

CABINET	<i>Gloucestershire County Council</i>
10 November 2021	
Minutes	

**PRESENT
MEMBERSHIP:**

Cllr Mark Hawthorne MBE - Leader of Council
 Cllr Lynden Stowe – Deputy Leader & Cabinet Member for Finance and Change
 Cllr Stephen Davies – Cabinet Member for Children’s Safeguarding and Early Years
 Cllr Carole Allaway Martin – Cabinet Member for Adult Social Care Commissioning
 Cllr Dave Norman – Cabinet Member for Public Protection, Parking and Libraries
 Cllr Phil Robinson – Cabinet Member for Economy, Education and Skills
 Cllr Tim Harman – Cabinet Member for Public Health and Communities
 Cllr Vernon Smith – Cabinet Member for Highways and Flood
 Cllr Kathy Williams – Cabinet Member for Adult Social Care Delivery

Apologies:

Cllr David Gray – Cabinet Member for Environment and Planning

1. Apologies

See above

2. Minutes

The minutes of the meeting on 22 September 2021 were agreed as a correct record.

3. Declarations of Interest

No declarations of interest were made at the meeting.

4. Questions at Cabinet Meetings

A total of 1 public question was asked at the meeting.

A total of 21 member questions were asked at the meeting.

The following supplementary questions were asked:

Question 6 – Cllr Colin Hay asked again for the additional cost, noting that there had been an independent consultant and an additional review.

Cllr Kathy Williams referred to the Director of Adult Social Care and Public Health who confirmed that there had been no additional cost as the independent review had been carried out by a colleague from another council whom the council had already engaged as an advisor. This had already been factored into the budget.

Question 7 - Cllr Colin Hay asked how many care packages would be reviewed and altered and what the additional cost of this was.

Cllr Kathy Williams replied that information was still being collated and that information would be shared once available.

Question 8 – Cllr Colin Hay stated that the independent report from the social worker should have been made available to councillors as a background paper to the decision being taken at the meeting background papers. He asked why that report had not been circulated.

The Monitoring Officer stated that the report of the ombudsman was already in the public domain. The separate additional report was commissioned to provide additional assurance but had not been received at the time the papers were issued. The decision of Cabinet at the meeting was not contingent on that report. Depending on what the additional report said there may be further decisions for Cabinet to make and at that point it would be provided as a background paper. He noted that Cabinet has already committed to making the full report available to scrutiny, and therefore all members would have access to it.

Question 10 - Cllr Roger Whyborn asked how much national funding was anticipated to be allocated to Gloucestershire in relation to the bus back better.

Cllr Phil Robinson replied that the member was conflating the plan with the dynamic purchasing solution which was under consideration by cabinet.

Question 16 – Cllr Roger Whyborn asked when the member would anticipate serious inroads being made into cross ticketing in Gloucestershire.

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Cllr Phil Robinson replied that this was a key part of the bus service improvement plan. Those decisions had been held back as the Department of Transport wanted to prepare a back office approach to assist all councils.

Question 17 – Cllr Roger Whyborn asked to what extent the Council could expect a reduction in carbon use during the period of the contract.

Cllr Vernon Smith replied that this was an important question as the contract was short term and the industry was looking at a number of ways to research and reduce green solutions and lower temperature materials for the longer term.

5. Report by the Monitoring Officer on an Investigation by the Local Government and Social Care Ombudsman into a complaint about Gloucestershire County Council

Rob Ayliffe, the Monitoring Officer outlined that the report had arisen from a complaint that had been brought to the Local Government Ombudsman on behalf of an individual who received Adult Social Care services from the Council. The details of the case were summarised in the ombudsman's report.

The ombudsman's investigation found that the Council had failed to meet its responsibilities to assess and meet the needs of her and her carer. The ombudsman considered the failing to be sufficiently serious so as to issue a public interest report. The report made for extremely difficult reading and it was clear from it that the Council had failed to provide adequate care and support to the individuals concerned.

As the ombudsman had issued a public interest report, the Monitoring Officer was required to formally report those matters to Cabinet to ensure proper consideration was given to the report, that the Council acted on its recommendations and that lessons were learnt from it.

The Monitoring Officer outlined that in this case conversations had already taken place and that Cabinet and Senior Leaders were committed to doing everything to ensure that something like this did not happen again. The recommendations were summarised in the report.

