

Date of issue: Monday, 12 September 2022

<b>MEETING</b>	<b>CABINET</b>
	Councillor Swindlehurst Councillor Mann Councillor Ajaib Councillor Akram Councillor Anderson Councillor Bains Councillor Hulme Councillor Nazir Councillor Pantelic
	Leader of the Council and Cabinet Member for Council Recovery, Forward Strategy & Economic Development Deputy Leader and Cabinet Member for Housing & Planning Customer Services, Procurement & Performance Leisure, Culture & Community Empowerment Financial Oversight & Council Assets Public Protection, Regulation & Enforcement Children's Services, Lifelong Learning & Skills Transport & The Local Environment Social Care & Public Health
<b>DATE AND TIME:</b>	<b>WEDNESDAY, 21ST SEPTEMBER, 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>NICHOLAS PONTONE</b>
<b>(for all enquiries)</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 18th July 2022	1 – 12	
3.	<b>Finance Action Plan Update</b>	To Follow	All
4.	<b>Financial Update Report - 2022/23</b>	To Follow	All
5.	<b>Update on the procurement forward plan for services in excess of £180,000 and works in excess of £1 million in 2022/23</b>	13 – 36	All
6.	<b>Waste Collection and Disposal Savings</b>	To Follow	All
7.	Special Educational Needs and Disability (SEND) Service Recovery Plan	37 – 46	All
8.	Update on Annual Business Plan for Slough Children First Limited (SCF)	47 – 56	All
9.	<b>Disposal of Council Assets in Wolverhampton, Bradford, Gosport and Basingstoke</b>	To Follow	All
10.	References from Overview and Scrutiny	To Follow	All

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|-----|-------------------------------|---|---|
| 11. | 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 and 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

- |     |  |           |     |
|-----|--|-----------|-----|
| 12. | Part II Minutes - 18th July 2022   | 57 – 58   | -   |
| 13. | Update on Annual Business Plan for Slough Children First Limited (SCF) - Appendices 1 and 2        | 59 – 74   | All |
| 14. | <b>Disposal of Council Assets in Wolverhampton, Bradford, Gosport and Basingstoke – Appendices</b> | To Follow | All |

### 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

**AGENDA  
ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

**Cabinet – Meeting held on Monday, 18th July, 2022.**

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

**Apologies for Absence:-** Councillor Akram

**PART 1**

**15. Declarations of Interest**

No declarations were made.

**16. Minutes of the Meeting held on 20th June 2022**

**Resolved** – That the minutes of the meeting held on 20<sup>th</sup> June 2022 be approved as a correct record.

**17. Financial Action Plan - Update**

The Lead Member for Financial Oversight & Council Assets introduced the updated Financial Action Plan which set out the progress since the last report in May 2022 regarding the work undertaken to respond to the very serious financial challenges and recommendations made by various external agencies including CIPFA and DLUHC. The Cabinet was asked to recommend the report to full Council.

The key areas of progress were summarised and included the submission of the 2018/19 accounts to the auditors. The audit had now commenced and would take several months. The accounts had been very substantially revised since the original draft prepared by the previous finance team and whilst this had been a challenging process in which many issues had been identified, the accounts would provide a solid base for future years accounts. The timetable for producing accounts for subsequent years of 2019/20, 2020/21 and 2021/22 by March 2023 was on track and the finance team was in regular liaison with the auditors. Lead Members also particularly noted the updates on 2021/22 provisional outturn; finance monitoring for 2022/23; the finance restructure; and the work on DSG deficit which was reporting an improved position due to the extensive work being undertaken.

Lead Members welcomed the progress that was being made and commented that finalising the historic accounts was a key priority to enable the Council to have a clear baseline for future financial planning. It was recognised that significant further progress was still required as it would take a considerable time to address all of the issues identified, however, it was agreed that the report provided a clear overview of the current position and future work. The Cabinet agreed to recommend the report to Council.

**Resolved –**

- (a) That the background to the Council's financial position and the update on the work undertaken to respond to the many and very serious financial challenges and the recommendations made by external agencies be noted.
- (b) That the progress and issues arising from the continued work on the above be noted.
- (c) That it be agreed to recommend the report to Council.

**18. Risk Management Strategy**

The Lead Member for Financial Oversight & Council Assets introduced a report that sought approval for the Council's proposed new Risk Management Strategy.

The document set out the Council's strategy and approach to the management of risk and demonstrated the intention to continue to develop the maturity of Enterprise Risk Management (ERM) across the organization during 2022/23 and beyond to support the delivery of the Council's strategic priorities and outcomes. Lead Members recognised that the various governance and financial reviews had highlighted the importance of improving the approach to managing risk and the approval of the strategy was an important milestone to strengthen the processes.

The plan set out the strategic approach to risk across the Council and was not merely a finance issue. It was crucial that the Council put in the place the systems to better understand the scale and complexity of the risks and embed the mitigation and reporting systems across the organisation. It was noted that the Audit & Corporate Governance Committee would consider the strategy at its meeting later in July and the recommendations included a delegation to make minor changes to the strategy if required.

The Cabinet approved the Risk Management Strategy for 2022/23.

**Resolved –**

- (a) That Slough Borough Council's Risk Management Strategy for 2022/23 be approved;
- (b) The key development activities to be undertaken during 2022/23 including risk management workshops with key stakeholders following the approval of the revised Corporate Plan be noted; and
- (c) That delegated authority be given to the Executive Director for Finance and Commercial, in consultation with the Cabinet Member for Financial Oversight & Council Assets, to make minor changes to the strategy, in

particular to reflect any feedback from the Audit & Corporate Governance Committee.

**19. Senior management team restructure**

The Leader of the Council introduced a report regarding proposed changes to how the Council's main functions were coordinated and appropriately managed.

It was noted that various governance reviews have highlighted issues with the implementation of the Our Futures restructure, which has led to significant capacity issues in service delivery. The DLUHC commissioned governance review recommended a focus on bottom up service reform, the need to prioritise permanent and longer term recruitment for key roles and the need to significantly reduce reliance on external consultancy support to deliver "internal" services.

The proposed new structure included the following posts directly reporting to the Chief Executive:

- Chief Operating Officer;
- Executive Director, Strategy (organizational development);
- Executive Director, Finance & Commercial;
- Executive Director, Housing & Property;
- Executive Director, Place & Communities;
- Executive Director, People (Adults); and
- Executive Director, People (Children).

The Cabinet noted that the new structure was designed to provide the organisation with additional capacity in the senior management tiers to deliver the Corporate Plan and wider recovery and improvement priorities. The additional costs of the new structure could be fully funded from within the capitalisation direction, which was available until March 2024, by which point the Council would need to review the requirement for the positions and take decisions on future funding through the budget setting process.

The Employment & Appeals Committee had met on 12<sup>th</sup> July 2022 and agreed to recommend to full Council on 21<sup>st</sup> July 2022 the new chief officer structure and posts as required by the Constitution.

After due consideration the Cabinet approved the revised management structure.

**Resolved –**

- (a) That the change from a six directorate model to a seven directorate model with changes to the areas of service delivery under each directorate be approved;

- (b) That the report to Employment and Appeals Committee with a recommendation to full council to change the chief officer and deputy chief officer roles and delegate authority to the chief executive to consult and make changes to the structure in response to the consultation be noted.

## **20. IT Team Restructure**

The Lead Member for Customers Services, Procurement & Performance introduced a report that sought approval to consult upon and implement a restructure of the Information Technology team.

The Council's external auditors, LGA specialist ICT peer support and various external reports had highlighted the need to significantly strengthen the capacity and skills of the team, ensure it was sustainable and could support the future success of the Council and children's company. The proposed restructure was an important part of the wider ICT improvement programme that had been previously approved by Cabinet. It was noted that the restructure of the IT team had been put on hold during the whole Council 'Our Futures' restructure and it was now important to put a place an appropriate and sustainable structure to deliver the improvement programme. The structure aimed to clarify the purpose and roles within the team and reduce reliance on interim staff to provide stability and development opportunities for staff. The team would increase from 32 to 51 staff across four areas – customer, control, core and digital. A Chief Digital & Information Officer would be appointed at Assistant Director level to lead the team and ensure high level engagement across the organisation.

The Cabinet discussed various aspects of the proposed restructure including the challenges of recruitment in the IT sector, which was a point that had been highlighted by Commissioners. It was recognised that this was an issue for a range of the services such as social care and planning, and a Council wide plan to promote SBC and the career development opportunities it offered would be required. Lead Members commented on the importance of staff retention and ensuring the programme was sufficiently robust to account for the fact that it was likely to take time to fully recruit to all the new posts in the new structure.

The Cabinet supported the recommendations in the report and also agreed a further resolution that the Lead Member be consulted should any significant changes to the structure arise following the consultation process.

### **Resolved –**

- (a) That the consultation process for the revised structure for the IT Team noting the addition of a number of key posts be endorsed.
- (b) That the scope of the restructure which included the core IT Team (covering all the technology used across the Council and Children's Company) and Digital Team (that focused on public facing digital



services) be noted and approved, and that the proposal for the two teams to come together and be known as the ICT & Digital Team and work more closely together to improve public interactions with the Council be noted.

- (c) That it be agreed that the Lead Member for Customer Services, Procurement & Performance be consulted should any substantial changes to the structure be required following the consultation.

## **21. Procurement of an Integrated Substance Misuse Recovery and Treatment services including Shared Care**

The Lead Member for Social Care & Public Health introduced a report that made a series of recommendations about the procurement of integrated substance misuse treatment services.

Appendices 1 to 3 to the report contained exempt information and was included in Part II of the agenda. The Cabinet considered and noted this information during the public part of the meeting without disclosing any of the exempt information.

