (b) is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough.

2.5. At Cabinet on 21 June 2021, members took the following decisions in relation to property assets held in the General Fund:

- Delegate authority to the Executive Director of Place in consultation with the appropriate lead member, after consultation with the S151 and Monitoring Officer to dispose of assets up to a value of £1m (exclusive of any applicable VAT) subject to proper legal and valuation advice.
- All asset disposals above £1m will be presented to Cabinet under separate report(s), for approval.

2.6. Cabinet should therefore take decisions to dispose of all assets over £1 million as well as any assets where the disposal is deemed to be significant in terms of its effect on communities living or working in an area of two or more wards. Officers will consult with ward members, as well as relevant lead members, to understand the importance of a particular asset to the local community to inform whether an officer should take a decision under delegated authority or not.

2.7. To ensure further oversight, it is proposed to set up a cabinet committee to receive update reports on officer delegations and to review proposals and make recommendations to Cabinet. This committee will be able to take decisions on disposals that are not deemed to fall into the category of a key decision but are deemed to be one that requires a decision at member level.

### ***Options considered***

**A)** To retain the delegated authority agreed at Cabinet on 21 June 2021.

**B)** To retain the delegated authority agreed at Cabinet on 21 June 2021, namely, but have an additional oversight by setting up a cabinet committee. In addition it is recommended that Cabinet takes decisions to dispose of any asset under a lease where this is at less than best consideration, with the exception of disposals that are required to fulfil a statutory obligation.

2.8. Option B is recommended, and the relevant parts of the Constitution will be amended and presented to full Council for a decision at its July meeting. The Leader will appoint members to this committee.

### ***Asset Disposals Working Group***

2.9. An Asset Disposals Working Group has been established to exercise additional oversight of the disposal programme, ensuring that sufficient evidence of how best consideration will be obtained is produced and to ensure that disposal targets are on track to be achieved.

- 2.10. The group will review all lease renewals, rent reviews and all proposed disposals, and will make recommendations. It has established pro-forma templates for the presentation of information evidence “packs” for consideration.
- 2.11. The group will review property assets identified as surplus and may recommend assets to be marketed for sale in advance of the Disposal Strategy approval.
- 2.12. All disposal decisions will be either under delegated authority to the Executive Director of Place or by elected members. All decisions taken under delegated authority will be reported to the Cabinet Committee and/or Cabinet.
- 2.13. The Asset Disposals Working Group has set up a group mailbox (AssetDisposalsTeam@slough.gov.uk) to list and manage all expressions of interest on specific sites.
- 2.14. The working group will provide regular update reports to both the Finance Board and the Improvement and Recovery Board for the purposes of oversight. These boards, together with the working group, are corporate groups to ensure that there is proper debate and consultation of assets. The working group is currently chaired by the Lead Commissioner; however, it is envisaged that this will change once additional officer resource is brought in at a senior level. None of these groups are decision-making and therefore all decisions will be made by the Executive Director of Place or by elected members.
- 2.15. Officers with the assistance of the Strategic Property Advisor, Avison & Young, will prepare regular updates for Cabinet summarising progress made to date on asset disposals together with details of recent completions, sites under offer and current marketing activities and proposed disposals for approval.

### ***Asset disposal processes***

- 2.16. The Council is required to obtain best consideration for each disposal, the June 2021 Cabinet report set out the following process for the disposal of General Fund land.
  - 1) Identify Assets for Disposal
  - 2) Legal – Report on Title
  - 3) Asset Valuation
  - 4) Methods of Disposal
  - 5) Officer Delegation/Member Approval
- 2.17. Where assets are currently being used for delivery of services in accordance with statutory duties, the Council will undertake a service review and where required take a decision on changes to the service prior to making any decision to dispose of the asset.
- 2.18. It is further incumbent on the Council to retain sufficient evidence to demonstrate how best consideration demonstrate has been achieved. Such evidence may include:
  - Report into the title of the asset and any legal site constraints.
  - An independent valuation report confirming what the best consideration reasonably obtainable is for the site taking account of the legal site constraints report. The valuation should be an unrestricted valuation as required by the Technical Appendix to Circular 06/2003.

- An option appraisal, to confirm which marketing and disposal strategy is likely to yield best results by correctly targeted marketing to identify and inform all potential buyers.
- 2.19. Marketing and negotiations with potential purchasers should not be entered into until the outcome of the legal due diligence is known and unsolicited offers from prospective purchasers should not be accepted without the above process having been fully undertaken and sufficient evidence obtained.
- 2.20. All disposal decisions should also consider the wider financial implications to the Council before proceeding with a transaction. e.g. revenues receivable, associated costs and borrowing costs.
- 2.21. To ensure that the Council's asset disposal processes meet these key requirements, the following will be completed, carried out and take place respectively:
- Deeds and documents - all property records are indexed, accurate and up to date, to expedite future asset disposals.
- 2.22. The evidence to support the disposal decision will differ per site and be dependent on the legal status of the land, however this evidence should be sufficient to show that due process has been followed and that the Council has achieved best consideration for the asset.

### ***Strategic Property Advisor***

- 2.23. On 20 September 2021, Cabinet agreed that the Council should seek external support from organisations with a successful track record in developing and implementing asset disposal strategies across a range of asset types, values and geography. The Council does not have the capacity or the required experience to oversee a large-scale asset disposal programme of this nature.
- 2.24. A business case for securing external support was approved by the Procurement Board on 7 October 2021 and the Homes England Framework was selected as representing the most appropriate procurement route. This Framework lists 19 suppliers who have already been vetted in terms of:
- Technical competency
  - Previous experience of working with local government, and
  - Capacity to successfully manage complex, high-profile disposal projects.
- 2.25. Following expressions of interest from five suppliers, an Invitation to Tender was issued and a Procurement Evaluation Team was established to evaluate formal tenders once received.
- 2.26. A selection of preferred candidate was made on 21 February 2022 and further to a standstill period, Avison & Young were confirmed as the Strategic Property Advisor.
- 2.27. The Avison & Young appointment has been commissioned in two phases.

Phase I - to prepare, for approval, a Disposal Strategy that will consider all Council property assets. Note the Disposal Strategy is planned to be complete by the end of June 2022.

Phase II – Implement the sale of assets as instructed by the Executive Director for Place & Community on consideration of recommendations from the Asset Disposals Working Group.

- 2.28. Avison Young have commenced work on the Phase I strategic review of our total asset portfolio which will inform the Council in organising, categorising and structuring a suitable and considered disposals programme. This will result in a substantial number of assets being brought forward for approval to dispose. Each proposed disposal will be robustly scrutinised to ensure that Best Consideration relevant to the circumstances of each case is achieved and that the Council's wider financial implications are considered.
- 2.29. In order to realise capital receipts of at least £100m in the current financial year, a short-list of 'Assets Held for Sale' is being identified to be in the first wave of this programme. This list includes the four Out-of-Borough assets and a number of more recently acquired assets which have now been instructed for legal due diligence and progressing to market. Other assets will be identified as part of the Disposals Strategy and additional reports.

#### ***Out of Borough and other Assets***

- 2.30. Following an initial consideration to reduce the Council's capital debt, a review of the 4 Council owned Out of Borough Assets has been carried out by Avison Young.
- 2.31. On the 25 April, Avison & Young were instructed by the Executive Director of Place to bring forward the marketing of the 4 Out of Borough Assets.
- 2.32. It is also expected that other sites that have had a number of enquiries, may be brought forward for marketing in the short term.
- 2.33. It is recognised that some sites that have a community value will need to be considered for disposal. This includes sites where there are rent arrears and where action needs to be taken to recover the property from the current occupants. One particular site is Windmill Road occupied by a voluntary sector body. The Council will consider its equality duties when making decisions and where the disposal of the asset is deemed to be significant in terms of its impact on more than one ward, the decision on disposal is reserved to elected members.
- 2.34. Some assets can be classified as assets of community value. These are buildings or land where the main use has recently been or is presently used to further social wellbeing or social interests of the local community and could do so in the future. Social interests include cultural, recreational and sporting interests. The Council maintains a list of assets of community value, which can include assets in the ownership of the Council or third parties. Community or voluntary groups can nominate an asset to be included in the list by completing an application form which is available on the Council's website.

#### ***Assets held for Sale***

- 2.35. Further to analysis carried out by Avison & Young, a shortlist of assets which are ready for disposal in the current financial year is being compiled.
- 2.36. The criteria for classifying an Asset as Held for Sale are set out in paragraphs 4.9.2.12-14 of the Code of Practice on Local Authority Accounting in the United Kingdom. These are:

- 1) The carrying amount will be recovered principally through a sale transaction rather than through continued use;
- 2) The asset (or disposal group) must be available for immediate sale in its present condition subject only to terms that are usual and customary for sales of such assets (or disposal groups)
- 3) The sale must be highly probable which means:
  - i. the appropriate level of management must be committed to a plan to sell the asset (or disposal group),
  - ii. an active programme to locate a buyer and complete the plan must have been initiated
  - iii. the asset (or disposal group) must be actively marketed for sale at a price that is reasonable in relation to its current fair value
  - iv. the sale should be expected to qualify for recognition as a completed sale within one year from the date of classification, except as permitted by paragraph 9 of IFRS 5, and actions required to complete the plan should indicate that it is unlikely that significant changes to the plan will be made or that the plan will be withdrawn

### **Office Accommodation**

- 2.37. A key asset category requiring substantial analysis internally is the Council's requirement for office accommodation. Work has commenced on developing a specification of office space which will overlay current space requirements with future service reviews to determine actual need. This will inform business cases on current assets including Observatory House and St. Martin's Place. These business cases will also be informed by reports prepared by Avison Young on these assets.

### **SUR**

- 2.38. Following an Options Review undertaken at the end of 2021, significant progress has been made on the disposal strategy for a number of key sites including Montem, Stoke Wharf and NWQ. All of these sites are subject to an Options Agreement between the Council and SUR. An update report will be provided in July 2020 which will set out the Council's revised strategy for each site, key decisions required, critical milestones in FY 22/23 and the financial and legal implications to the Council.

## **3. Implications of the Recommendation**

### **3.1. Financial implications**

- 3.1.1. Fees paid to external consultants (Avison Young) have already been competitively set through the procurement process. The fees associated with the delivery of the first phase of work are fixed and will be paid on the satisfactory completion of this work. Fees associated with the disposals themselves will be paid on completion and will be deducted at source from disposal proceeds obtained.
- 3.1.2. The financial implications of each asset disposal will be considered on a case by case basis. This will consider capital receipts in addition to the impact on the Council's revenues, costs and borrowing costs.

### **3.2. Legal implications**

- 3.2.1. Local authorities hold land and buildings on behalf of their local communities. In that sense they can be seen as akin to trustees in relation to such land. For this reason, local authorities are under a duty to sell land at the best price reasonably obtainable. Section 123 of the Local Government Act 1972 states that a local authority cannot dispose of its land for a consideration less than the best that can be reasonably obtainable in the market, except with the consent of the Secretary of State. A disposal includes sale of the freehold, granting a lease of 7 years or more, assigning an unexpired term of a lease and granting an easement. Case law has determined that entering into an option to purchase the freehold or a lease is also a disposal and removal of a restrictive covenant may constitute a disposal.
- 3.2.2. There are further procedural requirements to be complied with for specific types of land. For instance if land is deemed to be open space, the Council must advertise its intention to dispose in a local newspaper and consider any objections received. For this reason, it is critical that the Council has a legal report on title and site constraints before considering its disposal strategy for a specific site. This report must be considered by the independent valuers when determining the valuation of the site.
- 3.2.3. In determining best consideration, the only consideration that can be taken into account is that which has commercial or monetary value to the Council. The following are examples of considerations that cannot be taken into account:
  - 3.2.3.1. An undertaking to create a number of jobs for people in the area or the desire to retain a particular use that would create jobs for the area
  - 3.2.3.2. The desirability of the proposed use of the land for a specific purpose
- 3.2.4. In recognition of the fact that there are certain circumstances when land will be disposed of at an under value, the Secretary of State has issued a number of general consents. However, as the Council is in a very difficult financial situation, consideration would need to be given to the reasons for such a disposal, as it could be legally challenged on rationality grounds. For this reason, all decisions to enter into leases of land at less than best consideration will be reserved to cabinet in the future, unless the disposal is to fulfil a statutory obligation, for instance to comply with the right to buy or to dispose of education land as part of an academy conversion.
- 3.2.5. The Council holds some of its land within its Housing Revenue Account. Section 32 of the Housing Act 1985 provides a power for local authorities to dispose of land held for housing purposes. Disposals cannot be made without consent of the Secretary of State, although there are a number of general consents that can be relied upon. Section 105 of the Housing Act 1985 confirms that local authorities, in their capacity as landlord, shall maintain arrangements to enable those of its secure tenants who are likely to be substantially affected by a matter of housing management to be informed of proposals, to make their views known and for any representations to be considered prior to any decision being taken. Housing management is defined as a matter which relates to (a) the management, maintenance, improvement or demolition of dwelling-houses let by the authority or the provision of services or amenities in connection with such dwelling-houses.
- 3.2.6. The Localism Act 2011 sought to give communities more power to become involved in the way local services were being delivered through community asset

ownership. This introduced a right to bid for and buy local land that is considered to have a community value. If land is listed as an asset of community value, the community will be given the opportunity to develop a bid and raise capital to buy the land, before it can be disposed of. The Council has to maintain a list of assets of community value and must consider community nominations to include land on the list.

### **3.3. Risk management implications**

- 3.3.1. No key risks have been identified as a direct result of this report, however:-
- failure to reduce external loan debt could compromise the Council's ability to produce a balanced revenue budget in future years,
  - failure to meet best value considerations will expose the Council to the risk of legal challenge, and
  - failure to establish robust governance arrangements will expose the Council to risk of impropriety.
- 3.3.2. Implementation of the processes outlined in this report should mitigate these risks and the Assets Disposal Group will play a key role in ensuring that processes are adhered to, activities are prioritised and performance against disposal receipts targets are monitored.

### **3.4. Environmental implications**

- 3.4.1. No environmental implications have been identified as a direct result of this report. The workstreams resulting from this report and subject to future Cabinet reports will fully consider environmental implications.

### **3.5. Equality implications**

- 3.5.1. The workstreams resulting from this report and subject to future Cabinet reports will fully consider equality implications for residents, communities, partners and stakeholders.

### **3.6. Procurement implications**

- 3.6.1. Support from external support consultants were secured in compliance with:
- The Public Contracts Regulations 2015
  - Council procurement policies, and
  - Expenditure Control Panel requirements.

### **3.7. Workforce implications**

- 3.7.1. No workforce implications have been identified as a direct result of this report. The workstreams resulting from this report and subject to future Cabinet reports will fully consider workforce implications.

### **3.8. Property implications**

- 3.8.1. This report will directly impact on the Council's property holdings. Full details will be provided via progress reports to Cabinet.