Professor Sarah Scott, Executive Director of Adult Social Care and Public Health, stated that the recommendations and had been accepted by the team and that they were being implemented in full.

However, she had wanted to seek additional levels of assurance regarding the standards of practice amongst our adult social care workforce. A report had now been received from the Principle Social Worker from a neighbouring local authority. The report outlined the process they followed to review the assessment, review, reassessment, care and support planning processes in Adult Social Care. This involved, for example holding focus groups with staff, gaining feedback from those

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who have experienced reviews and assessments, shadowing a case audit and scrutiny of anonymised assessment and support planning paperwork.

The report provided evidence that the changes to the practices, processes and culture within Adult Social Care had made an impact within the service. Two short sections from the conclusion were read out:

This review has highlighted some areas of really positive practice and I have met dedicated professionals both within GCC Adult Social Care and within the Carers Hub who described creative and strengths-based working and a passion for improving the lives of the people they worked with.

It has revealed that there has been much progress since the period the Ombudsman's findings relate to, in terms of a new strengths-based approach to social care, a more responsive service to people and their carers, and that staff are better supported through huddles and the other structures of support discussed.

Whilst there was a degree of reassurance in the report, it was recognised that there was always room for improvement. The report made ten recommendations. An action plan had been developed to ensure delivery against those objectives. The action plan would be presented to the Adult Social Care and Communities Scrutiny Committee when it next met in January along with an update on progress in meetings the recommendations.

Sarah Scott stated: 'I fully accept that the standard of practice, care and compassion fell far short of what we expect from our teams, for the distress this caused I apologise unreservedly. I have written to Ms X and her former partner to offer my apologies.'

Cllr Kathy Williams, Cabinet Member for Adult Social Care Delivery, acknowledged that this was not the standard of care that we aspired to deliver within the Council. She extended her sincere apologies to Miss X and Mr L for the service's failure to support them when they needed it most.

She stated that she regarded caring for people when they are at their most vulnerable as one of the most important roles as a Council, and one that absolutely had to be got right every time. For that reason, she was fully supportive of the suggestion from Officers to seek further assurance and was pleased to receive the report from the Principle Social Worker from a neighbouring authority. It provided a degree of reassurance regarding the standards of practice and the care and commitment with which our adult social care staff approach their work.

She acknowledged that this did not alter the fact that in this case, the Council fell short of its duties, but indicated that she had greater confidence that this had been learnt from and that the improvements that had been made that would mean it didn't happen again.

In addition to the ombudsman's recommendations, internal processes were being strengthened for overseeing and reviewing complaints about Adult Social Care to further reduce the chance of something like this recurring.

Cllr Williams stated that she wanted to assure Miss X, Mr L and Sarah Scott and her teams that these recommendations had her full backing as the responsible Cabinet Member.

The Leader echoed the comments made and invited members to endorse the recommendations.

RESOLVED to

1. Accept in full the LGSCO's recommendations as set out in sections 13 and 14 of this report;
2. Support and endorse the actions identified by the Executive Director of Adult Social Care and Public Health as set out in paragraphs 15 to 23 of this report.
3. Meet the LGSCO's requirement to prepare a report setting out its response by sending to all County Councillors a copy of this report and of the minutes of the Cabinet meeting at which it is discussed.

6. Tender and Award of Transport Contracts under the Dynamic Purchasing System for Transport

Cllr Philip Robinson, Cabinet Member for Economy, Education and Skills sought Cabinet approval for The Procurement and Award of Transport Contracts under the Gloucestershire County Council Passenger Transport Dynamic Purchasing System (DPS). This included all public transport and home to school transport contracts, with an expected total contract value of over £250k, a threshold at which contracts require sign off by the lead cabinet member (£250k - £500k) and full cabinet approval (over £500k).

All contracts listed were re-procurements i.e. the request was approval for a continuation of the services, no new services were being created. If approval was not granted then the services would either have to be stood down or contracts would need to be procured for a shorter term which would mean a higher daily price.

In July 2019 Cabinet had approved the establishment of the second Dynamic Purchasing System (DPS) by the Integrated Transport Unit (ITU), for the procurement of transport contracts using the DPS. This report was solely for contracts with a value of over £250k.