Approval was sought to progress to procurement for an integrated service to commence from 1<sup>st</sup> April 2023 and to award contracts to Turning Point and Farnham Road Shared GP Practice for the intervening period between 1<sup>st</sup> August 2022 and 31<sup>st</sup> March 2023. This would ensure the continuity of care and avoid disruption of services whilst providing sufficient time to align all procurement activities relating to substance misuse treatment and recovery.

The aim of re-modelling substance misuse services was to support the key priorities in the Government's new ten-year drug strategy, 'From Harm to Hope'. These included increasing the number and quality of placements; decreasing drug and alcohol related death; decreasing associated crimes such as burglary, robbery and theft; and increasing treatment places for rough sleepers. The Government had allocated £293m over the next three years to deliver the strategy and this would supplement funding from the core public health grant. The Lead Member highlighted the importance of service user engagement in the process of re-modelling of the service and commented that this would be most effective by using creative methods and not just paper-based consultation.

The Cabinet recognised that substance misuse was a much wider problem than just for the adult social care service and a Council-wide approach should be taken which included areas such as housing and licensing. Queries were also raised about partnership working and performance management to which Officers responded.

At the conclusion of the discussion, the Cabinet approved the recommendations, with one amendment to (I) to state the delegation was to

the Executive Director of Resources, 'in consultation with' the Executive Director of Place & Community.

**Resolved –**

- (a) That it be noted that approval for award was required to ensure continuity of care and to avoid disruption of services whilst providing sufficient time to align all procurement activities relating to substance misuse treatment and recovery.
- (b) That the procurement of an Integrated Adult and Young Peoples' Substance Misuse service (Lot 1) for a nine-year period (five-year contract plus two extension periods of two-year from 1st April 2023 to 31st March 2031 to the maximum value of £11.5m be approved. This would be funded through Public Health Grant and will replace several existing services set out at Exempt Appendix 1 to the report.
- (c) That the procurement of rough sleepers' substance misuse outreach service (Lot 2) for a contract (12 months plus 12 months extension) from 1st April 2023 – 30th June 2025 be approved. This would be funded as detailed in Exempt Appendix 2 to the report.
- (d) That it be noted that the procurement model described in the report was reflective of the various funding streams available for services and was designed to minimise the financial risk to the Council should funding be reduced or withdrawn.
- (e) That it be noted that a report concerning the new delivery model for an Integrated Substance Misuse Service was intended to be presented to People Scrutiny Panel in June 2022.
- (f) That a report concerning contract award for the Integrated Substance Misuse Service would be presented to Cabinet in December 2022.
- (g) That delegated authority be granted 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.
- (h) That a direct contract award to Turning Point to deliver additional services from 1st August 2022 – 31st March 2023 be approved. This would be at the value of outlined in Exempt Appendix 2 to the report.
- (i) That a direct contract award to Farnham Road Surgery to deliver additional clinical services from 1st August 2022 – 31st March 2023 be approved. This would be at the value of outlined in Exempt Appendix 2 to the report.
- (j) That the granting of a lease and any supplemental document(s) of Elliman Resource Unit 27 Pursers Court Slough SL2 5DL to Turning

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Point for a term of one year commencing 1 April 2022 be approved.  
Further information was contained in Exempt Appendix 2 to the report.

- (k) That the grant of a lease and any supplemental document(s) of Elliman Resource Unit 27 Pursers Court Slough SL2 5DL to the new provider for a minimum term of 5 years commencing 1 April 2023 be approved.  
Further information was contained in Exempt Appendix 2 to the report.
- (l) That delegated authority be granted to the Executive Director of Resources in consultation with the Executive Director of Place & Community to finalise terms and execute the lease and supplemental documentation of the above property to the tenant/provider.

### **22. ASC Debt Recovery Policy**

The Lead Member for Social Care & Public Health introduced the report which set out the Adult Social Care (ASC) Debt Recovery Policy 2022/23 with regards to debts that may have accrued as a result of the Council meeting a person's eligible care and support needs. The policy was part of the Adult Social Care Transformation Programme.

It was noted that the policy was most recently updated in 2013 and it was important to have a refreshed policy that took account of most recent developments such as the Care Act. Lead Members welcomed the updated policy which it was hoped would enable officers to collect debt more efficiently in future. It was recognised that it was important to have clear processes in place to avoid debts accumulating. Questions were asked about the communication with clients and the Executive Director, People (Adults) explained that information about charges was given at the point the service was delivered, including translation were required, and it was important that all steps were taken to ensure clients understood the charging policies.

The Cabinet discussed the equalities impact assessment and commented that more work was needed to better understand any groups particularly effected by the revised policy and put in place any necessary mitigations. A further resolution was agreed by Cabinet that the Lead Member would be consulted about any further mitigations arising from the further work that was being carried out on the equalities impacts.

The debt recovery policy was agreed.

#### **Resolved –**

- (a) That the ASC Debt Recovery Policy appended at Appendix 1 to the report be approved.
- (b) That the Acting Executive Director People (Adults) consult the Lead Member for Social Care & Public Health about any mitigations that may be required if any major adverse impacts were identified in the further

work planned on the equalities impact assessment as set out in paragraph 3.5.2 of the report.

**23. Options to increase income from leisure contract**

The Executive Director, Place & Community introduced the report which set out the operational changes to the delivery of the leisure services contract held by Sports & Leisure Management Ltd (SLM), trading as Everyone Active (EA), to optimise the management fee paid by SLM/EA to SBC.

The Cabinet considered and noted the Part II appendix without disclosing any of the exempt information.

The operational changes had an impact on the range of facilities available to residents and the prices charged to users. The proposed changes would enable SLM/EA to pay a higher management fee to the Council than would otherwise be the case. It was noted that the closure of facilities and disruption to services during the Covid-19 pandemic had had a significant impact on leisure centre attendance. The objective of the commercial negotiations with the contractor was to maximise the management fee to the Council and this included the continued suspension of the EA community based programme during 2022/23; above inflation (as of April 2022) price increases to be introduced in Quarter 3 of 2022/23; and re-open the Salt Hill Activity Centre with a reduced range of activity and reduced opening hours as the current opening hours and provision made the site unprofitable.

The Cabinet asked whether the autumn Covid-19 vaccination programme would impact on the re-opening of the Salt Hill Activity Centre. It was not currently known where the next phase of the vaccination programme would be delivered from, but the report assumed the Activity Centre would be used for that purpose until September 2022 and then be available to re-open as part of the leisure offer. Lead Members commented that one of the major benefits of the current contract was that it returned an income to the Council via the management fee, which was not the case under the previous contract. Despite the negative impacts of Covid it was considered that the negotiated agreement with the contractor that would restore a management fee was therefore the best option and the recommendations were agreed.

**Resolved –**

- (a) That the negotiated management fee for 2021/22 of £673k, and the negotiated management fee for 2022/23 of a minimum of £1,060k be agreed.
- (b) That the continued suspension of the Everyone Active (EA) community-based activity programme during 2022/23 be agreed.
- (c) That it be agreed that Sports & Leisure Management Ltd/Everyone Active (SLM/EA) could introduce above inflation (as of April 2022) price increases in Quarter 3 2022/23.

- (d) That delegated authority be given to the Executive Director (Place & Community), in consultation with the Lead Member for Leisure, Culture and Communities, the Leader of the Council - Council Recovery, Forward Strategy & Economic Development and the Lead Member for Financial Oversight & Council Assets, to assess future options for the use of Salt Hill Activity Centre and to report back to Cabinet on the recommended option.

#### **24. Charging for Garden Waste Collection**

The Lead Member for Transport & The Local Environment introduced a report which set out the proposal to charge for garden waste collection and by so doing significantly improve the financial position of the authority.

The Cabinet noted that a majority of local authorities had already introduced charges for green waste collection and the proposal for a charge of £50 per year in Slough was estimated to generate between £700,000 to £900,000 per annum, depending on take up. The fees were either the same or lower than neighbouring authorities and the new service would be extended from the current 9 month collections to operate over 50 weeks, with 25 collections a year. Christmas trees could also be disposed of via the collections. The way in which the scheme would operate was explained and, if agreed, the charging year would commence on 1<sup>st</sup> November 2022.

The Cabinet agreed with the principle of introducing the charges to bring Slough into line with other authorities and asked a number of operational questions including payment mechanism and the communications plan. The recommendations were then agreed and it was noted a report on other waste services and recycling would come to Cabinet in September.

#### **Resolved –**

- (a) That it be agreed to introduce a charge of £50 per year per 240L green wheeled bin for the collection of garden waste over 50 weeks (break for 2 weeks over Christmas). The 50 week period would start on the 1 November each year. The first year would commence on Tuesday 1 November 2022.
- (b) That it be agreed that existing 240L green wheeled bins which had already been allocated would remain with those households irrespective of whether the householder wished to pay for a future garden waste collection service, to keep costs to a minimum and to enable anyone who was a subscriber to the current free collections to be able to subscribe to the chargeable service easily should they later decide they wished to do so. But waste would only be collected from those households who had paid for the collection service.

- (c) That with effect from 1 August 2022, new subscribers to the Garden waste service would be charged £45 for provision of a green 240L wheeled bin which may be new or reconditioned (second hand).
- (d) That a further report to come to September Cabinet setting out how we would reform and adapt our general waste and recyclables collection services, as part of the commitment in the Improvement & Recovery Plan to produce a comprehensive waste and recycling plan. This would include how best to position the authority to move to the standard waste collection model set out in the Environment Act 2021.