## **4. Background Papers**

None

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet

**DATE:** 20th June 2022

**SUBJECT:** Bus Enhanced Partnership

**CHIEF OFFICER:** **Richard West (ED Place)**

**CONTACT OFFICER:** Savio DeCruz (AD Place Operations)

**WARD(S):** All

**PORTFOLIO:** Transport & The Local Environment

**KEY DECISION:** YES

**EXEMPT:** NO

**DECISION SUBJECT TO CALL IN:** YES

**APPENDICES:**

- A. Slough Enhanced Partnership Plan and Scheme
- B. Equality Impact Assessment
- C. Stakeholder Consultation summary

**1 Summary and Recommendations**

This report sets out the general principles and core elements of the Enhanced Partnership Plan and Scheme (“EPPS”), including a summary of the main elements within the plan and the related governance framework. The proposal is to submit the EPPS to the Department for Transport and to formally establish the Enhanced Partnership (EP) with the bus operators.

**Recommendations:**

Cabinet is recommended to:

1. Consider the EPPS, noting in particular the proposed plan and governance arrangements.
2. Delegate authority to the Executive Director - Place and Communities, in consultation with the Lead Member for Sustainable Transport and the Environment, to:
  - (a) approve the final version of the EPPS in a form to be submitted to the DfT,
  - (b) approve the formal commencement of the EP with the bus operators.

## Reason:

This EP proposal follows the Council's notice of its intent to create an Enhanced Partnership in June 2021, and the publication of the Bus Service Improvement Plan (BSIP), previously approved by Cabinet in October 2021. The EPPS is an essential next step in the Council's response to the National Bus Strategy.

The EPPS sets out a proposal to:

(a) formally commence the Enhanced Partnership (also generally referred to as *the EP or the Partnership*) with bus operators of registered local services in Slough

and

(b) instigate the proposed governance structure and associated rules, which have been developed with input and agreement from the bus operators.

The overall requirement is to establish and commit to the delivery of a joint plan to improve reliability and quality of services, increase bus passenger levels and improve bus passenger satisfaction.

This document, entitled Slough Enhanced Partnership, is provided as **Appendix A** to this report.

The EPPS will be submitted to the DfT for review. Commencement of the EP is expected to follow soon after, with a target date of July 1<sup>st</sup> 2022.

## Commissioners Review

Commissioners have reviewed this report.

### 2 Report

- 2.1 The EPPS appended to this report is the final version that is intended to be submitted to the DfT. No objections or otherwise significant comments were made either within the 28 day objection period or at stakeholder consultation stage. Comments by Cabinet and Scrutiny will be carefully considered and addressed as appropriate. However, if these result in changes to the EPPS, it will be necessary to repeat the bus operator objection and stakeholder consultation periods. Should the Council receive admissible objections to these, it will be necessary to further revise and re-consult, putting SBC's ability to create an EP "as soon as reasonably practical" as required by DfT in doubt. Depending on scope of any changes required, it may be necessary to go through a second operator objection period (and potentially consultation) of any amended version of the EPPS. The DfT will be consulted further in order to clarify the required procedures relating to this scenario.
- 2.2 As indicated in the Reasons Section above, the guidelines and timescales for making an EP issued by the DfT have been revised a number of times throughout this process. Based on the revised DfT guidance, a combined EP Plan and Scheme document has been produced which contains two main sections (Section 1 is the introduction. Section 2 and Section 3 are described below).

Both Sections 2 and 3 also refer to detailed appendices as follows:

**Appendix A) Facilities (infrastructure),  
Appendix B) Measures (technical or procedural innovations) and  
Appendix C) Requirements (legal obligations)**

All of these areas are split in turn and as follows:

- i) Existing
- ii) Already approved and
- iii) Still to be considered by the Partnership.

**Appendix D** specifically focuses on the Terms of Reference for the Governance element of the Partnership.

This structure is designed to enable facilities, measures and requirements to be amended as agreed by the EP Board, but changes to governance require the full change process. This is in line with the legislation and with DfT guidance.

**Section 2: The EP Plan** (EPP, reflecting the main policy elements – objectives, targets, principles, and the summary or proposed measures – as in the BSIP)

This section provides a summarised table of all proposed measures, as well as a summary of Partnership objectives. These are in line with the original proposals and objectives set out in the BSIP. In that context, they are designed to have positive impacts on the four key targets summarised as follows:

- Improved bus journey times
- Improved bus journey time reliability
- Increased bus patronage
- Increased passenger satisfaction

The content in this section is supported by the original summarised outline funding template which was provided as Appendix B to the BSIP which was presented to Cabinet in October 2021. The prioritisation for each summarised package of measures is still to be determined (again, subject to expected DfT guidance). The original, total estimated cost for all measures is approximately £54m. This has not changed.

The EPPS does not currently contain any highly detailed scheme/project proposals for the measures carried forward from the BSIP. In addition, still in line with the principles of the BSIP, all proposals within the EPPS will continue to be subject to feasibility, availability of funding, and consultation responses, including further Cabinet reporting where appropriate.

The DfT announced on 4<sup>th</sup> April 2022 the first round of funding awards for BSIP purposes. Slough was not included in this list. However, the DfT advised that further BSIP funding awards may be made in the future. The DfT has also advised that it will welcome SBC bids to other funds / sources, e.g. Levelling Up, to contribute to the implementation of the EP. Once obtained, SBC officers will negotiate agreements with bus operators that are conditional on the level of funding that can be secured

### **Section 3: The EP Scheme** (EPS, focusing mainly on the Partnership governance)

**EP Governance** is the part of the EP Plan and Scheme document that has not previously been set out in detail in the BSIP. The governance structure and procedures have now been discussed extensively and agreed in principle with the Bus Operators, also being based on DfT guidance / recommendations.

The main points relating to the governance structure and duties are set out in the EP as follows:

#### **EP Forum**

- To consist of representatives from SBC, bus operators, rail companies, and potentially bus user groups.
- Main duties: groundwork, proposals and recommendations, including proposed prioritisation, consideration of monitoring results.
- Proposals and recommendations will be developed in the forum and referred to the EP Executive Board for formal consideration and voting.

#### **EP Executive Board**

- Membership: 3 Local Transport Authority (LTA) reps (Lead Member or Executive Director, Transport officer, Highways officer) and 4 Bus Operator reps (First Bus Group and Reading Buses as major operators, TfL (who have specific statutory duties) and a fourth to collectively represent the smaller operators).
- Main duties: Considering and voting on proposals. Assignment of working groups to investigate feasibility where required.
- When voting, proposals will be approved where there are no votes against them. Items will remain on the agenda until resolved. Hence there is no need for a casting vote or any form of arbitration.
- The Chair is proposed to be the SBC Lead member with responsibility for Sustainable Transport and the Environment, or the Executive Director for Place.
- All proposals are ultimately subject to availability of funding, feasibility assessments and consultation responses.

#### *Implications for ward member input*

There is no provision for ward member representation in the EP Forum or Executive Board. The expectation is that any requests or case-work from ward members would be provided as usual to the Transport team. The information would be reviewed and any proposal arising from this would be considered for inclusion on the agenda for an EP Forum meeting in the first instance.

#### *Timelines for submission*

Following recent changes to DfT guidance, the requirement is now to submit the EPPS to the DfT, and to formally 'make' the EP. The DfT is not planning to formally approve EPs, and the decision to make the Slough EP is the responsibility of SBC as the Local Transport Authority. The DfT has asked that EPs are in place as soon as reasonably possible so that authorities can benefit from other discretionary funds in the future. The planned start date for the EP is 1<sup>st</sup> July 2022.

## 2.3 Policy implications

The EP and BSIP have been designed to align with all Council Transport and wider policies. They will support all projected outcomes of the Five Year Plan, 2020-2025, specifically:

**Outcome 2:** *Our people will be healthier and manage their own care needs*

The schemes that will be delivered through the EPP will be designed to reduce congestion and improve safety at key locations, also to improve air quality, and will therefore lead to better public health across the borough.

**Outcome 3:** *Slough will be an attractive place where people choose to live, work and stay.*

Enhanced provision of public transport will improve social inclusion by making Slough more accessible and increasing mobility across the borough. This will provide better access to commercial / retail centres as well as access to jobs and education. Increased patronage of public transport will also contribute to the reduction in CO<sup>2</sup> and improved air quality.

**Outcome 4:** *Our residents will live in good quality homes*

The EP and BSIP will focus on services and infrastructure which will provide high quality transportation links for both existing and new areas of housing development.

**Outcome 5:** *Slough will attract, retain and grow businesses and investment to provide opportunities for our residents*

Better connectivity through improved services and links will contribute to economic growth. Greater priority for public transport and increased modal shift will reduce congestion and make journey times more reliable on the road network.

The priorities to be addressed in the ongoing development of the EP will also be in line with the overarching Council policies, notably the Carbon Strategy. The Council has committed to challenging targets, with a net zero carbon target by 2040 for the borough, and a stretch target of 2030 for the Council's own organisation operations. Increased public transport will make a significant contribution to meeting these targets.

In Transport terms, specifically, and the links with Planning, the Council's Transport policy is focused on providing a sustainable, integrated travel solution at local level. At the heart of this is the need for modal shift, with public transport and mass movement of people playing an essential role here. Multi-modal and linked journeys involving public transport and active travel especially are also crucial. The EP and BSIP will also support the following specific related policies:

- The Strategic Transport Infrastructure Plan (STIP)
- The Network Management Plan
- The Local Transport Plan
- The Low Emission Strategy
- The Slough Local Plan and Spatial Strategy.

Full details relating to these policies are set out in the Significant Decision for the BSIP.

## 2.4. Options considered

The DfT initially presented LTAs with a choice of models to implement the requirements of the National Bus Strategy, and hence a framework to base the BSIP on. Three options were available:

### *Enhanced Partnership*

An Enhanced Partnership. This entails close working, cooperation and commitment to a formal, shared and legally enforceable plan for the delivery of bus services in and across the local authority area. This plan is the Bus Service Improvement Plan.

This is the option that the Council has selected, and has to date received funding from the DfT to the value of £150,000 to develop this approach.

The first meeting with the bus operators as part of the EP preparations took place on 25<sup>th</sup> June 2021. This led to the development of the BSIP, and in turn, preparation of the EP with the operators. The EP presented with this report has been agreed in principle by the operators, with the shared expectation that the partnership will formally commence on ratification by the DfT.

### *Franchising*

A franchising arrangement would involve the LTA being in overall control of bus services provided in the borough, including the determination and award of franchises to be awarded to specific companies for specific routes / services, subject to successful bidding processes. This option was not feasible. As per the DfT guidance, as a non-mayoral authority, SBC would have required Secretary of State approval for this option, and this would only have been considered if we had previously fully explored the Enhanced Partnership option. In practice, it would not have been possible for Slough to have a franchising system in place by April 2022, and in this circumstance the DfT would have required Slough to have in place an Enhanced Partnership by April 2022 even if it were to consider franchising in the medium to long term.

### *Neither of the above / Do Nothing*

It is unclear how Slough could fulfil its duties regarding the delivery of public transport while complying with all related policies and commitments in this scenario. There would also have been greater uncertainty about possible funding sources for public transport projects. This option was rejected.

## 2.5. Background

The National Bus Strategy (NBS) has been developed by Government in the context of the need to bring about a post-COVID-19 recovery across the country, and to ensure the recovery is not car-led. This follows on from the publication of the DfT's *Better Deal for Bus Users* guidance, with a commitment to help local authorities improve current services and restore lost services where they are needed most.

During the COVID-19 restrictions, demand for public transport was substantially reduced and emergency government funding was applied to maintain bus services. All formal restrictions were lifted in July 2021. In transport terms, the essential policy is for public transport to be an integral part of the overall recovery. For buses, the Government has put forward the aim to ensure that services post-COVID will be an improvement on the situation before the restrictions came first came into place.

However, even before the COVID-19 restrictions came into place, policies were in place at Slough to promote increased uptake of public transport and specifically travel by bus. Hence the National Bus Strategy strengthens existing plans and aspirations in Slough.

The first stage of the Council's response to the NBS, the BSIP, was published on the 29<sup>th</sup> October 2021, having previously been reviewed by the SBC Scrutiny Committee in September 2021 and approved by Cabinet on 18<sup>th</sup> October 2021. The BSIP and EP were also the subject of a significant decision in July 2021.

Although the EPPS document is now the main focus of attention, the published BSIP is still an important document which underpins the development of the EP. Following on, the Enhanced Partnership Plan and Scheme was developed and again fully reviewed.

The Lead Member for Transport and the Environment was previously briefed on all aspects of the EP, with particular reference to the governance element. Prior to the most recent cabinet reorganisation, the Lead Member accepted an invitation to chair the EP Executive Board. This offer has now been proposed to the new Portfolio Holder for Transport, Planning and Place. The responsibilities in this role are listed in detail in section 2 of this report (above).

Following the BSIP submission, reviewed by Cabinet in October, the EPPS has subsequently been developed in partnership with the bus operators. The document has been shared at all stages, with revisions made in line with comments and requests where considered appropriate. Care was taken to minimise the risk of admissible objections from the operators. This had particular relevance to TfL who have additional statutory duties.

### **Operator Objection period**

As required by the DfT, the final draft of the EPPS was formally reviewed by the bus operators over a 28-day Operator Objection period. This ran from January 10<sup>th</sup> January to February 7<sup>th</sup> 2022. No objections were received from any of the operators. The overall response from the operators continues to be positive and cooperative.

### **Stakeholder Consultation**

At all stages of the development of the BSIP and the EP, the Council's Transport officers have engaged in extensive discussions with all bus operators who run registered, local bus services in Slough.

SBC Transport officers have also consulted neighbouring local authorities, mainly Buckinghamshire County Council and the Royal Borough of Windsor and Maidenhead as well as Heathrow Airport Limited. There is a shared commitment here to ongoing engagement, and to ensuring a consistent approach to routes and services that cross boundaries or where there are other shared opportunities and obligations.

### **Objections received**

Following the Operator Objection period a wider stakeholder consultation took place. This ran for two weeks from February 15<sup>th</sup> to February 28<sup>th</sup> 2022. The stakeholders included The Traffic Commissioner for the West of England, The Competition and Markets Authority (CMA), Transport Focus, Thames Valley Police, neighbouring local authorities, bus

passenger groups, the bus operators and a number of other parties. The full list of consultees and a summary of their responses is shown in **Appendix C**.

There were no outright objections to the EPPS in the consultation responses, and no changes are required to either the plan or scheme. However, a number of questions and comments were received, and these are being addressed or will be referred to again as the partnership develops. The main points raised were as follows:

**The CMA** has asked for more information on the references in the EPPS to competition. The EPPS is required to consider whether its implementation is likely to have a 'significantly adverse' effect on competition. This is potentially the case, since the proposals relating to multi-ticketing and other fare related measures are by nature intended to limit the ability of operators to seek commercial advantage through ticketing.