Whilst most contracts had a lifetime cost of less than £250,000, some did exceed this level and the July 2019 Cabinet report included a commitment that decisions about such services would be taken by Cabinet as part of the approval of annual transport

contracts forward plan. The alternative would be a series of individual Cabinet decisions throughout the year.

All contracts would be procured via the DPS which was a fully compliant system that met all requirements regarding procurement and use of public funds.

The Council's scope to reduce overall costs of bus service and home to school provision and minimise reductions in services was enhanced by being able to procure longer term contracts, typically of up to 7 years' duration. This provided operators with greater certainty over investment decisions, such as whether to purchase new vehicles. However, it did mean that total contract values were more likely to exceed £500,000. The Council could still terminate all such contracts in line with the contractual notice terms (currently a period of 90 days).

Having considered all of the information. Cabinet noted the report and

RESOLVED to:

1) Delegate authority to the Lead Commissioner Community Infrastructure in consultation with the Cabinet Member for Economy, Education and Skills to:

a) Conduct a competitive procurement process under the Gloucestershire County Council Passenger Transport Dynamic Purchasing System (DPS) (the "Transport DPS") in respect of each of the proposed contracts for transport services set out in Appendix 1 to this report. Each such contract shall continue for a period of 7 years commencing on the contract start between 22 November 2021 and 31 March 2023;

b) Award each such contract to the relevant preferred tenderer.

2) Note the update set out in Appendix 2 to this report from the Integrated Transport Unit summarising transport contracts awarded to date using the Transport DPS since its launch in February 2020, as required by the Cabinet decision of 24 July 2019.

7. Delivery of structural maintenance works 2022-2026.

Cllr Vernon Smith, Cabinet Member for Highways and Flood sought Cabinet approval to procure and award a contract for the delivery of structural maintenance works for up to 4 years from April 2022 to 2026, following the successful conclusion of the current contract.

This was the continuation of £150 million investment in highways. The Cabinet Member thanked members and officers for their support.

The member provided some facts and numbers on how highways had been surfaced in the previous four years including:

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- Over 562 miles of road have been resurfaced,
- 196 sites had been patched and surfaced dressed
- 495 sites had been resurfaced with new tarmac
- 500,000 tonnes of tarmac, over 31,000 lorry loads
- Last four years renewed 17% of the roads in Gloucestershire.

The new road surfaces were kinder to vehicles, with less wear and tear, and the Council was constantly researching and working with suppliers for green solutions such as low temperature material and recycled fillers. Over 95% of material generated from sites were now reused with very little ending up in landfill.

Several members commented positively on the work that had been carried out in their divisions.

Having considered all of the information. Cabinet noted the report and

RESOLVED to:

Delegate authority to the Head of Highways in consultation with the Cabinet Member for Highways and Flood to:

(1) Conduct a competitive procurement process in respect of a contract for the supply of structural maintenance works for the purpose of surfacing and structural repairs to the County Highways network. The proposed contract shall continue for an initial period of 2 years and include an option to extend its term for a further period of not more than 2 years;

(2) Award such contract to the preferred tenderer; and

(3) Determine whether to exercise the option to extend such contract for a further period of not more than 2 years on the expiry of the initial 2 year term.

8. Market Shaping and Review of the Adult Social Care Commissioning & Estate Strategies

Cllr Carole Allaway Martin, Cabinet Member for Adult Social Care Commissioning, sought Cabinet approval to undertake a review of Gloucestershire's Adults Health & Social Care Sector, following the Covid-19 Pandemic, taking particular note of those areas where Gloucestershire County Council has the greatest ability to influence, to help manage and shape the market in order to contribute to and aid sustainability of the independent Health & Social Care Market in Gloucestershire.

Gloucestershire County Council purchased the majority of care from independent providers so the role of managing the market was important. Previous market analysis had shown an oversupply of care home beds in some districts This

equated to a 20% under occupancy in that section of the care sector. There was a need for more specialist care to support people with complex needs.

Having considered all of the information. Cabinet noted the report and

RESOLVED to:

Agrees:

1. To initiate a comprehensive and focused review of the care markets following the Covid-19 Pandemic to help manage and shape the market in order to influence and aid sustainability of the Independent Health & Social Care Market in Gloucestershire, taking particular note of those areas where Gloucestershire County Council has the greatest ability to influence with a view to supporting the future shape of the market based on the demographic profile and projected needs of Gloucestershire residents.