## **25. Slough Urban Renewal - disposals update**

The Lead Member for Financial Oversight & Council Assets introduced the report which provided an update on the key sites that were owned by the Council (or part-owned in the case of Stoke Wharf) and were optioned to Slough Urban Renewal (SUR).

The report included a number of recommendations which would enable the disposal of key sites to generate capital receipts for the Council, reduce the Council's financial commitments and secure best value in accordance with the Council's Asset Disposals Strategy and statutory obligations. The report contained appendices which contained exempt information, and the Cabinet entered Part II to discuss and note these appendices prior to making its decisions.

The Cabinet noted the background to the creation of SUR and discussed the options for the disposal of each of the sites covered in the report – North West Quadrant, Stoke Wharf and Montem. There were complexities with each of the sites and the aim had to be to find a solution which generated a capital receipt and de-risked the Council.

It was agreed that the Cabinet would exclude the press and public during the course of the discussion to consider the information in the exempt appendices. After due consideration the Cabinet agreed the recommendations in the Part I report which included the disposal strategy for each of the sites.

### **Resolved –**

- (a) That the disposal strategy for the North West Quadrant (NWQ) site be agreed and that delegated authority be given to the Executive Director Place and Community in consultation with the Lead Member for Financial Oversight and Council Assets and the section 151 officer to pursue that disposal strategy in accordance with the draft Heads of Terms, and to report back to Cabinet for approval to dispose of NWQ on the final agreed disposal terms subject to the demonstration of best value consideration for the disposal.

- (b) That the updated Site Development Plans (SDPs) for Montem Lane and Stoke Wharf which recommend a disposal strategy for each site be agreed and that delegated authority be given to the Executive Director Place and Community in consultation with the Lead Member for Financial Oversight and Council Assets and the section 151 officer to pursue that disposal strategy (including the negotiation and agreement of all legal documents that give effect to the Sale) and to report back to Cabinet for approval of the Adopted SDP's and the final agreed disposal terms, subject to the demonstration of best value consideration for the disposal.
- (c) That it be agreed to extend the current Option Agreement for Stoke Wharf up to 31st December 2022 to allow time for the disposal strategy referred to at b) to be pursued including (i) the marketing of the Stoke Wharf site and (ii) the agreement of legal documents needed to permit the disposal of the Stoke Wharf site prior to development.
- (d) That delegated authority be given to the Executive Director Place and Community in consultation with the Lead Member for Financial Oversight and Council Assets and the section 151 officer to approve a further extension to the Stoke Wharf Option Agreement, depending on the outcome of the marketing exercise to be undertaken in Autumn 2022, to allow for the Sale to complete in early 2023.
- (e) That it be noted that those parts of the Montem site which belong to the Council were no longer required for the purposes for which they were presently held, and recommend to full Council that officers be authorised to take all necessary steps to appropriate the site (shown edged red on the plan in Appendix 5 to the report) for planning purposes to facilitate the carrying out of development, re-development or improvement on or in relation to that land.
- (f) That the proposed timetable for the site disposals in para 3.1.6 of the report and further Cabinet decisions required to complete the disposals be noted.

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

**Resolved –** That the press and public be excluded from the meeting during the consideration of the item in Part II of the agenda as it involved the likely disclosure of exempt information relating to the financial and business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 the Schedule 12A the Local Government Act 1972 and paragraph 5 relating to information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Below is a summary of matters considered during Part II of the agenda.

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### **27. Procurement of an Integrated Substance Misuse Recovery and Treatment services including Shared Care - Appendices 1-3**

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

### **28. Options to increase income from leisure contract**

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

### **29. Slough Urban Renewal - disposals update appendices**

The Cabinet excluded the press and public to discuss the Part II appendices which was noted and taken into account in resolving the proposed decisions as set out in the Part I report. All decisions were taken during the public part of the Cabinet meeting.

Chair

(Note: The Meeting opened at 6.31 pm and closed at 8.45 pm)



**Slough Borough Council**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	21 <sup>st</sup> September 2022
<b>SUBJECT:</b>	Update on the procurement forward plan for services in excess of £180,000 and works in excess of £1 million in 2022/23
<b>PORTFOLIO:</b>	Cabinet Member for Customer Services, Procurement and Performance – Councillor Ajaib
<b>CHIEF OFFICER:</b>	Steven Mair – Executive Director – Finance and Commercial (S151)
<b>CONTACT OFFICER:</b>	Clare Priest – Group Manager - Commercial
<b>WARD(S):</b>	All
<b>KEY DECISION:</b>	Yes
<b>EXEMPT:</b>	No
<b>DECISION SUBJECT TO CALL IN:</b>	Yes
<b>APPENDICES:</b>	'A' - List of services to be procured in 2022/23 in excess of £180k (services) and £1m (works) – updated and new contracts

**1 Summary and Recommendation**

- 1.1 To seek authority from Cabinet for commencement of procurement for contracts of an estimated value of over £180k (services) and £1 million (works), that are proposed to be let in the 2022/23 financial year, detailed in Appendix A, this includes:
- the forward plan for services or works to be procured for the remainder of the financial year or before the cabinet meeting in April 2023, that were not identified in early 2022 when the May Cabinet report was written.
  - updates to contracts reported at May Cabinet where there have been significant changes, such as revised procurement start dates or contract values.

## **Recommendations**

Cabinet is recommended to:

- (a) authorise commencement of procurement for the list of goods, works or services set out in Appendix A;
- (b) delegate authority to the Executive Director for Place and Communities following consultation with the Cabinet Member for Customer Services, Procurement & Performance to award contracts, to the best value bidder, for the Bulk Liquid Fuels contract over £500k indicated in Appendix A, as requiring delegated authority to award contracts due to tight timescales involved.
- (c) delegate authority to the Chief Operating Officer following consultation with the Cabinet Member for Customer Services, Procurement & Performance to award contracts, to the best value bidder, for the Enterprise Resource Planning, corporate telephony, Wide Area Network, data centre hosting, cloud hosting of IT systems and disaster recovery of IT systems contracts over £500k indicated in Appendix A, as requiring delegated authority to award contracts due to tight timescales involved.

## **Reason**

- 1.2 To ensure that Cabinet has proper oversight of planned procurement activity and delegated authority is allowed where timescales are insufficient. As the Council improves its contract register and procurement planning, these delegations should not be required in the future.

## **Commissioner Review**

Commissioners have reviewed this report.

## **2 Report**

### **Introduction**

- 2.1 The Council has reviewed its contracts register to identify those contracts that are due for renewal or require a new procurement. This has enabled the Council to establish a procurement programme for 2022-23 and the forward plan was approved at May Cabinet. Further service plans have been developed, which have identified 6 additional contracts and 11 revised ones, and it is therefore necessary to bring an updated plan to Cabinet.

### **Options considered**

#### **Option 1:**

- 2.2 Approval of the updated procurement forward plan. The Council's contract procedure rules require cabinet authority for procurements with a total value of over £180,000 (services) and £1 million (works). This demonstrates good governance

and allows Cabinet to consider whether it wants further oversight of any specific proposals. This is the recommended option.

### **Option 2:**

- 2.3 To authorise each new procurement not reported at May Cabinet or since amended on a case by case basis. This would require separate cabinet reports setting out details of each procurement. Whilst this would allow more detail to be provided, this would result in a high number of individual reports. This is not an efficient use of Cabinet time and is not recommended. It should be noted that contracts for services valued over £500,000 and for works valued over £1million require a separate cabinet approval prior to award of contract.

### **Background**

- 2.4 The Council's Contract Procedure Rules require that each procurement project over £180,000 (services) and £1 million (works) must be on the forward plan approved by Cabinet to authorise commencement of procurement. For projects with a total value under £500,000 (services) or £1 million (works), the award of contract following procurement is delegated to an Executive Director. For any contract over these sums, a separate report will be presented to Cabinet seeking authority to award the contract.
- 2.5 The scope of some procurement exercises stated in Appendix A has changed significantly from that in the May cabinet report, and this is a supplementary report to cabinet that contains further details for approval.
- 2.6 Cabinet is reminded that to aid the Council in its improvement of contract management and visibility of procurement projects to cabinet, enhancements have been made to the collection of anticipated procurement activity data over £180,000 (services) and £ 1 million (works) for 2022/2023. This includes more detail on the deliverables and outcomes for each procurement, expected contract duration and timescales.

## **3 Implications of the Recommendations**

### **3.1 Financial implications**

- 3.1.1 The planned procurements set out in the Appendix are included in approved revenue budgets. For capital funded projects, the funding is included in the capital programme.

### **3.2 Legal implications**

- 3.2.1 In accordance with the Procurement Application and Authorisation Table set out in the Council's Contract Procedure Rules, all Service Contracts over £180,000 and Works Contracts over £1 million must be on the Forward Plan presented to Cabinet each year in order to authorise commencement of procurement. A report was presented in May 2022, however not all intended procurements were included on the procurement forward plan at that point. Appendix A sets out the new procurements

that require approval. This plan may need to be updated and approved throughout the year.

3.2.2 Full business cases should be reviewed by the Council's internal procurement review board. IT projects should also be reviewed by the Council's internal Information Governance Board. Any project funded by capital should be reviewed by the Council's Cabinet Monitoring board and included in quarterly reporting of the capital programme.

3.2.3 All service contracts over £100,000 should be sealed and contract documentation should be reviewed by HB Public Law. For works contracts, an appropriate model form contract such as JCT or NEC should be used.

3.2.4 As well as compliance with internal procurement rules, the Council must ensure compliance with procurement law. The procurement review board will consider this on a case by case basis.