The EPPS explains that the potential anti-competitive element is justified on the grounds of securing overall improvements to bus services to the benefit of bus passengers. This is considered to be proportionate. The CMA has asked for more information on the competition test applied by the Council. The Transport team will be providing a full explanation to the CMA and will address any further points that they may raise.

The response from **Transport Focus** was extensive and included support for the objectives and key proposals in the EPPS. This includes the key targets to improved journey frequency, reliability, patronage and passenger experience, and specifically the proposals relating to fare changes.

The response also included criticism of some elements. Transport Focus consider the proposed consultation process weak, and that the interaction with bus user groups is not extensive enough. Transport Focus have requested changes to the proposed change mechanism for the EP, which would require more extensive consultation and a more onerous process prior to amending the plan or scheme.

In response, the Council considers that the consultation proposals in place are satisfactory. These include our commitment to an annual survey (to gauge ongoing public opinion). The EP includes a robust change control process in line with DfT guidance. However, the Council welcomes the offer of support from Transport Focus to monitor performance and to assistance with the ongoing development of the plan, scheme where helpful, and appropriate.

### **Thames Valley Police (TVP)**

The response from TVP was fairly brief, and mainly included a request for exemption in traffic regulation orders (TROS) relating to bus lanes. This request does not relate directly to the EP plan or scheme at this stage, but will be referred to again when it comes to proposing and consulting on any new specific bus priority schemes. It is general practice, however, to grant such exemptions to the emergency services, and they already have TRO exemptions, including for the A4 bus lane scheme.

### **Other responses**

Most of the other consultees did not respond. Generally, where comments were received, these were positive. There is a common theme relating to the need for, and the benefit of, improved information provision, and more specifically, cross boundary coordination with all relevant stakeholders.

## Going forward / next steps

It should be noted that there is currently no DfT-endorsed opportunity to revise the document with any significant changes. Any such changes would require a subsequent iteration of the Operator Objection period and a further round of stakeholder consultation. All questions and comments raised by Cabinet will be responded to fully.

A report for the EP will be presented for review by the Place Scrutiny Panel.

The EP is now being presented to Cabinet for consideration and approval.

Once approved by Cabinet, the EPPS will be submitted to the DfT.

Following on, the EPPS will be a 'live' document which will be reviewed at regular intervals and referred to as the core document informing the partnership and all future developments. The proposal is for this to be reviewed annually. In the meantime, the EP board will be authorised to make changes to the appendices to the EP as and when considered appropriate.

### 3. Implications of the Recommendation

#### 3.1 Financial implications

3.1.1. From 2022, Local Authorities with BSIPs / EPPs in place will be invited to submit bids for EP / BSIP related schemes, for funding contributions from the overall funding pool. SBC was not awarded funding in the initial DfT announcement in April 2022, however the establishment of an EP will enable SBC to apply for any further funding from National Bus Strategy and from other government sources to improve bus services.

3.1.2. An underlying principle applicable to all schemes and improvements proposed in the EPPS (and previously the BSIP) is that they are subject to availability of funding and that they are feasible in all relevant ways. Currently there is no funding available from the Council. Furthermore, the Council is currently seeking ways to reduce expenditure in any way legally and practically possible, including, for example, supported bus services.

3.1.3. Bus operators will be expected to be equally committed to the EP (they will be joint owners of and legally bound to all decisions made by the EP board.

3.1.4. Regarding services to Heathrow Airport, there is a possibility that funding opportunities may arise in the future, potentially to be provided by Heathrow Airport Limited, for improved services across the relevant authority areas.

3.1.5. Consistent with the terms of the BSIP, the EPPS does not include any immediate financial commitments. However, given the requirements of the Government and the DfT, it is necessary to have an Enhanced Partnership with the bus operators in order to support the improvement of services and infrastructure at local level.

3.1.6. Overall, subject to the successful establishment of the partnership, and ongoing effective provision of bus services and relations with the bus operators, no negative financial impacts are anticipated.

However, should the Council not have a satisfactory EP in place, the DfT has stated an intention to cease the Bus Service Operators' Grant (BSOG) payments to local authorities and bus operators not participating in an EP. BSOG helps operators to keep fares down and to run services that might otherwise be unprofitable. Loss of BSOG income would therefore be likely to lead to service cancellations.

The absence of an EP would also prevent the ability to bid for DfT funding for schemes in the lifetime of the National Bus Strategy, placing both the Council and bus operators at a disadvantage compared to other authorities where partnerships or franchises are in place.

3.1.7. A grant of £100K already has been received by SBC from the DfT from the Bus Capacity Grant. This was in response to the Council's provisional indication that it has committed to an Enhanced Partnership arrangement and BSIP submission. A subsequent £50k has been received to further assist in the development of the BSIP. The funding covers the following:

- Preparation of the formal statement committing to an Enhanced Partnership
- Development of the BSIP, including preparatory work with the bus operators
- Development of the subsequent specific scheme bids in the Enhanced Partnership Plan (EPP).

Expenditure on the preparation of the EP and BSIP has been approved by the SBC Expenditure Control Panel.

3.1.8. Slough did not receive any BSIP funding in the DfT's announcement in April 2022. Hence, there is no budget available to cover the infrastructure proposals included in the BSIP. However, any BSIP proposals not requiring funding from SBC will still be considered by the EP for possible implementation.

3.1.9 The Council's support on the non-investment requirements of the plan is able to be provided on a BAU basis through the work of the Transport Planning team and colleagues as necessary. There are no implications for the budget in this regard.

## 3.2 Legal implications

3.2.1. The Council as a LTA has statutory functions under the Local Transport Act 2008 and has a statutory duty to comply with the Transport Act 2000, as amended by the Bus Services Act 2017. This 2017 Act introduces an Enhanced Partnership, which is an *'agreement between a local transport authority (LTA) and local bus operators to improve local bus services'*

3.2.2 The Council is also under a statutory duty to comply with the National Bus Strategy. Statutory guidance was issued by the DfT in May 2021: National Bus Strategy: Bus Service Improvements Plans which set out the timeline for compliance with various stages.

3.2.3 Step 1 is for the Council to decide which statutory path to follow – pursue an Enhanced Partnership or develop a bus franchising assessment. As stated in the Strategy, by the end of June 2021, to be eligible for new funding and continued access to COVID-19 Bus Services Support Grant (CBSSG) every LTA must have published a statutory notice that they intend to prepare an EP (as required by S.138F(1)(a) of the Transport Act 2000).

*As stated in section 2.3, the Council has chosen to develop an Enhanced Partnership. Formal notice of this decision was given in May 2021.*

3.2.4 Step 2 LTA's should develop and publish a BSIP by 31 October 2021. Each plan will need to be updated annually and reflected in the authority's Local Transport Plan and in other relevant local plans.

*The BSIP was submitted to the DfT on 29<sup>th</sup> October 2021 and has been reviewed by the DfT. The Transport team will manage the annual review and the alignment of the BSIP with all Council related Transport policies.*

3.2.5 Step 3 From July 2022, the BSIP should be delivered using one of the two statutory options under Step 1 above. Subsequently, the Council must have an Enhanced Partnership in place. The proposal now is to formally commence the Enhanced Partnership from July 2022.

3.2.6 Although the EP is a joint commitment, with all parties accountable for the successful operation of the partnership and the delivery of the plan, the Council has ultimate responsibility for submitting the EPPS to the DfT in the first instance, and thereafter to chairing the partnership.

3.2.8 The EP (following on from the BSIP) will facilitate the Council's statutory duty to identify the bus services appropriate to meet the needs of their areas, and to secure provision of those services that cannot be provided on a commercial basis. However, the EP will inevitably provide new challenges as well as opportunities relating to the best way to fulfil this duty.

3.2.9 The commitments proposed in the EP will have implications for both the Council as Local Transport Authority and the Bus Operators, who will be the joint owners of the EPPS. However, again in line with the BSIP, all schemes included in the EP plan and scheme are proposals at this stage, and are subject to feasibility, funding availability and consultation.

3.2.10 Under Part 3.5, Table 3, point 2 of the Council's Constitution, approving "... policies and plans for implementation by lead members and officers" is an Executive function and it is considered on that basis that the EPPS requires Cabinet approval.

3.2.11 Part 3.6 of the Constitution sets out the Scheme of Delegation to Officers and under Section 2 - Executive Directors' general delegated powers include: taking and implementing any decision required for operational effectiveness, taking any action necessary to ensure the effective development and implementation of the Council's key strategies and services relating to directorates and attending and representing the Council on partnership boards. Under section 4, specific delegation is given to the Executive Director, Place for functions relating to Transport Planning.

### 3.3 Risk management implications

3.3.1. A risk assessment has not been conducted specifically to accompany the preparation and submission of the EPPS and the BSIP to the DfT. However, when it comes to progressing proposed schemes, the risk assessments, notably including financial risks, will be considered and prepared as appropriate.

3.3.2. In broad terms, there is no financial risk associated with the preparation and submission of the BSIP and the Enhanced Partnership. Conversely, there would be a

significant risk should the Council decide not to continue to proceed with its EP and BSIP commitments already made. This relates to the comments in the Finance section above.

3.3.3. Similarly, there are no policy related risks associated with the preparation and submission of the EPPS and BSIP. Given the options made available by Government to LTAs, the EP and BSIP route is considered the best way to deliver on policy commitments already made by the Council.

### 3.4 Environmental implications

3.4.1 The overall impacts of the EP and BSIP are expected to be highly positive in terms of contributing to the environmental implications. These are referred to in the policy related comments in section 2.

The promotion of Public Transport is one of the major elements of sustainable travel. This involves the mass movement of people across the network, reducing the need for journeys made by cars or other limited capacity vehicles. This in turn leads to reduced congestion and hence better air quality as well as reduced carbon emissions and particulates across the borough<sup>1</sup>. Highway related schemes (e.g. bus priority and junction improvements) will also reduce congestion and therefore lead to reduced emissions.

3.4.2. Still greater contributions will be made to the Carbon Strategy by the potential for zero emission buses to be delivered through BSIP schemes. The DfT has recently made initial funding awards to develop ZEBRA schemes (Zero Emission Bus Regional Areas). Whilst a ZEBRA scheme is not currently included in the BSIP, this may well be included as the partnership develops. Initial consultation with the major bus operators in Slough has already taken place on this subject. Two of the major operators in Slough have stated a willingness to further discuss possible schemes for Slough within the next two years.

### 3.5 Equality implications

3.5.1 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty and under s.149 it requires Public Bodies as decision makers to have 'due regard' to achieving a number of equality goals, which includes the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and 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.

3.5.2 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

3.5.3 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design policies and the delivery of services.

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<sup>1</sup> <https://www.itdp.org/2020/03/04/transit-solutions-for-the-air-quality-crisis/>

3.5.4 In order to assist in meeting its duty the Council has carried out an initial Equalities Impact Assessment (EIA) for the EP and the BSIP and this is provided as **Appendix B** to this report. This is an over-arching assessment at this stage of the overall response to the National Bus Strategy. Subsequently, when it comes to developing plans for specific schemes within the Enhanced Partnership Plan (EPP), individual EIAs will additionally be provided for all schemes of a scale and scope considered appropriate to warrant this level of assessment.

The overall expectations are as follows:

- a) The impacts of the EP and BSIP will be positive for all groups in society, with wide-ranging opportunities and improvements across the borough, and
- b) There will be no negative impacts from the EP and BSIP on any protected group

Examples of the benefits that will be of particular benefit to identified groups include the following:

- c) More frequent services will be especially helpful to the elderly. This will lead to increased perceptions of safety and greater comfort / minimised physical pain related to traditionally longer waiting times. A more reliable network of services will also improve connectivity and social inclusion, as well as access to a range of destinations.
- d) Similar benefits will also be expected for people with disabilities, through a greater understanding of the issues, which will be shared by the operators and the Council. Where not already included, the proposed table of measures and schemes will be reviewed and strengthened to better address the needs of people with disabilities.
- e) More frequent and more reliable services will also improve safety (perceived and actual) especially for mothers of young children. Benefits will also be associated with better access to healthcare related destinations. Lower fare costs may well be of particular benefit here too.
- f) Improved bus services are expected to provide a more attractive, more efficient travel option for specific cultural groups, where there is typically a strong 'car culture' and a reluctance to travel on public transport.
- g) More reliable bus services, reduced waiting times, and a better bus network are all likely to provide a safer and more attractive travel option to those seeking to travel to places of worship across the borough.

### 3.6 Procurement implications

3.6.1 There is no immediate need for Procurement knowledge or expertise, or any actions related to this discipline in the finalisation of the Enhanced Partnership. However, again, when it comes to advancing the plans for specific major schemes, or contractual opportunities relating to services and facilities, all appropriate steps will be taken to ensure that procurement legislation will be adhered to, and all Council standing orders complied with.

### 3.7 Workforce implications

3.7.1 There is a clear need for the Council to have at its disposal the relevant knowledge, experience, and skills within its workforce. As part of the overall Public Transport related responsibilities of the Council, the EPPS and BSIP will be managed by the Place directorate, Strategy and Infrastructure division. The EP and BSIP are considered to be one of the

Transport service's top priorities. Additional staff may be required to cover the full range of BSIP and Enhanced Partnership responsibilities as the plan is delivered. Regular reviews will be required on an ongoing basis to ensure that all aspects continue to be covered. This will include continuous monitoring of journey times, punctuality, patronage and passenger satisfaction.

Furthermore, the success of the plan will also depend on appropriate levels of staffing resources in related service areas, including procurement, legal and financial disciplines, particularly when it comes to progressing scheme development and contractual matters within the Enhanced Partnership.

### **3.8 Property implications**

3.8.1 Reference is made throughout the EPPS and BSIP to bus related infrastructure including the bus station and transport interchanges, as well as bus stop and signage. However, there is currently no reference to the management of the Slough bus station in the town centre. This may be subject to proposals and arrangements as the EP / BSIP plan is taken forward. As in all partnership matters, this will involve consultation and close working with the bus operators who use or have the option to use the station.

## **4. Background Papers**

- Cabinet report for the Bus Service Improvement Plan (BSIP), October 2021
- SBC Bus Service Improvement Plan (BSIP)
- Significant Decision: Place – Strategy and Infrastructure: Response to the National Bus Strategy. Dated 12<sup>th</sup> July 2021.
- DfT: Bus Back Better: National Bus Strategy  
(<https://www.gov.uk/government/publications/bus-back-better>)

# National Bus Strategy

Slough Borough Council  
Enhanced Partnership



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# 1. INTRODUCTION

The National Bus Strategy (Bus Back Better), published by Government in March 2021, sets out a high level of ambition for the improvement and development of bus services in England, to reverse the historic decline in patronage overall in England, and to provide the means for bus services to recover from the significant reductions in patronage as a result of the restrictions imposed to control the Covid-19 pandemic.