2. To consider the outcomes of such review once complete.

9. Establishment of a Day Centre provision for care assisted young people at Trevone House

Cllr Stephen Davies, Cabinet Member for Children's Safeguarding and Early Years sought Cabinet agreement for the commissioning of a Day Service provision for care assisted young people, delivered at Trevone House, to promote the development of social skills, independence, wellbeing, and attain accredited qualifications, thereby supporting the young people to progress.

In April 2019, Cabinet had agreed that an experienced Provider should be commissioned to deliver semi independent accommodation and support services for young people. These services, based at Trevone House in Gloucester benefitted young people and their families, as well as offering significant opportunity for savings with placement costs.

Commissioners believed that the establishment of a Day Service at Trevone House would provide the critical support needed by young people to address these identified needs.

The curriculum for those using the Day Service would be primarily about engagement and wellbeing. This additional service would incentivise, reward and encourage young people to participate in workshops and recognise their engagement and success in managing tenancy and moving on, managing good health and wellbeing, healthy food, exercise, sleep, dealing with money and rent and developing practical life skills. The programme would also provide strategies to maintaining good mental health, avoiding drugs and alcohol and avoiding offending and anti-social behaviour.

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The paper was requesting to undertake a competitive procurement exercise for the Day Service at Trevone House. This option would ensure that GCC was compliant with the Public Procurement Regulations (2015) which required fair and open competition. The option would require GCC to undertake a compliant tender process to the open market.

Members endorsed the points raised, discussing two recent awards for which Trevone House had been nominated and the positive impact the centre was having, and would continue to have, on young people.

Having considered all of the information. Cabinet noted the report and

RESOLVED to:

Delegate authority to the Assistant Director for Integrated Children and Families Commissioning in consultation with the Cabinet Member for Children's Safeguarding and Early Years to:

(a) conduct a competitive procurement process in respect of a contract for the provision of Day Service activities centre services at the multi agency resource hub building at Trevone House Gloucester. The proposed contract shall continue for an initial period of 4 years and include an option to extend its term for a further period of not more than 2 years;

(b) award such contract to the preferred tenderer; and

(c) determine whether to exercise the option to extend such contract for a further period of not more than 2 years on the expiry of the initial 4 year term

10. Implementing a Modified Dynamic Purchasing System (MDPS) for Professional Services in Childrens Social Care

Cllr Stephen Davies, Cabinet Member for Children's Safeguarding and Early Years sought Cabinet authorisation to procure a Modified Dynamic Purchasing System (MDPS) for the provision of Professional Services in Children's Social Care to include independent specialist assessments, therapeutic and mentoring support and family support services.

The new system would allow for the addition and removal of service providers to manage a more consistent approach and get better value from the service

The Council, therefore, intended to procure a Modified Dynamic Purchasing System (MDPS) for Professional Services in Children's Social Care under which it would procure the following services under the following lots (which corresponded with the council's main areas of spend):

- Lot 1 - Independent Specialist Assessments (included Drug and Alcohol Assessment)

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- Lot 2 - Therapeutic Support
- Lot 3 - Mentoring support and family support services (contact, welfare visits)

Having considered all of the information. Cabinet noted the report and

RESOLVED to:

Delegate authority to the Executive Director for Children's Services, in consultation with the Cabinet Member for Children's Safeguarding and Early Years to:

1. Procure a Modified Dynamic Purchasing System (MDPS) for the provision of Professional Services in Children's Social Care. The proposed MDPS shall continue for an initial period of 5 years and include an option to extend its term for a further period of not more than 2 years;
2. Determine whether to exercise such option to extend on the expiry of the initial 5 year term;
3. Admit or remove service providers to/from the MDPS during its term in accordance with the selection criteria thereunder;
4. Procure contracts for the supply of independent specialist assessments, therapeutic and mentoring support services and family support services from service suppliers admitted to the MDPS whose combined aggregate value shall not exceed £10.5 million. In the event that the value of any single proposed contract under such MDPS will exceed £500,000, a separate Cabinet decision shall be required in order to authorise the award of such contract; and
5. Report back to Cabinet on an annual basis throughout the term of the MDPS in order to provide details of the combined aggregate value of contracts awarded by the Council under the MDPS in the preceding 12 month period.