3.2.5 The Council should also consider and build the following into procurement processes:

- stakeholder engagement
- efficient commissioning and sourcing arrangements
- best value considerations, including social and environmental value, as well as economic
- contract management.

### 3.3 Risk management implications

3.3.1 There are no specific issues arising directly from this report, however good forward planning will ensure that procurement activity is done in a timely way, which will lead to better value for money.

### 3.4 Environmental implications

3.4.1 There are no specific environmental implications arising directly from this report.

### 3.5 Equality implications

3.5.1 The equality implications will be considered on a case by case basis. The revised best value statutory guidance confirms that authorities should avoid imposing onerous contractual requirements on private and voluntary sector contractor, over and above those necessary to comply with the Equality Act 2010, as this can become a barrier to entry to the market for small and medium size firms and the voluntary sector. As part of commissioning arrangements, authorities are also expected to take steps to avoid commissioning services from individuals or organisations which actively or vocally oppose fundamental British values, including democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs; or which call for the death of members of British armed forces.

### 3.6 Procurement implications

3.6.1 A business case for each procurement project will be developed which will consider the most appropriate procurement route according to the Council's contract procedure rules, UK Procurement regulations and will need to follow public

procurement principles of value for money, equality of treatment, transparency, proportionality.

### 3.7 Workforce implications

3.7.1 Workforce implications will be considered upon the letting of each contract.

### 3.8 Property implications

3.8.1 Property implications will be considered upon the letting of each contract.

## **4 Background Papers**

None

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## Appendix A

### New contracts (not in May Cabinet report)

#### Finance and Commercial

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
1 Page 19	NNDR Administration	Delivery of the Councils NNDR service to include the billing collection and recovery of monies owed to the Council for NNDR. In addition the service will also complete the billing and collection of the BID levy for the Slough Business improvement district	In Contract	Current	30/6/2023	£600k	Revenue	October 2022	5 years	April 2023	1/7/2023

## Place and Community

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
1	Haybrook College Expansion	Consultant Works	Business cases to be developed	New	N/A	£300k (Consultant) £1.8m (Works)	Capital/Grant	Consultant - September 2022 Works January 2023	1 year 1 year	N/A March 2023	October 2022 April 2023
2	Page 20 Planning, building control and land charges systems, including artificial intelligence and geospatial technology.	Set up new contract for supply of IT applications used for the management of the building control, planning, land charges functions, to include, but not limited to: <ul style="list-style-type: none"> <li>• database</li> <li>• case management system,</li> <li>• document management functionality, via SharePoint or similar</li> <li>• geospatial plotting and analysis,</li> <li>• management of land charges with integration to the Land Registry</li> </ul>	Business case in development	New contract to bring supply of all products under one contract. Existing contracts are in place with an incumbent supplier for individual products due to expire March 2023.	April 2023	£320k over expected term of contract (4 yrs),	Revenue	Sep 2022	4 years (2+1+1)	N/A	April 2023



Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
		<ul style="list-style-type: none"> <li>• citizen portal</li> <li>• artificial intelligence chat bot</li> <li>• artificial intelligence planning validation tool</li> <li>• reporting functionality via PowerBI or similar</li> <li>• integration to Local Land and Property Gazetteer</li> <li>• integration to national Planning Portal</li> <li>• mobile application for management of site visits and statutory inspections</li> </ul> <p>Ensure contract has provision for additional products as required by the council. Ensure best value and agree terms of support contract,</p>									

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
		including support for exit.									
3	eElectric Vehicle (EV) Taxi Rapid Charging Infrastructure	Provision of 7 rapid charging points for taxi priority use	Grant award 2017/18  Change to tender following withdrawal of capital programme	New	N/A	£157,500 (grant)  Total value £450k	Grant, with remainder funded by supplier	Oct 22	7-10 years	N/A	Jan 23
4	Bulk Liquid Fuels	Procurement of a new compliant contract for the bulk liquid fuels (diesel & adblue exhaust fluid) for the DSO	ECP Case for procurement in progress	New	30/09/2022	£2.25m	Revenue	Sep - 22	5 years	Seek delegation to award contract to Director of Place and Communities	Oct-22

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
5 Page 23	DSO Road vehicles leased fleet	Procurement of a replacement leased vehicle fleet in line with the revised DSO operations, the term of the vehicle leases will be dependant on vehicle type and SBC plans to transition to alternative fuels (electric) and having suitable charging infrastructure in place, there remains long delivery lead times for replacement vehicles	ECP Case for procurement in progress	New	30/11/2023	£4.25m	Revenue	Sep-22	4 - 7 years	November 2022	Dec-23
6	Transport Modelling to support submission of the new Slough Local Plan	An update to SBCs 2017 transport model is required for the new Local Plan to secure agreement from National Highways (formally Highways England) that impacts of development associated with the Local Plan comply with their statutory duties. The Local	Business case in development	New	n/a	£350k	Revenue	01/11/2022	6-24 months - work is needed initially to update the Model. Following that, as the Local Plan is developed, some scenarios	N/A	01/02/23

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
		Plan project team expect this will primarily be to ensure safe traffic flow on the M4 and M25							will need testing.		

## Updated contract information

### Chief Operating Officer

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
1	Enterprise Resource Planning (ERP) used for the council's HR and Finance systems  Hosting, support, and development services.  Scope of procurement extended to maximise savings potential – SBC seeking a single supplier to provide a fully managed service	<u>Description:</u> Hosting, support and development of the Council's EPR System (Unit 4)  <u>Deliverables:</u> <ul style="list-style-type: none"> <li>Appointment of a single supplier to provide a fully managed service.</li> </ul>	Procurement exercise underway for a fully managed service	Current Contract	13/09/2	£1.5m	Revenue	May/June 2022	Four-year maximum contract period. Initial contract for two years with an option to extended for a further two year period in annual increments (2+1+1)	Seek delegation to award contract to Chief Operating Officer	14/09/22
2	Corporate Telephony/Contact Centre Telephony	<u>Description:</u> Provision and implementation of a cloud-based	Working group establish-ed.	2 current contracts to be amalgamated to 1 contract	10/02/23 & 28/02/2023	£1 million over 3+ years	Both	Tender advertised end of June 2022.	3 Years with option to extend e.g. (3+1+1)	Seek delegation to award contract to Chief	11/02/23

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
	(Goods and services)	<p>telephony platform for the council's contact centre and corporate telephony needs</p> <p><u>Deliverables:</u></p> <ul style="list-style-type: none"> <li>Platform and system for the contact centre</li> <li>Platform and equipment for the corporate telephony needs</li> <li>Migration of data from existing Genyses system.</li> <li>Demonstrates best value for money</li> </ul>	Proposal is to amalgamate two contracts into one and tender for this in June 2022. Stakeholder engagement took place in April and this will be taken into account in finalising the specification.							Operating Officer	
3	Wide Area Network (WAN) Contract (Services)	<p><u>Description:</u></p> <p>Provision of the Council's Network to corporate buildings.</p>	Scoping Exercise underway for full tender	Current Contract	18/12/22	£1.5m	Revenue	May/June 2022	5 Years	Seek delegation to award contract to Chief Operating Officer	18/12/22

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
		<u>Deliverables:</u> <ul style="list-style-type: none"> <li>• Network connectivity provided to council buildings (Approx. 30 sites)</li> <li>• Connectivity will be sized appropriately to deliver voice and data services</li> <li>• Resiliency to sites where appropriate</li> <li>• Provide better bandwidth for cloud services for utilisation of more modern technologies</li> </ul>									
5	Data Centre Hosting	<u>Description</u> Secure hosting facility for the Council's IT systems.	Scoping Exercise underway for full tender	Current Contract	31/10/22	£540K	Both	May/June 2022	3 Years	Seek delegation to award contract to Chief Operating Officer	01/11/22

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
Page 28		<u>Deliverables</u> <ul style="list-style-type: none"> <li>Secure hosting facility providing IT racks with appropriate power, cooling &amp; connectivity</li> <li>Flexible contract to reduce as requirements change e.g. move to cloud based systems</li> </ul>									
6	Cloud Hosting of IT Systems (services)	<u>Description</u> Provision of public cloud services to host the Council's IT systems  <u>Deliverables</u> <ul style="list-style-type: none"> <li>Hosting of the Council's IT systems in the cloud</li> <li>Looking to utilise</li> </ul>	Scoping Exercise underway for full tender	New contract	N/A	Between £537K - £1.1M	Revenue	June/July 2022	3 years	Seek delegation to award contract to Chief Operating Officer	01/09/22



Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
		frameworks where appropriate									
7	Disaster Recovery for IT Systems (services)	<p><u>Description</u></p> <p>Recovery and operation of the Council's IT systems in the event of an outage at the data centre</p> <p><u>Deliverables</u></p> <ul style="list-style-type: none"> <li>IT Systems recovered and available per business impact assessments.</li> </ul>	Scoping Exercise underway	New Contract	N/A	£1m	Both	May 22	5 Years	Seek delegation to award contract to Chief Operating Officer	01/08/22

## Place and Community

Ref	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
1	Smart, Sponge Catchment Project – technical support	NFM & SuDS prioritisation, costing and design works (including site surveys); specialist technical support		Current	September 2022	£350k	Capital grant funded	Sep 22	1 year	N/A	Oct 22

## People (Children)

	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
1	Education Management System	<p>Slough Borough Council is seeking to procure an education management software to enable the Education Services to fulfil its statutory and safeguarding duties. For example, school admissions, attendance, exclusion, SEND Educational Health Care Plan process, Early Years two year old funding, home to school transport and children in entertainment licensing.</p> <p>The system offers users online access to apply for school places, home to school transport, Early Years funding and SEND Educational Health Care Plan Assessments. Attendance data is feed into the system daily from schools which supports safeguarding duties. The educational software system would also deliver</p>		Current (will have been in place for 4 years and 7 months by conclusion)	31 <sup>st</sup> March 2023	£1m	Revenue	January 2023	3 years	January 2023	June 2023