Government provided Local Transport Authorities (LTAs) with a choice of pursuing franchising of bus services or the Enhanced Partnership process, with a decision required by the end of June 2021. Slough Borough Council (SBC) pursued the Enhanced Partnership process, reflecting the challenges inherent faced by a small unitary authority in pursuing franchising and the belief that many benefits could be realised more quickly through partnership.

LTAs were then required to prepare and publish Bus Service Improvement Plans (BSIPs) by the end of October 2021. These documents are intended to describe the state of bus services and the market for travel, express ambition for change and develop a comprehensive suite of interventions to increase the number of passengers on bus services. Slough Borough Council's BSIP can be found here: [National Bus Strategy - Bus Back Better – Slough Borough Council](#).

The BSIP provides the overarching framework for the Enhanced Partnership Plan (EP Plan) and Enhanced Partnership Scheme (EP Scheme). The EP Plan summarises the main themes of the BSIP in setting out an analysis of local bus services in Slough, the objectives for the quality and effectiveness of bus services and how the EP Scheme or Schemes are intended to achieve these objectives. The EP Scheme describes the Facilities, Measures and Requirements to be implemented to meet those objectives and how the partnership is constituted and operates.

Both the EP Plan and the EP Scheme have been prepared by Slough Borough Council, in consultation with the bus operators and neighbouring local transport authorities, under the Transport Act 2000 (c. 38).

## 1.1. COMPETITION TEST

Slough Borough Council has undertaken an assessment of the impacts of the EP Plan and Scheme on competition for the purposes of Part 1 of Schedule 10 of the Transport Act 2000. The authority believes its full implementation will or is likely to have a significantly adverse effect on competition. However, the authority believes the EP Plan and Scheme(s) is justified because:

- it is with a view to achieving one or more of the following purposes:
  - securing improvements in the quality of vehicles or facilities used for or in connection with the provision of local services;
  - securing other improvements in local services of benefit to users of local services; and
  - reducing or limiting traffic congestion, noise or air pollution.
- its effect on competition is or is likely to be proportionate to the achievement of that purpose or any of those purposes.

The Competition and Markets Authority has also been consulted on the proposals as required by section 138F of the Transport Act 2000.

## 2. PART 1 - EP PLAN

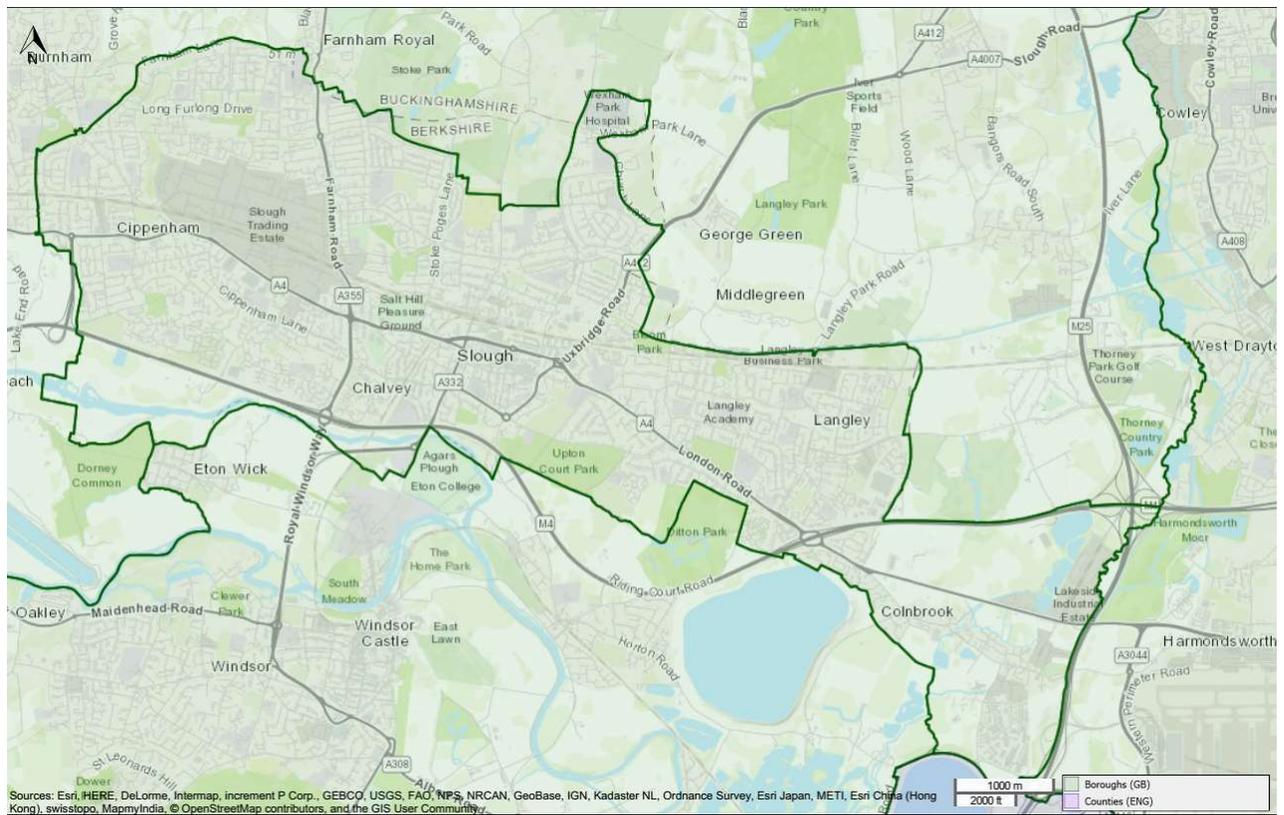
THE SLOUGH BOROUGH COUNCIL ENHANCED PARTNERSHIP PLAN FOR BUSES IS MADE IN ACCORDANCE WITH SECTION 138G(1) OF THE TRANSPORT ACT 2000 BY SLOUGH BOROUGH COUNCIL.

This Enhanced Partnership (EP) covers the entire administrative area of Slough Borough Council as illustrated at Figure 1-1.

The EP Plan will apply during the period of 1<sup>st</sup> July 2022 to 5<sup>th</sup> April 2032 and will be reviewed in April 2023 and then every year by Slough Borough Council. Each review will be concurrent with Slough Borough Council's review of its Bus Service Improvement Plan.

Slough Borough Council engages in frequent dialogue with bordering Local Transport Authorities (LTAs) to discuss cross-boundary transport issues. This engagement will continue throughout the EP period to ensure consistency and continuity of bus service provision across local authority boundaries.

Figure 1-1 - Slough Borough Council Administrative Area



## 2.1. EP Links to Policy Objectives

The EP alongside Slough's Bus Service Improvement Plan will contribute to the delivery of policy objectives outlined within Slough's existing Local Transport Plan (LTP)<sup>3</sup>, including but not limited to:

- To make sustainable transport options accessible to all;
- To enhance social inclusion and regeneration of deprived areas;
- To improve the journey experience of transport users across Slough's transport networks;
- To reduce transport's CO<sub>2</sub> emissions and make the transport network resilient to the effects of climate change; and
- To ensure that the transport system helps Slough sustain its economic competitiveness and retain its position as an economic hub of the South East.

The EP will also complement Slough's Strategic Transport Investment Plan (2021). This was presented to cabinet in draft form in February 2021. Objectives include:

- Making public transport the dominant mode of travel to and from the centre of Slough, the rest of the Borough and beyond, including to and from Slough's neighbourhoods;
- Providing the capacity for movement to and from the centre of Slough, in the form of a high quality, reliable, high-capacity public transport network, which enables a higher scale of development;
- Maximising the benefits of enhanced strategic public transport connectivity to London, Heathrow Airport and the wider Thames Valley;
- Making walking and cycling to and from the centre of Slough and the district centres the most attractive option for shorter journeys;
- Creating attractive environments in which people are put first in terms of movement and use of space for interaction, creating safe, healthy and vibrant urban spaces which encourage people to live, work and relax locally;
- Using high quality design of transport infrastructure to enhance the quality of the public realm;
- Significantly reducing the dominance of the car as a mode of travel to, from and through the centre of Slough and on key arterial roads;
- Minimising the impacts of roads, parking and motorised vehicles on the urban realm and on people, including improved air quality and road safety; and
- Key proposals include the Mass Rapid Transit network, infrastructure improvements for traditional bus services, consolidation of town centre car parks and in the longer term development of Park and Ride.

## 2.2. The Slough Bus Network and Bus Market

### 2.2.1. Bus Service Supply

Most parts of Slough are serviced by bus routes running to a half-hourly frequency, with (where they exist) hourly services on evenings and Sundays. Most residents are within 400 metres of the line of bus route.

Within Slough only one bus service provides a 'walk-up' frequency of 5-6 bph.

Services operate to a number of locations outside Slough. These include Heathrow Airport, Windsor, Egham, Staines, High Wycombe, Maidenhead and Uxbridge. With the exceptions of Windsor and Heathrow, these also operate to half-hourly frequencies.

Bus journey speeds are also relatively slow. We estimate an average scheduled journey speed in the morning peak (as at August 2021 timetables) of around 18 km/hour within the Slough boundary.

### 2.2.2. Bus Service Infrastructure

Within Slough there are around 500 bus stops, with Slough Borough Council also managing Slough Bus Station. These are described in more detail in the Enhanced Partnership Scheme Appendix A1.

### 2.2.3. Bus Fares

With the exception of single journey fares on TfL services, many bus fares in Slough are relatively high compared to nearby towns. There are also a complex range of discounts available for young people which varies based on operator.

There is no multi-operator ticketing scheme. A passenger wishing to travel from Cippenham to Wexham Park Hospital, for example, has to pay twice for their journey: once on the Thames Valley route 5 bus, and again on Redline's route WP1.

#### **2.2.4. Bus Passenger Information**

Slough Borough Council has historically maintained a bus map which it has made available on its website. It does not provide other bus service information itself but signposts to Traveline and operators' websites.

For journey planning purposes most bus operators provide websites with service information. Provision of fares information is variable. For instance, First provides information on period ticket products such as day or weekly tickets, but not for 'point-to-point' fares, nor does it produce a map showing fare zone boundaries. Thames Valley Buses by contrast provides information on all fares. Real-time information is generally available by app.

The environment of different operators providing services results in presentation of information in a variety of formats and with different levels of information provided. This makes the bus product unclear to prospective or occasional passengers. Information on fares is particularly variable. Within Slough bus information provision needs to be substantially improved.

#### **2.2.5. Bus Fleet**

Much of the bus fleet in Slough is mid-life:

- TfL route 81 (operated under contract by Metroline) – Volvo double-decks dating from 2010;
- First in Berkshire – a mixed fleet of single-deck buses including 15 hybrid buses dating from 2009 to 2015.

The exceptions to this are the Thames Valley Buses fleet allocated to Slough are generally less than two years old; and the Stewarts Coaches vehicles allocated to route BR operating between the rail and bus stations and the Trading Estate.

Emission standards are for the most part Euro VI. There are currently no zero-emission buses in the fleet. There is scope to improve both emission standards and passenger amenity on buses in Slough.

#### **2.2.6. Bus Priority Measures**

Whilst there is extensive bus priority within Slough, which is described at Appendix A1 of the EP Scheme, a number of pinch-points remain on the bus network, as do opportunities to implement more bus priority. The peak-only operation of bus lanes can lead to buses experiencing delays off-peak. There is not yet any 'whole route' priority applying to any bus route.

There is significant scope for more bus priority, and in particular there is scope to develop priorities on a 'whole route' basis to maximise the benefits of journey time reductions and improvements to service reliability.

#### **2.2.7. Bus Service Outcomes**

According to DfT bus statistics, there were on average just under 30 bus passenger journeys starting in Slough for every resident in Slough in the last full financial year before the outbreak of the Covid-19 pandemic. This bus passenger trip-rate has been falling over recent years. This rate is significantly higher than in neighbouring Berkshire authorities but lower than would be suggested by the proportion of households in Slough that do not have access to a car. This suggests that the bus passenger trip-rate could be expected to be around 50% greater at around 45 trips per year.

There are a number of exogenous factors for this:

- There is a high level of congestion on Slough's highway network, though this appears to have fallen slightly in recent years. There are two main causes. The first is a high level of both in-commuting and out-commuting. The in-commuting in particular takes place over a very wide geographical area, much of it to the Slough Trading Estate, some distance from the town centre. It is therefore difficult for public transport to capture these trips at either trip origin or trip end. Slough Borough Council has sought to address this by combining four business shuttles into one publicly-available bus service linking Slough Station and the Trading Estate. On the other side of the coin the link from Burnham Station to the Trading Estate has been lost;
- SBC is close to the M4 motorway, and experiences variable levels of congestion resulting from incidents on the motorway, which then affects the reliability of local bus services;
- Slough town centre has lost a significant amount of retail activity over recent years;

- There is no university in the town – universities are associated with higher levels of bus usage; and
- Slough has an ethnically highly diverse population, elements of which are understood to place a high value of the ownership and use of a car as a status symbol.

### 2.2.8. Passenger experience and priorities for improvement

Slough Borough Council undertook on-line consultation with existing bus users, non-users and with stakeholders. This survey concluded on 1 October 2021. The results consist of 389 respondents (of whom 189 identified as bus users and 200 identified as non-users).

Around three quarters of bus users agreed either strongly or a bit that they felt safe or very safe travelling by bus in Slough. Around 40% of bus users agreed that they travelled by bus because it was reliable and affordable. Around 50% of bus users agreed that information was readily available, but the score improved to around 60% for bus users who felt that bus was accessible for them.

Considering non-users and their reasons for not using local bus services, the most frequently cited reason is that buses are too expensive, followed by buses taking too long to reach respondents' destinations, and a preference to travel by other modes. Reliability was cited as the top fourth-equal response. Consistent with bus users, personal safety was cited by few respondents.

Both users and non-users were asked what attributes would make them use bus, or use bus more. Responses that led over 75% of respondents to answer that they would use buses more, or start using buses, 'a lot' or 'partly' focused on basic journey characteristics (fare, reliability, speed, frequency, duration of services into evenings and Sundays) and information (making it easier to find out about routes, times, fares). The high response rate for fare is despite the fact that 34% of respondents had a bus pass, so amongst fare payers this also is likely to be above 75%.

Slough Borough Council propose to repeat the survey each year to inform the annual review of the BSIP and in turn to inform the priorities for delivery on the part of the Enhanced Partnership.

### 2.2.9. Journey time trends

There is currently no open-source information available regarding historic bus journey times in Slough. As such, information published by the DfT regarding the delay and speed on locally managed 'A' roads has been used as a proxy for understanding bus journey trends in Slough.

