

Response of Cllr Andy Roberts, Cabinet Member with Responsibility for Cabinet Member with Responsibility for Transformation and Commissioning Task Group Report: Staff Terms & Conditions

I welcome the interest of the Transformation and Commissioning Panel and its Scrutiny Task Group.

The evidence provided to the Panel on 24 January 2017 dealt with the Social Value Act and had some overlap with the work of the Task Group.

I met the Task Group on 10 January to discuss its emerging recommendations and observations. Since that meeting additional recommendations have been made which were not subject to any discussion.

At both meetings I commended the Commissioning Member Briefings, which are programmed to meet four times per year and give an opportunity for councillors to be appraised about commissioning proposals, implementation and review.

Past Commissioning Member Briefing sessions have also dealt with market engagement tactics, engagement events, and procurement rules. However, these sessions are poorly attended.

It is stressed that

- Internal Audit audits contracts and commissioning processes as part of the Audit and Governance cycle
- Cabinet and Cabinet members are also regularly briefed on specific contract performance in their portfolios
- Performance measures describing contract performance and key performance indicators are available for scrutiny.

Recommendation One

1. **Recommendation:** Ensures that appropriate mechanisms are in place for the monitoring of the Council requirement for domiciliary care providers to ensure that staff salaries are no less than the NMW, including travel time and taking into account variances in approach but ensuring that the average overall was no less than the NMW.

Response: This is accepted as there are already appropriate mechanisms in place as part of the Council's Quality Assurance function of providers.

Recommendation Two

2. **Recommendation:** Advise in relation to Homecare, how contract rates are being updated to take account of the duty of care within the recent Care Act legislation.

Response: Fee reviews for homecare have always taken into account inflationary pressures on providers and the extent to which this impacts on sustainability of the market. The Council always consults on these.

Recommendation Three

3. Develops a Social Value Policy and Framework that sets out the Council's approach to social value, addressing the value of weighting of social value for economic, social and environmental wellbeing and ensuring social value considerations throughout the Procurement Process. This will ensure that the Council develops a more consistent approach to social value within its commissioned services in order to ensure maximum social value benefit for our communities is achieved. It is important that the Council makes a clear statement on the importance of social value and ensure that all staff commissioning and procuring services have the necessary understanding and tools to ensure social value is clearly examined and quantified.

Response: This is accepted. The actions being taken were described to the Scrutiny Panel. In September 2016, the Council's procurement board agreed a change to the standard tender specification for council contracts that includes a specific 10% weighting for social value. This will be mandatory for all council commissioning of services above £100,000 in total value (and works above the OJEU threshold) but can be applied to all tenders and quotes at the discretion of the commissioning manager. The Commercial Team has already begun a program of updating the commissioning cycle to make explicit reference to commissioning for social value across all four phases. This will ensure that suitable social value measures are agreed by commissioners (incorporating the views of the market where appropriate) and are included in tender specifications and subsequently in contracts as KPIs, appropriate to the value of the contract. The go-live date for these changes is the 1st April 2017.

Recommendation Four

4. Reports back to the relevant Scrutiny Body in 12 months' time to, explain how social value has been incorporated more consistently into the commissioning process and how maximum social value benefit has been achieved for our communities.

Response: The methodology, utilising computer models and other means, to ensure that social value is part of the commissioning process was described in some depth during the Panel scrutiny. It is also reiterated that this is a feature of the Commissioning Member Briefings. I have asked the Director for Commercial and Change to continue to develop the plan and I will be pleased to come back to the Scrutiny body in 12 months to give a consolidated update.

Recommendation Five

5. Explores the possibility of how trade union recognition rights can transfer with County Council employees to new employers as a condition of the contract after commissioning has taken place.

Response: This is not accepted. Trade union recognition rights are the responsibility of the new employer and cannot legally transfer. Many of our major partners do have formal recognition agreements and if they do not they still take employee engagement very seriously and use other mechanisms to ensure employees are informed and engaged.

Recommendation Six

6. Considers in the spirit of openness and transparency, introducing a voluntary staff feedback scheme for those staff, who have transferred to providers – this would help to inform the County Council in its mission to become an excellent Commissioner.

Response: This is not accepted. There are in place formal processes through the contractual performance mechanisms to capture any feedback from staff to inform the commissioning process. Furthermore, the powers and functions of overview and scrutiny committees include the right to invite individuals from outside the council to provide evidence.

Recommendation Seven

7. Ensures that there are mechanisms to share quality assurance information with Scrutiny, especially as the providers we talked to saw no reason why performance information could not be shared with Councillors and that Scrutiny has a legal and constitutional right to information held by the Executive relating to decisions made (including exempt commercially sensitive information).

Response: This is accepted as this is already available to members. There is no block on Scrutiny or members in general getting regular performance briefings. Scrutiny can look at any contract at any time and Internal Audit also audit contracts and commissioning processes as part of the Audit and Governance cycle.

Councillor Andy Roberts
January 2017