## People (Adults)

	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
1	Responder Service	24hr non-emergency service for residents with telecare alarms and need assistance. This service allows service users in receipt of social care services to maintain independence, to reduce non elective admissions, to provide carer support.	Revenue Business Case presented to Procurement's Board February 2022 to retender via the Adult Social Care Dynamic Purchasing System.	Both	24/3/2021  A spot arrangement is in place in the interim	£390K	Revenue – Better Care Fund	July 2022	2 years plus 1	N/A	1st November 2022
2	East Berkshire Specialist Stroke Support Service	Provision of high-quality information, advice and support to stroke survivors and families across East Berkshire. This service coordinates specialist support to aid recovery, to manage own conditions and to reduce the need for	Revenue Business Case submitted to Procurement Board within permitted terms of contract.	Current	31/03/2023	£495K	Revenue - Better Care Fund	Procurement business case to be submitted July 2022	2 years plus 1	N/A	1st April 2023

	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
		high-cost care. Preventative service	Scoping for new procurement t								
3	Information & Advice Service										
	Removed – to be aligned with voluntary sector commissioning										
	Building Based Replacement Care	Short term planned and emergency residential care to meet the care needs of service users to prevent carer breakdown as required by the Care Act.	New procurement business case to be submitted following failed tender  Delay due to capacity issues	New	n/a	£240K	Revenue	December 2022	1 year plus 1	N/A	1 <sup>st</sup> June 2023

	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
5	Sensory Needs	<p>To undertake specialist assessments for residents with a visual or hearing impairment as defined by the Care Act 2014. This includes – assessment of need, support plan and rehabilitation where required</p> <p>Options paper being completed with a different model being proposed – may no longer be a procured service</p>	Tender withdrawn to review as did not deliver best value Alternative model for provision to be tendered	Current	31/12/2020	£490K	Revenue	June 2022	3 years plus 1 plus 1	N/A	1st September 2022
6	Integrated care and support in Extra Care	Provision of care and support to older adults with support and care needs in extra care. This enables older adults to live independent and healthy lives and contribute to the prevention and early intervention agenda	At review stage	Current	31/3/2023	£3.5m approx.	Revenue	August 2022	5 years plus one plus 1  Changed to 3 years plus 1	November 2022	1st April 2023

	Contract Title	Description, including deliverables and outcomes	Status update	Current or new contract	If current contract, state end date	Estimated total value of new contract	Capital or revenue	Intended procurement start date	Expected contract term	Planned return date for cabinet authority	Intended start date of contract
		through the development of specialist accommodation options to avoid the need of high-cost residential care and/or high-cost care at home									
7 Page 36	Substance misuse recovery services	Substance misuse treatment, recovery and clinical services aligned to the national drugs and crime strategy. Aim is to reduce the health and social care harm related to substance misuse as well as delivering good quality treatment outcomes.	At development stage	Current	31/03/2023	£11m approx..	Revenue - grant funded	Circa July 2022	3years plus 1 year plus 1 year  Changed to 5 plus 2 plus 2 to align with 10 year strategy	November 2022	1st April 2023.



**Slough Borough Council**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	21 September 2022
<b>SUBJECT:</b>	Special Educational Needs and Disability (SEND) Service Recovery Plan
<b>PORTFOLIO:</b>	Councillor Hulme – Lead Member Children’s Services
<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>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 This report requests that Cabinet note the progress on improvements being made in the SEND and Inclusion service following reporting on the Written Statement of Action (WSOA) on 21st February 2022. The report includes an update on the Dedicated Schools Grant (DSG) management plan, which was significantly overspending in the high needs block, the funding used for SEND provision as well as other inclusion support.

**Recommendations:**

Cabinet is recommended to:

1. Approve the timetable for consultation and approval of strategies linked to SEND services.

**Reason:**

To ensure that the Council properly and promptly addresses the issues raised in the SEND inspection report and that the action plan is considered as part of a holistic improvement plan and subject to effective scrutiny and decision-making at member level.

## Commissioner Review

Commissioners have reviewed this report.

## 2 Summary

- 2.1 The Council has a statutory duty in relation to the delivery of support and services to children and young people with SEND. This includes education services delivered via the SEND and Inclusion service, as well as social care services delivered via Slough Children First (SCF). In addition, the CCG also has responsibility to deliver health services to children and young people with SEND. Local area health, social and education services are expected to work together to fulfil the duties set out in the Children and Families Act 2014. Ofsted and the Care Quality Commission (CQC) undertake joint inspections to hold the local area to account for the quality of its services. Slough was subject to a local area inspection between 27 September and 1 October 2021, which concluded that there were significant areas of weakness and determined that a Written Statement of Action (WSOA) was required. The results of the inspection were reported to Cabinet on 21 February 2022.
- 2.2 Local authority schools' budgets are funded via a ring-fenced specific grant known as the Dedicated Schools Grant (DSG). Local authorities are responsible for determining the split of the grant between central expenditure and the individual school budgets in consultation with schools and subject to prescribed constraints. The DSG is made up of four blocks of funding: schools block, central support services block, high needs block (HNB) and the early years block. Several local authorities have built up deficits on their high needs block in recent years. In Slough, a significant deficit has been built up without adequate steps being taken to manage this. The Department for Education (DfE) expects local authorities to have in place a robust DSG management plan to manage and reduce deficits on the high needs block.
- 2.3 Local authorities are facing increased demand for assessments and subsequent education provision for children and young people with special educational needs and disabilities. This demand has risen in Slough by 86% since 2015. In 2015, 2.8% of all pupils, both in Slough and nationally, were supported through a Statement of Special Educational Needs or Education Health and Care Plan. By 2021, this had increased to 3.6% nationally, 3.7% in Slough, and 4% across other unitary authorities.

As well as the significant increase in numbers, the complexity of pupils' needs is also increasing; again, this is a trend that has been mirrored nationwide. The Council's Dedicated Schools Grant (DSG) deficit has been growing since 2015/16, mainly due to a lack of a management action up to May 2021 and the pressures for additional funding in the HNB. Key areas of pressure in relation to the latter in Slough's HNB spending are:

- Increasing numbers of Education Health Care Plans (EHCPs) and Education Health Care Needs Assessments (EHCNA)
- Increasing cost of top-up funding for EHCPs – this has increased in both mainstream and special schools.
- Placements in Independent Non-Maintained Special School (INMSS)

- Post-16 and Post 19 Placements – these have been increasing in line with national trends.
- Alternative Education Provision Commissioning of Placements – Slough is a statistical outlier in this, commissioning similar numbers of places to much larger authorities.
- Management of existing contracts and commissioning of services to support children and young people with additional needs

2.4 The Council is currently in discussion with the DfE in relation to utilising its safety valve programme for Local Authorities with very high deficits. If the Council can agree a plan that shows it can reduce the in-year deficit on the High Needs block to zero the DfE will consider funding the historic deficit,

### Options Considered

2.5 The Council is obligated to deliver its statutory services and comply with its wider public duties. There are a range of options around how that is done, and, in the Council's current financial situation, the Council must work closely with its statutory and voluntary partners to deliver services that are high quality, whilst also being cost effective.

### Progress on Written Statement of Action and DSG Management Plan

- 2.6 Progress on the WSOA is monitored by the SEND and Inclusion Strategic Board. This is a partnership board with representation from the Council, SCF, local schools and the CCG. This is jointly chaired by the Executive Director of People - Children and the Place Locality Director for Slough from the CCG. The DfE adviser to Slough is also invited to the board meetings.
- 2.7 Each of the seven areas of improvement identified in the WSOA has a responsible officer and agreed actions. The Board monitors progress on a monthly basis. An interim SEND project officer has been recruited and is responsible for co-ordinating actions and progress.
- 2.8 The SEND service has started improving its timescales for the 20-week period for completing EHCPs:

**Table 2.8 Plans issued within 20 weeks 2022**

	April	May	June	July	August
% of plans issued within 20 weeks	0%	10%	19%	22%	23%

2.9 Officers met the DfE in June 2022 and reported slow, but steady progress, the detail of which is reported below. The next formal meeting with the DfE is in October 2022.

2.10 The following governance structure has been implemented to ensure there is oversight of the delivery of the DSG Action Plan:

- DSG Finance Group: meets weekly and is chaired by the Director of Finance (Section 151 Officer) and provides drive and focus on cost reductions. These actions are set out below in section 3
- SEND Transformation Board; meets monthly and is jointly chaired by Director of Finance and the Executive Director People Children. Membership also includes the chair of the school forum, representatives from the Frimley Clinical Commissioning Group, Slough Children First, parent voice and Adult Social Care. This Board provides challenge and oversight of the DSG Management Plan and links to improving SEND outcomes and reports up to the SEND Strategic Board.

2.11 The Council is currently in discussion with the DfE in relation to participating in its safety value programme.

2.12 The guidance also notes that the high needs revenue budget has increased by 40% over three years from 2020-21, but despite this investment, a significant proportion of LAs have accumulated DSG deficits due to high needs block overspends.

2.13 Council officers have met with the DfE, and a series of workshops are taking place over the summer/autumn to review the DSG management plan in more detail as part of the Safety Valve programme. Meetings to discuss the Management Plan with the DfE will continue until February 2023. The Council will be required to submit an initial proposal for addressing the deficit by 13 January 2023 with the final proposal required by 3 February 2023 and notification of approval expected in March 2023.