The data suggests that the average delay on locally managed 'A' roads within Slough has decreased year-on-year since 2016 from 113 seconds per vehicle per mile (spvpm) to 95 spvpm in 2019. As delay has decreased, average speed on locally managed 'A' roads has increased from 15 km/h in 2016 to 16.4 km/h in 2019. Despite the improvements of both metrics, which may be associated with the completion of some significant investments in the Slough strategic highway network including re-modelling at the Copthorne Roundabout on A355 Tuns Lane and dualling of the A332 Windsor Road, the values are still relatively poor in terms of journey time reliability. The increased journey times and lower levels of reliability caused by congestion can reduce the desirability of bus services to customers as well as increasing the financial cost of delivering the bus service. The measures that the EP will work to deliver are aimed at improving journey times and reliability in Slough through the delivery of bus priority.

### 2.2.10. Objectives

Table 2-1 sets out the objectives for Slough's Enhanced Partnership.

**Table 2-1 - Enhanced Partnership Objectives**

Objective	How We Will Achieve This
Review Service Frequency “More buses, More Often”	Increased frequencies, including evenings and weekends More buses at key shift change times of major employers Superbus Network Coordinate services between operators to improve service regularity along corridors
Increase Bus Priority Measures “Getting buses moving”	More bus priority measures on a number of corridors Route reviews Mitigate the impact of roadworks
Increase Demand Responsive Services	Develop innovative solutions with key employers
Consideration of Bus Rapid Transport Networks	Intensive bus priority enables services with BRT characteristics
Integrate Services with Other Transport Modes	Bus and rail integration
Simplify Services	Consider re-planning routes Specific service change dates
Review Socially Necessary Services	Evening and weekend service increases Identify opportunities to enhance supported services Provide improved access to employment
Invest in Superbus Networks	Improved frequencies in evenings and at weekends Underpinned by extensive bus priority, investment in bus stop infrastructure and passenger information, including real-time. Minimum Euro VI emission standards
Lower fares	Consistent offers to young people and jobseekers across Slough Reduce fares Multi-operator ticket means you only pay once for a journey, even if it's on buses run by 2 different companies
Simplify ticketing	Simplify fares Multi-operator ticketing Tap On Tap Off
Integrate ticketing between operators and transport	Work with TfL to explore multi-modal ticketing opportunities
Invest in accessible and inclusive bus services “Buses for all”	Accessibility improvements Information at bus stops including real time Audio visual announcements on buses
Protect Passenger Safety of Bus Passengers	Improve bus specification CCTV on buses and at bus stop facilities Passenger Charter
Improve Buses for Tourists	Develop local leisure travel Bus priority for reliability
Invest in decarbonisation “Cleaner Buses”	Seek funding to migrate to zero-emission buses
Passenger Charter	Develop a Passenger Charter
Strengthen Network Identity	Continue to review branding with bus operators

Improve bus information	Operators to share more information on each others' services Coordinated service change dates e-ink demonstration project
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Delivery of the interventions identified in the Bus Service Improvement Plan against these objectives will contribute to the four key targets for outcomes that Slough Borough Council has in its BSIP. These are:

- To improve bus journey times, with a target of 11% reduction across Slough by March 2025;
- To improve bus journey time reliability, with 86% of non-frequent services being 'on-time' and an excess wait time of 1.0 minutes for frequent services;
- To increase passenger numbers, with a 20% increase on 2022 levels by 2025; and
- Improved passenger satisfaction, as measured by an annual residents' survey.

This Enhanced Partnership will seek to identify and secure appropriate levels of funding from the National Bus Strategy and from other sources in order to deliver the schemes identified in this EP and in the BSIP as being required to deliver these targets. Achievement of the strategic objectives in the EP Plan and the related Facilities, Measures and Requirements in the EP Scheme Appendices will be dependent on overall affordability and the funding that SBC and its operator partners are able to secure during the lifetime of this EP.

## 3. PART 2 – EP SCHEME

THE SLOUGH BOROUGH COUNCIL ENHANCED PARTNERSHIP SCHEME FOR BUSES IS MADE IN ACCORDANCE WITH SECTION 138G(1) OF THE TRANSPORT ACT 2000 BY SLOUGH BOROUGH COUNCIL

### 3.1. Definitions

In this Enhanced Partnership Plan and any Schemes made pursuant to it, the following capitalised terms shall have the meanings ascribed to them below:

1985 Act	Transport Act 1985
2000 Act	Transport Act 2000
2017 Act	Bus Services Act 2017
Bus Operators (or Operators)	All Operators running Qualifying Bus Services taken collectively.
Enhanced Partnership Scheme Variation	This comprises either: A variation of the Enhanced Partnership Scheme as a result of the voting mechanism set out in section 3.7.2 with respect to Facilities, Measures or Requirements or A variation of the EP Plan or Scheme agreed as a result of the mechanism set out in Section 3.7.3. Each of which will then constitute a formal variation of the EP Scheme for the purposes of s.138E(1) of the 2000 Act.
Facilities	Those facilities referred to in Appendix A which shall be deemed such for the purposes of s.138D(1) of the 2000 Act.
Executive Board (EB)	The committee of selected Slough Bus Operator representatives, Transport for London (TfL) and Slough Borough Council representatives responsible for considering recommendations put forward by the Forum and making decisions including specific Enhanced Partnership Scheme Variations.
Enhanced Partnership	The Enhanced Partnership covering the geographic extent of the administrative boundary of the borough of Slough shown for identification purposes only on the plan at Figure 1-1.
Forum	The committee of all Slough Bus Operators, Slough Borough Council, neighbouring local transport authorities, and other stakeholders in the bus network, responsible for considering all issues affecting the Enhanced Partnership, and making recommendations to the Executive Board in line with the Enhanced Partnership governance arrangements.
Large, or Other Operator	The two Operators providing the two highest percentages of Qualifying Bus Service route mileage within Slough at the start of each Slough Borough Council financial year will be classed as Large Operators. In addition, Transport for London will be classed as a Large Operator in its role as commissioner of certain bus services in Slough as part of the London Bus Network. All other operators will be Other Operators. Where Qualifying Bus Services are provided by multiple operating companies or subsidiaries of the same owning group, they are to be considered to be provided by one Operator. For the avoidance of doubt, a list of Large and Other Operators will be published at the start of each Slough Borough Council financial year.

Measures	Those measures referred to in Appendix B which shall be deemed as such for the purposes of s.138D(2) of the 2000 Act.
Non-qualifying Bus Service	Services excluded from classification as Qualifying Bus Services.
Operator Objection Mechanism	As defined at The Enhanced Partnership Plans and Schemes (Objections) Regulations 2018
Qualifying Bus Service	<p>A registered local bus service with one or more stopping place within the geographical area of the Enhanced Partnership, with the exception of:</p> <ul style="list-style-type: none"> <li>• Any schools or works registered local bus service not eligible for Bus Service Operators Grant</li> <li>• Any cross-boundary registered local bus service with less than 10% of its route mileage within the Enhanced Partnership area, except where the Executive Board agree that there are particular reasons why its inclusion in the EP would be to the benefit of the EP's objectives defined in the EP Plan</li> <li>• Any services operated under section 22 of the 1985 Act</li> <li>• Any registered local bus service which is an excursion or tour</li> </ul> <p>For the avoidance of doubt, a list of Qualifying Bus Services will be published at the start of each Borough Council financial year.</p> <p>In addition, any tendered service on which the tendering authority takes the revenue risk will not be subject to the Operator Objection mechanism, consistent with The Enhanced Partnership Plans and Schemes (Objections) Regulations 2018.</p>
Requirements	Those requirements placed upon Bus Operators identified as such within Appendix C which shall be deemed as such for the purposes of s.138C 2000 Act.
Task and Finish Group	A group appointed by the Executive Board to research and assess proposals for Facilities, Measures and Requirements and to prepare business cases setting out feasibility and costs.

### 3.2. Section 1 – EP Scheme Content

This document fulfils the statutory requirements for an EP Scheme. In accordance with statutory requirements in sections 138A to S of the Transport Act 2000, the EP Scheme document sets out:

- **Section 2** - Scope of the EP Scheme and commencement date
- **Section 3** - Obligations on the Local Authorities
- **Section 4** - Obligations on Bus Operators
- **Section 5** – Governance Arrangements

The EP Scheme has been jointly developed by Slough Borough Council in the Slough Borough Council administrative area and those bus operators that provide local bus services in the EP Scheme area. It sets out obligations and requirements on both Slough Borough Council and operators of local services in the Slough Borough Council administrative area in order to achieve the intended improvements, with the aim of delivering the objectives of the associated EP Plan.

### 3.3. Section 2 - Scope of the EP Scheme and Commencement Date

#### 3.3.1. Description of Geographical Coverage

The EP Scheme will support the improvement of all Qualifying Bus Services operating in the administrative area of Slough Borough Council, as shown at Figure 1-1 of the EP Plan.

#### 3.3.2. Commencement Date

The EP Scheme enters into force at the same time as the EP Plan on 1<sup>st</sup> July 2022.

### 3.3.3. Review and Duration

The EP Scheme has an end date of 5 April 2032. The Executive Board (EB) will review the EP Scheme at least annually on the anniversary of the commencement date and in line with reviews of the EP Plan in the years that these fall due. The Facilities, Measures and Requirements contained within it will be reviewed at least every six months.

### 3.3.4. Exempted Services

The following types of local service are exempted from compliance with all of the requirements of the EP Scheme:

- Any schools or works registered local bus service not eligible for Bus Service Operators Grant;
- Any cross-boundary registered local bus service with less than 10% of its route mileage within the Enhanced Partnership area except where the Executive Board agree that there are particular reasons why its inclusion in the EP would be to the benefit of the EP's objectives defined in the EP Plan;
- Any services operated under section 22 of the 1985 Act; and
- Any registered local bus service which is an excursion or tour.

In addition, the Executive Board may agree to exempt specific Qualifying Bus Services from any individual Requirements or exempt specific assets or infrastructure from Facilities or Measures that it agrees should be implemented.

## 3.4. Section 3 - Obligations on the Authority

### 3.4.1. Facilities

Existing Facilities maintained by Slough Borough Council are shown at **Appendix A1**. These consist of bus priority schemes; bus stations and interchanges; and bus stops.

Any change to the inventory of existing bus priority schemes or bus stations or interchanges outlined at Appendix A1 is subject to the approval of the Executive Board under the voting mechanism defined at 3.6.2. In addition, any proposal to remove bus priority schemes or bus stations and interchanges or amend the scope of these is subject to there being no objections received from Operators of Qualifying Bus Services utilising those Facilities at the time the proposal is made (see Section 3.7.2 – variation).

Facilities that the Board have agreed should be made and which have received any consents necessary from Slough Borough Council for implementation, but which have not yet been implemented, are shown at **Appendix A2**.

The full list of Facilities proposed under Slough Borough Council's Bus Service Improvement Plan not included in either of the above appendices is shown at **Appendix A3**.

### 3.4.2. Measures

Existing Measures provided by Slough Borough Council are shown at **Appendix B1**.

Measures that the Board have agreed should be made and which have received any consents necessary from Slough Borough Council for implementation, but which have not yet been implemented, are shown at **Appendix B2**.

The full list of Measures proposed under Slough Borough Council's Bus Service Improvement Plan not included in either of the above appendices is shown at **Appendix B3**.

## 3.5. Section 4 - Obligations on Local Bus Operators

The existing Requirements on Operators in providing Qualifying Bus Services are shown at **Appendix C1**.

Requirements on Operators that will apply at the making of this Scheme are shown at **Appendix C2**. Further Requirements that may be agreed by the Executive Board from time to time are also shown at **Appendix C2**.

The full list of Requirements proposed under Slough Borough Council's Bus Service Improvement Plan but not included in either of the above appendices is shown at **Appendix C3**.

Any Requirement has effect only in relation to so much of a Qualifying Bus Service as is provided in the area to which that Requirement relates.

If a Requirement applies to a Qualifying Bus Service, the operator of that service must comply with that Requirement.

### 3.6. Section 5 – Governance Arrangements

For decision-making purposes, the Enhanced Partnership will be governed by an Executive Board, supported by a Forum.

- Executive Board (EB) – established by the Enhanced Partnership with the mandate to take decisions using an Enhanced Partnership Scheme Variation mechanism (section 3.7.2) on issues put to them by the Forum, and other issues identified as being relevant to partnership delivery; and
- Forum – a forum for stakeholders in the bus network to monitor delivery and progress against targets and to propose Facilities, Measures and Requirements to the Executive Board for consideration.

#### 3.6.1. Forum

The Forum will provide opportunities for discussing issues of all kinds affecting the Slough bus network, consulting with and building consensus across the various stakeholders and making recommendations for decisions to the Executive Board (EB).

Detailed Terms of Reference are shown at **Appendix D1**.

Membership of the Forum will comprise the following:

- All Bus Operators running Qualifying Bus Services
- Transport for London (TfL)
- Slough Borough Council (Passenger Transport and Highways)
- Slough train operating companies
- Neighbouring Local Transport Authorities
- A representative of any bus user group or groups that may be established in Slough
- Any Community Transport operators providing services within Slough.

In addition, from time to time other external organisations may be invited to join the Forum on an advisory basis for fixed periods to provide specialist expertise. From time to time (not more than once per financial year) a wider conference of all relevant parties, businesses and the Local Enterprise Partnership, in addition to Forum members may be invited to review and discuss the progress of, and future opportunities for, the partnership.

#### Meeting arrangements

Forum meetings will take place not less than twice per year, normally six weeks before each EB meeting. Forum meetings will be arranged, chaired and minutes taken by Slough Borough Council. Meeting length will vary according to agenda content but ordinarily expected to be one to two hours.

Any business for a Forum meeting must be submitted in writing (by post or email) in advance for inclusion on the agenda. Any request for inclusion of items on the agenda must include an explanation of how they fulfil the objectives set out in the EP Plan.

Agendas and meeting papers (including a copy of minutes and outcomes of decisions taken at the previous EB meeting) will be circulated by Slough Borough Council no less than one week in advance of each meeting, and draft minutes circulated no more than two weeks after each meeting. Draft minutes will be approved at the next Forum meeting.

#### Forum Annual General Meeting (AGM)

The final Forum meeting of each financial year will be the designated Forum AGM. All 'Other' Operators (other than the operator(s) of TfL services) will be invited to self-nominate or nominate other willing Operators for EB membership, to represent themselves and all other Operators in their category, ahead of the Forum AGM. A ballot will be organised by Slough Borough Council at the Annual General Meeting to select Operators' preferred EB representatives (section 3.6.2).

#### 3.6.2. Executive Board

Membership of the Executive Board (EB) will consist of the two designated Large Operators, Transport for London and one Other Operator elected at the Forum, one Slough Borough Council public transport officer, one Slough Borough Council highways officer, and the Chair, who will be Slough Borough Council's lead

member for the transport portfolio or his or her selected deputy, or failing this the Slough Borough Council Assistant Director responsible for transportation.