11. Children & Families Capital Programme Update

Cllr Philip Robinson, Cabinet Member for Economy, Education and Skills sought Cabinet approval of changes to the previously approved Children & Families Capital Programme.

The County Council approved the 2021/22 Children & Families Capital programme at its meeting on 12th February 2021. The schemes represented the ongoing commitment to improving buildings and expanding facilities at schools across Gloucestershire to ensure all children and young people benefit from high quality, education provision.

The Council was committed to ensuring the right provision and facilities are available for all children and young people including those with Special Educational

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Needs and Disabilities. The delivery of a purpose built, fit for purpose provision at the Heart of the Forest Community Special School, to support primary aged pupils with Social Emotional and Mental Health needs would enable Gloucestershire County Council to continue to improve the capacity and quality of support available, closer to where they live.

The additional funding for the scheme for Warden Hill Primary School would enable the Council to ensure that the new provision would deliver modern, up to date, sustainable and efficient accommodation and provide fit for purpose high quality facilities for years to come.

One member asked about the increase in costs in relation to the Warden Hill scheme. In response it was stated that the costs of the demolition of old building and carbon neutral build as well as upgraded services had needed to be taken into account.

There had been some Section 106 Developer Contributions received from housing developments which would be used towards specific projects to ensure the local schools were able to meet the demand from local housing schemes.

Having considered all of the information. Cabinet noted the report and

RESOLVED to:

Approve the changes to the Children & Families Capital Programme as set out in the report:

1. A new scheme totalling £1.6million to provide a primary SEMH facility at the Heart of the Forest Community Special School, funded by the transfer of £409k from the Healthy Pupils Capital fund and £1.191million from the unallocated High Needs Provision fund. (subject to the conclusion of the statutory process approving the expansion of the Heart of the Forest Community Special School to provide 10 additional places for children and young people aged 4-11 who have a primary need of Social Emotional and Mental Health (SEMH) from September 2022)
2. An addition of £1million for Warden Hill Primary funded by £800k from unallocated basic need and £200k from the approved carbon reduction in education properties funding.
3. An addition of £77k S106 developer contribution for expansion works at Chipping Campden School.
4. An addition of £115k S106 developer contribution for expansion works at Farmors School.

12. Financial Monitoring Report

Cllr Lynden Stowe, Deputy Leader and Cabinet Member for Finance and Change gave an update on the Council's forecast revenue year end position at the end of September 2021 which was a £4.027 million overspend all of which was non Covid-19 related. A balanced position was forecast in relation to Covid-19 expenditure and income.

The largest non-Covid-19 budget variance was the £7.973 million forecast overspend in Children and Families – this overspend was partially offset by the £4.193 million underspend in Technical & Countywide. The overspend in Children and Families reflected the continuing pressure on external placements and home to school transport.

The Dedicated Schools Grant (DSG) was forecast to overspend by £18.283 million, which included the deficit carry forward of £13.67 million – this reflected the national picture. The implementation of the High Needs Strategy (agreed by Schools Forum) would be essential to ensure the budget was balanced in future years and a spending review was in progress with a financial recovery plan being reviewed and developed.

The forecast year end Capital position was £153.790 million. £4.083 million underspend against the £157.873 million budget. In total a £451k increase in the capital programme was recommended for approval in the report. This related to an additional £257k increase in the Highways capital budget, £10k in the Flood capital budget, £159k in the Community Infrastructure budget and £25k in the GFRS capital budget.

Having considered all of the information. Cabinet noted the report and

RESOLVED to:

1. Note the forecast revenue year end position based on September 2021 (Period 6) forecasts for the 2021/22 financial year is an overspend of £4.027 million all of which relates to non Covid-19 expenditure, as we are forecasting a balanced position in relation to Covid-19 expenditure and income.
2. Note the forecast capital year end position as at the end of August 2021 of £153.790 million against the current budget of £157.873 million.
3. Approve the £451k increase to the capital programme as outlined in Section B of the report and approves the re-profiling of current year budgets to reflect the current forecast.

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Leader of Council

Meeting concluded at 11:00