2.14 If the proposals are agreed by the Secretary of State, they will form the basis of a published agreement. The agreement will require the Council to implement reforms to the agreed timetable. It will also set out additional funding which the department will release to support the reduction of the cumulative deficit. Once the agreement is reached, the Council will be required to submit quarterly monitoring reports in which progress towards reaching and sustaining an in-year balance on its DSG account, as set out in the agreement, should be demonstrated.

### **SEND Strategies**

2.15 In recognition of the challenges facing local authorities and a need for change, the DfE has published the SEND and AP green paper as a first step towards realising a new, more effective and sustainable high needs system. The guidance refers to research that has made ten recommendations and progress against these recommendations are being picked up under the WSOA action plan:

- LA's should invest properly in SEND leadership**  
Strategic oversight and accountability has been strengthened, including monthly board meetings.

- ii. **LAs should review their joint commissioning arrangements**  
The joint commissioning strategy is being reviewed and ongoing work is being undertaken around integrated therapies. Additional resources have been provided by the CCG for OT services and via the Better Care Fund for SALT provision.
- iii. **LAs should ensure joint accountability for those with SEND and finance responsibilities**  
The SEND and finance teams are working together on the DSG Management Plan to ensure that financial management of the DSG is considered as part of a wider system of reform.
- iv. **LAs should review their capacity for SEND support**  
A new group manager has been appointed, alongside recruitment to current vacancies. Additional resources for the SEND team have been identified which will have a significant impact on timeliness of assessments and issue of plans.
- v. **LAs should review their current staffing levels and structures for SEND casework**  
Additional resources have been agreed and need to be kept under review as changes in practice are embedded. The LGA review referred to below will be key to identifying any opportunities for changing the current staffing levels and structure.
- vi. **LAs should review and further develop their approaches to partnership with key stakeholders**  
Partnership working has been strengthened with the monthly partnership board meetings.
- vii. **When creating new specialist provision, LAs should be clear about the expected range and levels of need that this will cater for.**  
This will be reviewed as part of agreeing a new place planning strategy to specifically consider the needs of pupils with SEND.
- viii. **Investment should be targeted at strengthening inclusion in mainstream provision**  
This will be reviewed and considered as part of agreeing a new school effectiveness strategy.
- ix. **LAs should set out more clearly their expected pathways for young people**  
This will be reviewed and considered as part of a new SEND and inclusion strategy.
- x. **LAs should learn from positive examples of innovative approaches to mainstream funding**  
The LGA review referred to below will help identify areas of innovative practice.

2.16 The Council has commissioned the Local Government Association (LGA) to conduct a review of the Council's SEND services from the 20th to 23rd September 2022. A report will be provided that will assist in identifying improvements in the area and officers are discussing the inclusion of this in the People Scrutiny Panel work programme.

2.17 The timescale for reviewing, consulting on and agreeing new strategies is set out below:

**Key strategies to come to Cabinet for approval.**

Activity	Timeline	Notes
School Effectiveness Strategy	November 2022	<ul style="list-style-type: none"> <li>- Lays out school improvement relationship between the LA and schools</li> <li>- Will look at how schools can share effective practise with regards to SEND and Inclusion</li> </ul>
SEND and Inclusion Strategy	January 2023	<ul style="list-style-type: none"> <li>- Key strategy underpinning local area approach and principles.</li> <li>- Will come to Cabinet in January 2023.</li> <li>- Will involve a range of stakeholder views and input including external partners, parents, schools and children and young people.</li> </ul>
School Place Planning Strategy	February 2023	<ul style="list-style-type: none"> <li>- Strategy was last updated in 2018 with no specific reference to SEND</li> <li>- Will be updated to include specific place planning needs for pupils with SEND, with a focus on ensuring the majority of pupils with SEND can be educated in mainstream schools.</li> </ul>

**Conclusion**

2.18 The WSOA and the DSG Management plan are inextricably linked. Government guidance including specifically from the DfE makes it clear that management of the DSG should not be seen as solely a cost cutting exercise, but about improving the performance of local high needs systems and ensuring this is achieved in a sustainable way while delivering a balanced in year budget within an agreed period. Meeting children and young people’s needs early and appropriately is a fundamental principle for achieving this. Simply spending more money on high needs does not bring about improved outcomes for children and young people: spending money effectively to meet needs early does.

2.19 Whilst some children and young people need the support set out in Education, Health and Care Plans and these play a key role in ensuring complex needs are met appropriately and comprehensively, the Government has noted that in some local authorities many children and young people have an EHCP and top up funding when their needs could equally be met through a well-supported and inclusive mainstream offer.

2.20 The Council is on an improvement journey and has started to make some positive steps in the right direction.

### 3. Implications of the Recommendation

#### 3.1 Financial implications

- 3.1.1 As part of developing both the WSOA and the DSG Management Plan, the resource implications will be identified, considered, and evidenced as part of a fully resourced, robust and deliverable programme of improvement to ensure that the Council is meeting its SEND duties in accordance with its best value duties. Any resource implications will remain within existing budgets
- 3.1.2 The Local Authorities (Capital Finance and Accounting) (England) Regulations were amended to require any deficit on a local authority's DSG account to be carried forward to be funded from future DSG income unless permission is sought from the secretary of state for education to fund the deficit from general resources. The change in regulation only applies to financial years beginning on 1st April 2020, 1st April 2021 and 1st April 2022.
- 3.1.3 It is not yet clear whether this arrangement will continue in subsequent financial years. If it does not continue and based on original projections, the Councils financial position would worsen by an additional £43m and therefore it is imperative that the pressures are managed in an appropriate and effective way.
- 3.1.4 The overspend on the DSG in 2020/21 was £7.3m and was anticipated to overspend by a further £7.2m in 2021/22. The Council has proactively addressed the DSG deficit during 2021/22 resulting in £2.3m reduction in the anticipated overspend from £7.2m to £4.9m. This has taken place due to increased scrutiny and improved panel process. The majority of the deficit is accounted for within the High Needs Block and can be summarised as follows:

**Table 3.1.4**

Area of spend	Deficit(£m)
Planned place funding	0.3
Top-up funding within in-borough settings	1.8
Special school top-ups	2.4
Out of borough	0.2
Early Years	0.2
<b>Total Deficit</b>	<b>4.9</b>

## 3.2 Legal implications

3.2.1 The Children and Families Act 2014 contains provisions which were a major reform of the previous statutory framework for identifying children and young people with SEN, assessing their needs, and making provision for them. The Act requires local authorities to keep local provision under review, to co-operate with statutory partners to plan and commission provision and to publish clear information on services that are available locally. Provision for those children and young people with SEN who require support beyond that which is normally available should have their needs set out in an education, health, and care plan, which will bring together the three strands of support in place for these children.

3.2.2 The SEND Code of Practice: 0 to 25 years provided statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities. This is a substantial code setting out guidance on the principles of the new legislation, the requirements around information, advice and support, the need for joint working to deliver outcomes, the requirements for a Local Offer (being a list of services available to children and young people with SEND and their families). The Code also provides guidance to early years providers, schools, and further education providers, as well as providing guidance on preparing for adulthood. Detailed guidance is given on the processes for assessing, identifying, and meeting needs in education, health and care plans and the needs of children and young people in specific circumstances, including looked after children, care leavers, children educated at home and children in youth custody.

## 3.3 Risk management implications

3.3.1 Financial – High Needs budget could continue to experience escalating cost pressures due to a continued increase in demand for EHCPs and top up funding and complexity of need which can only be met in the independent sector.

Financial – Increased number of EHCNAs require increased staffing which is funded from the General Fund.

Service Delivery – improvements identified not delivered in a timely manner, leading to increased scrutiny and intervention from the DfE.

Reputational – risk of negative publicity as a result of the WSOA and lack of progress, leading to service user and public confidence in the service dropping.

Legal/Regulatory - failure to deliver services in accordance with statutory and national standards, leading to increased risks of legal challenge by way of appeal and judicial review and increased risk of complaints to the Local Government and Social Care Ombudsman.

People – inability to recruit, increases stress on existing staff, leading to increased turnover.

Economic – failure to support children and young people with SEND increases the risk that these individuals will not be able to live independent and economically active lives and will be dependent on further support from the Council.

3.3.2 In order to mitigate these risks, the Council has employed a project manager to support the implementation and monitoring of progress. In addition the Director of



Finance and Executive Director of People – Children are both closely involved with delivery of this project and meet regularly, every 2 weeks, with DfE to review actions and progress and every 3 months to formally report on progress. Increased partnership working is being achieved through joint project boards.

### 3.4 Environmental implications

3.4.1 There are no direct environmental implications arising from this report.

### 3.5 Equality implications

3.5.1 The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.5.2 The broad purpose of this duty is to integrate considerations of equality into day-to-day business and to keep them under review in decision making, the design of policies and the delivery of services.

3.5.3 An equality impact assessment has been completed and published from the last cabinet report on the WSOA on 21<sup>st</sup> February 2022. As part of the DSG Management Plan, each area of cost reduction will undergo its own equality impact assessment. These will be interlinked to reflect that the WSOA and DSG Management dovetail to form a cohesive programme of improvement. This will be reported to the DSG Transformation Board by end of December 2022.

### 3.6 Workforce implications

3.6.1 This will be reviewed as part of the delivery of the WSOA and the DSG Management Plan

### 3.7 Property implications

3.7.1 There are no immediate property implications from this report

## **4. Background Papers**

None.