The Executive Board (EB) will be the decision-making body of the Enhanced Partnership. Detailed Terms of Reference are shown at **Appendix D2**. The scope of the EB's decision-making will be on those matters set out in the Bus Service Improvement Plan and the Enhanced Partnership Plan. Where a decision by Slough Borough Council is required, for instance on the implementation of bus priority, the EB will have the power to make recommendations and request that such recommendations are formally considered by SBC.

Certain decisions of the EB may constitute Enhanced Partnership Scheme Variations pursuant to section 3.7.2 hereof if the requirements therein are met.

The EB will develop proposals for the design and implementation of interventions in the form of Facilities, Measures and Requirements, drawing on Slough Borough Council's Bus Service Improvement Plan and receiving advice and proposals from the Forum. It will be responsible for prioritising these interventions against available spend as required.

The EB may constitute task and finish groups as it may consider helpful from time to time to research particular matters of relevance and to develop business cases to the satisfaction of the EB members and a level of detail suitable for consideration by the EB. These task and finish groups may be constituted jointly with other local transport authorities.

EB meetings will require a quorum of two Operator representatives, one TfL representative and one Slough Borough Council officer representative in addition to the Chair. An Operator representative may, if necessary, arrange for an alternate or deputy from the same category to participate with voting rights.

#### **Operator representative selection**

The two Large Operators defined as having the highest route mileage in Slough are automatically selected to sit on the Board.

Other Operators (other than the operator(s) of TfL services) will be invited to self-nominate or nominate other willing Other Operators in writing to Slough Borough Council's Public Transport Manager prior to each Forum AGM. Where there is more than one nominee, all Other Operators will be given the opportunity to vote by secret ballot undertaken among those present at the Forum AGM for a preferred representative. Voting will be on the basis of one vote per Operator (where Operators are part of the same holding company or group, they will only be entitled to one vote between them). Where there is a tie, a run-off vote will take place between the leading tied Operators. The Other Operator representative will be re-selected on an annual basis.

In the event that a Forum AGM ballot fails to select an Operator representative for the Other Operator category, the default Operator objection mechanism set out in the Enhanced Partnerships and Schemes (Objections) Regulations 2018 will be used to determine the views of Operators in that category for the purposes of EB votes (in terms of objection or otherwise to the proposals) set out in section 3.7.4.

#### **Role of EB members**

Operator representatives will be acting on behalf of all Operators in that category, not on behalf of their own company alone. Representatives will be responsible for ensuring attendance at all EB meetings in that year, and ensure they have:

- (a) fully reviewed and understood all meeting papers in advance of attendance
- (b) the required mandate from the Operators they represent, and that any Requirements are capable of being fulfilled by the Operators that they represent.

#### **EB decision-making**

All decisions of the EB should be agreed by consensus among the members of the Board attending an EB meeting. Decisions of the EB will be made by way of a vote through a show of hands of those attending the meeting and entitled to vote.

Each member of the EB (including the Chair) will have one vote.

Decisions will be passed by way of a unanimous vote in favour by members of the Board attending the EB meeting and entitled to vote. Abstentions will be noted as such but will not count against the vote and so if all other votes are in favour (no votes against) the decision will be passed.

If the members of the Board do not reach consensus, further discussions can take place during the Board meeting to determine a way forward, with a new vote then taken. If consensus still cannot be reached, the matter will be held over for further discussions away from the Board meeting, with the decision then brought back to a subsequent Board meeting (regular or specially convened).

### **Meeting observers**

Any other Bus Operator and Slough Borough Council representatives will be able to attend the EB meetings as observers but will not have the right to vote. Observers may be invited to make comments or ask questions of the EB at the Chair's discretion or invited to defer these until the next Forum meeting. They may, at the EB's discretion, be required to sign an appropriate Confidentiality Agreement if any discussions or papers submitted include information that is commercial in confidence.

### **Meeting arrangements**

EB meetings will take place not less than twice per year at regular intervals following the Forum meetings, with provision for additional meetings as required to take decisions which in the opinion of the Chair cannot be deferred to a scheduled meeting, provided that a quorum can be achieved, with not less than one week's notice being given. Meetings will be arranged and minutes taken by Slough Borough County Council. Meeting length will vary according to agenda content but ordinarily be one to two hours.

Agendas and meeting papers will be circulated to all EB members no less than one week in advance of each meeting date, and draft minutes circulated no more than two weeks after each meeting. Copies will also be distributed to all Forum members so any issues or concerns can be discussed with the relevant Operator representative, who can then request further agenda items if required prior to the EB meeting. Draft minutes will be approved at the next EB meeting.

## **3.7. Arrangements for Reviewing, Varying or Revoking the Enhanced Partnership Scheme**

### **3.7.1. Review of Enhanced Partnership Scheme**

Once the EP Scheme is made, the Facilities, Measures and Requirements contained in Appendices A, B and C will be reviewed by the Forum at least every six months following publication of data on progress towards targets, as required by the BSIP. Slough Borough Council will initiate each review. The EB will be required to consider this review and decide whether changes to Appendices A, B and C are appropriate in response, taking account of available funding.

The Forum can also decide to review specific elements of the EP Scheme on an ad-hoc basis. Forum members should contact Slough Borough Council using the following email address [TransportPlanning@slough.gov.uk](mailto:TransportPlanning@slough.gov.uk) explaining what the issue is and its urgency. Slough Borough Council will then decide whether to table at the next scheduled meeting or make arrangements for all or the necessary Forum members to gather more quickly.

### **3.7.2. Changes to the Enhanced Partnership Scheme Facilities, Measures and Requirements**

Any changes to the Facilities, Measures or Requirements set out in Appendices A, B and C will be considered bespoke changes to the EP Scheme. Any Operator of Qualifying Local Services or Slough Borough Council may bring a proposal or proposals to the Forum where it or they will be considered. As described in Section 3.6.1 above, any proposal must be submitted in time for its inclusion in the Forum meeting agenda and must explain how it meets the objectives of the EP Plan.

If a simple majority of the Forum vote in favour, the EB will then consider the proposal or proposals having undertaken its own investigations and analysis and vote on the change proposed by the Forum at its next meeting. Slough Borough Council will then amend the relevant Appendix or Appendices to this EP Scheme if the EB votes in favour (with no votes against) of the proposal or proposals.

Slough Borough Council and the Operators acknowledge that the implementation of specific Facilities, Measures and Requirements may require separate agreements to be negotiated and agreed between relevant parties and that any such Facilities, Measures and Requirements will be subject to the relevant parties entering into such agreements.

The EB will also consider when any such changes shall come into force, and / or the linking of the changes (for instance, any Operator Requirements to take effect only once any enabling Local Authority Facilities or Measures have been implemented, taking account of the lead time for service registrations should these be required).

As per section 3.4.1 above, any proposal to withdraw or reduce the scope of any bus priority scheme or named passenger interchange or bus station Facility requires the written approval of all Operators of Qualifying Services using that scheme at the time the proposal is made.

If Slough Borough Council consider the matter urgent then it may convene a special meeting of the Forum followed by a special meeting of the EB, giving at least 14 days' prior written notice for the meeting to all Forum and EB members and for the meeting of the EB to consider the proposed variation.

In the event that a number of Operators which would trigger the default Operator objection mechanism (as set out in the Enhanced Partnerships and Schemes (Objections) Regulations 2018 as may be varied from time to time) raise concerns in writing to a minimum of one subsequent EB meeting about a previous decision of the EB, the decision-making process for Enhanced Partnership Scheme Variations will revert to the default Operator objection mechanism contained in those regulations to review that decision and as appropriate for future decision-making purposes.

### **3.7.3. Other Changes to the Enhanced Partnership Scheme**

Any other proposals (i.e. content other than Facilities, Measures and Requirements as set out in Appendices A to C) for changes to the EP Scheme will be considered under Section 138L of the Transport Act 2000. The proposer of a variation should demonstrate how this might contribute to achieving the objectives set out in the BSIP, EP Plan and Slough Borough Council's current local transport policies. Any such proposals should be in writing and submitted to [TransportPlanning@slough.gov.uk](mailto:TransportPlanning@slough.gov.uk).

Any Operator of Qualifying Local Services or Slough Borough Council may bring a proposal or proposals to the Forum where it or they will be considered. If a simple majority of the Forum vote in favour, the EB will then consider the proposal or proposals and any accompanying evidence and vote on the change at its next meeting. If the proposal or proposals are approved by the EB, Slough Borough Council will then follow the process set out in Section 138L of the Transport Act 2000 and The Enhanced Partnership Plans and Schemes (Objections) Regulations 2018 on behalf of the EB.

### **3.7.4. Revocation of the EP Scheme**

Should Slough Borough Council or any other member of the Forum believe that it is necessary to revoke the Plan or Scheme, then it must express this in writing to the Forum. The Forum will then consider and vote upon the proposal and submit it to the EB which will do the same.

Slough Borough Council will take into consideration the votes of the Forum and EB in making its own decision whether to revoke the EP Plan or Scheme. It will then follow the process set out at Section 138O of the Transport Act 2000.

### **3.7.5. Postponement**

Should it be necessary to postpone the implementation of any Facility, Measure or Requirement, Slough Borough Council will follow the procedure at Section 138I of the Transport Act 2000. It must first use reasonable endeavours to seek the views of the Forum and the EB.

### **3.7.6. Data sharing and commercial confidence**

At all times each member of the Forum and EB will respect data confidentiality and the Forum and EB will maintain processes to maintain and respect commercial confidentiality as required. Should any member believe there has been a breach of confidentiality, they should raise this with the Public Transport Manager of Slough Borough Council.

# APPENDIX A: FACILITIES

## A.1. Facilities – Existing

### Bus Priority Schemes

SCHEDULE 1: Bus Lanes		
Road Name and Description	Times of operation	Direction of travel and type of bus lane
<b>Bath Road</b> - From a point 33 metres west of its junction with Salt Hill Avenue westwards for a distance of 178 metres.	Monday - Friday 07:00-10:00 hours 15:00-19:00 hours	Eastbound (with-flow bus lane on nearside of carriageway)
<b>Farnham Road</b> – from a point 15.5 metres south of its junction with Buckingham Avenue southwards for a distance of 149 metres	All times	Southbound (with-flow bus lane on nearside of carriageway)
<b>Farnham Road</b> – from the southern boundary of 59 to 63 Farnham Road southwards for a distance of 220 metres	Monday - Friday 07:00-10:00 hours 15:00-19:00 hours	Southbound (with-flow bus lane on nearside of carriageway)
<b>London Road</b> – from a point 38 metres east of its junction with Lynwood Avenue eastwards for distance of 130 metres	Monday - Friday 07:00-10:00 hours 15:00-19:00 hours	Eastbound (with-flow bus lane on nearside of carriageway)
<b>London Road</b> – from a point 51 metres south-east of its junction with Blandford Road South south-eastwards for a distance of 1304 metres	Monday - Friday 07:00-10:00 hours 15:00-19:00 hours	South-eastbound (with-flow bus lane on nearside of carriageway)
<b>London Road</b> – from a point 163 metres south-east of its junction with Upton Court Road south-eastwards for a distance of 689 metres	Monday - Friday 07:00-10:00 hours 15:00-19:00 hours	North-westbound (with-flow bus lane on nearside of carriageway)
<b>Sussex Place</b> – from its junction with Dolphin Road eastwards for a distance of 68 metres	All times	Eastbound (with-flow bus lane on nearside of carriageway)
<b>Wellington Street</b> – from a point 175 metres west of the western kerbline of Dolphin Road eastwards for a distance of 150 metres	All times	Eastbound (with-flow bus lane on nearside of carriageway)

In addition, bus priority is located at:

- Bath Road, eastbound, bus gate connecting Bath Road Service Road North with Bath Road;
- Wellington Street, westbound, bus lane between the Tesco access junction and a point just west of the junction of Wellington Street and Brunel Way; and
- Stoke Road, northbound, bus lane between the junctions of High Street and Wellington Street.

### Bus Stations and Passenger Interchanges

Slough Bus Station, including associated on-street stops 11, 12, 13 and BR on Brunel Way, and stops A, B, C, D and G on Wellington Street.

### Bus Stops

Including Slough Bus Station, 489 bus stops in the NaPTAN database (May 2021). Bus stop posts, flags and timetable cases are generally provided by Slough Borough Council, with the exception of bus stops served by Transport for London services. Where provided, shelters are provided under contract to Slough Borough Council.

## A.2. Facilities – Approved for Implementation by the Executive Board

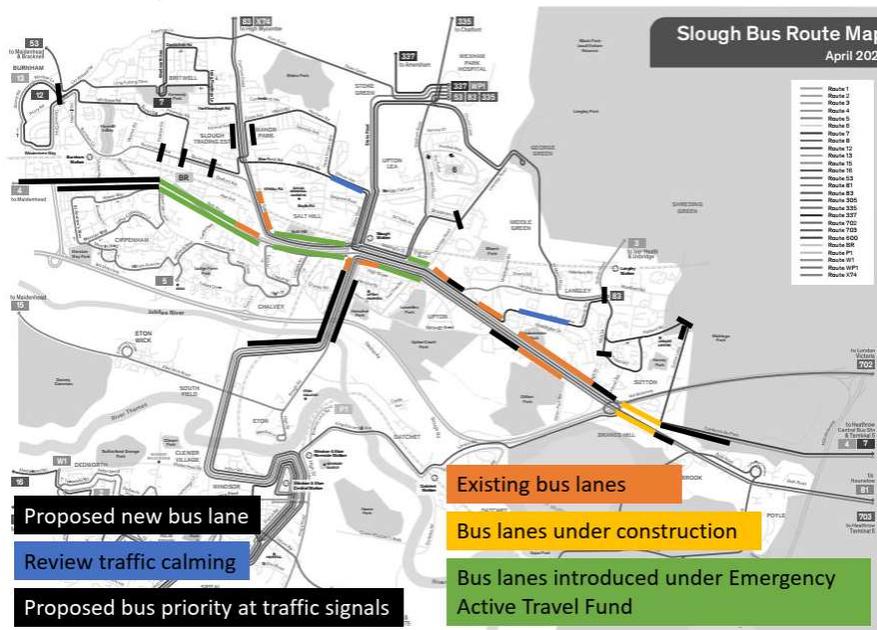
Any new Facilities or any changes to existing Facilities outlined in Section A.3 below will be subject to appropriate funding, feasibility, and approval by the Executive Board in accordance with the governance arrangements set out in paragraphs 3.6 and 3.7.

## A.3. Facilities for consideration subject to funding, feasibility and Executive Board and Slough Borough Council (where required) approval

Below is a general description of the Facilities currently identified for consideration. The details of these are intended to be developed by Slough Borough Council and relevant Operators and other stakeholders through the Enhanced Partnership process. Each Facility will be subject to appropriate funding, feasibility, and approval by the Executive Board in accordance with the governance arrangements set out in paragraphs 3.6 and 3.7.

### Make improvements to bus services and planning: Increase bus priority measures

- Physical infrastructure in order to reduce bus journey times and facilitate reliable operation, outlined in the figure below.