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**SLOUGH BOROUGH COUNCIL**

<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	21 <sup>st</sup> September 2022
<b>SUBJECT:</b>	Update on Annual Business Plan for Slough Children First Limited (SCF)
<b>PORTFOLIO:</b>	Cllr Swindlehurst – Leader of the Council Cllr Christine Hulme, Children's Services, Lifelong Learning & Skills
<b>CHIEF OFFICER:</b>	Gavin Jones – Chief Executive Officer
<b>CONTACT OFFICER:</b>	Jane Senior, Associate Director People Strategy and Commissioning Peter Robinson – Nominated Council Finance Representative
<b>WARD(S):</b>	All
<b>KEY DECISION:</b>	NO
<b>EXEMPT:</b>	Public c with exempt Appendices under paragraph 3 of Schedule 12A Local Government Act 1972 – Information relating to the financial or business affairs of the Council and Slough Children First
<b>DECISION SUBJECT TO CALL IN:</b>	YES
<b>APPENDICES:</b>	Exempt Appendix 1 – Type-one in year change request. Exempt Appendix 2 – SCF Serious Risks and Issues July 2022

**1 Summary and Recommendations**

- 1.1 This report provides an update on the development of Slough Children First's (SCF) annual business plan since a report was presented to Cabinet in February 2022. SCF is wholly owned by the Council and approval of the annual business plan is a reserved matter under SCF's Articles of Association. The business plan should set out SCF's priorities and budgetary requirements, together with the assumptions underlying its financial strategy.

It also requests approval for a request made by the company for an increase up to a maximum of £0.343m to the 2022/23 contract sum agreed by Cabinet in February 2022. Increasing the size of the contract to £31.779m. The change relates to increases in demand which are a permitted exception in the contract.

Agree a maximum of £0.343m in-year increase in the contract sum to Slough Children First to £31.779m for 2022/23. The actual sum will be dependent on the appointment of the additional resource being sought and will be paid to the company as these new staff start with the company. The Council and SCF will work together to identify savings on support costs which could be delivered through joint working.

This report also seeks agreement to progress with an options appraisal concerning alternative approaches towards delivering children's social care. This is linked to serious risks and issues which have been identified by SCF in respect of the current resources available to manage pressures associated with rising demand, along with risks concerning insolvency.

### **Recommendations:**

Cabinet is recommended to:

- Note this update concerning the development of a business plan by Slough Children First
- Agree a maximum of £0.343m in-year increase in the contract sum to Slough Children First to £31.779m for 2022/23. The actual sum will be dependent on the appointment of the additional resource being sought and will be paid to the company as these new staff start with the company.
- Following the finalisation of the Mutual Ventures report, delegate authority to the Chief Executive, in consultation with the Lead Member for Children's Services, Lifelong Learning and Skills, to engage with the Department for Education on commissioning an options appraisal on alternative models for delivering children's social care.

### **Reason:**

To ensure that Cabinet is provided with an update on the development of business plans by SCF and agrees the in-year funding increase. Also, to be aware of the risks which have been raised by the Company – both in respect of the delivery of statutory children's social care, and matters relating to the solvency of the company.

### **Commissioner Review**

*“The Commissioner’s view is that given the Council’s financial position, it is untenable for it to agree additional funds for any service without a funding source being identified. Given some informal discussions which have occurred in the past, the Commissioners’ view is that savings could be achieved in SCF support services by the basis of these services being provided by the Council instead, thus enabling efficiencies to be identified which can be used to finance this additional spend. In the circumstances, the Commissioners feel that Council can provide in-year support up to the maximum of £343,000, thereby providing sufficient time for savings to be identified from 1 April 2023. With both the Council and SCF using best endeavours to achieve the reduction in costs.”*

## 2 Report

### Introductory Paragraph

- 2.1 SCF became wholly owned by the Council on 1 April 2021, with new Articles of Association setting out its governance arrangements. The Articles of Association set out a list of reserved matters, which must be approved by the Council, as the sole owner of the Company. The Company was previously Slough Children's Services Trust, incorporated on 12 March 2015 and was responsible for the Council's statutory children's social care functions from 1 October 2015.
- 2.2 SCF delivers statutory children's social care functions under a direction of the Secretary of State and in accordance with a service delivery contract between SCF and the Council. Improvement activity to support this across children's services are a critical part of the Council's improvement journey and the Council and SCF need to work together to ensure that the services can be delivered in a cost-effective way, contributing to the delivery of required financial savings to enable the Council to become financially sustainable within the medium term.
- 2.3 In February 2022, an interim business plan for SCF for 2022 to 2025 was approved by Cabinet. This set out the strategic priorities for the company as well as the financial strategy. The report included officer concerns relating to the deliverability of the plan and it was recommended that the plan was approved on an interim basis only – with further reports being brought back to Cabinet providing assurance on progress. It was also recommended that the plan would be refreshed following consideration by People Scrutiny Panel in Quarter 1 2022/23.
- 2.4 Since that time SCF has raised risks with the Council around insolvency and has drafted a high-level investment business plan 2022-2029 (the plan). The draft plan has been submitted on the basis that significant investment in SCF is necessary in order to implement a range of preventative initiatives which will deliver savings further down the line. The plan is drafted on a seven-year basis as this is the time period for a return on investment. The DfE has commissioned Mutual Ventures to undertake a review of the investment plan and to assess its viability. Further to this review, which is intended to be concluded in September 2022, a report and final version of the investment plan will be presented to Cabinet. A three-year business plan, updated annually – as per the Service Delivery Contract will also need to be presented to Cabinet to allow next year's Contract Sum to be set.
- 2.5 Alongside this SCF has flagged a number of critical risks to service delivery in its request for a Type one in-year change request, including financial risks and risks in relation to children's safeguarding. More detail is provided in Appendix 2.
- 2.6 In regard to these risks, the Company has submitted a Type one in year change request.
- 2.7 As the figure requested was below £500k, it could be determined via officer delegation, following consultation with the commissioners and the lead member. An urgent meeting of the Strategic Commissioning Group was convened on 10 August 2022 to consider the Type one change request. Subsequent to this, the commissioners advised officers that the decision should be made by Cabinet. Whilst the Council is minded to agree the request, additional savings will need to be factored into the next year's business plan. The Council has suggested that the

council and SCF work together in identifying savings in support services are identified, on the basis of these services being provided by the Council instead, thus enabling efficiencies to be identified which can be used to finance this additional spend. The SCF view is that these are two separate transactions, and the agreement of additional funds should not be dependent on the identification of savings. In the circumstances, the Council can provide in-year support up to the maximum of £343k, thereby providing sufficient time for savings to be identified from 1 April 2023.

- 2.8 Given risks to service delivery, insolvency issues, the costs associated with operating a wholly owned company, and the need for corporate ownership of services to children, including a focus on early help, it is considered that it would be prudent to undertake an options appraisal to consider alternative ways of delivering children's social care. This would be on the understanding, that the Council is bound by the Governance Side Agreement and that any change to the current arrangements would need to be agreed by DfE.

### **Slough Corporate Plan**

- A borough for children and young people to thrive

The Council's corporate plan emphasises the need for children and young people to be able to access services that keep them safe and secure. This includes a focus on delivering preventative help to children and families and ensuring that children with SEND should have the same opportunities as non-disabled children and young people. It also includes a focus on raising aspirations and delivering opportunities for young people to prosper. Whilst children's social care services are delivered by SCF, education and services for SEND are delivered by the Council and many other council departments deliver services that contribute to this priority.

Whilst SCF and the Council work in partnership with each other and with other stakeholders, the separation of functions presents a potential barrier and a level of bureaucracy that is not necessarily adding value and could hinder progress. This is not to say that staff and board members are not contributing to improving services or working hard to deliver the improvements required, but the aspirations of improvement that were anticipated to come from having a separate entity have not been delivered at the speed that is desired.

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

The development of a high-level business plan for 2022-29 is welcomed by the Council along with accompanying business cases concerning Early Help, Targeted Early Help, Workforce Retention and Edge of Care. Implementation of strategies to further develop these areas would have a positive preventative impact and support children and families to live healthier and safer lives. Further consideration of the affordability or otherwise to the Council will no doubt be given following completion of the review of these documents by Mutual Ventures and presentation of these to Cabinet in October 2022. It would also be prudent to undertake an options appraisal to give consideration to different ways of delivering children's social care.

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

Further consideration of the affordability of implementing proposed business cases for Early Help, Targeted Early Help, Workforce Retention and Edge of Care will be considered through the Contractual Mechanism and at Cabinet. In their report to DLUHC published 28<sup>th</sup> July 2022, Slough Borough Council Best Value Commissioners expressed uncertainty regarding the deliverability of the Council's current savings plan. Also, that the financial pressures arising from the current model of delivery of SCF are not possible to contain without an impact on service delivery. It is therefore unclear at this stage how the Council might support or justify any additional requests for funding for new initiatives – irrespective of the desirability of their implementation. Further information will be presented to Cabinet following the review being undertaken by Mutual Ventures.

### **Options considered:**

In February 2022, Cabinet agreed that further updates would be provided concerning the development of a business plan. The updates have been delayed and an updated business plan has not been able to be submitted to scrutiny due to the amount of work needed by SCF and Council officers to ensure the investment plan was fit for purpose. Due to the Council's financial situation and the planned reduction in funding from the DfE, the DfE agreed to commission Mutual Ventures to undertake a financial review. This will provide an independent opinion on the deliverability of the investment plan, as well as a view as to whether the proposals are appropriate, and services provide value for money. Once this is complete, the Council will need to work with the DfE and DLUHC to consider options to fund any investment.

The model of delivery for children's social care in Slough is based on a model of delivery that has existed for some time. More recently local authorities have managed to turn around failing children's social care services without setting up separate companies or trusts, although these models have been used in other areas with success. With the SEND services delivered to children and young people aged 0-25 and a need to focus on preventative services, including housing, community safety, economic development and voluntary sector services, as well as effective transition and joint working with Adult Social Care, there is an opportunity to consider whether the current model of delivery remains the most effective one to ensure effective and value for money services.

Any change to the current delivery model would need prior discussion and detailed development with the DfE Children's Commissioner and DLUHC Commissioners, and the explicit agreement of the Secretary of State for Education.

### **Background**

2.9 On 15 March 2021, Cabinet approved a change to SCF's articles of association to make it a wholly owned company, including changing its name to reflect its new status. As part of that decision, Cabinet agreed to targeted early help and NEET (not in employment, education or training) functions being transferred to SCF and authorised a new service delivery contract for a five-year period. Cabinet also agreed to write off £2.4 million of historic debt and authorised a new loan of £5 million to aid cash-flow to be repaid at the end of the service delivery contract.

2.10 The Articles of Association set out the governance requirements for SCF, including the reserved matters that must be agreed by the Council as the sole owner of the company. Under Article 29, annual approval of the business plan is a matter that requires prior written approval of the Council before SCF can pass any resolution to approve it.

- 2.11 Article 7 sets out the requirements for an annual business plan. This requires that for each year, no later than 30 September in the preceding year, the board of directors should prepare and submit a draft business plan for approval by the Council covering the next 3 years. The content of each business plan shall include relevant information under each of the following headings:
- (a) introduction;
  - (b) strategic framework;
  - (c) working with partners;
  - (d) priorities and objectives;
  - (e) financial strategy and plans;
  - (f) profit and loss account;
  - (g) cash flow statement;
  - (h) revenue budget and working capital requirements; and
  - (i) capital expenditure requirements.
- 2.12 The business plan can be varied each year, but that will also require prior written approval of the Council.
- 2.13 The draft business plan was submitted to Council officers for consideration on 10 December 2021. Officers had significant concerns about the content and structure of the plan and fed back these concerns on 16 December 2021.
- 2.14 A refreshed draft business plan was submitted on 24 January 2022 and was considered by the Department for Education (DfE) officials, DfE commissioner, Council commissioners, Council officers and the Leader and Lead Member for Children's Services and SCF officers at a joint meeting on 25 January 2022. Concerns were raised about the assumption underpinning the savings proposals and the deliverability of some of the savings. Particularly as it was projecting a significant in-year overspend in 2021/22.
- 2.15 In February 2022, Cabinet agreed that the business plan could be accepted as an interim business plan for 2022-25 on the understanding that an updated business plan for 2022-25 would be presented to People Scrutiny Committee in Q1 2022 – 23 and Council in Quarter 2 2022-23.
- 2.16 Since that time, SCF has developed a further high level 7 year business plan 2022-29, along with a prevention and early help (continuum of care) business case, targeted early help (abridged) business case, an edge of care (investing for outcomes) business case, a workforce (enhanced retention offer) and a draft programme plan. The development of the high-level five year business plan was discussed at the Strategic Commissioning Group on 21 April 22. The high level business plan was received by the Council on 25 April 22 and discussed as part of the finance elements of contractual meetings. Comments from the Council were sent to SCF on 28 April 22 and again on 30 June 2022. As at 26 July 2022, the high level business plan 2022-29 is still being updated. A presentation to People Scrutiny Committee has not taken place as intended in Q1 and the high-level business plan will not be ready for submission to Cabinet – until a review by the supplier appointed by DfE, Mutual Ventures has undertaken a review of it. The review is only likely to have concluded by Autumn 2022.
- 2.17 The current business plan does not include a strategy to repay the £5m Council loan at the end of the contract period or to reduce the cost of support services by



combining these with the Council. Both of which have been requested by the Commissioners for inclusion in a revised plan.

- 2.18 Pending final submission of the longer-term business plan, a type one in year change request was submitted on 27 July 2022, following Council feedback, this was updated and re-submitted on 5 August 2022. This requests funding of £343k in 2022/23 to provide for the urgent recruitment of additional resources to mitigate against rising risks of harm to children in Slough through demand pressures. A copy of the type one in-year change request is included as Appendix 1.
- 2.19 As part of a wider review of company's governance, the Council has undertaken a governance review. SCF has supported this process and provided detailed information and documentation on 6 September 2022. Council officers are working with board directors to inform the review.

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

No recommendations are made within the report concerning the high level business plan as it is currently being reviewed by Mutual Ventures. Nevertheless, the implications concerning the absence of a business case being available for presentation are set out below:

#### **3.1 Financial implications**

- 3.1.1 The contract sum for services provided by SCF in 2022/23 agreed by Cabinet in February 2022 and approved by Council in March 2022 was £31.436m. Cabinet also approved a working capital loan of £5m in March 2021 that is due to be repaid at the end of the contract.
- 3.1.2 SCF incurred a deficit of £1.332m in 2021/22 and are forecasting a deficit for 2022/23 of £3.890m, an accumulated deficit of £5.222m at 31 March 2023. Assuming savings planned are delivered and the current forecasts are realistic. The current projections would mean SCF would be insolvent by the year end if no additional funding is agreed with the Council or DfE.
- 3.1.3 The company has also requested an additional £1.284m investment in prevention and early help in 2022/23 to mitigate costs in future years.
- 3.1.4 An element of this, £0.343m was requested by SCF in August 2022 as an in-year change request to the Council who were minded to approve it. However, it requires both Commissioner and Cabinet approval which is recommendation in this report.
- 3.1.5 The current year increase will be financed from an ongoing review of the Council's financial position as it moves to close down previous years accounts and manage the in-year position. The increase will be the first call on any savings identified.
- 3.1.6 It should be noted that the conditions for the allocation of in-year funding, and the on-going impact of it, is dependent on the employment of the additional resource. Funds will be transferred as the additional posts are filled

#### **3.2 Legal implications**

- 3.2.1 The Secretary of State for Education has powers to issue a direction in relation to specified social services functions relating to children under s.497A of the

Education Act 1996. Various directions have been issued in relation to statutory functions in Slough since 2014. The sixth statutory direction was issued in April 2021. This requires that the Council secures that prescribed children’s services functions are performed by SCF and the Council jointly and other prescribed children’s services functions are performed by SCF on behalf of the Council. The Council was also directed to enter into a new service agreement to implement the discharge of these functions and continue to comply with any instructions of the Secretary of State, his representatives and the Children’s Services Commissioner in relation to i. ensuring that the Council’s children’s social care functions are performed to the required standard; ii. the terms of the Service Agreement that require the Secretary of State’s consent or approval; iii. the operation of the Direction.

3.2.2 The intention behind amending the Articles of Association and a new Governance Side Agreement was to change the ownership of the Company and clarify the roles and responsibilities of the Council and the DfE, on the basis this will give the Council greater control over the strategic direction of the Company, whilst ensuring operational independence for day to day functions. The reserved matters set out in the Articles allow the Council to make certain high level decisions as opposed to leaving these matters to the Company’s board of directors.

3.2.3 Under Part 3.5 of the Council’s Constitution, approval of annual business plans is a matter reserved to Cabinet.

### 3.3 Risk management implication

3.3.1 Risks associated with not having a current and agreed business plan are as follows:

<b>Risk</b>	<b>Assessment of Risk</b>	<b>Mitigation</b>	<b>Residual Risk</b>
Lack of availability of business case for consideration by Cabinet.	<p>Very High</p> <p>The Council cannot be assured that the Company has a clear strategic and financial plan to set out clearly its improvement journey within a financially sustainable way.</p> <p>The Council cannot be assured that the Company will not become insolvent</p>	<p>A draft business plan and accompanying business cases have been produced.</p> <p>The DfE have appointed Mutual Ventures to review the business plan. This will likely lead to a delay in the production of a final business plan for consideration by Cabinet and will mean that the Company is not compliant in respect of their contractual obligations to produce a business plan by 30 September each year. However, there will be some external assurance as to its viability or otherwise</p>	High
Children and Families at risk.	<p>Very High</p> <p>The Company has raised a serious issue that children</p>	A Type-one in year change request has been submitted seeking additional funding to address some of the risks	High

	and families will be at significant risk due to a rise in demand pressures, should solutions and mitigations not be found.	<p>raised. This type one-change request has been discussed at an urgent meeting of the Strategic Commissioning Group on 10 August 2022.</p> <p>Recruit to the existing vacancies to deal with the demand and effectively assess and intervene to mitigate risk of harm to children. It is vital that the recruitment and retention package is approved in order that we can stem the flow of the churn of staff, to ensure consistency for children.</p> <p>Assessment service to take Children in Need cases for six months to carry out direct work and meet needs before they escalate into longer-term requirements.</p>	
Insolvency risk is hard to properly assess without a finalised business plan.	<p>Very High</p> <p>The Company has raised an issue in respect of its solvency.</p>	The draft business plan 2022-29 is currently being reviewed by Mutual Ventures who have been appointed for this purpose. Future necessary action will be determined following the conclusion of this review.	High
Failure by the Company to produce a finalised business plan by 30 September 2022 means that the Company is in breach of its contractual obligations.	<p>Medium</p> <p>The Company has produced a draft high level business plan 2022-29. This cannot be finalised until a review of it has been undertaken by DfE appointed supplier, Mutual Ventures.</p>	It is incumbent upon the Company to offer assurance that a finalised business plan which is acceptable to the Council will be submitted as soon as a review has taken place by Mutual Ventures.	Medium

### 3.4 Environmental implications

None

3.5 Equality implications

None

3.6 Procurement implications

None

3.7 Workforce implications

None

**4. Background Papers**

None.

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