- Fill in bus stop laybys, which are identified as causing delays to buses on departing from the bus stop
- Work towards the conversion of existing bus lanes to '24-7' operation in order to provide maximum protection to buses from fluctuations in traffic flow. New bus lanes will be '24-7'. Review the classes of vehicle to be permitted in the bus lanes
- Review of each bus route to identify locations where minor works or review of parking and loading controls could ease pinch points for buses
- Review Traffic Regulation Orders in force at bus stop clearways, with a view to standardising on '24-7' operation
- Integrate potential cycling infrastructure on the A4 with bus priority infrastructure

### Make improvements to bus services and planning: Integrate services with other transport modes

- A wayfinding project at Slough Bus Station to help passengers find their bus

### Make improvements to bus passenger experience: Invest in accessible and inclusive bus services

- Identify and develop solutions to meet accessibility standards at bus stops across Slough
- Review facilities at Slough Bus Station to improve passenger circulation

**Make improvements to bus passenger experience: Protect personal safety of bus passengers**

- Implement CCTV at Slough Bus Station and selected bus stops.

**Improvements to passenger engagement**

- Revise the processes for the provision of roadside information and standardise display cases where possible
- Develop e-ink to provide static and real-time information at all bus stops in Slough
- Integrate Urban Traffic Management Control (UTMC) and bus passenger real time systems to improve delay and disruption messaging

## APPENDIX B: MEASURES

### B.1. Measures – Existing

### B.2. Measures – Approved for Implementation by the Executive Board

Any new Measures or any changes to existing Measures outlined in Section B.3 below will be subject to appropriate funding, feasibility, and approval by the Executive Board in accordance with the governance arrangements set out in paragraphs 3.6 and 3.7.

### B.3. Measures for consideration subject to funding, feasibility and Executive Board and Slough Borough Council (where required) approval

Below is a general description of the Measures currently identified for consideration. The details of these are intended to be developed by Slough Borough Council and relevant Operators and other stakeholders through the Enhanced Partnership process. Each Measure will be subject to appropriate funding, feasibility, and approval by the Executive Board in accordance with the governance arrangements set out in paragraphs 3.6 and 3.7.

**Make improvements to bus services and planning: Increase bus priority measures**

- Review the process of communicating roadworks with operators, with the aim of enabling better planning and communication of diversions
- Give bus operations control staff access to traffic cameras such that bus service controllers can identify incidents emerging in real-time and take early appropriate action

**Make improvements to bus services and planning: Increase demand responsive services**

- Work with major employers to establish one or more DRT schemes to serve hard to reach employment sites

**Make improvements to bus services and planning: Improvements to planning / integration with other modes**

- Liaise with TfL Rail and Great Western Railway on timetable co-ordination
- Re-focus cycle hire / e-scooter hire at Slough and Burnham stations at commuter journeys. Review the provision of cycle racks at bus stops and consider the potential for mobility hubs

**Make improvements to bus passenger experience: Invest in accessible and inclusive bus services**

- New development to take appropriate account of the needs of bus users.

**Make improvements to bus passenger experience: Protect personal safety of bus passengers**

- A system in conjunction with bus operators whereby a parent is notified when a child's QR code / app is read by a ticket machine as he or she boards a bus.

# APPENDIX C: REQUIREMENTS

## C.1. Requirements – Existing

## C.2. Requirements – Approved for Implementation by the Executive Board

Any new Requirements or any changes to existing Requirements outlined in Section C.3 below will be subject to appropriate funding, feasibility, and approval by the Executive Board in accordance with the governance arrangements set out in paragraphs 3.6 and 3.7.

## C.3. Requirements for consideration subject to funding, feasibility and Executive Board and Slough Borough Council (where required) approval

Below is a general description of the Requirements currently identified for consideration. The details of these are intended to be developed by Slough Borough Council and relevant Operators and other stakeholders through the Enhanced Partnership process. Each Requirement will be subject to appropriate funding, feasibility, and approval by the Executive Board in accordance with the governance arrangements set out in paragraphs 3.6 and 3.7.

### **Make improvements to bus services and planning: Simplify services**

- Buses to operate on consistent routeings throughout the day
- Network planning guidelines will be agreed with operators
- Standardised timetable change dates

### **Make Improvements to Bus Services and Planning**

- Develop a more collaborative process to consider proposals to change the bus network and to consider external influences
- Work with neighbouring authorities and organisations to develop bus services which cross Slough boundaries: this will include seeking to co-ordinate with them on highway schemes which will benefit buses

### **Make Improvements to Bus Services and Planning: More Frequent and Reliable Services**

- A core urban network consisting of the A4 east-west spine between Cippenham and Heathrow Airport, links to the Britwell Estate and the link between Slough town centre and Wexham Park Hospital. On these links the target is for a 10-minute daytime headway with maximum 20-minute headways during evenings and Sundays
- On other town routes we will seek standardised maximum 30-minute daytime headways with maximum 60-minute headways during evenings and Sundays
- We will seek funds to continue to maintain services during 2022/23 to provide network stability

### **Make improvements to bus services and planning: Review service frequency**

- Seek funding to enable more bus services to meet key shift start and finish times, notably at the major regional employer, Heathrow Airport.
- Consistent service start and finish times across the core network, with the aim of providing last services at around midnight.

### **Improvements to fares and ticketing: lower fares**

- Highest bus fares to reduce by around 20% to bring them into line with fares paid in other geographically similar locations
- A more comprehensive and consistent offer for occasional bus users

- Operators to accept the proposed multi-operator ticket.

**Improvements to fares and ticketing: simplify fares**

- A standardised young person's fare covering up to the age of 19 at not more than 75% of the equivalent adult fare

**Make improvements to bus passenger experience: higher specification buses**

- Bus operators to comply with a minimum bus specification, to be agreed
- In line with upcoming statutory requirements, all buses will need to provide next stop screens and announcements as standard

**Make improvements to bus passenger experience: Protect personal safety of bus passengers**

- CCTV will be mandated on bus services in Slough

**Improvements to passenger engagement: Passenger charter**

- Operators in Slough will agree to operate the passenger charter

**Improvements to passenger engagement: Improve bus information**

- Operators will work collaboratively to share service information on each other's apps and websites

**Make improvements to bus services and planning: Integrate services with other transport modes**

- Re-establish the link between Burnham Station and the Trading Estate
- Improve timetable co-ordination between bus and rail services at Langley station

**Make improvements to bus services and planning: Review socially necessary services**

- Improve Sunday and evening services on the core and secondary network
- Ensure that the majority of residents are within 5 minutes' walk of a daytime bus service

**Make improvements to bus passenger experience: Invest in decarbonisation**

- Seek funding opportunities to deliver a migration to zero-emission bus fleet with associated infrastructure over the coming years
- Seek funding to investigate the feasibility of different types of technology applied to the constraints at bus depots and the mileages being operated on bus routes in Slough in order to establish the most cost-effective means of decarbonising the bus fleet

# APPENDIX D: TERMS OF REFERENCE

## D.1. Terms of Reference – Forum

The Forum will:

- Consider the available evidence from Slough Borough Council's monitoring against the BSIP targets of patronage, journey time, reliability and passenger satisfaction;
- Consider how delivery of existing and potential Facilities, Measures and Requirements can assist in delivering outcomes against those targets;
- Liaise with the Executive Board on the forward work programme.

## D.2. Terms of Reference – Executive Board

The Executive Board will provide detailed technical project direction and scrutiny on interventions within the Enhanced Partnership Plan as well as having oversight and direction of financial delivery and the monitoring and evaluation framework.

The Executive Board will:

- Develop and continuously review a process to prioritise available funding to potential Facilities, Measures and Requirements;
- Develop investigations, feasibility studies and costed business cases for the development and implementation of Facilities, Measures and Requirements for consideration and approval;
- Establish task and finish groups and invite the views and participation of wider stakeholders as required to assist in the development of these investigations, feasibility studies and business cases;
- Liaise with equivalent governance bodies in neighbouring Enhanced Partnerships, on matters both of policy and direction and on specific cross-boundary issues;
- Review proposals brought to it by the Forum in respect of Facilities, Measures and Requirements, and any accompanying evidence;
- Satisfy itself that the any such proposals are sufficiently and appropriately evidenced;
- Vote on whether to proceed with such a change, and request Slough Borough Council to apply its normal statutory powers as required to deliver any such change, and request Slough Borough Council to amend the EP Scheme as appropriate;
- Review proposals brought to it by the Forum for changes to the EP Plan and Scheme, and if content initiate the required process to make such changes;
- Liaise with Slough Borough Council regarding potential bids to external bodies for funding and ensure as far as possible that such bids reflect the priorities of the EB;
- Direct Slough Borough Council to monitor outcomes against the stated targets and use this evidence to develop its policy in considering proposals brought to it by the Forum;
- Liaise as required with the Forum in considering scheme proposals and in providing direction as required from time to time on the content of the proposals and supporting evidence bases brought to it by the Forum; and
- Liaise with the Forum on the forward work programme.

## D.3. Terms of Reference – Task and Finish Groups

A Task and Finish Group constituted by the Executive Board will:

- Have its membership determined by the Board;
- Be constituted from time to time by the Board as required with a specific brief and timescale to report back as appropriate;
- Be expected to meet at least monthly; and
- Deliver a written response to the Board's brief for the Board's consideration.

END OF DOCUMENT

# Equality Impact Assessment

<b>Directorate: Place</b>	
<b>Service: Strategy and Infrastructure – Transport</b>	
<b>Name of Officer/s completing assessment: Eddie Hewitt</b>	
<b>Date of Assessment: 14<sup>th</sup> September 2021</b>	
<b>Name of service/function or policy being assessed: Bus Service Improvement Plan (BSIP)</b>	
1.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p><b>The BSIP is an essential element of the Council’s response to the National Bus Strategy. This response also includes the development of an Enhanced Partnership with Bus Operators in Slough. The overall requirement is to establish and commit to a joint plan to improve reliability and quality of services, increase bus passenger levels and improve bus passenger satisfaction.</b></p> <p>The National Bus Strategy has been developed by Government in the context of the need to bring about a post-COVID-19 recovery across the country, and to ensure the recovery is not car-led. This follows on from the publication of the DfT’s <i>Better Deal for Bus Users</i> guidance, with a commitment to help local authorities improve current services and restore lost services where they’re needed most.</p> <p>During the COVID-19 restrictions, demand for public transport was substantially reduced and emergency government funding was applied to maintain bus services. All formal restrictions were lifted in July 2021. In transport terms, the essential policy is for public transport to be an integral part of the overall recovery. For buses, the Government has put forward the slogan ‘<i>Bus Back Better</i>’, indicating the intention to ensure that services post-COVID will be an improvement on the situation before the restrictions came first came into place. However, even before the COVID-19 restrictions came into place, policies were in place at Slough to promote increased uptake of public transport and specifically travel by bus. Hence the National Bus Strategy is building on existing plans and aspirations in Slough. The mass movement of people on the network has long been a priority in order to deliver an integrated, sustainable transport solution in and across the borough.</p> <p>The headline objectives in the BSIP include targets as follows:</p>

	<ul style="list-style-type: none"> <li>• Reductions in journey times</li> <li>• Improvement in journey time reliability</li> <li>• Increased patronage (passenger numbers)</li> <li>• Increased levels of passenger satisfaction.</li> </ul> <p>The proposals in the BSIP designed to realise these objectives include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Increased bus priority on the road network</li> <li>• Better service frequency</li> <li>• Lower fares</li> <li>• Better ticketing systems and arrangements (including multi-operator ticketing)</li> <li>• Improved modal integration opportunities</li> <li>• Better service information</li> </ul> <p><b>The BSIP is the first stage in the overall response to the National Bus Strategy, and is by its nature a preliminary plan which is subject to various factors and circumstances coming into alignment. Hence, this Equality Impact Assessment is an initial, overarching review.</b></p> <p><b>The BSIP has also not yet been finalised. The BSIP is currently in draft form, and will be finalised in time for submission to the Department for Transport by the 31<sup>st</sup> October 2021. Subject to Cabinet review, towards the end of October, the main content of the BSIP is, however, not expected to change significantly.</b></p> <p><b>The BSIP will then be followed by the development of an Enhanced Partnership Plan (EPP) which will contain detailed, specific schemes. Further, scheme specific EIAs will be produced in due course, where the schemes are considered to be of an appropriate scale and scope, and where such schemes are expected to lead to significant impacts for any protected group(s).</b></p>
2.	Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.

	<p>The BSIP is a shared plan. Slough Borough Council and the Bus Operators of registered local services in Slough have joint ownership of the BSIP. Subject to feasibility, funding and consultation, the proposed measures will be delivered jointly, through the Enhanced Partnership. However, ultimately, Slough Borough Council has responsibility for leading the development of the plan and submission to the Department for Transport (DfT).</p> <p>The development of the BSIP has been overseen by the Transport team in the Place directorate, Strategy and Infrastructure division. Responsibility for regular progress reviews, liaising with the bus operators and all related administrative activities lies with the Transport team.</p> <p>The DfT is responsible initially for reviewing the Slough BSIP, and for determining any initial levels of funding. Subsequently, the DfT will also be reviewing scheme specific proposals that are set out in local traffic authority Enhanced Partnership Plans (EPPs) – the next stage in the overall process – and determining any grant funding to facilitate the delivery of the proposed schemes and measures.</p>
3.	<p>Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc. Please consider all of the Protected Characteristics listed (more information is available in the background information). Bear in mind that people affected by the proposals may well have more than one protected characteristic.</p> <p><b>The overall expectation is that this proposal will lead to improvements for all who use bus services in Slough, with wider benefits for all.</b>  <b>However, it is acknowledged that bus travel may be used and relied upon by certain protected groups more than others.</b>  <b>Broadly speaking, the relevant groups are expected to be affected as follows:</b></p> <p><b>Age:</b>  Older people are often particularly reliant on public transport and bus travel especially. Service frequency, safety, access to bus stops and the bus station, information availability, and concessional fares are all of particular relevance here.  The same applies to young people, including school pupils and students.</p> <p><b>Disability:</b>  As above, people with disabilities are often reliant on public transport. Again, service frequency, safety, access to bus stops and the bus station, information availability, and concessional fares are all of particular relevance.</p>

	<p><b>Pregnancy and maternity:</b> There may be some specific impacts for this category, relating to access to healthcare and facilities for parents and also young children.</p> <p><b>Race:</b> Generally speaking, there are no specific impacts here. However, there may be some cultural cultural/religious aspects which relate to the perceived and actual benefits or otherwise of public transport services and patronage.</p> <p><b>Religion and Belief:</b> Generally speaking, there are no specific impacts here. However, there may be some impacts, including better access to places of worship. Furthermore, as above, there may be some cultural/religious aspects which relate to the perceived and actual benefits or otherwise of public transport services and patronage.</p> <p><b>Gender Reassignment:</b> No specific impacts associated with this category.</p> <p><b>Marriage and Civil Partnership:</b> No specific impacts associated with this category.</p> <p><b>Sex:</b> No specific impacts associated with this category.</p> <p><b>Sexual orientation:</b> No specific impacts associated with this category.</p> <p><i>Details relating to the nature of the various, expected impacts are set out in sections 4 and 5 below.</i></p>
4.	<p>What are any likely positive impacts for the group/s identified in (3) above? You may wish to refer to the Equalities Duties detailed in the background information.</p> <p><b><i>The positive impacts for all groups identified above, and indeed for all bus travellers from all groups, are likely to be:</i></b></p>

- More frequent bus services
- More reliable journey times
- Lower fares
- Multi-operator ticketing arrangements (a simpler ticket and therefore easier travel)
- Better quality buses
- Improved air quality, reduced carbon emissions
- A more extensive network of services / greater access to places of work and education, shop, services, healthcare, and other destinations
- Further benefits.

***Nb the above list of likely benefits is not exhaustive.***

***Other likely benefits or aspects which are particularly relevant to the specific groups identified are as follows:***

#### **Age**

More frequent services will be especially helpful to both older people and young people. This will lead to increased perceptions of safety and, for the elderly mainly, greater comfort / minimised physical pain related to traditionally longer waiting times. A more reliable network of services will also increase connectivity and social inclusion, as well as easier access to a range of destinations.

#### **Disability**

As above, similar benefits will arise as for older people.

In addition, the BSIP and Enhanced Partnership is expected to lead to more considerate and more responsive bus companies, through a greater understanding of the issues, which will be shared by the operators and the Council. Where not already included, the proposed table of measures and schemes will be reviewed and strengthened to better address the needs of people with disabilities.

#### **Parents and young children**

Again, as above, more frequent and reliable services will improve safety (perceived and actual) especially for mothers of young children and young children themselves. Benefits will also be associated with better access to healthcare related destinations. Lower fare costs may well be of particular benefit here too.

	<p><b>Race</b> Although it can be hard to demonstrate with empirical evidence, certain cultural attitudes towards public transport do appear to be of particular relevance to certain ethnic and minority groups. Themes include actual and perceived safety on public transport and a preference for car ownership and travel combined with reluctance to travel on public transport for a variety of reasons (termed sometimes as '<i>car culture</i>'). Improved bus services are expected to provide a more attractive, more efficient travel option for all, and hence the benefits here may be particularly attractive to certain groups within the community.</p> <p><b>Religion and Belief</b> More reliable bus services, reduced waiting times, and a better bus network are all likely to provide a more attractive travel option to those seeking to travel to places of worship across the borough. In addition, there may also be some benefits in terms of safety – again, perceived or actual – for members of certain religious groups who may generally feel vulnerable on public transport.</p>
5.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so then are any particular groups affected more than others and why?</p> <p><b>There are very few negative impacts anticipated for any of the groups identified above.</b> The only impact that stands out is a possible reduction in parking availability at certain locations across the borough (although no firm plans – or even locations – have been established). This impact would potentially be detrimental to those who have a particularly strong preference to travel by private car. In the wider interests of the borough, the more important need here is for the Council, as local transport authority, to provide more education and to engage with residents better to promote more sustainable forms of travel, including public transport and active travel.</p>
6.	<p>Have the impacts identified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence sources and conclusions drawn (e.g. survey results, customer complaints, monitoring data etc).</p> <p>In preparing the BSIP, the Council has taken into account all relevant and available data sources, including data from the bus operators. Nb in the case of some operators, data is yet to be received and is subject to non-disclosure agreements, due to commercial interests. The analysis of this data is therefore not yet complete.</p> <p>Regarding other sources: The Council is currently hosting a public survey for both bus travellers and non-bus travellers. This survey is currently still active and is due to cease at the end of September 2021. The BSIP team is already engaged in reviewing the responses as they come in, and</p>

	<p>considering how best to respond to the results. At present, there are no early indications of any issues relating to specific, protected groups, but this will be closely monitored during the finalisation of the BSIP, subsequently the EPP, and then on an ongoing basis.</p> <p>Responding to customer complaints and other correspondence are generally considered as part of the general Transport team duties. All relevant information has been discussed and referred to the authors of the BSIP document, either verbally as part of ongoing discussion, or in written form via emails. However, the information here is not extensive and there are no major points of reference relating to any specific group.</p>
7.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results, e.g. have the staff forums/unions/ community groups been involved?</p> <p>Staff forums and unions have not been consulted. Community groups have been sent information regarding the BSIP and Enhanced Partnership development, via email correspondence, with a request for any comments to be made. One particular group specifically targeted is schools, with head teachers having been contacted for this purpose. Staff resources at the Council are quite limited, at present, but the intention is to engage further with as many relevant organisations and community groups as far as reasonably possible. This process is expected to continue for the lifetime of the national Bus Strategy, specifically the period during which the Government is coordinating the overall realisation of the strategy and making funding streams available for local authorities to bid for.</p>
8.	<p>Have you considered the impact the policy might have on local community relations?</p> <p>The BSIP is expected to make a positive contribution here. Public Transport plays a valuable role in the borough, and nationally, in providing greater mobility and accessibility to all members of the community. The BSIP contains a comprehensive list of measures and proposals designed to have the overall effect of improving connectivity within and across the town. This will be achieved through more frequent services, more reliable journeys, better value with fares, and all associated benefits. All of these impacts are expected to be valued by the community, and specific community groups, as referred to in section 4.</p>

	<p>The expected benefits arising from the improved air quality, reduced carbon emissions, reduced congestion levels, will all be particularly valuable in terms of greater social and environmental sustainability. Better, more reliable access to jobs, education and shopping areas will all be expected to lead to greater economic sustainability, with positive implications for all within the various communities.</p>
9.	<p>What plans do you have in place, or are developing, that will mitigate any likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact?</p> <p>As throughout this review, there are currently no negative impacts anticipated for any protected group, or indeed all members of the public. It is possible that some changes may have some unexpected consequences, including some short term detrimental impacts, but the BSIP is a 'living' document / plan, and any negative impacts will be reviewed and addressed accordingly.</p> <p>Engagement with the public increasingly takes place via online communications, and the various websites run by the Council and the bus operators, and all other sources, will continue to play a vital role in the exchange of information and comments. However, as far as practically possible, greater input from community groups will be actively sought and welcomed by the Council, through current channels and new initiatives to be explored and implemented.</p>
10.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented). Please see action plan below.</p> <p>The reporting procedure for the BSIP has not yet been fully finalised. The current proposal is that six monthly reviews will be appropriate to monitor the effectiveness of both the BSIP and the Enhanced partnership. In addition, the Council will respond to all relevant guidance from the DfT, and will comply with all formal reporting requirements.</p> <p>The success of all major schemes and measures to follow via the EPP will typically be subject to evaluation reports and regular monitoring, as well as discussion at partnership meetings to come with the bus operators.</p> <p>In addition, the Transport team will oversee an ongoing review of the overall development and progress of the BSIP and all associated measures, including consideration of the perceived and actual impacts on the public – including, specifically, all protected groups. The Enhanced Partnership will provide greater opportunity for the Council to engage in meaningful discussion with both the bus operators and the public on all relevant matters, and this will be expected to lead to further positive and specific outcomes.</p>

	<p>As stated in the question, the full impacts of the BSIP, the EPP, and the partnership will only be realised initially over the lifetime of the National Bus Strategy and the local response, and subsequently beyond. For a long-term, sustainable solution, thorough, ongoing review will be vital, along with continuity and increased commitment to the essential principles and objectives established in the plan.</p>
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<b>What course of action does this EIA suggest you take? More than one of the following may apply</b>	✓
<b>Outcome 1: No major change required.</b> The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	✓
<b>Outcome 2: Adjust the policy</b> to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? (Complete action plan).	
<b>Outcome 3: Continue the policy</b> despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
<b>Outcome 4: Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

### Action Plan and Timetable for Implementation

At this stage a timetabled Action Plan should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

Action	Target Groups	Lead Responsibility	Outcomes/Success Criteria	Monitoring & Evaluation	Target Date	Progress to Date
Final version of the BSIP to be submitted to the DfT	All groups	Eddie Hewitt Support from Atkins (consultants)	Satisfactory review and feedback from the DfT, along with any relevant funding award	Review	31 <sup>st</sup> October 2021	On course
Regular reviews of the progress of the implementation of the	All groups	Eddie Hewitt / Transport	Satisfactory review findings	Monitoring	Ongoing (minimum every 6	Planned

BSIP and the Enhanced Partnership					months)	
Development of the Enhanced Partnership Plan (EPP) and submission to the DfT)	All groups	Eddie Hewitt / Transport. Support from Atkins (consultants)	Satisfactory review and feedback from the DfT, along with any relevant funding award for specific schemes proposed.	Review	March 2022	On course
<p><b>Name: Eddie Hewitt, Principle Transport Strategy Officer</b></p> <p><b>Signed:</b> <b>(Person completing the EIA)</b></p> <p><b>Name: Misha Byrne, Transport Lead</b></p> <p><b>Signed:</b></p> <p>.....( Policy Lead if not same as above)</p>						
<b>Date: 14<sup>th</sup> September 2021</b>						

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Enhanced Partnership Statutory Consultations

Organisations/groups in guidance	Organisation	Contact	Notes	Summary of the Response	SBC comment
All operators of local bus services that would be affected by any of the proposals	Bear Buses	Glenn Massiah		No response	
	Carousel Buses	Luke Marion, Edmund Tresham		No response	
	First in Berkshire & The Thames Valley	Marc Reddy, Jonathan Lewis		No response	
	Metroline	Stephen Cahill	As an operator (Contractor to Transport for London only - made clear that all contact has been with TfL to date)	No response	
	Reading Buses	Robert Williams		No response	
	Red Eagle Buses	Riz Khan, Ali Khan		No response	
	Redline Buses	Riz Khan, Ali Khan		No response	
	Stewarts Coaches	Matt Hobbs		No response	
	Thames Valley Buses	Simon Fisher		No response	
	Transport for London*	Fergus McGhee, Carol Smales	* (As an operator) (also see below for (As a local authority))	No response	
Organisations that represent local passengers (e.g.. bus user groups)	Bus Users UK	(Not known)		No response	
	London Travelwatch	(Not known)		No response	
Other local authorities that would be affected by the proposals (e.g.. neighbouring local authorities)	Bracknell Forest Council	Phil Burke		Supportive. Good summary and detail on Governance. Comprehensive coverage of Facilities, Measures and Requirements, but will need more detail post any Government funding announcements. Supportive and encouraging re cross-boundary coordination.	Noted. Pan Berkshire coordination fully expected to increase and be more effective.
	Buckinghamshire Council	Andy Clarke		No response	
	Surrey County Council	Paul Millin		Supportive. Reference to the need for cross-boundary coordination and collaboration, especially on measures and communications involving ticketing and timetable information.	Noted. Pan Berkshire coordination fully expected to increase and be more effective.
	The Royal Borough of Windsor and Maidenhead	Tim Golabek		No response	
	Transport for London*	Carol Smales	* (As a local authority) (also see above for (As an operator))	No response	
The Traffic Commissioners	The Traffic Commissioner, West of England	Kevin Rooney		No response	

The chief officer of police for each area to which the plan relates	Thames Valley Police	John Campbell	Email address not confirmed	Request for exemptions in Traffic Regulation Orders for new bus lanes.	TVP to continue to be consulted as standard, as one of the statutory consultees on all TRO proposals. Exemptions already apply to all Emergency Services in bus lane TROs (include those for the recently installed A4 bus lane).
Transport Focus	Transport Focus	(Not known)		<i>Extensive response. Full details available on request (4 page document). Summary of main points:</i> Support for the objectives and key proposals in the EPPS. This includes the key targets to improved journey frequency, reliability, patronage and passenger experience, and specifically the proposals relating to fare changes. Transport Focus consider the proposed consultation process weak, and that the interaction with bus user groups is not extensive enough. The proposed change mechanism for the EP requires more extensive consultation with Transport Focus prior to amending the plan or scheme.	The Council considers that the consultation proposals in place are satisfactory. These include our commitment to an annual survey (to gauge ongoing public opinion). There is a robust change control process, based on the use of appendices for the plan and scheme elements. This is in line with DfT guidance. The Council welcomes the offer of support from Transport Focus to monitor performance and to assistance with the ongoing development of the plan and scheme where helpful and appropriate.
The Competition and Markets Authority (CMA)	The Competition and Markets Authority (CMA)	(Not known)		Request for further explanation on why SBC has stated in the EPPS that implementation of the full plan will or is likely to have a significant adverse effect on competition. Also, request for further information about the Competition Test applied by SBC in developing the EPPS. In addition, a page of comments provided for the attention of all local authorities developing EPs.	The CMA appears not to have noted fully the supporting information to this statement. The gist of this is that the proposals relating to multi-ticketing and other fare related measures are by nature intended to limit the ability of operators to seek commercial advantage through ticketing. The EPPS also explains that the anti-competitive element is justified on the grounds of securing overall improvements on the network and in the services. Obliging the operators to share commercial information with other operators is also considered anti-competitive. This is considered justifiable for the same reasons. The CMA has asked for more information on the competition test applied by the Council. The Transport team will be providing a full explanation to the CMA and will address any further points that they may raise.
Such other persons as the authority thinks fit	Heathrow Airport	Matthew Woolf	Sent as they have a role in commissioning / funding bus services	No response	
	Tan Dhesi MP	Tan Dhesi MP		No response	
	Adam Afriyie MP	Adam Afriyie MP		No response	
	NHS Wexham Park Hospital	Richard Hilson	First email address not confirmed Sent as they have a role in commissioning / funding bus services	Recommends a non-Council / non-operator representative member of the Forum to attend the Board on rotation.	Potentially possible, but this would be expected to be as an observer only. No governance role available or considered appropriate for this purpose. Also, due to frequency of board meetings proposed, this would mean practically no continuity.

	SEGRO	Yin Bowers Rowan Harper Dan Holford Katie Dunn	Sent as they have a role in commissioning / funding bus services	Generally supportive. Notes that the Trading Estate is an area of change. Welcomes and agrees the overall approach. Recommends regular review. Calls for a focus on Value for Money and solutions that are attractive, workable and viable for employees and visitors to Slough / Trading Estate. Reference to the importance of new housing development and bus requirements. Stresses the need for innovation and alternative approaches.	This focus on a key area of business and activity is endorsed, and will continue to inform potential specific schemes, as well as travel planning more widely. The reference to the need for services to new housing areas and also the importance of innovation are also valued, with shared commitment to covering these aspects via the EP.
	Bath Road Central	Kanika Edwards	Sent as they have a role in commissioning / funding bus services	No response	
	AEW	Sam Archer Charles Royle	Sent as they have may a role in commissioning / funding bus services	No response (referred to SEGRO)	

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